

**SCHEDULE OF PLANNING APPLICATIONS FOR COMMITTEE DECISION - INDEX**

Parish	Site	App.No.	Schedule	Recommended
Hordle	EVERTON GARAGE LTD, 5 OLD CHRISTCHURCH ROAD, EVERTON, HORDLE SO41 0JJ	14/10769	09	<b>Refuse</b>
	GOLDEN HILL COTTAGES, HARE LANE, HORDLE SO41 0GE	14/10787	11	<b>REFUSE the VARIATION of CONDITION</b>
Hythe and Dibden	BROWSEWOOD, GORSE COTTAGE, HAWTHORN COTTAGE & TUDORESQUE, BEAULIEU ROAD, DIBDEN PURLIEU, HYTHE SO45 4PW	14/10659	04	<b>Refuse</b>
Lymington and Pennington	10 NORTH STREET, PENNINGTON, LYMINGTON SO41 8FZ	14/10600	03	<b>Refuse</b>
	Land of 5A HARFORD CLOSE, PENNINGTON, LYMINGTON SO41 8EX	14/10708	05	<b>Refuse</b>
	3 GOSPORT STREET, LYMINGTON SO41 9BG	14/10739	07	<b>Grant Listed Building Consent</b>
	TRAVIS PERKINS, GROVE ROAD, LYMINGTON SO41 3RF	14/10749	08	<b>Head of Planning Grant or Refuse</b>

	THE LODGE, 4 MILFORD ROAD, PENNINGTON, LYMINGTON SO41 8DG	14/10770	10	<b>Head of Planning Grant or Refuse</b>
	127-128 HIGH STREET, LYMINGTON SO41 9AQ	14/10813	15	<b>Grant Listed Building Consent</b>
	127-128 HIGH STREET, LYMINGTON SO41 9AQ	14/10814	14	<b>Grant Subject to Conditions</b>
Martin	Field number 7193 of HASKELLS FARM, DROVE END, MARTIN SP6 3JT	14/10734	06	<b>Refuse</b>
Netley Marsh	THE LAURELS, HILL STREET, CALMORE, NETLEY MARSH SO40 2RX	14/10393	02	<b>Refuse</b>
New Milton	22 OLD MILTON ROAD, NEW MILTON BH25 6DX	14/10235	01	<b>Head of Planning Grant or Refuse</b>
	BROCKHILLS CATTERY, SWAY ROAD, NEW MILTON BH25 5QU	14/10806	13	<b>Grant Subject to Conditions</b>
Ringwood	57 NORTHFIELD ROAD, RINGWOOD BH24 1LT	14/10800	12	<b>Grant Subject to Conditions</b>
	9 THE FURLONG, RINGWOOD BH24 1AT	14/10842	16	<b>Grant Subject to Conditions</b>

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:** 14/10235 Full Planning Permission

**Site:** 22 OLD MILTON ROAD, NEW MILTON BH25 6DX

**Development:** Continued use of rear ground floor as one residential unit

**Applicant:** TPS (Southern) Ltd

**Target Date:** 20/05/2014

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## 1 REASON FOR COMMITTEE CONSIDERATION

Reduction in affordable housing contribution.

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up area  
Environmental Improvements  
Town Centre Boundary

## 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 Policies

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

## 5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - New Milton Local Distinctiveness  
SPD - Mitigation Strategy for European Sites

## **6 RELEVANT PLANNING HISTORY**

6.1 10846 - (LDCE) continued use of ground floor as one residential unit (C3) and office (A2). Was not lawful 9.9.13

6.2 40061 - change of use of ground floor to office. Granted 5.1.89

## **7 PARISH / TOWN COUNCIL COMMENTS**

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

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

Drainage - no comment

## **10 REPRESENTATIONS RECEIVED**

None

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission and the dwellings built, the Council will receive £1,152 in each of the following six years from the dwellings' completion, and as a result, a total of £6,912 in government grant under the New Homes Bonus will be received.

## **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 although a viability assessment was required, in addition to the plans, in order to make a full assessment of the proposals.

## 14 ASSESSMENT

- 14.1 The site lies within the built up area of New Milton in the Town Centre where it is a mixed area comprising shops, takeaways and residential uses. The property is two storey and comprises a small shop unit on the frontage, a two-bed flat on the first floor (22a) and a two bedroom flat on the rear ground floor (22b). The proposal entails the retention of this ground floor unit, which has been recently refurbished.
- 14.2 In locations such as this, the loss of commercial units would not normally be acceptable although the proposal retains the existing shop at this property. However, given that there is still a commercial activity on the site, there are no objections in principle. While it was in use at the time of the site visit, the flat appears to be vacant at the present time.
- 14.3 The property and associated external area have been refurbished and do not detract from the character of the area. The site makes an ideal location for the provision of an additional residential unit and, given there are other residential properties nearby and above, the level of amenity for the property would be acceptable.
- 14.4 The proposal generates a requirement for contributions to be made towards public open space, transportation improvements, affordable housing and habitats mitigation. While the applicant is willing to provide the relevant amounts for the public open space, transportation improvements and habitats mitigation, a viability assessment has been provided to demonstrate that there is no scope to provide the affordable housing contribution. This has been assessed and accepted by the Council's valuer and a S.106 Agreement is being drafted to secure all but affordable housing on this basis.
- 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.



## Developers' Contributions Summary Table

<b>Proposal:</b>			
<b>Type of Contribution</b>	<b>NFDC Policy Requirement</b>	<b>Developer Proposed Provision</b>	<b>Difference</b>
<b>Affordable Housing</b>			
No. of Affordable dwellings	0	0	
Financial Contribution	£13,750	£0	£-13,750750
<b>Public Open Space</b>			
On site provision by area	(0.007ha)		
Financial Contribution	£2,336.60	£2,336.60	£0
<b>Transport Infrastructure</b>			
Financial Contribution	£3,745	£3,745	£0
<b>Habitats Mitigation</b>			
Financial Contribution	£3,050	£3,050	£0

### 15. RECOMMENDATION

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

- i) the completion, by August 29th 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 improvements and habitats mitigation contributions
- ii) the imposition of the conditions set out below.

BUT, in the event that the Agreement is not completed by August 29th 2014, the Head of Planning and Transportation be **AUTHORISED TO REFUSE PERMISSION** for the reasons set out below.

#### **Reason(s) for Refusal:**

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

**Conditions to be attached to any consent:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development permitted shall be carried out in accordance with the following approved plans: Planning, design and Access Statement, photographs, site location plan, 8380/01.

Reason: To ensure satisfactory provision of the development.

**Notes for inclusion on certificate:**

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

In this case all the above apply and as the application was acceptable as submitted no specific further actions were required, although a viability assessment was required, in addition to the plans, in order to make a full assessment of the proposals.

**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

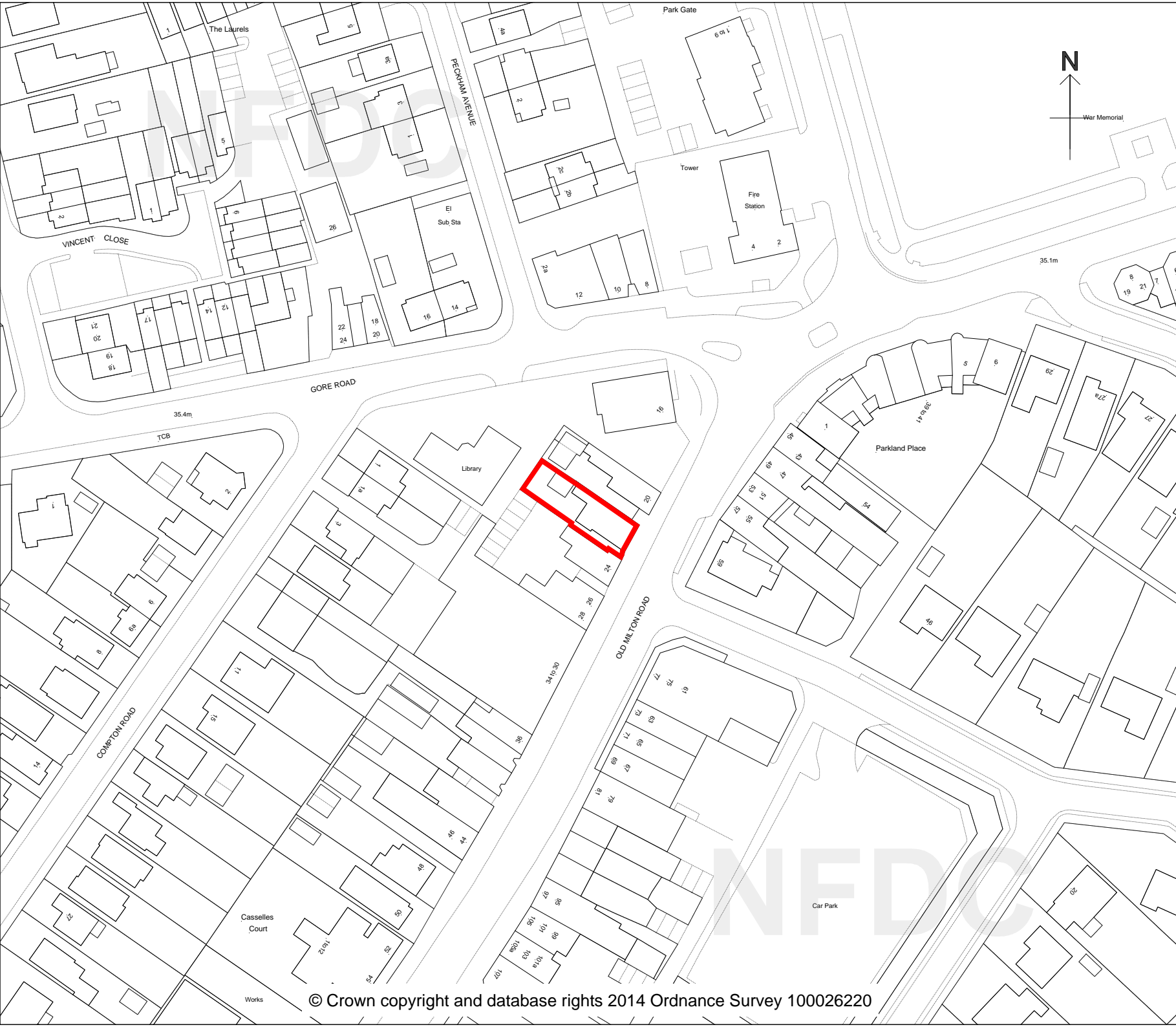
**Planning Development  
Control Committee**  
**August 2014**

**Item No: A1**

22  
Old Milton Road  
New Milton  
14/10235  
SZ2494

Scale 1:1250

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



**Application Number:** 14/10393 Full Planning Permission

**Site:** THE LAURELS, HILL STREET, CALMORE, NETLEY MARSH  
SO40 2RX

**Development:** Continued use of stables & feed store as ancillary accommodation to The Laurels; retention of link extension; extend residential curtilage

**Applicant:** Mr Gubbins

**Target Date:** 25/06/2014

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## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council View

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside outside the New Forest

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

#### Objectives

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

#### Policies

#### Core Strategy

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

#### Local Plan Part 2

- DM20: Residential 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 HISTORY**

- 6.1 10/95467 Single storey rear extension, conservatory. Granted permission on the 4th June 2010
- 6.2 05/84097 Implement store and workshop (agricultural prior notification) decided details not required 29th March 2005
- 6.3 01/73203 Lean to pole barn (agricultural prior notification) decided details not required 13th November 2001
- 6.4 01/73152 Two storey addition, roof alterations and new porch granted permission 28th November 2001
- 6.5 01/ 72359 Permanent retention of dwelling. Refused on the 22nd August 2001.
- 6.6 99/66779 Continued temporary siting of mobile home for agricultural worker - renewal of planning permission 63001. Grant temporary consent on the 15th December 1999
- 6.7 97/63001 Temporary siting of mobile home for agricultural worker. Granted with conditions on the 2nd June 1998
- 6.8 97/61731 Siting of mobile home for agricultural worker. Refused on the 8th October 1997
- 6.9 96/ 58461 Addition of hay barn. Granted on the 10th April 1996

## **7 PARISH / TOWN COUNCIL COMMENTS**

Netley Marsh Parish Council: Recommend permission

The conversion of the stables and feed store are in line with recent Government national policy although it is against current local policy. There is no adverse impact on neighbouring properties or the local area in general. The whole property sits in a fairly secluded location. The annexe does not have its own foul drainage system and the applicant currently uses a caravan type toilet with a holding tank which is emptied into the main residence cesspit on a regular basis. This could cause an environmental hazard. The national policy encouraging the conversion of outbuildings into residential use came into effect approximately 6 months ago and having spoken with the planning case officer, it is highly likely that, notwithstanding current local policy, the application would succeed on appeal. The applicant is also requesting to extend the curtilage of the garden. The property is situated on a large plot which extends into open fields. The area between the main residence and the stable and food store block, i.e. the annexe has been paved. The Parish Council is of the opinion that the curtilage of the garden should not be extended beyond the dotted line etched in red on the site drawing.

In order to recommend approval the following conditions to such approval were considered:

1. The annexe should be subject to a condition to prevent it being separated from the main residence and sold off as a separate dwelling and should be established as a Granny Annexe for the benefit of the main residence.
2. Proper foul drainage should be introduced into annexe and linked to the main residence drainage system.
3. The curtilage of the garden is restricted to dotted line etched in red on the site drawing.

Subject to the above conditions Recommend approval

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

- 9.1 Hampshire County Council Highway Engineer: No highway objections
- 9.2 Land drainage Engineer: No objection
- 9.3 Environmental Health (historic land use): No objection

## **10 REPRESENTATIONS RECEIVED**

2 letters of objection have been received concerned that the change of use of the land and buildings would have an adverse impact on the character of the area. The proposal is essentially for a new dwelling. There are concerns with drainage, both surface water and foul. The site was previously two sites, one known as the Laurels and the other known as Robridge Stables. Robridge stables was part of a small holding and planning consent has been refused in the past for a dwelling on this site, although a temporary consent was granted to help support the agricultural operations on the site. The extension of the residential curtilage would be contrary to local plan policies and would affect the character and nature of the land. There would be a detrimental impact on Broadclyst Cottage and other residential properties.

## **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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This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
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- Working together with applicants/agents to closely manage the planning application process to allow an opportunity to negotiate and accept amendments on applications (particularly those that best support the Core Strategy Objectives) when this can be done without compromising government performance requirements.
- Advising applicants/agents as soon as possible as to concerns that cannot be dealt with during the processing of an application allowing for a timely withdrawal and re-submission or decision based on the scheme as originally submitted if this is what the applicant/agent requires.
- When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

The applicant was informed that the recommendation would be to refuse the application, but the principle of re-using the buildings for ancillary residential accommodation would be acceptable.

## **14 ASSESSMENT**

- 14.1 The site comprises a two storey detached dwelling known as 'The Laurels', which fronts onto Hill Street and there are several outbuildings sited immediately adjacent, to the south, within the grounds of the property. The dwelling is a traditional two storey building which has recently been extended to the rear with a two storey extension and conservatory. There is a grassed garden area positioned to the rear of the property enclosed on one side with a high fence. To the front of the site is an area of hardstanding used as car parking spaces. One of the outbuildings has the appearance of a former stables building. This building is of a traditional design, fronting onto Hill Street and is attached to various other buildings. A large open area of hardstanding occupies the space between the dwelling house and outbuildings. Beyond the residential garden of the dwelling and the hardstanding area is an open grassed area, with fields and paddocks further beyond.
- 14.2 For the purposes of planning policy, the site lies outside the built up area and is located in the countryside. The character of the area is rural with scattered dwellings fronting onto Hill Street with fields and paddocks along the lane and extending to the rear of the dwellings. There is a pleasant mixture of property types along Hill Street, some of which are traditional cottages, with hedgerows and trees situated throughout which help define the rural character of the area.

- 14.3 This planning application is retrospective and seeks consent for the retention of the use of the existing outbuildings as additional ancillary habitable accommodation to the dwelling house at 'The Laurels', which is a change of use from agricultural use to residential. This includes the former stable building, and a further outbuilding which has been linked by way of an extension. The application also seeks consent for the continued use of the land to the rear of the dwelling and land around the outbuilding as residential garden curtilage. Part of the land was previously used as a paddock.
- 14.4 The outbuildings that have been converted and extended contain a lounge, kitchen, bathroom, and bedroom, which is essentially a self-contained residential unit. The link extension is a brick and slate roof single storey addition with window openings on both sides, and the building is lower in height than the existing attached outbuildings. The outbuildings are occupied by the applicant's mother. The applicant and his family reside in the main dwelling house, and it has been stated that the intention is for the applicant's mother to live in the outbuildings but generally the whole site would not be split or severed. Given the close proximity of the buildings, the applicant states that the mother can provide care for the applicant's children, and carry out domestic roles in relation to the main dwelling and that cooking and other activities will on occasions take place in the main dwelling house. The applicant has no intention of severing the site and it is clear that both car parking and garden areas are currently shared and there has been no subdivision, boundaries or fences separating the outbuildings and dwelling. While the outbuildings have all the facilities to be self-contained, the proposal is to provide ancillary residential accommodation to the main dwelling and has been described on this basis.
- 14.5 In assessing the planning history of the site, it would appear that in the past, the dwelling house at The Laurels was not connected to or related to the outbuildings. The outbuildings and the land associated with it were known as Robridge Farm and Stables and this comprised a small holding with the main agricultural enterprise involving the breeding and rearing of pigs. It is understood that the outbuildings were used for agricultural purposes and the land associated with the small holding extended to the rear of both The Laurels and the other adjoining neighbour at Broadclyst Cottage. There were several planning applications in the past to site a mobile home in association with the agricultural enterprise and apart from a temporary consent, the applications were not successful and there have been no agricultural operations on the land for many years. Since the agricultural use ceased, it is understood that both The Laurels and the outbuildings at Robridge Farm and stables came into one ownership and have not recently been used for any agricultural purposes. It is claimed that some of the outbuildings were being used for habitable accommodation.
- 14.6 In assessing this proposal, the starting position would be the local plan policy. The site is located outside the built up area. Local Plan Part 2 Policy DM20 is applicable and relates to residential development in the countryside. The policy states that residential development in the countryside will only be permitted where it is either a limited extension to



an existing dwelling; or the replacement of an existing dwelling, or an affordable housing scheme to meet a local need, in accordance with Core Strategy Policy CS22; or an agricultural workers or forestry workers dwelling in accordance with Policy DM21

- 14.7 In assessing this proposal in relation to the policy, there is nothing which especially relates to the conversion of existing buildings into residential uses. Policy DM20 does not include the conversion of buildings to residential uses. However, as the proposal is to provide additional habitable accommodation to the main dwelling, it could be considered as an extension to the main dwelling. If the application was deemed to be the creation of a new self-contained dwelling to be completely independent from the main dwelling, there are no policies that would support the proposal.
- 14.8 On the basis that the application is to use the outbuildings as additional residential accommodation and given that the buildings are no longer required for any agricultural use, in principle the proposal would be acceptable and would make some use of the buildings. Indeed, the stable building which fronts onto the road has a traditional appearance as a stable building and its re-use would secure its long term retention, which would contribute to the character of the area. The timber open sided building to the south accommodates some domestic items and appears to be used as a shed in association with the main dwelling. Again, given that there is no longer an agricultural need and on the basis that the property at The Laurels has no garages, it seems logical that this building is used as ancillary or incidental use in association with the main dwelling.
- 14.9 The extent of external changes that have been carried out to the outbuildings appears to be minimal and apart from the small linked extension, the buildings retain their original character. Overall it is considered that while the use of the buildings is not strictly in accordance with policy, the use of the buildings as additional residential accommodation in association with the residential property at The Laurels would be acceptable and does not have any adverse impact on the character and appearance of the area. If the proposal was to provide a self-contained residential unit completely severed from the main dwelling, it is considered that this would not accord with local plan policy. Accordingly, in order to ensure that the outbuildings and the land around the buildings are not separated from the main dwelling and become a self-contained residential dwelling, which would not accord to local plan policy, a condition can be imposed that the outbuilding is only used as additional habitable accommodation.
- 14.10 With regard to residential amenity, the use of the outbuildings and the changes that have been carried out have minimal impact on the living conditions of the adjoining residents. Given that the outbuildings at one time were used to accommodate livestock and as a small farm yard, that type of use is likely to generate a much higher degree of noise and disturbance.
- 14.11 In terms of the change of use of the land to residential curtilage, this has already taken place and this includes the area of hardstanding around

the outbuildings and the land to rear (east) which extends to the open fields. The extent of the area of hardstanding around the outbuildings does not extend beyond the residential curtilage to The Laurels and for the most part, the area appears to be relatively tidy with a few plant pots. The area of land beyond this is laid to grass and there is a footpath running through the land leading to the paddocks and open fields to the rear. This area was in the past used as a paddock, with no buildings or structures and enclosed by boundary hedgerows. The land previously had the appearance of rough grazing, but the land is now clearly maintained as a lawn and has a more domestic appearance.

- 14.12 In assessing the effect on the character and appearance of the area, the extent of the residential curtilage around the outbuildings does not unacceptably detract from the character and appearance of the area. It is reasonably expected that the land around the former farm or stable buildings would contain areas of hardstanding and accordingly, the use of this area as residential curtilage would be acceptable. However, the change of use of the land beyond the hardstanding area, which comprises the grassed areas behind the dwelling, would not be acceptable and it is considered that the character and nature of this land would unacceptably detract from the rural character of the area. The character of the area in this location is very rural and many of the garden areas are small and do not extend deep into the fields and paddocks to the rear. There is a clear distinction between the character and appearance of garden areas compared to paddocks and fields. The extent of this land has always had the appearance of a field or paddock, which contributed to the rural character of the area. Extending the residential garden further out to the open paddocks and fields would lead to a significant change to the rural character of the area. It could also lead to possible residential paraphernalia in this area which would be harmful to its rural character. Overall, it is considered that the change of use of the land from agriculture to residential would fail to comply with policy.
- 14.13 In terms of other matters, the use of the outbuildings as additional ancillary residential accommodation and the use of the land as garden curtilage would not have any adverse impact on public highway safety and the Highway Authority does not raise any objections. Given that the proposal does not result in the creation of a new residential unit, no contributions are required for affordable housing, transportation improvements, public open space or habitat mitigation. Concerns have been expressed relating to foul drainage and how it will be dealt with. It is considered that this is a matter that can be addressed by way of a planning condition.
- 14.14 In conclusion, the conversion and change of use of the outbuildings to create additional ancillary residential accommodation would be acceptable and would not have an adverse impact on the character of the area. For the most part, the outbuildings are appropriate for re-use. However, the change of use of the agricultural land to residential, namely, the land to the rear of the dwelling and outbuilding, is not acceptable and the use of this area for residential purposes would have an adverse impact on the rural character of the area.

14.15 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

## **15. RECOMMENDATION**

### **Refuse**

#### **Reason(s) for Refusal:**

1. The continued use of the land to the rear (east) of the residential property at 'The Laurels' and the outbuildings, as identified hatched red on the submitted plan, as residential curtilage has an unacceptable impact and results in encroachment onto land which was open countryside and contributes towards the urbanisation of the countryside. As such, the proposal would be contrary to Policies CS2 and CS10 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.

The applicant was informed that the recommendation would be to refuse the application, but the principle of re-using the buildings for ancillary residential accommodation would be acceptable.

#### **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  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

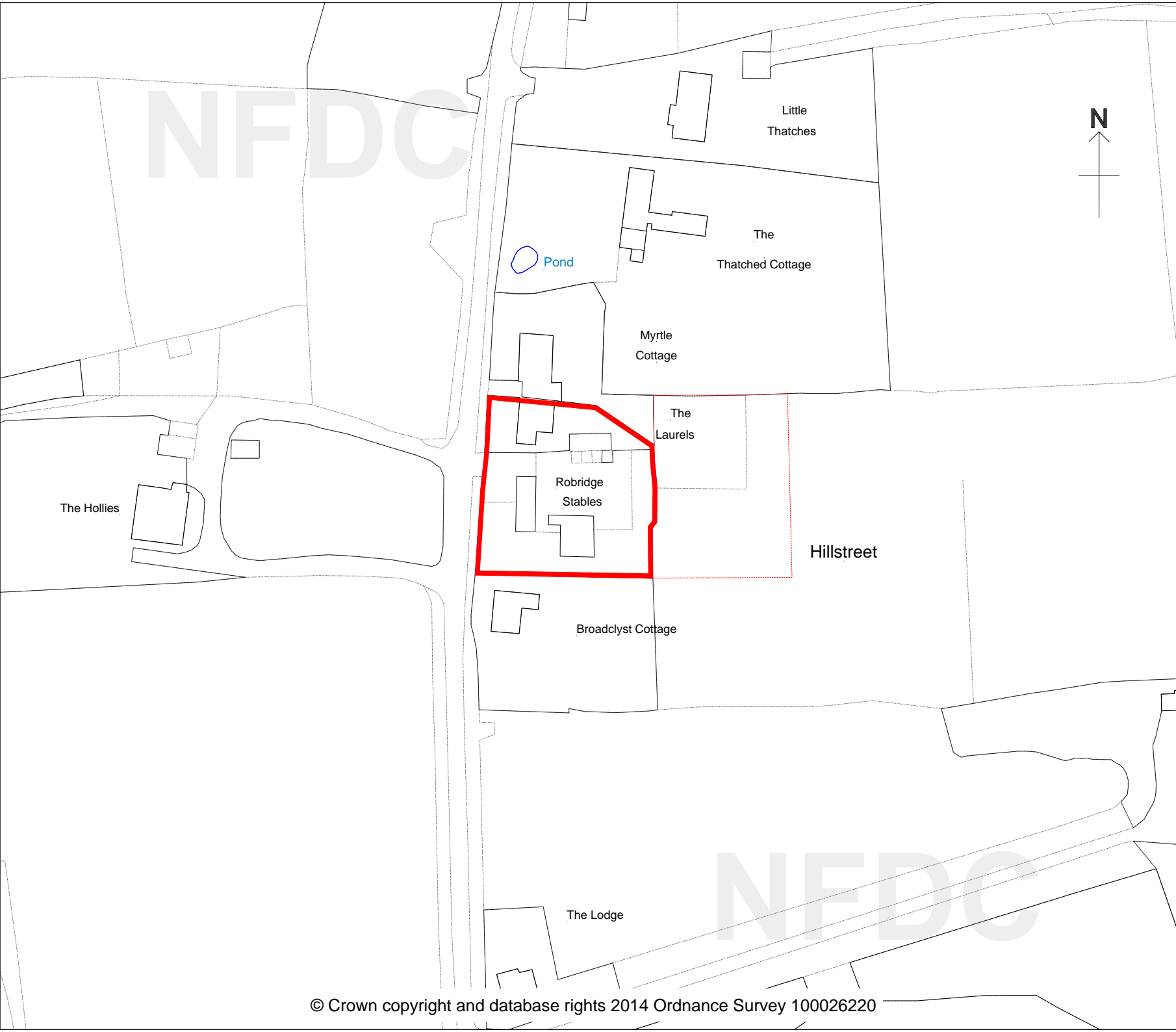
**Planning Development  
Control Committee  
August 2014**

**Item No: A2**

The Laurels  
Hill Street  
Calmore Netley Marsh  
App No 14/10393  
SU3415

Scale 1:1250

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



**Application Number:** 14/10600 Full Planning Permission

**Site:** 10 NORTH STREET, PENNINGTON, LYMINGTON SO41 8FZ

**Development:** Single-storey rear extension; roof light; rear dormer; two storey side extension

**Applicant:** Mr & Mrs Morris

**Target Date:** 17/07/2014

**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**

Built-Up Areas

Plan Area

CS1: Sustainable development principles

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

Achieving Sustainable Development

NPPF Ch. 7 - Requiring good design

**5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

SPD - Lymington Local Distinctiveness

**6 RELEVANT PLANNING HISTORY**

None

**7 PARISH / TOWN COUNCIL COMMENTS**

Lymington and Pennington Town Council - recommend permission

**8 COUNCILLOR COMMENTS**

None received

**9 CONSULTEE COMMENTS**

Drainage - no comment

**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**

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.

Although the terrace has been significantly altered over the years, the majority of alterations are to the rear and have a limited impact on the street scene. The proposal includes the provision of a side addition which would have an unusual elevational treatment, considered to be at odds with the form of development in the area.

## 14 ASSESSMENT

- 14.1 The site lies within the built up area of Pennington in a residential area backing onto playing fields. The property is an end terrace and although all three in the row have been altered in different ways over the years, it retains an attractive traditional character that contributes to the character and local distinctiveness of the area. The proposal entails the provision of a part single part two storey extension to provide an additional bedroom, larger kitchen with small utility and study.
- 14.2 Notwithstanding that the proposed two storey element would only be set of the boundary with number 8 North Street by approximately 1.5 metres, the proposals would not significantly impact on the amenities of this neighbour due to the intervening adjacent garage structure in the neighbouring garden. Similarly, due to its relatively low height, form and siting, it is considered that the rear single storey element of the proposed extension would not have a harmful impact upon the amenities of the neighbour at number 12 North Street.
- 14.3 However, by reason of it's siting and design, the two-storey element of the proposed extension would appear disjointed from and unsympathetic to the form and character of the existing dwelling and the terrace it forms part of. It would be set toward the rear and side of the existing building, out of step with the existing terrace and neither sit comfortably on the site nor relate well to the adjoining development. Because of this awkward siting and an inappropriately high eaves line on the front elevation, the proposed development would appear out of keeping and imposing to the detriment of the simple traditional form and character of the existing terrace and the spatial characteristics of the immediate area.
- 14.4 It is not considered that the adjoining boundary vegetation within the adjacent property can or should be relied upon to screen this feature and attention is drawn to the views that could be had of the development from the street directly to the front of the site and in the vicinity of number 6 North Street, particularly as No. 8 is set back on its site relative to No. 10 allowing more open views from the side.
- 14.5 Although the extension would preclude continued use of the garage for car parking, the drive retains adequate space for off road parking.

- 14.6 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

## **15. RECOMMENDATION**

### **Refuse**

#### **Reason(s) for Refusal:**

1. The proposed extension due to its form and siting the property extension would be out of step with the existing terrace and neither sit comfortably on the site nor relate well to the adjoining development. Furthermore, by reason of this awkward siting together with the inappropriately high eaves line on the front elevation, the proposed development would appear alien and imposing to the detriment of the simple form and traditional character of the existing terrace and spatial characteristics of the immediate area. For these reasons, the proposals would appear out of context and be harmful to the character, appearance and local distinctiveness of the area, contrary to policy CS2 of the Core Strategy for the New Forest District Council outside the National Park, the adopted Supplementary Planning Document "Lyminster Local Distinctiveness" and the NPPF, in particular, chapter 7.

#### **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.

Although the terrace has been significantly altered over the years, the majority of alterations are to the rear and have a limited impact on the street scene. This proposal included the provision of a side addition which would have had an unusual elevational treatment, at odds with the form of development in the area.

#### **Further Information:**

Householder Team  
Telephone: 023 8028 5345 (Option 1)



# PENNINGTON



**New Forest**  
DISTRICT COUNCIL

Tel: 023 8028 5000  
[www.newforest.gov.uk](http://www.newforest.gov.uk)

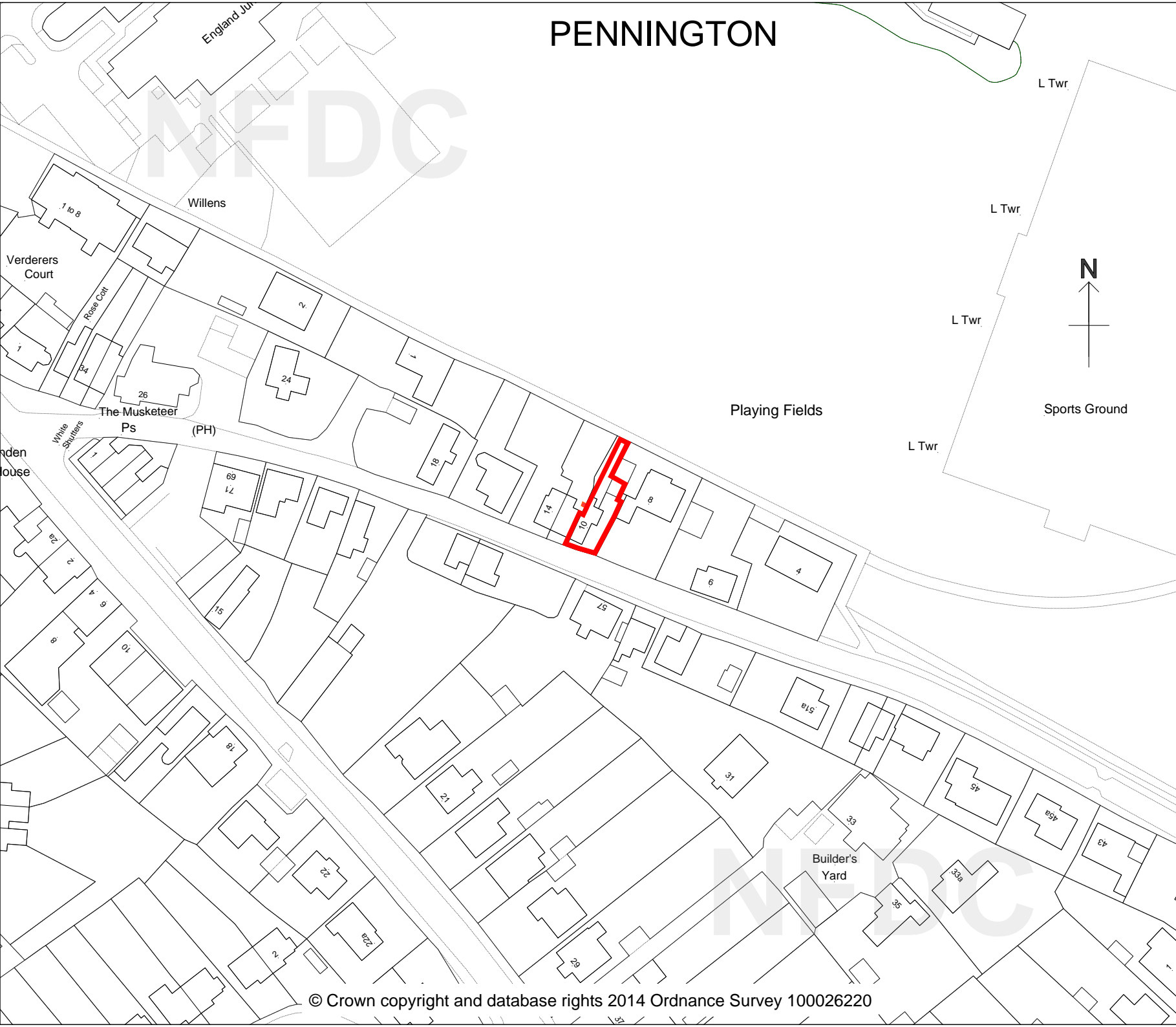
Chris Elliott  
Head of Development Control  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

**Planning Development  
Control Committee**  
**August 2014**

**Item No: A3**  
10 North Street  
Pennington  
Lymington  
App No 14/10600  
SZ3194

Scale 1:1250

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the internet, it will not be to  
scale.



**Application Number:** 14/10659 Full Planning Permission

**Site:** BROWSEWOOD, GORSE COTTAGE, HAWTHORN COTTAGE &  
TUDORESQUE, BEAULIEU ROAD, DIBDEN PURLIEU, HYTHE  
SO45 4PW

**Development:** Three-storey block of 36 retirement flats; communal facilities;  
parking; landscaping; demolition of existing dwellings

**Applicant:** McCarthy & Stone Retirement Lifestyles Ltd.

**Target Date:** 14/08/2014

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## 1 REASON FOR COMMITTEE CONSIDERATION

To agree a reduction in affordable housing contributions; Partially contrary to Councillor and 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
3. Housing
6. Towns, villages and built environment quality
8. Biodiversity and landscape

#### Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- 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
- DM10: Residential accommodation for older people

## 4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan

## **5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

SPD - Housing Design, Density and Character  
SPD – Mitigation Strategy for European Sites  
SPD – Parking Standards

## **6 RELEVANT PLANNING HISTORY**

None

## **7 PARISH / TOWN COUNCIL COMMENTS**

Hythe & Dibden Parish Council:- Recommend refusal - overdevelopment of the site; oppressive and unneighbourly; 3-storey block would be out of keeping with the streetscene and would have an oppressive impact on Beaulieu Road because of its mass and bulk; concerns over adequacy of on-site car parking

## **8 COUNCILLOR COMMENTS**

Cllr Malcolm Wade:- objects - overdevelopment of the site; oppressive and unneighbourly; 3-storey block is very long, out of keeping with the streetscene and the impact on Beaulieu Road would be oppressive because of its mass and bulk; has serious concerns over car parking and considers that there should be one space allocated to each unit to avoid further on-street parking

## **9 CONSULTEE COMMENTS**

- 9.1 Hampshire County Council Highways Engineer:- No objection subject to conditions and subject to securing transportation contribution
- 9.2 Environment Agency:- No bespoke comments
- 9.3 Ecologist:- Recommend refusal - inadequate information on mitigation to show that adverse impacts on protected species will be avoided.
- 9.4 Southern Water:- No objection - requests conditions and informatives
- 9.5 Southern Gas Networks:- advise of site's proximity to gas main
- 9.6 Land Drainage Engineer:- No objection subject to conditions
- 9.7 NFDC Waste & Recycling:- Refuse bin store would be too far from the highway - 15 metres is too great a distance to carry sacks for this number of flatted units
- 9.8 Tree Officer:- No objection subject to conditions
- 9.8 Environmental Design (Urban Design):- Recommends refusal - proposal fails to support local distinctiveness and is inappropriate to setting in terms of scale, height, density, layout, appearance and relationship to landscape features. It fails to incorporate well integrated car parking and appropriate green spaces

9.9 Estates and Valuation:- Taking into account all Section 106 obligations including the required affordable housing obligations, his estimate of the residential development value of the land is higher than the benchmark site valuation in the case of the affordable housing contributions being made solely by a financial contribution. This would be a viable option. However, if the development includes the full on-site provision of 14 units, the residential development value of the land falls below the benchmark site value. Therefore the number of on-site units should be reduced. I have calculated that if the on-site AH provision is reduced to 4 x 1B plus 3 x 2B units plus a financial contribution of £18,509 the SV and Residential Development Values are in equilibrium and the development is then returned to viability.

## **10 REPRESENTATIONS RECEIVED**

10.1 8 letters of objection from local residents:- overdevelopment; development would be of an excessive scale and height; adverse impact on character of village; additional traffic congestion to detriment of highway safety; inadequate on-site parking; adverse impact on neighbours' light and privacy; potential structural damage to nearby properties; additional noise and disturbance; adverse impact on protected trees; adverse impact on adjacent Bed and Breakfast Business; increased pressure on local infrastructure; lack of need; over-provision of this form of accommodation; concerns about bin store; landscaping would be inadequate; concerns about external lighting.

10.2 7 letters of support from local residents and other interested persons:- development would boost the economy and would meet a need; development is well thought out and will improve the site.

## **11 CRIME & DISORDER IMPLICATIONS**

No relevant considerations

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission and the dwellings built, the Council will receive £36,864 in each of the following six years from the dwellings' completion, and as a result, a total of £221,184 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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  - 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 have been discussions with the applicant both before the application was submitted, and during the course of the application. In the light of the significant concerns set out in the report below, it has not been possible to negotiate an acceptable outcome to this current application and still meet performance targets.

## **14 ASSESSMENT**

- 14.1 The application site is comprised of 4 detached dwellings known as Hawthorn, Tudoresque, Gorse Cottage and Browsewood. The properties are single-storey bungalows or chalet bungalows set within reasonably generous sized garden plots to the south-east side of Beaulieu Road, close to the Dibden Purlieu Local Shopping Frontage. Along the site's front boundary with Beaulieu Road is a mature hedge and mature trees that are the subject of a Tree Preservation Order. A number of trees along the site's rear south-eastern boundary are also protected by a Tree Preservation Order. The garden of Browsewood, which is the largest of the 4 plots, is somewhat overgrown and there is a line of thick scrub to the site's south-western side, which abuts an adjacent doctors' surgery and medical centre. This adjacent building is 2-storeys high. Opposite the site on the north-western side of Beaulieu Road are a number of residential dwellings that are primarily of a typical 2-storey domestic scale. To the site's north-east side are a number of residential dwellings that have frontages onto Whinfield Road and which are also 2-storeys high. To the rear of the site is a single-storey adult education centre that occupies a relatively large plot of land. Generally, this part of Dibden Purlieu is characterised by a mix of residential dwellings and non-residential uses with most development being no more than 2-storeys high. There are a few buildings where a second floor is set into the roof of the building. The only building in the area which is of an overtly 3-storey character is Heathlands Court, which is a sheltered residential accommodation block to the south-west of the site that has previously been built by the applicants.

- 14.2 The submitted application seeks to demolish the 4 existing dwellings and in their place it is proposed to build 36 retirement flats within a single building block that would be up to 3-storeys high. The building would include community facilities and the external areas around the building would comprise a mixture of vehicular and pedestrian accesses, car parking and soft landscaping.
- 14.3 There is considered to be no objection to the principle of redevelopment. Indeed, given the site's sustainable location close to local services and other facilities, it is considered that the site is one that could be reasonably developed in a more intensive manner than currently exists. Nonetheless, it is important that the proposed redevelopment should be well designed and contextually appropriate, and in this respect there are some significant concerns.
- 14.4 The building that is proposed has been designed so that along the site's long Beaulieu Road frontage there would be 3 distinct elements of built-form. At the north-eastern end of this frontage, adjacent to the neighbouring 2-storey dwelling Heatherdene, is a 2-storey element of built-form. This would link into a much larger 2.5 storey element of building with dormers set into a fairly large roof. At the south-western end of the site would be a fairly large 3-storey element of built-form that would extend well into the site. It is felt that the principle of 3 distinct elements of built form along the Beaulieu Road frontage of the site with some 3-storey development at the south-western end of the site (to emphasise this corner) could work successfully in this particular context on a main road, close to the centre of Dibden Purlieu. However, it is felt that the elements of 2.5 - 3-storey building would be of an excessive size and breadth, given the predominantly 2-storey domestic scale of existing development and it is not felt the linking elements would be sufficiently wide and recessive to break up the significant massing of the building. As such, the building would be of an excessive scale and mass that would not respect the scale, gaps and rhythms of what is typical of the local area. The building's significant size and scale would be seen in stark contrast to the scale of existing buildings along Beaulieu Road. This stark contrast in scale and mass would also be apparent from viewpoints to the rear in Lunedale Road, through gaps between buildings along Whinfield Road and as a backdrop to the car park courtyard beyond the south-western boundary of the site.
- 14.5 The existing trees, vegetation and greenery on the site make a positive contribution to the character and appearance of the area. Whilst the building has been sited and designed so that it should not compromise the site's most important trees that are protected by a Tree Preservation Order, the proposal would nonetheless result in a significant change to the site's relatively green character. Some change in character to accommodate a more intensive development would potentially be justified, but it is considered that the overall loss of greenery that would arise from the proposed development would be excessive within this particular context. The space taken up by the proposed building and car park footprint would allow too little in the way of greenery to contribute to the garden setting of the proposed building. On the site's south-western side, there would be a particularly significant loss of greenery, and the setting for this aspect of the proposed building would be dominated by hardstanding and parked cars with little scope for new or replacement planting. This would appear unduly harsh, particularly taking into account

the scale and depth of this part of the proposed building. Along the site's front boundary, front gardens have been squeezed due to the building stepping forward of the existing building line, and again along this boundary much of the existing lower vegetation would be removed. Views of trees along the site's rear boundary would be obscured by the building's significant mass, and overall, it is felt the proposal would fail to respect the character of the area in terms of the greenery the site currently contributes.

- 14.6 Overall, it is considered that the design of the development would not support local distinctiveness. The building would be inappropriate to its setting in terms of scale, height, density, layout, appearance, and in terms of its relationship to landscape features. The development would fail to incorporate well integrated car parking or appropriate green space and as such, the setting of the building would be too harsh. It is felt that the proposed development would appear as an overdevelopment of the site that would cause unreasonable harm to the character and appearance of the area.
- 14.7 In terms of neighbours' amenities, the site's north-eastern boundary is the most sensitive is bounded by a number of residential dwellings. The development would have some impact on the light and outlook of the neighbouring dwelling at Heatherdene. However, because the rear element of building adjacent to Heatherdene would be only of single-storey height with a hipped roof sloping away from the boundary of the site, it is felt, on balance, that this impact would be within acceptable limits. The development would also include first and second floor windows and first floor balconies that would face the rear of neighbouring dwellings in Whinfield Road. However, as separation distances to the rear of these dwellings would be 34-37 metres and there would also be good separation distances to their rear garden boundaries, it is felt the proposal would not cause material harm to the privacy of neighbouring dwellings in Whinfield Road. The site's other boundaries with non-residential uses and buildings are less sensitive in terms of overlooking and overshadowing and it is not felt the proposal would have any adverse impact on these other adjacent premises. The levels of noise generated by the proposed development would be reasonable, given the site's context. Overall, it is considered the proposed development could be implemented without detracting from the reasonable amenities of neighbouring and other nearby properties.
- 14.8 The main vehicular access to the proposed development would be at the south-western end of the site and this would provide access to 27 on-site car parking spaces (less than 1 space per unit and about 75% of the recommended level of provision for such developments). The Highway Authority have confirmed that the access arrangements are acceptable and they are also satisfied that the level of car parking being provided would not compromise highway safety, even though it would be less than the recommended level of on-site provision. Subject to conditions, the Highway Authority are satisfied with this proposal, and therefore it can be reasonably concluded that the proposed development would not have adverse implications for highway safety.
- 14.9 Given its extensive green character, the site is one that has potential ecological interest. The applicants have submitted ecological reports with their application which have been considered by the Ecologist. There is a

particular concern with reptiles. The reptile report that has been submitted confirms the presence of slow worms on the site, which are a protected species. However, although the reptile report recommends mitigation measures, to include the retention of suitable on-site habitat, there is a lack of detail and the application itself fails to put forward specific measures for mitigation and compensation to tie in with the reptile report. Without such detail, it is not possible to draw any conclusions on the efficacy of the reptile mitigation measures and therefore there is a lack of certainty that the development's impact on reptiles will be adequately addressed. This is considered to be grounds for refusing planning permission.

- 14.10 The proposed development is one that would need to secure contributions to public open space (£46,732) and transportation improvements (£23,230) 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. It is understood that the applicant is agreeable to securing these contributions, although at the time of writing a Section 106 legal agreement has not been completed to secure either of these contributions.
- 14.11 The proposed development is also one where the development's potential impact on designated European sites will need to be satisfactorily mitigated in line with Local Plan Part 2 Policy DM3. In this case, it is considered that a contribution of £72,700 would be needed to ensure that the development's impact on designated European sites is adequately mitigated. Again, it is understood that the applicant is agreeable to securing this contribution, although at the time of writing no such agreement has been secured.
- 14.12 A scheme for 36 flats is one that would be expected to secure 14.4 on-site affordable housing units (a 40% rate of provision). In practice this means that the development should secure 14 on-site affordable housing units and a separate financial contribution of £7610. The applicants have submitted a viability appraisal as they consider that the scheme would be unviable if required to secure any on-site affordable housing units. They have offered to make a financial contribution, although not the full £273,960 that would be required if it were to be accepted that on-site affordable housing provision is unviable. The Estates and Valuation Officer has advised that the development would be viable if the whole off site affordable housing contribution was secured. However, if on site provision were required then a lower level of provision would be necessary to ensure that the development is viable (see comments paragraph 9.9). In the absence of a completed agreement this justifies a further reason for refusal.
- 14.13 Other concerns raised by local residents would not justify a refusal of planning permission. Furthermore, concerns about the bin store position could be potentially resolved by condition were the planning application otherwise acceptable.
- 14.14 Overall, it is considered that the proposed development would be inconsistent with Core Strategy policies and objectives. The proposed development would not be of a scale and design that would be sympathetic to its setting, and indeed, the development would cause



material harm to the character and appearance of the area. The scheme's benefits in terms of additional housing for the elderly would not outweigh the harm that has been identified. The proposed development would also have potentially adverse ecological effects and would fail to secure contributions required under policy. As such, the application is recommended for refusal.

- 14.15 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

### Developers' Contributions Summary Table

<b>Proposal:</b>			
<b>Type of Contribution</b>	<b>NFDC Policy Requirement</b>	<b>Developer Proposed Provision</b>	<b>Difference</b>
<b>Affordable Housing</b>			
No. of Affordable dwellings	14.4	0	-14.4
Financial Contribution	£273,960 (if no on-site provision)	0	-£273,960
<b>Public Open Space</b>			
On site provision by area	0	0	0
Financial Contribution	£46,732	<b>0</b>	<b>-£46,732</b>
<b>Transport Infrastructure</b>			
Financial Contribution	£23,230	0	-£23,230

### 15. RECOMMENDATION

#### Refuse

#### Reason(s) for Refusal:

1. The proposed development would constitute an overdevelopment of the site that would be detrimental to local distinctiveness and the character and appearance of the area. In particular:-
  - a) the proposed development would be of an excessive scale, height and mass that would be significantly out of keeping with the more typical 2-storey scale and domestic rhythms that are characteristic of the surrounding context, and which would therefore appear too dominant and intrusive, both within the Beaulieu Road streetscene and from other nearby public viewpoints.

- b) the proposed development would result in a harmful loss of the site's green landscaped character, having regard to the proposed building's significant footprint, its proximity to Beaulieu Road, and the extensive areas of car parking and hardstanding on the building's south-western side, which would result in this aspect of the development having an unduly harsh and unsympathetic setting.

As such, the proposed development would be of an unduly poor design quality that would be contrary to Policy CS2 of the Core Strategy for New Forest District outside of the National Park.

2. Insufficient information has been submitted to demonstrate that the development's impact on protected species (particularly reptiles) will be adequately mitigated, and as such, the proposed development would be contrary to Policy CS3 of the Core Strategy for New Forest District outside of the National Park.
3. 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.
4. 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.
5. 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.
6. 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.

#### **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 were discussions with the applicant both before the application was submitted, and during the course of the application. In the light of the significant concerns that were identified it was not possible to negotiate an acceptable outcome to this current application and still meet performance targets.

**Further Information:**

Major Team

Telephone: 023 8028 5345 (Option 1)



**New Forest**  
DISTRICT COUNCIL

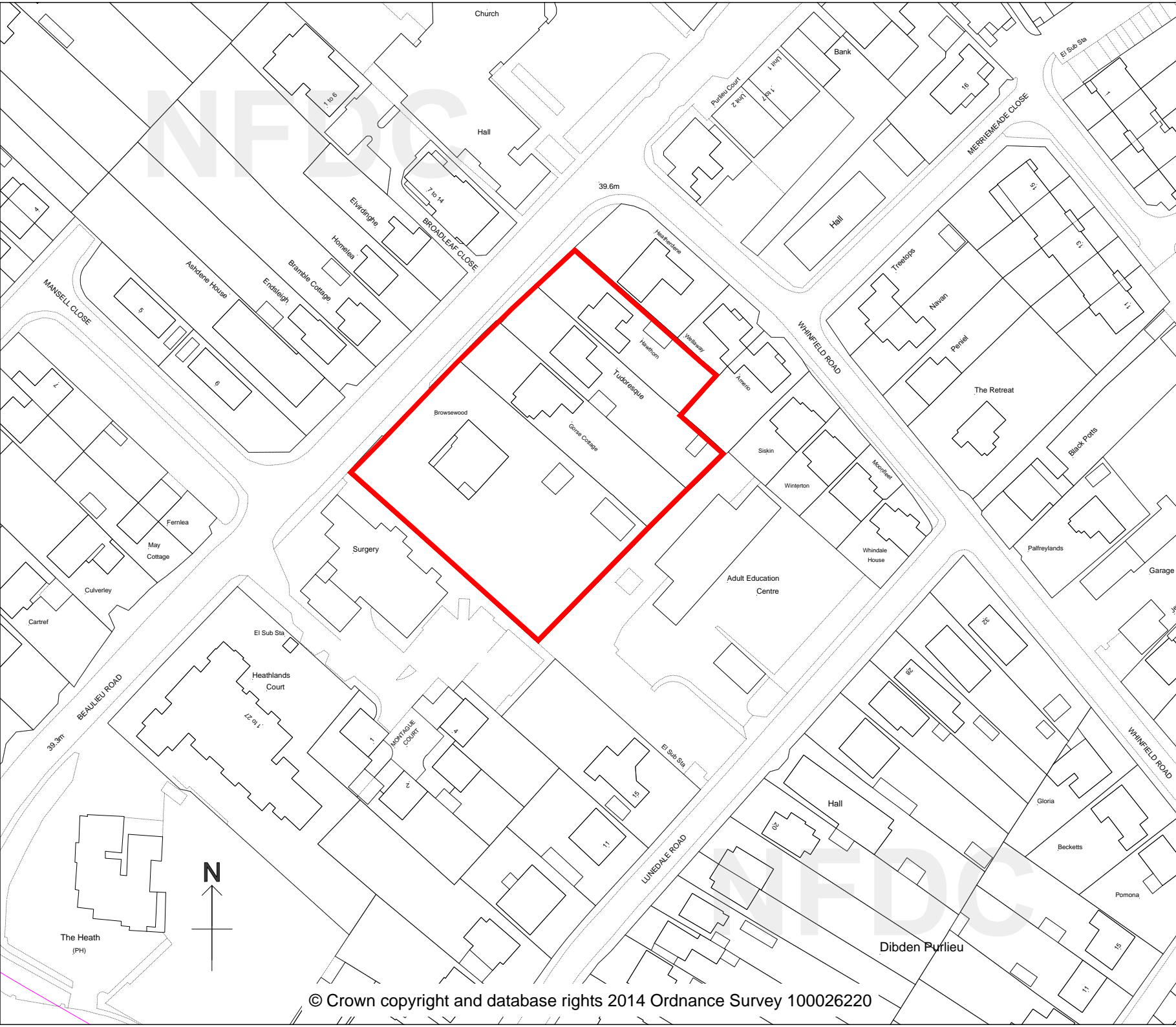
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Chris Elliott  
Head of Development Control  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

**Planning Development  
Control Committee**  
**August 2014**

**Item No: A4**  
Browsewood, Tudoresque  
Gorse & Hawthorn Cottages  
Beaulieu Road Dibden  
App No 14/10659  
SU4106

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



**Application Number:** 14/10708 Full Planning Permission

**Site:** Land of 5A HARFORD CLOSE, PENNINGTON, LYMINGTON  
SO41 8EX

**Development:** Two-storey dwelling; access

**Applicant:** Mrs Fry

**Target Date:** 16/07/2014

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## 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

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 - Lymington Local Distinctiveness  
SPD - Parking Standards  
SPD – Mitigation Strategy for European Sites

## **6 RELEVANT PLANNING HISTORY**

- 6.1 Two storey dwelling (90399) Granted with conditions on the 6th August 2007
- 6.2 Two storey dwelling (83366) Refused on the 24th Jan 2005. Appeal allowed

## **7 PARISH / TOWN COUNCIL COMMENTS**

Lymington and Pennington Town Council: Recommend refusal - Plans do not demonstrate that the applicant has addressed issues relating to the impact of service run and soak away upon nearby trees

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

- 9.1 Hampshire County Council Highway Engineer: No highway objections
- 9.2 Land Drainage Engineer: No objection subject to condition
- 9.3 Tree Officer: No objection subject to condition

## **10 REPRESENTATIONS RECEIVED**

2 letters of objection concerned that the estate has a spacious appearance and openness and the proposal would be contrary to this layout and would have an adverse visual impact. It would appear better if the building was set back further into the plot. Impact on foul drainage. The plans are not accurate between the location and block plans. The vehicular access will be impacted significantly by the proposal.

## **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 £6,912 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 applicant's agent has been advised that the planning application will be recommended for refusal and that there are objections to the principle of an additional dwelling on this site. The submission of amended plans would not address the concerns raised.

## **14 ASSESSMENT**

- 14.1 The site forms part of the garden area to a recently built detached chalet style bungalow at No 5a Harford Close which was built in the former garden area to No 5 Harford Close. The site is generally laid to lawn and lies at the end of the cul de sac with the rear part of the site backing onto Milford Road. There is a substantial evergreen hedge facing the cul de sac.
- 14.2 Harford Close is part of a residential development built around 1981. It was designed as an open plan estate, which has a strong sense of spaciousness and the layout included a margin of amenity land with trees and planting alongside Milford Road which is the main approach to Lymington. There is a substantial hedge and trees that runs alongside Milford Road which largely screens the houses and gardens from view.

- 14.3 The proposal is to construct a detached chalet style bungalow which would front onto the end of the cul de sac with its rear garden area backing onto Milford Road. The proposed dwelling would be of a similar scale, style and appearance to the other properties in the street. A single car parking space and attached garage would be provided.
- 14.4 In assessing the effect on the character and appearance of the area, it is clear that when Harford Close was built, the overall aim of the layout was to create an open plan and spacious development with gaps between the buildings and the dwellings generally set back with open front lawns. The land to the south of No's 4 and 5 Harford Close was shown to form part of an open landscape buffer between the end of the housing estate and Milford Road. The recent development at No 5a has encroached into this area to some degree and this was subject to an application allowed on appeal. The Council had refused the application to construct a dwelling but the Inspector allowed the appeal and considered that a considerable area of open landscape, that contributes to the open and spatial character, would remain.
- 14.5 However, the proposed dwelling would unacceptably encroach into this open part of the site and would start to enclose the estate with built form which would reduce the spaciousness, diminishing the positive features that contribute to the character of the area. The existing site contributes positively to the character of the area due to its openness, the presence of trees in the background and the large evergreen hedgerow along the site's frontage to Milford Road. The proposed dwelling would be sited close to the end of the cul de sac with no space for a front garden area or greenery and would result in a cramped form of development with little space around the building.
- 14.6 While the proposed dwelling has been designed to have a similar appearance to other properties in the street, the proposed development on this site would have a negative impact on the open and spacious character of the area and would result in a cramped form of development that would be out of context with and harmful to the character of the area.
- 14.7 With regard to residential amenity, the proposed dwelling would front onto the cul de sac and would not be sited directly in front of the neighbouring residents. Windows would face in the direction of both roads, which would mitigate against any overlooking. The distance of the proposed building to the neighbours is sufficient not to result in any adverse impact in terms of loss of light and outlook.
- 14.8 The proposed development would have one car parking space and a garage, which would accord with the recommended guidance. The Highway Authority does not raise any objections to the proposal.
- 14.9 There is an Oak tree outside the property on the edge of the roadside ditch, and the tree officer considers that the tree, while not directly threatened, would need to be protected and a condition requiring the provision of a tree protection plan detailing the location of service runs



and soak-aways would need to be agreed.

- 14.10 The proposed development would require contributions towards public open space, transportation improvements, affordable housing and habitat mitigation, which are considered fair and reasonable. In the absence of a completed agreement, the proposal fails to comply with policy and these should be additional reasons for refusal.
- 14.11 Concerns have been expressed about the problems with foul drainage in the area, especially at times of heavy rainfall. No evidence has been submitted to back up this evidence, and it is considered that this is a matter that could be dealt with by condition given that only a single dwelling is proposed were the proposal otherwise acceptable.
- 14.12 In conclusion, it is considered that this proposal would have unacceptable impact on the character and appearance of the area resulting in a cramped form of development with little space around the building. In addition, the absence of appropriate contributions justify further reasons for refusal.
- 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 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

<b>Proposal:</b>			
<b>Type of Contribution</b>	<b>NFDC Policy Requirement</b>	<b>Developer Proposed Provision</b>	<b>Difference</b>
<b>Affordable Housing</b>			
No. of Affordable dwellings			
Financial Contribution	£31,925	0	-£31,925
<b>Public Open Space</b>			
On site provision by area			
Financial Contribution	<b>£2,336.60</b>	<b>0</b>	<b>-£2,336.60</b>
<b>Transport Infrastructure</b>			
Financial Contribution	£3,745	0	-£3,745
Habitat Mitigation	£3,050	0	-£3,050

## 15. RECOMMENDATION

### Refuse

#### Reason(s) for Refusal:

1. By virtue of its openness, greenery, trees and vegetation, the application site positively contributes to the spatial character and appearance of the area, which was designed as an open plan estate with trees and planting alongside Milford Road. The proposed dwelling, by virtue of its siting, scale and positioning on the site, would result in a cramped form of development that would result in the loss of openness and vegetation, unacceptably encroaching into this open part of the site, diminishing the spacious positive features that contribute to the character of the area. For this reason, the proposed development is contrary to policies CS2 and CS10 of the Core Strategy for the New Forest District outside the National Park and the adopted Lymington Local Distinctiveness Document Supplementary Planning Guidance.
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 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:**

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 applicant's agent was advised that the planning application would be recommended for refusal and that there were objections in principle to an additional dwelling on this site. The submission of amended plans would not address the concerns raised.

**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  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

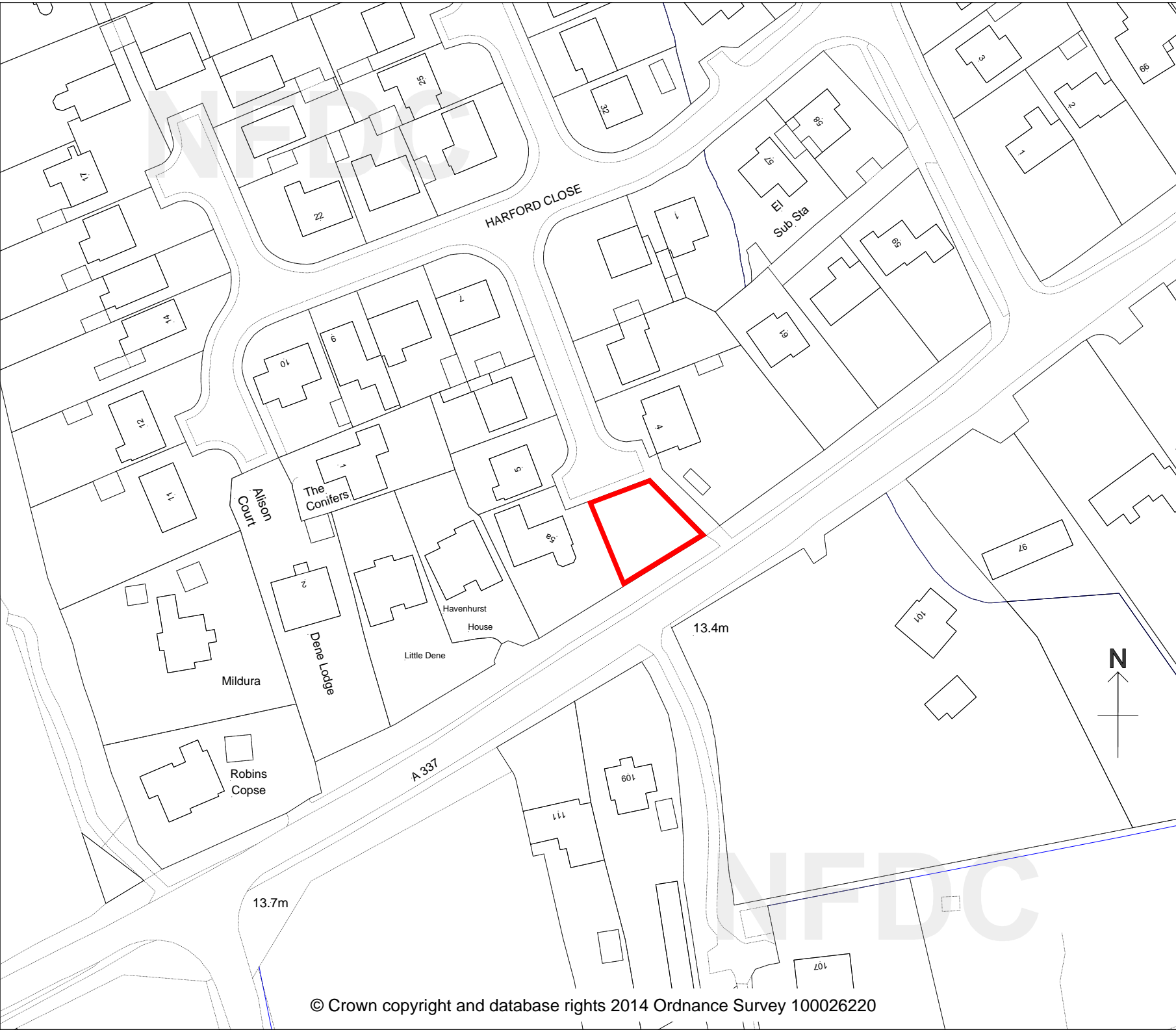
**Planning Development  
Control Committee**  
**August 2014**

**Item No: A5**

Land of 5A  
Harford Close  
Pennington Lymington  
App No 14/10708  
SZ3194

Scale 1:1250

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



**Application Number: 14/10734** Full Planning Permission

**Site:** Field number 7193 of HASKELLS FARM, DROVE END, MARTIN  
SP6 3JT

**Development:** Relocate access

**Applicant:** Mr Woodvine

**Target Date:** 23/07/2014

**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Parish Council View

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Countryside  
Area of Outstanding Natural Beauty

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Core Strategy**

Objectives

- 1. Special qualities, local distinctiveness and a high quality living environment
- 4. Economy
- 5. Travel
- 7. The countryside
- 8. Biodiversity and landscape

Policies

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

Local Plan Part 2

DM2: Nature conservation, biodiversity and geodiversity

**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**

None

## **7 PARISH / TOWN COUNCIL COMMENTS**

Martin Parish Council: Recommend permission. The relocation of the access is supported by the Parish Council

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

- 9.1 Hampshire County Council Highway Engineer: Objection
- 9.2 Ecologist: Objection
- 9.3 English Heritage: Awaiting comments
- 9.4 Tree Officer: No tree objections
- 9.5 Natural England: Raise no objection
- 9.6 Landscape and Open Space: Advisor Cranborne Chase Area of Outstanding Natural Beauty (AONB) concerned that the proposal would necessitate extra signage and add more clutter in the countryside which would be strongly resisted. Content for the Highways Department to advise on the appropriateness or otherwise of this proposal.

## **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.
- 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 no pre-application advice was sought and the concerns raised are not negotiable as part of the consideration of this application

## **14 ASSESSMENT**

- 14.1 This planning application proposes the formation of a new vehicular access into a large agricultural field from the north west side of the A354. There is an existing access into the field and the proposal seeks the closure of the existing access, which is approximately 240 metres south-west. It should be noted that the applicant owns 157 hectares around the area of Martin, together with the area at the application site. To the south east there is an existing access and collection of buildings which are the applicant's grain store, straw barn and general purpose barn. The applicant states that the existing access is poor from a safety aspect and when leaving the access of the grain store to enter the field opposite, the applicant needs to drive along the A354 and turn within the road.
- 14.2 The access would be formed across the verge and the width of the access would be 4.5 metres and would continue up to the proposed gate position 17 metres back from the highway. Along the A354 there is considerable vegetation, hedgerows and trees and the proposal would require the removal of existing planting adjacent to the highway.
- 14.3 The main issues in this case are the effect on public highway safety; the effect on the character of the area; the loss of trees and a hedgerow; and ecological matters.
- 14.4 In assessing the effect on public highway safety, the proposed location of the access is just west of the section of the A354 which is dualed and vehicle speeds, particularly those travelling in a westerly direction, appear to be high. The Highway Authority have raised an objection to the proposed access on highway safety grounds.

- 14.5 The Highway Engineer considers that standing at the necessary 'x' distance of 2.4 metres, visibility in either direction is severely restricted by an existing hedge and trees. To achieve the necessary 'y' distance of 215 metres in a westerly direction would require extensive cutting back of the hedgerow and the lifting of tree crowns to achieve the necessary vertical visibility of between 0.6 and 2.0 metres.
- 14.6 Given the close proximity to the end of the dualled section of carriageway a posted speed limit of 70mph should be utilised in an easterly direction which would require a 'y' distance of 295 metres. While this could be measured to the edge of the outside lane of the west bound section, given the vegetation within the central reservation and the vertical alignment of the carriageway, the required 'y' distance could not be achieved. On this basis, the Highway Authority concludes that the proposal to form a new field access at the point proposed would be unacceptable on highway safety grounds.
- 14.7 In terms of the impact on trees, the Tree Officer raises no objection and considers that the proposed access would require a short width of Spindle hedge to be removed. There are no significant trees in close proximity due to an intersection of power lines at this point. While the loss of the hedge would be unfortunate, this in itself is not considered sufficient justification for the refusal of planning permission.
- 14.8 Concerning ecological matters, the Ecologist states that the proposal adversely affects a verge identified by Hampshire County Council as a Road Verge of Ecological Importance (RVEI) due to the presence of lowland calcareous grassland. This type of grassland is identified as a habitat of principal importance for the conservation of biodiversity as part of the Natural Environment and Rural Communities Act 2006 (NERC Act). The application is not supported by any relevant professional ecological information to quantify the impacts of the scheme or to propose mitigation. If the existing access is to be closed it may be possible to translocate grassland interests or provide compensation, however without information this cannot be assumed. It is noted on the submitted application that members of the public park on the existing access route in order to use a footpath and so habitat restoration or translocation may not be feasible if this is the case.
- 14.9 The context of the new proposal is within approx 200m of the Martin and Tidpit Down Site of Special Scientific Interest (SSSI). The access to be closed appears to be within or adjacent to the designated SSSI site. The concerns raised by the AONB Advisor regarding signage clutter are not issues for consideration as part of this application.
- 14.10 In conclusion, it is considered that the proposed creation of a new access into this field would lead to a significant risk to public highway safety and the Highway Authority raise an objection on these grounds. In addition, there are concerns raised in terms of the impact on the ecological significance of part of the area and the potential harm to protected species.
- 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 this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

## **15. RECOMMENDATION**

### **Refuse**

#### **Reason(s) for Refusal:**

1. The use of the proposed access would be likely to cause undue interference with the safety and convenience of users of the adjoining classified highway, the A345. Inadequate visibility splays are provided at the junction of the vehicular access with the A345 Salisbury Road and this would cause danger and inconvenience to users of the adjoining highway. For this reason, the proposal is contrary to Policy CS24 of the Core Strategy for the New Forest outside the National Park.
2. The proposal would adversely affect a verge which has been identified by Hampshire County Council as a Road Verge of Ecological Importance (RVEI) due to the presence of lowland calcareous grassland. This type of grassland is identified as a habitat of principal importance for the conservation of biodiversity as part of the Natural Environment and Rural Communities Act 2006 (NERC Act). Insufficient information has been submitted to demonstrate the impacts of the proposal in terms of the loss of this area of ecological importance and no details or recommendations of any mitigation to translocate grassland interests or provide compensation have been provided. For this reason, the proposal is contrary to Policy CS3 of the Core Strategy for the New Forest outside the National Park and Policy DM2 of the New Forest District Local Plan Part 2: Sites and Development Management.
3. The proposal would result in the loss of an area of ecological value and biodiversity which could have protected species. Insufficient information has been provided to demonstrate that protected species would not be harmed by the proposal, in the absence of which, the Local Planning Authority considers that protected species such as reptiles could be disturbed or harmed by operations linked to the development. For this reason, the proposal is contrary to Policy CS3 of the Core Strategy for the New Forest outside the National Park and Policy DM2 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 no pre-application advice was sought and the concerns raised are not negotiable as part of the consideration of this application

**Further Information:**

Major Team

Telephone: 023 8028 5345 (Option 1)



# New Forest DISTRICT COUNCIL

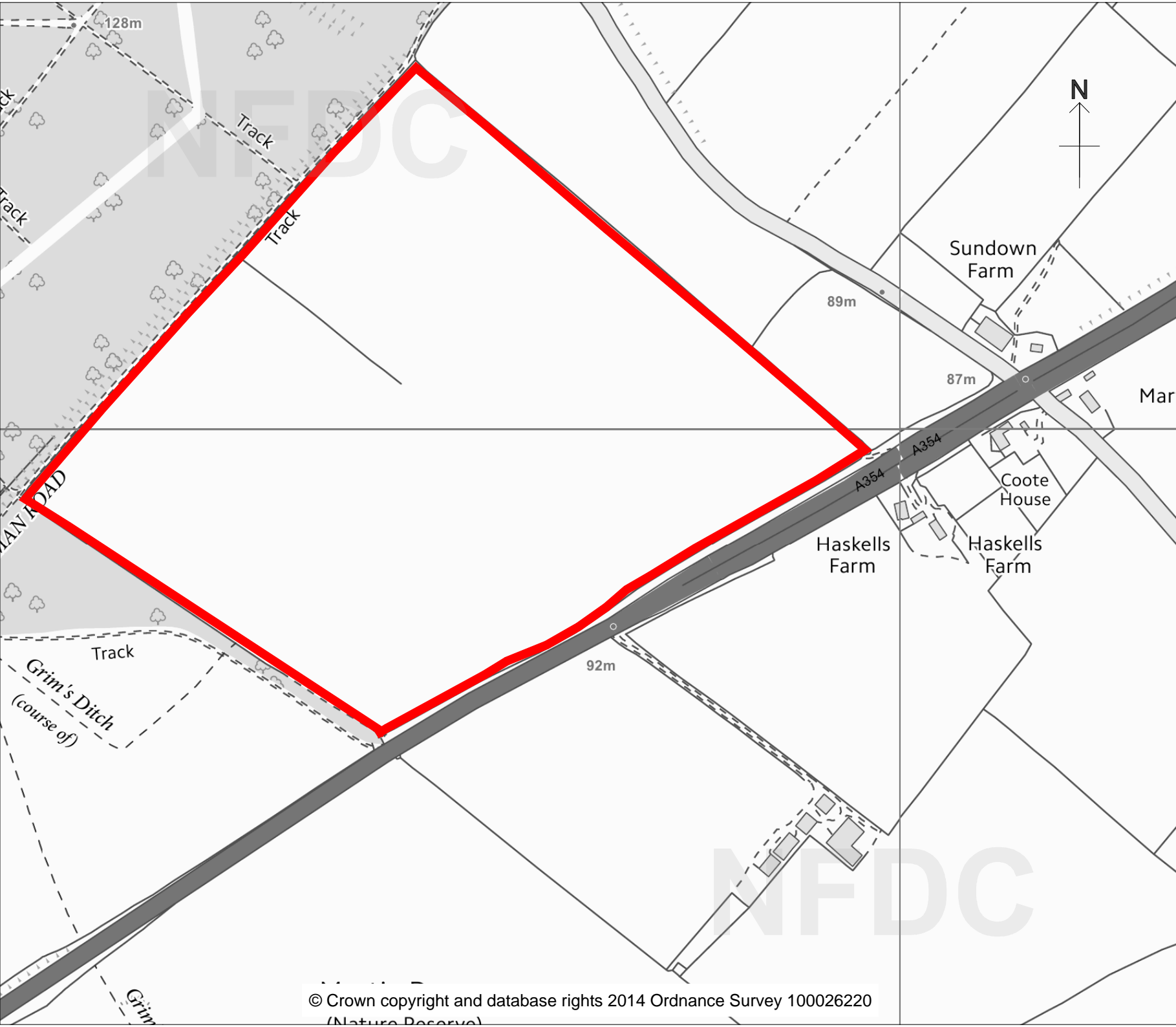
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Chris Elliott  
Head of Development Control  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

**Planning Development  
Control Committee  
August 2014**

**Item No: A6**  
Field No.7193  
Haskells Farm  
Drove End Martin  
App No14/10734  
SU0420

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the internet, it will not be to  
scale.



**Application Number:** 14/10739 Listed Building Alteration

**Site:** 3 GOSPORT STREET, LYMINGTON SO41 9BG

**Development:** Update shopfront; soundproof wall; cover floor & ceiling; panelling; window seat; servery & partition wall; display non-illuminated fascia & hanging sign; 1 illuminated window sign (Application for Listed Building Consent)

**Applicant:** Resolution20 Limited

**Target Date:** 14/07/2014

**1 REASON FOR COMMITTEE CONSIDERATION**

Member request

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Town Centre Boundary  
 Built-Up Areas  
 Primary Shopping Area  
 Lyminster Conservation Area  
 Listed Building

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Core Strategy Policies**

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

**Local Plan Part 2 Sites and Development Management Development Plan Document**

DM1: Heritage and Conservation

**National Planning Policy Framework - Achieving Sustainable Development**

NPPF Ch. 12 – Heritage

**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 - Lyminster - A Conservation Area Appraisal

SPD - Lymington Local Distinctiveness

SPG - Shopfront Design

## **6 RELEVANT PLANNING HISTORY**

- 6.1 14/10738 - Planning application for shopfront alterations – granted 31.7.14.
- 6.2 14/10742 - Advertisement consent application to display non-illuminated fascia and hanging signs and 1 no. illuminated window sign – granted 31.7.14.

## **7 PARISH / TOWN COUNCIL COMMENTS**

Lymington and Pennington Town Council: recommend permission with the exception of the illuminated window signage where refusal is recommended.

## **8 COUNCILLOR COMMENTS**

Councillor Swain has concerns that:

1. The Quay Hill area is being saturated with food and beverage outlets which is going to change the distinctiveness of the area.
2. The premises are unsuitable for the sale of ice cream as there is a shared narrow entrance with the adjacent shop.
3. The applicant has been quoted as saying that he will be only selling ice cream 'FOR NOW'.
4. The neighbour is concerned regarding litter, dropped ice creams and odour.
5. Should the applicant decide in the future to serve hot food there would not appear to be any plans for fume extraction

## **9 CONSULTEE COMMENTS**

- 9.1 Drainage Engineer - No objections.
- 9.2 Environmental Design (Conservation): The proposal consists of the re-painting and addition of signage to the shopfront. Ideally, the painting of the shopfront should match that of the adjacent shopfront (No.1) to retain a degree of continuity and reflect the architecture of the existing building as No's 1 and 3 form part of the same building with identical shopfronts (they used to be one shop unit). Either a black or the existing dark blue should be used for the fascia board and cornicing above, and white used for the decorative side pilaster. However, the use of the proposed lighter blue is not considered to be unacceptable to such a degree that would harm the building's significance. The fascia sign is considered acceptable in terms of the retention of the timber fascia board and the positioning and design of the lettering in relation to the shopfront and building façade, although initial concerns were raised over the use of acrylic lettering on the fascia, its dimensions and finishes, the amount of window signs proposed and the height and appearance of the box design

of the hanging sign.

The proposed internal partition dividing the front and rear of the shop or shop fittings would not harm the architectural significance of the listed building, given that internal subdivision has already taken place in the past and taking into consideration the use of the ground floor of the building. Following the removal of the previous shop fittings and boarding from the walls, original panelling has been discovered in the shop window recesses along with a substantial amount of lime plaster on the walls. Given that the proposed business would have a food use, it is considered reasonable for the walls to be dry lined leaving a ventilation gap to ensure the integrity of the original wall treatments is not compromised. The proposal to install sound-proofing insulation along the modern stud wall in between No's 3 and 1 is acceptable. The proposal to board over the original / existing floorboards with ply and finished with a vinyl floor covering is considered acceptable, as is the proposal to install a false ceiling below the existing; this would have limited impact to the existing ceiling and enable all electric / service cabling to be run within. Sound-proofing insulation may need to be incorporated into the false ceiling as well.

## **10 REPRESENTATIONS RECEIVED**

- 10.1 A representation has been received from the adjoining occupier concerned over cooking odours and condensation from hot food prepared on the premises, which also suggests that the applicant should be prevented from preparing hot food, other than waffles on the premises.
- 10.2 A further representation received, states this property is double fronted with the adjacent shop and both are very prominent within the view from down the High Street. The shops are almost untouched from their original form with very nice architectural details that mirror each other. Alterations could ruin quite an important building.

## **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 and in light of the concerns of consultees with regard to the appearance of the shopfront, predominantly to do with the location, illumination and number of signs, appropriately amended plans were submitted to address those concerns.

## **14 ASSESSMENT**

- 14.1 No. 3 Gosport Street is located at the eastern extent of the High Street, being prominent in views on the approach along High Street from the west. The building is Grade II Listed and is within Lymington's Conservation Area and Primary Retail Frontage. The building is currently undergoing refurbishment and was last used for A1 retail purposes, by Hillyar and Son Car Spares and Accessories.
- 14.2 The proposal is for listed building consent seeking internal and external alterations to facilitate continued use of the ground floor for A1 retail purposes, specifically for the retail of ice cream, snacks and drinks for consumption off the premises. It is the applicant's stated intention to further develop the premises (Phase 2) to facilitate its use for A3 (cafe) purposes, though this does not form any part of the current submission. Any proposal to change the use of the premises to A3 (Cafe) use would need to go through the requisite procedures for planning permission and listed building consent.
- 14.3 The works sought specifically by this application for listed building consent are to update the shop front, through re-painting and application of new signage, for internal works to the ground floor retail unit (application of floor, wall and ceiling coverings), soundproofing measures, installation of a servery and erection of a partition wall. No works are proposed, by this application, to the rear of the ground floor unit, beyond the new partition wall or to the basement of the property, although these areas may be subject to proposals as part of future applications.

- 14.4 The application should be considered in light of Policy CS3 and Chapter 12 of the NPPF, with emphasis placed on protection and enhancement of the listed building. Policy CS3 relates to the historic environment and encourages retention of historic character and places a presumption against alterations which would affect the special interest of the listed building. The main issue to consider is the impact of the proposal upon the setting and appearance of the listed building.
- 14.5 The Conservation Team's comments are mainly focused on proposals to alter the shopfront, namely a darker colour would be preferable, the raised perspex fascia lettering should be painted or vinyl stickered, the projecting sign should be lowered, the illuminated sign and memory balloons deleted and the number of window stickers reduced. The applicant was requested to submit amended plans to address these points and with the exception of the shopfront colour and memory balloons, the received plans are acceptable. Following consideration of the amended scheme and clarification that the memory balloons are merely internal lights rather than illuminated signs, the Conservation Team accepted the amended proposals, subject to the imposition of a condition to ensure the works are implemented in accordance with the amended plans submitted.
- 14.6 Councillor Swain and a notified party suggest that problems may occur associated with food preparation and consumption from the proposed use. Unfortunately, this issue cannot be considered under any of the recently approved applications for alterations to the shopfront, advertisement consent or this application for listed building consent. This is by virtue of the fact that the proposed use as an ice cream parlour, with an element of hot drinks and food (waffles) for consumption off the premises, falls under Class A1 (retail), a use class which the premises already benefits from, so a change of use application is not required. The level of hot food preparation proposed on the premises (essentially waffles) is not considered intensive enough to warrant an application for A3 or A5 consent or the need for extraction equipment. The Environmental Health Section have verified this. The principle of the use of the premises as an ice cream parlour is, therefore, not open to question. However, the applicant has alluded to future expansion of the premises into the basement below, to provide seating for consumption of food on the premises (Phase 2). The likely intensity of use of the premises would warrant a change of use application in that instance, where the Planning Authority would have the opportunity to assess the impact of the proposal upon adjoining residential amenity, the occupiers of adjoining commercial properties, the viability and distinctiveness of the locality, its environmental impacts and whether additional extraction facilities would be necessary in light of any changes to the amount and type of hot food prepared on the premises.
- 14.7 In light of the above, the current proposal would have no undue impact upon the fabric, setting and appearance of the listed building or conservation area. The proposal complies with the relevant provisions of Policy CS3, DM1 and the NPPF and is accordingly recommended for approval.
- 14.8 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and



Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

## **15. RECOMMENDATION**

### **GRANT LISTED BUILDING CONSENT**

#### **Proposed Conditions:**

1. The works hereby permitted shall be begun before the expiration of three years from the date of this permission.  
  
Reason: To comply with Section 18 of the Town & Country Planning (Listed Buildings & Conservation Areas) 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: 1:500 Block Plan, TD14/NF02/PL01, TD14/NF02/PL03 Rev. C and TD14/NF02/PL04 Rev A  
  
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 and in light of the concerns of consultees with regard to the appearance of the shopfront, predominantly to do with the location, illumination and number of signs, appropriately amended plans were submitted to address those concerns.

The repair works to the shopfront and any other areas of the shop unit should be carried out on a like-for-like basis using traditional methods (i.e. scarfing in of timber where necessary, repair of lime plaster using lime plaster like-for-like).

#### **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

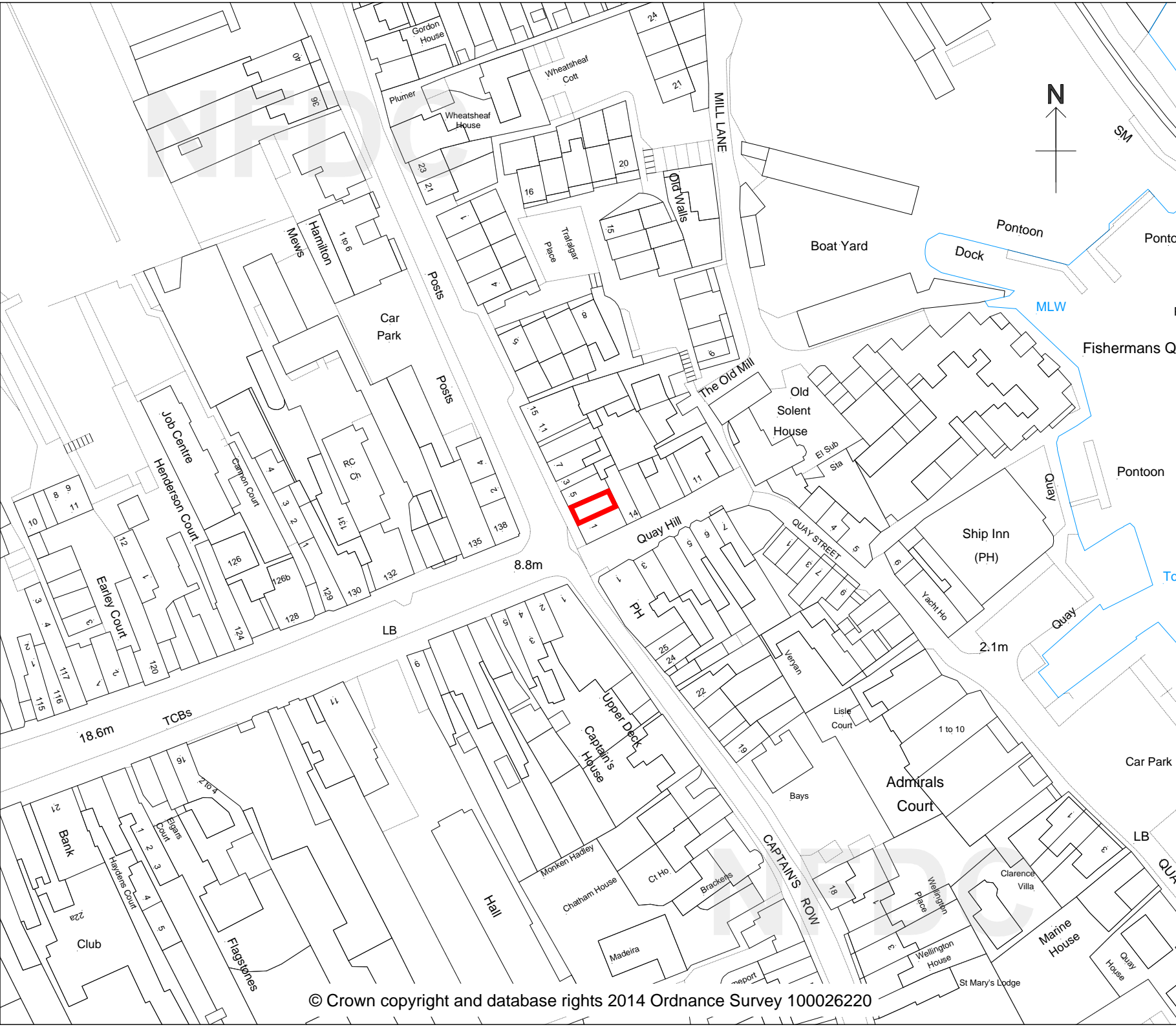
**Planning Development  
Control Committee  
August 2014**

**Item No: A7**  
3 Gosport Street  
Lymington

App No 14/10739  
SZ3295

Scale 1:1250

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



**Application Number:** 14/10749 Variation / Removal of Condition

**Site:** TRAVIS PERKINS, GROVE ROAD, LYMINGTON SO41 3RF

**Development:** Variation of Condition 2 of Planning Permission 13/10710 to allow amended plans to form modifications to affordable housing units

**Applicant:** Pennyfarthing Homes Ltd

**Target Date:** 19/08/2014

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## 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
8. Biodiversity and landscape

#### 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
- CS15: Affordable housing contribution requirements from developments
- CS24: Transport considerations
- CS25: Developers contributions

### Local Plan Part 2 Sites and Development Management Development Plan Document

LYM3: Land at Queen Katherine's Road/Grove Road

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**

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

## **6 RELEVANT PLANNING HISTORY**

Development of 23 dwellings comprised 2 three-storey blocks of 5 flats; 1 three-storey terrace of 3 houses; garage block with ancillary studios over; 1 terrace of 7 houses; one pair of semi-detached houses; 1 house; access; parking; landscaping; bin / cycle store; demolition of existing (13/10710) - granted 22/11/13

## **7 PARISH / TOWN COUNCIL COMMENTS**

Lymington & Pennington Town Council:- Recommend permission

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

- 9.1 Hampshire County Council Highway Engineer:- No objection
- 9.2 Environment Agency:- No further comment
- 9.3 Land Drainage:- No comment
- 9.4 Southern Water:- No objection - comments on previous application would still apply
- 9.5 Environmental Health (contaminated land):- No objection subject to conditions
- 9.6 Environmental Design (Urban Design):- The changes would not be so great as to warrant an objection; landscape conditions remain important to ensure adequate greenspace.

## **10 REPRESENTATIONS RECEIVED**

8 letters of objection from local residents:- access / parking space to Unit 1 would be dangerous; garage to unit 1 would spoil continuity of terrace; amended house designs would be too tall and out of keeping with existing properties; lack of adequate on-site parking; concerns about additional traffic on local roads; proposed amendments are not sufficiently clear.

## **11 CRIME & DISORDER IMPLICATIONS**

No relevant considerations

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission and the dwellings built, the Council will receive £26,496 in each of the following six years from the dwellings' completion,

and as a result, a total of £158,976 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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- 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 extends to 0.52 hectares and is the site of a long-established builders' yard / merchants (Travis Perkins) at the junction of Grove Road with Queen Katharine Road in Lymington. The site has a long frontage onto Queen Katharine Road, which aside from the application site is of a domestic residential character. To the south of the site is a run of 2-storey semi-detached houses set back from the road in long garden plots. Opposite the site are 2-storey detached or semi-detached units, which are again set back from the road in reasonably generous sized garden plots. The north-eastern corner of

the site is bounded by 2 residential dwellings, one of which is a Grade II Listed building known as Alma House, and the other a more modest 2-storey property built within the past 10 years known as The Coach House. To the north of the site, in Captains Row and Nelson Place, are older, traditional terraced town houses set close to the back edge of the pavement, which are 2-3 storeys in height. Opposite the site in Grove Road are 2-storey mews style dwellings, while the western side of the site is bounded by a landscape feature with many mature trees and a single residential garden at South Grove. There is one main building on the site at present which is surrounded by areas of hardstanding used for vehicular circulation and open storage. Limited use is currently being made of the southernmost part of the site, where rough vegetation is breaking through. The site is bounded by the Lymington Conservation Area on its northern and western sides.

- 14.2 There have been a number of recent applications to redevelop the site which culminated in a scheme for 23 dwellings being approved by the Local Planning Authority in November 2013 (ref. 13/10710).
- 14.3 The application that has now been submitted seeks to amend the development for 23 dwellings that was approved last year. Specifically, it is proposed to amend the design of the 10 affordable housing units (units 14-23) to meet the recommendations of the housing association who will take on these units. The units would be about 0.8 metres deeper and about 0.3-0.4 metres higher than the equivalent units on the approved scheme. Their designs would be very similar to before, although additional rooflights would be provided within the front elevations. There would also be some changes to the internal layouts.
- 14.4 The increased depth and height of the buildings would have some impact on the character of the street in terms of greenery and in terms of views of the site's green tree-lined backdrop. The visual relationship of the development to the neighbouring dwelling at 94 Queen Katherine Road would also change slightly. However, it is not felt that the proposed amendments to the affordable housing units would compromise the design quality of the development unduly. It is felt that the development would remain one that would have an acceptable impact on the character and appearance of the area, and an acceptable impact on the adjacent Lymington Conservation Area.
- 14.5 Units 19-23 may have a slightly greater impact on the outlook and amenities of the neighbouring dwelling at 94 Queen Katherine Road than the previously approved scheme, but the impact would remain within acceptable limits.
- 14.6 Concerns have been raised about the access and parking arrangements for Unit 1. However, this arrangement would be no different from the scheme that has already been approved, and is considered acceptable from both highway safety, and neighbour amenity perspectives. The development, generally, would have no greater impact on highway safety than the approved scheme.
- 14.7 There is a need to reapply the conditions that were imposed on the previous planning permission (with condition 2 varied to reflect the plans that have now been submitted). There is also a need for a new Section 106 legal agreement to secure the same affordable housing and public

open space contributions that were secured under the previous planning permission. At the time of writing, this Section 106 legal agreement has not been completed.

- 14.8 Since planning permission was granted for the development of this site in November 2013, the Council has adopted its Local Plan Part 2, which means that the development should now be assessed against the policies of this new Local Plan including Local Plan Part 2 Policy DM3. Judged against this new policy, the development should secure a Habitat Mitigation contribution of £91,650. However, the change to the affordable housing units, in this instance, constitutes a relatively limited design change. There would be no increase in unit numbers or bedroom numbers. Given the development's overall similarity to a recently approved extant scheme that was not required to mitigate impacts on designated European sites, it is felt that it would be unreasonable for this latest application to mitigate potential impacts on designated European sites. Accordingly, it is considered that the Habitat Mitigation contribution now required under Policy DM3 should be waived in this instance.
- 14.9 Overall, the proposed development is considered to be consistent with Core Strategy policies and objectives. The proposed development would remain a well-designed development that would be sympathetic to its context, including the adjacent Lymington Conservation Area. The development would not cause material harm to the amenities of adjacent properties or have adverse implications for highway safety. Therefore subject to conditions and subject to completion of the outstanding Section 106 legal agreement, the application is recommended for permission.
- 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 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

<b>Proposal:</b>			
<b>Type of Contribution</b>	<b>NFDC Policy Requirement</b>	<b>Developer Proposed Provision</b>	<b>Difference</b>
<b>Affordable Housing</b>			
No. of Affordable dwellings	11	10	-1
Financial Contribution	£17,187.50p	0	-£17,187.50p
<b>Public Open Space</b>			
On site provision by	0	0	0

area			
Financial Contribution	£79,444.40p	£79,444.40p	0
<b>Transport Infrastructure</b>			
Financial Contribution	0	0	0

## 15. RECOMMENDATION

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

- i) the completion, by 1st 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 appropriate provision towards public open space and affordable housing;
- ii) the imposition of the conditions set out below.

BUT, in the event that the Agreement is not completed by 1st 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 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.

### 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: 4567-PL-012 rev A, 4567-PL-001 rev C, 4567-PL-002 rev E, 4567-PL-011 rev B, 4567-PL-03 rev C, 4567-PL-04 rev B, 4567-PL-05 rev C, 4567-PL-06 rev A, 4567-PL-07 rev B, 4567-PL-08, 4567-PL-009 rev B, 4567-PL-010 rev B.  
  
Reason: To ensure satisfactory provision of the development.



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

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

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

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

5. Before the development is first occupied, details of the future maintenance of the proposed drainage system (to be approved under condition 4) shall be submitted to and approved in writing by the Local Planning Authority. The approved maintenance details shall thereafter be carried out in accordance with the approved details.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

6. 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. 7 to 9 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 10 relating to the reporting of unexpected contamination has been complied with in relation to that contamination.

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

7. 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.

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

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

Strategy for the New Forest District outside the National Park.

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

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

10. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 7, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 8, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 9.

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

11. The development hereby approved shall take place in accordance with the details set out in the September 2013 Update Ecological Appraisal (By Lindsay Carrington Ecological Services Ltd), unless otherwise agreed in writing with the Local Planning Authority.

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

12. Before the commencement of development, a biodiversity enhancement plan, to include measures for the provision artificial roosting / nesting opportunities for birds and bats, shall be submitted to and approved by the Local Planning Authority. Development shall only proceed in accordance

with the approved details.

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

13. The proposed slab levels of the development hereby approved shall accord with the levels shown on the approved plans, unless alternative slab levels have otherwise been agreed in writing with the Local Planning Authority.

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. No development shall take place until samples or exact details of the facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Development shall only proceed in accordance with the approved details.

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

15. Before development commences, the following details shall be submitted to, and approved in writing by the Local Planning Authority.

- a) Details of the external finishes of all windows/doors, together with more detailed drawings of the typical window, cill and header designs (including drawings showing typical depth of reveals).
- b) Details of the precise design of the solar panels to be installed on the roofs of the approved development, including details of the degree to which the solar panels would project forward from the plane of the roof on which the panels would be positioned.
- c) Details of eaves, bargeboards and rooflights.
- d) A sample panel of brickwork to show typical mortar and pointing details

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

Reason: To protect the character and appearance of the area including the character and appearance of the adjacent Lymington Conservation Area in accordance with Policy CS3 of the Core Strategy for the New Forest District outside the National Park.

16. Before development commences a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :

- (a) the existing trees and shrubs which have been agreed to be retained;
- (b) a specification for new planting (species, size, spacing and location);
- (c) areas for hard surfacing and the materials to be used;
- (d) the treatment of the boundaries of the site, and all 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.

17. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the appearance and setting of the development is satisfactory and to comply with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

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

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

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any re-enactment of that Order) no extension otherwise approved by Classes A, B or C of Part 1 of Schedule 2 to the Order, or garage or other outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order, shall be erected or carried out without express planning permission first having been granted.

Reason: In view of the intensity of development and the physical characteristics of the site, the Local Planning Authority would wish to ensure that any future development proposals do not adversely affect the visual amenities of the area and the amenities of neighbouring properties, contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

20. The first floor bathroom window on the east side elevation of the approved building on Plot 1 shall at all times be glazed with obscure glass, and shall be permanently fitted with an opening restrictor so as not to open more than 100mm. The first floor bathroom and stairwell windows on the south

elevation of Units 19-23 shall also be permanently fitted 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.

21. Notwithstanding the submitted Arboricultural Impact Appraisal and Method Statement, before development commences (including site clearance, demolition and any other preparatory works) an amended 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 a method statement detailing timing of events, all changes of existing surfaces and plans showing the protective fencing or other measures required for the avoidance of damage to retained trees all in accordance with BS 5837 (2012) "Trees in Relation to Design, Demolition and Construction - Recommendations". The scheme shall in particular include additional details of the construction methodology associated with the development of Plots 4-7. All tree protective fencing shall be erected prior to any other site operation and at least 3 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 and Reason and Policy DW-E8 of the New Forest District Local Plan First Alteration.

22. Before any dwelling is first occupied a 900mm wide footpath / pavement shall be provided along the site's Grove Road frontage as shown on drawing no. 4567-PL-002 rev D, and this footpath / pavement shall thereafter be permanently retained and made available for public pedestrian use.

Reason: To comply with Policy CS2 of the Core Strategy for New Forest District outside the National Park and Policy LYM3 of the 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, 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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Chris Elliott  
Head of Development Control  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

**Planning Development  
Control Committee  
August 2014**

**Item No: A8**

Travis Perkins  
Grove Road  
Lymington  
App No 14/10749  
SZ3295

Scale 1:1250

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



**Application Number:** 14/10769 Full Planning Permission

**Site:** EVERTON GARAGE LTD, 5 OLD CHRISTCHURCH ROAD,  
EVERTON, HORDLE SO41 0JJ

**Development:** Extension to workshop (demolish existing flats)

**Applicant:** Everton Garage Ltd

**Target Date:** 18/07/2014

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

**Policies**

- CS2: Design quality
- CS10: The spatial strategy
- CS17: Employment and economic development
- CS24: Transport considerations
- CS25: Developers contributions

**Local Plan Part 2**

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**

None



## **6 RELEVANT PLANNING HISTORY**

- 6.1 Change of use of a single dwelling unit to use as two self contained flats at Pennycroft (5332) Granted with conditions on the 13th July 1976.
- 6.2 Numerous applications in relation to proposals for Everton Garage

## **7 PARISH / TOWN COUNCIL COMMENTS**

Hordle Parish Council: Recommend refusal This is over development of the site. Concerned regarding noise nuisance & lack of parking. Impact on street scene. Impact on neighbouring properties. Concern was raised regarding poor drawings submitted with application.

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

- 9.1 Land Drainage Engineer: No objection subject to condition
- 9.2 Hampshire County Council Highway Engineer: No objection subject to condition and S106
- 9.3 Tree Officer: Objection
- 9.4 Environmental Health Officer: No objection subject to condition

## **10 REPRESENTATIONS RECEIVED**

- 10.1 3 letters of objection concerned that the proposed extension would have an unacceptable impact on the living conditions of the adjoining residents by reason of loss of outlook, light and visual harm and the noise and disturbance associated with its use. The proposed extension is too close to the boundary of the properties. The existing workshop and garage can be heard from the garden areas of the residential properties and a further increase in noise would be unacceptable. There are noise concerns relating to the cleaning bay, pressure washer, noise from the workshop on a daily basis. The loss of the residential property would only amplify the noise to the residential properties.
- 10.2 There are concerns about the loss of the dwelling, which positively contributes to the rural character of the area and would be replaced by more industrial looking buildings and structures. There are concerns with the loss of dwellings, given the housing shortage in the area.
- 10.3 The garage is already overdeveloped with buildings and vehicles parking and there are also problems regarding the impact on public highway safety.
- 10.4 The submitted application is lacking in detail. The proposed extension will need an emergency door which would be likely to be on the rear elevation of the building. Air conditioning units would be required which are not

shown. There are concerns with light pollution and no details have been provided as to whether new light columns and floodlights, and security lights would be installed. Concerns over the impact on trees.

## **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 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

- 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 no pre-application advice was sought and the concerns raised are not able to be readily resolved as part of this application.

## **14 ASSESSMENT**

- 14.1 The site comprises an established car business known as Everton Garage and contains a car sales room, ancillary offices, and workshop

area where cars can be repaired and serviced. The site contains a two storey building set back from the road, and large single storey buildings that wrap around the two storey element. The buildings are constructed from render and glass cladding under a pitched slate roof, which has a flat roofed element. The majority of the building that is sited close to the road comprises the car showrooms. Also located on the site is a residential building known as Pennycroft, which contains two flats. This is an attractive red brick building lying to the south of the garage building. This residential building is in the same ownership as the garage. The rest of the site, between the buildings and the road, is taken up with the cars displayed for sale and car parking spaces for visitors.

- 14.2 The character of the area is predominantly residential, but there is a public house and social club located nearby. There are residential properties located immediately to the rear of the site and property types and styles vary.
- 14.3 This planning application proposes to demolish the existing residential building, containing two flats, on the site and to replace it with a single storey extension. The proposed extension would be used as a workshop in association with the existing garage, and is required due to the need to expand the existing business and to essentially provide a modern facility. The proposed footprint of the extension would equate to some 192 square metres.
- 14.4 The proposed extension would be single storey and located broadly in the same position as the existing residential building but would be sited close to and run further along the common boundary with the adjoining residential property, Forest Edge. Visually, the proposed extension would have a mono pitched roof but the majority of the roof would be flat. The proposed extension would be constructed from white painted blockwork to match the existing building under a flat felt roof with slates and corrugated cement.
- 14.5 In support of the application, it is stated that Everton Garage has expanded over the years with the servicing facility dating back to 1976 and its showroom dating from 2001. More recently the car sales area expanded into the garden area of the residential property. It is stated that, to help support the business and to enable it to continue to expand, three additional service bays are needed on top of the existing three service bays (one of the existing bays is sub standard) on the site. The proposal would create two additional full time jobs.
- 14.6 In assessing this proposal against local and national planning policies, it is clear that there is general support for economic growth and for expansion of existing business premises. Everton Garage is an established business which has been operating on this site for many years and provides local employment, and accordingly, in principle, an extension to the building would accord with policy.
- 14.7 While the proposal would result in the loss of an existing residential building, there are no policies in the local plan which seek to retain residential uses. The existing residential building is an attractive building, and its loss from a visual point of view is unfortunate, however, there is no policy objection to its removal. The existing

residential building on this site is slightly unusual as it is surrounded by a commercial business with car sales areas, workshops and a car showroom which generate quite a lot of activity. The overall relationship between the two uses is not compatible.

- 14.8 Visually, the proposed extension would not be of the highest quality design, but would have a simple design and appearance that would match the appearance of the existing building. It would be a functional building that would not unacceptably detract from the character and appearance of the area. Indeed, the scale, materials and design would reflect that on the car showroom to the front and side of the building. The proposed extension would be set back from Lymington Road (approximately 35 metres) and some 27 metres back from Old Christchurch Road. Accordingly, whilst the loss of the existing dwelling is unfortunate, the proposed extension would be in keeping with the setting and appearance of the existing building and would not have any adverse impact on the character and appearance of the area.
- 14.9 With regard to residential amenity, the proposed extension would be located close to the boundaries to two residential properties, namely, Forest Edge and No 2 Westfield. The neighbouring resident at Forest Edge is likely to be most affected given that a large element of the proposed building would be sited along their side boundary. The proposed extension would be single storey which would help reduce the impact on the outlook of this property and there is also a relatively dense landscaping screen.
- 14.10 In assessing the impact on the light and outlook of the adjoining resident at Forest Edge, there would be a gap of just less than 1 metre from the proposed extension to the common boundary and the proposed extension would rise to 4.6 metres in height, with part of the building dropping down to 3 metres. The extent of the proposed building running adjacent to that neighbour measures just over 18 metres in length. The property at Forest Edge is situated over 12 metres from the boundary of the application site. There is a garden area which is immediately adjacent, but the garden does extend down to Milford Road. Given the distances involved, its siting, due north east, and the height of the extension, the proposal would not unacceptably compromise the available light or outlook of that resident.
- 14.11 In terms of impact on No 2 Westfield Gardens, only part of the extension would be sited close to that neighbouring resident, as adjacent to the far corner of the garden to that property. Given that only glimpses of the building would be seen by the neighbour, it is considered that the proposed extension would not unacceptably compromise the available light and outlook of No 2.
- 14.12 The other issue in relation to residential amenity is any noise and disturbance associated with the use as a workshop. The main opening doors to the proposed workshop are onto the forecourt area and there are no windows or openings facing the neighbour to the west at Forest Edge. The application states that the workshop would operate between the hours of 8:00 and 17:30 Monday to Friday and between the hours of 8:00 and 13:00 on Saturdays. It is accepted that the use of the workshop carrying out servicing and repairs to vehicles would give rise to an increase in noise levels, however, the Environmental Health

Officer does not raise any objections.

- 14.13 Given that the openings to the building would face the car parking courtyard and onto both Lymington Road and Old Christchurch Road, which is a busy main road and noise outbreak would not be directly onto or face the neighbouring resident at Forest Edge or the bungalows in Westfield Gardens, the impact is considered to be acceptable. Accordingly, given that the hours of use can be restricted to daytime hours, and on the basis of its design and relationship to the adjoining residents, the proposal would not result in an adverse impact that would substantiate a reason for refusal.
- 14.14 Concerns have been expressed regarding the lack of detail on the submitted application, namely no details of air conditioning units or compressors and that a new escape door may be installed on the rear elevation of the building. However, the plans simply do not propose air conditioning units, compressors or an emergency door. In addition, flood lighting would require planning permission and a condition can be imposed which prohibits security lighting from being installed on the building. These are matters that would require a new planning application and a condition can be imposed for no new openings to be created on the building without the written consent of the local planning authority.
- 14.15 In terms of tree matters, the proposed extension would be sited close to three trees, (Ash, Sycamore and Yew) which are situated along the western boundary of the site. These trees provide a good level of public amenity particularly as softening and screening in a built up environment and the trees have now been protected by a Tree Preservation Order. The Tree Officer considers that the proposed extension would be within the root protection area of all three of the trees and it is therefore reasonably foreseeable that this proposal would adversely affect the health and safe retention of these trees and is therefore not considered acceptable. Accordingly it is considered that the proposed scheme threatens the retention of these important mature trees that contribute to local amenity and is therefore contrary to policy CS2 of the Core Strategy for the New Forest outside the National Park.
- 14.16 Concerning highway safety matters, the proposal would increase the floor area of the workshop by 192 square metres and result in the loss of 2 two-bedroom dwellings. Two extra staff would be employed. Three parking bays are proposed. Given the loss of the existing flats, the actual increase in traffic generation would not be significant. The Highway Authority does not raise any objections in relation to car parking spaces or impact on public highway safety, but, they have advised that the proposal may require a transport contribution. However, your Officers consider although the proposed floor space of 192 square metres, is above the threshold over which a transport contribution is sought (proposals for less than 100 square metres in floor space do not generate a need for a transport contribution) and that two dwellings are to be removed, a transport contribution would not be justifiable in this case.
- 14.17 In conclusion, it is considered that while strong reservations have been raised about the impact on the character and appearance of the area,

the loss of the dwelling and the impact on residential amenity, Officers consider there is only one objection and this relates to the close proximity of the proposed building to three trees which are protected by a Tree Preservation Order.

- 14.18 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

## **15. RECOMMENDATION**

### **Refuse**

#### **Reason(s) for Refusal:**

1. The proposed extension, by virtue of its siting and close relationship would be within the root protection area of Ash, Sycamore and Yew tree, which are all protected by a Tree Preservation Order. It is reasonably foreseeable that the proposed extension would threaten the retention of these important trees that contribute to local amenity, the loss of which would be detrimental to the character and appearance of the area contrary to policy CS2 of the Core Strategy for the New Forest District outside the National Park.

#### **Notes for inclusion on certificate:**

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.

#### **Further Information:**

Major Team  
Telephone: 023 8028 5345 (Option 1)



# New Forest DISTRICT COUNCIL

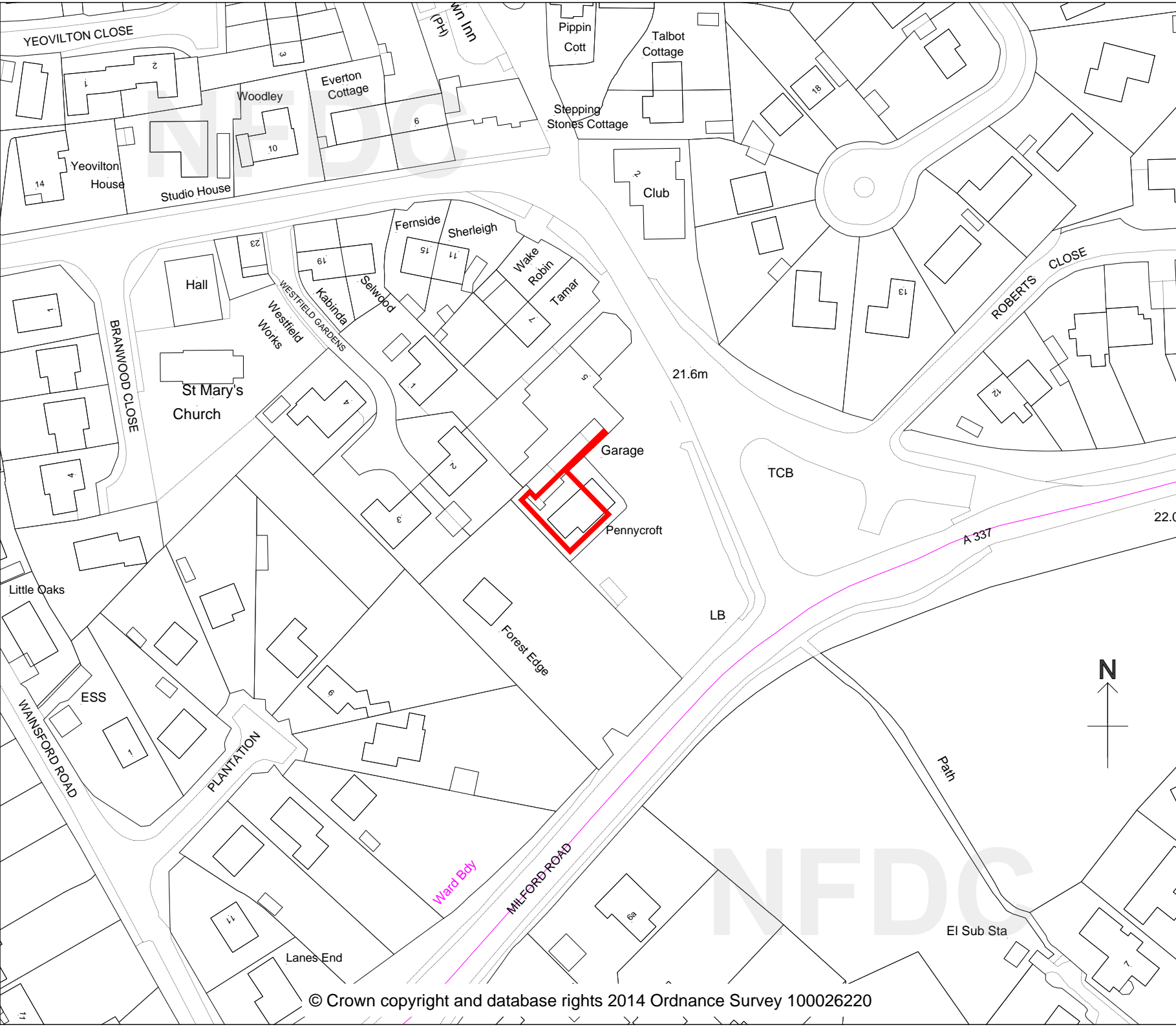
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Appletree Court  
Lyndhurst  
SO43 7PA

**Planning Development  
Control Committee  
August 2014**

**Item No: A9**  
Everton Garage Ltd  
5 Old Christchurch Road  
Everton Hordle  
App No 14/10769  
SZ2994

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



**Application Number:** 14/10770 Full Planning Permission

**Site:** THE LODGE, 4 MILFORD ROAD, PENNINGTON, LYMINGTON  
SO41 8DG

**Development:** Two houses; associated parking (demolition of existing)

**Applicant:** Landmark Estates (Wessex) Limited

**Target Date:** 18/07/2014

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## 1 REASON FOR COMMITTEE CONSIDERATION

Affordable housing contribution negotiations

## 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 - Lymington Local Distinctiveness  
SPD – Mitigation Strategy for European Sites



## **6 RELEVANT PLANNING HISTORY**

- 6.1 4 houses; detached garage; associated parking (demolition of existing) (13/10360) - withdrawn 10/7/13
- 6.2 3 houses; detached garage; associated parking (demolition of existing) (13/11335) - refused 9/1/14 - under appeal

## **7 PARISH / TOWN COUNCIL COMMENTS**

Lymington & Pennington Town Council:- Recommend permission subject to reinstating appropriate mature trees on the boundary with the main road.

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

- 9.1 Hampshire County Council Highways Engineer:- No objection subject to conditions
- 9.2 Land Drainage Engineer:- No objection subject to condition
- 9.3 Tree Officer:- No objection subject to condition
- 9.4 Ecologist:- No objection based on current bat report; it is, however, important to secure contributions to ensure Habitat Regulations Tests are met.
- 9.5 Estates and Valuation – It is not viable for the proposed development to make affordable housing contribution.

## **10 REPRESENTATIONS RECEIVED**

Lymington Society:- objects, although welcomes the reduction in the number of units. If members are minded to grant permission request a condition on tree protection and restoration of the verdant frontage.

## **11 CRIME & DISORDER IMPLICATIONS**

No relevant considerations

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission and the dwellings built, the Council will receive £1152 in each of the following six years from the dwellings' 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.

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- Working together with applicants/agents to closely manage the planning application process to allow an opportunity to negotiate and accept amendments on applications (particularly those that best support the Core Strategy Objectives) when this can be done without compromising government performance requirements.
- Advising applicants/agents as soon as possible as to concerns that cannot be dealt with during the processing of an application allowing for a timely withdrawal and re-submission or decision based on the scheme as originally submitted if this is what the applicant/agent requires.
- When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

## **14 ASSESSMENT**

14.1 The application site contains a modest 2-storey building, which is situated on the west side of Milford Road. The property is set within a generous sized garden plot, which is surrounded to the south and west by the grounds of Priestlands School. To the north side of the site is a shared access drive, which also serves the neighbouring dwelling at 2 Milford Road. This shared drive has access onto Milford Road, adjacent to the bus and coach drop off / collection area for Priestlands School. 2 and 4 Milford Road are the only residential buildings along the western side of this part of Milford Road. This part of Milford Road is characterised by a significant green edge and an absence of highly visible built-form. An almost unbroken avenue / belt of mature deciduous trees lines the western side of Milford Road between the Pennington Cross roundabout and Lymington Town Centre, which makes this a distinctively green and attractive main road. Although there are residential dwellings to the east side of the road, there is still a relatively strong green edge to this side of the road. It is of note that the green corridor along Milford Road is recognised as an important feature within the Lymington Local Distinctiveness Supplementary Planning Document (SPD).

- 14.2 Until fairly recently, there was a significant green edge along the frontage of the application site, which largely screened the existing dwelling from public view (at least during the summer months). However, within the past 2 years or so the trees that lined the frontage of the site (which were not specifically protected) have all been removed. The effect of removing the trees has been to open up the site and thus sever the strong green edge that previously existed. It should be noted that the application site is slightly raised above the level of the adjacent highway.
- 14.3 In July 2013, an application to redevelop this site with 4 dwellings was withdrawn. Subsequently, an application for 3 dwellings was refused planning permission in January 2014. The proposal was deemed to be an overdevelopment of the site and harmful to the character and appearance of the area. It was also felt that the loss of a bat roost was inadequately justified. This refused application is now the subject of an appeal.
- 14.4 The application that has now been submitted seeks to demolish the existing dwelling and replace it with 2 detached dwellings. A new access way would be provided to the front of the dwellings. Parking would be provided to the sides of the 2 dwellings.
- 14.5 The development that is proposed would result in some change to the character of the site. However, the development would feel much less intensive than the previously refused scheme for 3 dwellings. There would be a reasonable space between the 2 dwellings and the dwellings would also be set away from the sides of the plots. The eaves height of the dwellings would be relatively low, thereby helping to minimise the visual impact of the dwellings in the streetscene. The dwellings would be reasonably well proportioned (albeit that the flat topped roofs are not ideal), and subject to the use of good quality materials the proposed dwellings would be of an acceptable appearance. Perhaps the most important change compared to the previously refused scheme is the much wider and more extensive green margin to Milford Road. A 5-6 metre wide landscape strip would be provided along the site's front boundary (not including the grass bank outside of the application site). A green margin of this depth would enable the important tree belt that was recently lost to be reinstated. It would enable native woodland species to be planted and to re-establish, which would be a positive response to local distinctiveness. Overall, the proposal is now one that would have a sufficiently green and spacious character as to be appropriate and sympathetic to its context. It is noted that no garages are proposed. However, one can only judge the application as submitted.
- 14.6 Because the site is relatively self-contained, the proposal is one that would have no material impact on the amenities of other nearby residential properties.
- 14.7 The Highway Authority has raised no objection to the proposal subject to securing a contribution towards transportation improvements and conditions. The level of on-site parking would be acceptable.
- 14.8 The previous scheme for 3 dwellings was refused due to a potential concern about impact on bats. The applicants have now submitted an

updated bat survey report (dated May 2014) and from this there is no evidence that bats are currently roosting in the building, and there is furthermore no evidence that the building has been used in the recent past. In the light of this additional evidence, which has been considered by the New Forest ecologist, it is felt that the previous ecological concerns have been satisfactorily addressed.

- 14.9 The dwellings would be required to meet level 4 of the Code for Sustainable Homes, which is a matter that could reasonably be dealt with by condition.
- 14.10 The proposed development is one that would be expected to secure contributions to public open space (£5,841.50p) and transportation improvements (£7169) in line with Core Strategy policies. These contributions are considered to be fairly and reasonably related to the impact of the development. The applicant has not disputed a need to secure these contributions, although at the time of writing, a Section 106 legal agreement has not been completed to secure them. Planning permission should not be granted for this proposal in the absence of the legal agreement that is required to address these important policy requirements.
- 14.11 The proposed development is also one that would be expected to secure a contribution to affordable housing in line with Core Strategy policy. The contribution that would be expected in this case would be £97,350. The applicants have submitted a viability appraisal to support their view that the scheme would not be viable if required to make this level of contribution. The applicant's viability appraisal has been considered by the Council's Estates and Valuation team. His conclusion is that after taking into account the affordable housing contributions his estimate of the residential development value of the land for the proposed development is lower than the benchmark site value. As a result it is therefore not viable for the proposed development to make an affordable housing contribution.
- 14.12 The development that is proposed would have the potential to increase recreational impacts on designated European sites and it is important these impacts are satisfactorily mitigated in line with Local Plan Part 2 Policy DM3. In this case, a contribution of £6450 would provide reasonable mitigation for the proposed development. The applicants have not disputed the need to secure this level of contribution, although at the time of writing a Section 106 legal agreement remains to be completed.
- 14.13 Overall, this proposal is considered to have addressed the main objections to the previously refused / withdrawn schemes at this site. The development would be consistent with Core Strategy policies and objectives that seek to ensure that new development is well designed and appropriate in character to its setting. The proposal would have an acceptable impact on the character and appearance of the area and would adequately address previous ecological concerns. The application would now be compliant with the Lymington Local Distinctiveness SPD. Subject to conditions and the completion of a S106 legal agreement to secure all of the contributions that are required, the application is recommended for permission.

14.14 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

<b>Proposal:</b>			
<b>Type of Contribution</b>	<b>NFDC Policy Requirement</b>	<b>Developer Proposed Provision</b>	<b>Difference</b>
<b>Affordable Housing</b>			
No. of Affordable dwellings	0	0	0
Financial Contribution	0		
<b>Public Open Space</b>			
On site provision by area	0	0	0
Financial Contribution	£5,841.50p		<b>-£5,841.50</b>
<b>Transport Infrastructure</b>			
Financial Contribution	£7,169.00		-£7,169.00
Habitat Mitigation	£6,450.00		-£6,450.00

## 15. RECOMMENDATION

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

- i) the completion, by 1st 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 appropriate provision towards public open space, affordable housing, and transportation improvements, and to mitigate potential impacts on designated European sites.
- ii) the imposition of the conditions set out below.

BUT, in the event that the Agreement is not completed by 1st 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 fail to make any contribution to enhance or create off-site provision and management of public open space to meet the needs of the occupants of the development for public open space. The proposal would therefore be contrary to an objective of the Core Strategy for the New Forest District outside the National Park 2009 and with the terms of Policies CS7 and CS25 of the Core Strategy.
2. The 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 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: 13382-BT3, 8411/100 rev A, 8411/101 rev A, 8411/102 rev A.  
  
Reason: To ensure satisfactory provision of the development.
3. The dwellings shall achieve Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been submitted to and approved in writing by the Local Planning Authority certifying that the dwellings have achieved Code Level 4.  
  
Reason: In the interests of resource use and energy consumption in accordance with policy CS4 of the Core Strategy for the New Forest District outside the National Park.

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

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

5. 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.

6. The works hereby approved shall be undertaken in full accordance with the provisions set out within the Barrell Tree Consultancy Arboricultural Impact Appraisal and Method Statement reference 13382-AIA3-DC dated 21st May 2014 and Plan 13392-BT3 or as may otherwise be agreed in writing with the Local Planning Authority.

Reason: To ensure the retention of existing trees and natural features and avoidance of damage during the construction phase in accordance with Policy CS2 of the Core Strategy for New Forest District outside of the National Park.

7. The development hereby permitted shall not be occupied until the approved arrangements for the parking 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 CS2 of the Core Strategy for New Forest District outside of the National Park.

8. Before the commencement of development, cycle parking details shall be submitted to and approved in writing by the Local Planning Authority and these approved cycle parking details shall be provided before the development is first occupied, and shall be retained thereafter.

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

9. Before development commences, the proposed slab levels in relationship to the existing ground levels set to an agreed datum shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with those details which have been approved.

Reason: To ensure that the development takes place in an appropriate way in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park.

10. Before development commences a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :

- (a) the existing trees and shrubs which have been agreed to be retained;
- (b) a specification for new planting (species, size, spacing and location);
- (c) areas for hard surfacing and the materials to be used;
- (d) the treatment of the boundaries of the site and other means of enclosure;
- (e) a method and programme for its implementation and the means to provide for its future maintenance.

No development shall take place unless these details have been approved and then only in accordance with those details.

Reason: To ensure that the development takes place in an appropriate way and to comply with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

11. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the appearance and setting of the development is satisfactory and to comply with Policy CS2 of the New Forest District outside the National Park Core Strategy.

**Notes for inclusion on certificate:**

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

In this case, as the application was acceptable as submitted no specific further actions were required.

**Further Information:**

Major Team  
Telephone: 023 8028 5345 (Option 1)





# New Forest DISTRICT COUNCIL

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

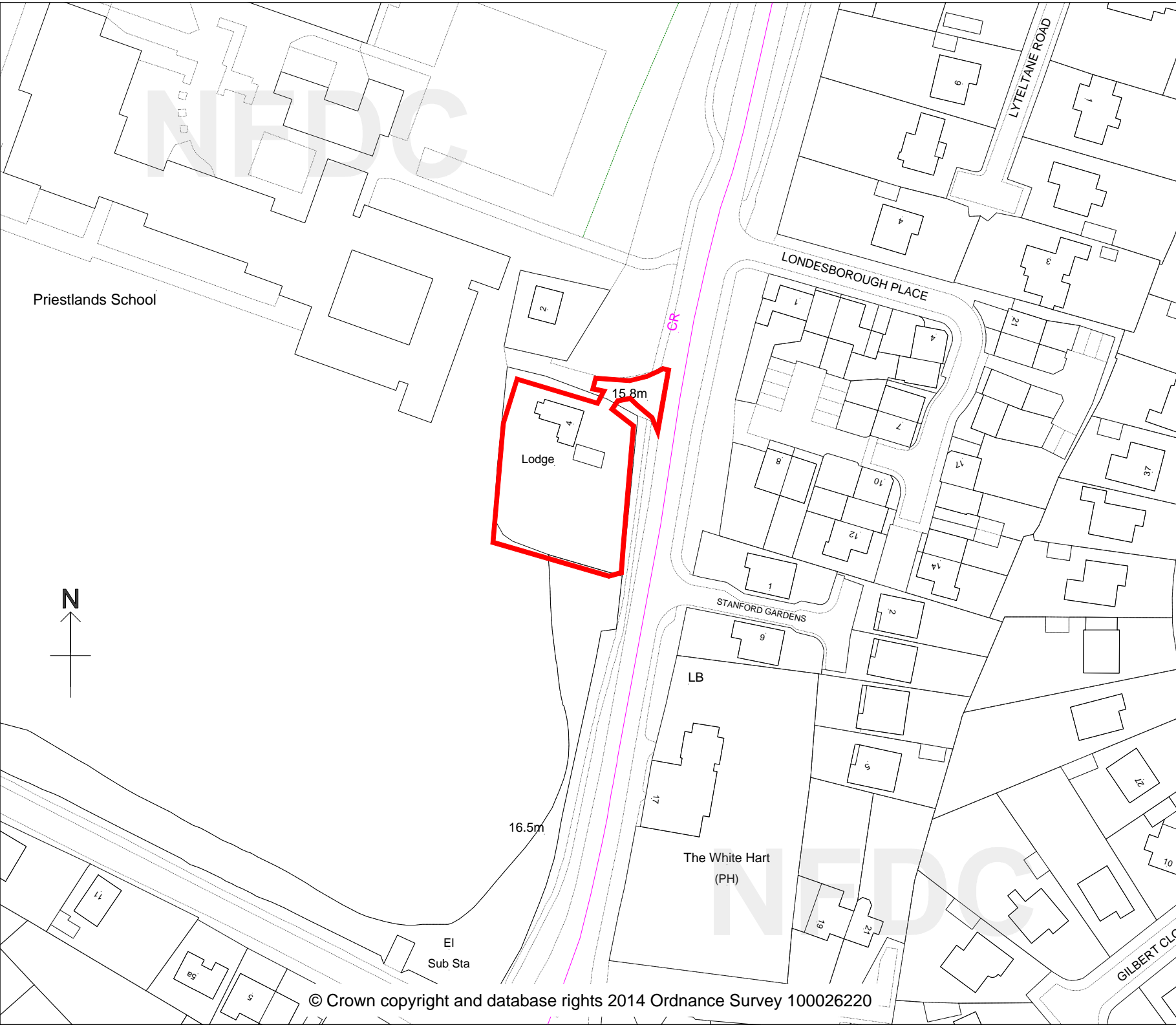
**Planning Development  
Control Committee  
August 2014**

**Item No: A10**

The Lodge  
4 Milford Road  
Pennington Lymington  
App No 14/10770  
SZ3194

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scale.



**Application Number:** 14/10787 Variation / Removal of Condition

**Site:** GOLDEN HILL COTTAGES, HARE LANE, HORDLE SO41 0GE

**Development:** Variation of condition 3 of planning permission 13/11416 to allow revised landscaping scheme

**Applicant:** Heatherdene Properties Limited

**Target Date:** 23/07/2014

**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**

- DM1: Heritage and Conservation
- DM3: Mitigation of impacts on European nature conservation sites
- DM5: Contaminated land

**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 - Mitigation Strategy for European Sites

## **6 RELEVANT PLANNING HISTORY**

- 6.1 13/11416 - 3 houses, detached garage, new access, associated parking. Granted 9.1.14
- 6.2 98418 - 3 houses, detached garage, new access, associated parking and communal store area, demolition of existing. Granted 8.10.12
- 6.3 96345 - 3 houses, detached garage, new access, associated parking and communal store area, demolition of existing. Granted 23.12.10

## **7 PARISH / TOWN COUNCIL COMMENTS**

Hordle Parish Council - recommend refusal and would not accept a delegated approval. Agree with Highway Authority comments.

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

- 9.1 Environmental Health (Contamination) - request condition
- 9.2 Hampshire County Council Highways Engineer - recommend refusal due to inappropriate surfacing
- 9.3 Drainage Engineer- recommend approval
- 9.4 Tree Officer - no objections

## **10 REPRESENTATIONS RECEIVED**

Concern has been expressed with regard to the proposed surfacing materials, lack of retaining wall, inadequate width of the path and that it would be used for parking.

## **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.

The revised landscaping plan is not considered to be a better option than the agreed scheme, given the Highway Authority objection. The works implemented on site neither match what is being requested nor the approved scheme and should be refused.

## **14 ASSESSMENT**

- 14.1 The site lies within the built up area of Hordle opposite a small copse known as Golden Hill. As can be seen from the history above, there has been a lengthy process resulting in the situation at which we have now arrived. The original approval (11416) for the dwellings now in situ on site was granted in January of this year following revisions to the elevational treatment approved under 98418. This application was, in itself, a revision to the previous scheme (96345) and allowed a reduced level of contributions to be paid by virtue of the viability assessment made at the time and length of time the site had been owned by the then owner.
- 14.2 This application entails revisions to the approved landscaping scheme following enforcement action when the location of the path was rerouted and different surfacing provided. The changes include removal of the proposed planting to the rear of the properties, slight relocation of the boundary fence between plots 1 and 2, provision of a shed to the end of the garden to plot 1, less block paving to the individual drive areas but the addition of a block paved area adjacent to the garage and the removal of the post and rail fence to the front hedge.

- 14.3 While the loss of the rear planting is unfortunate, these areas would be private gardens where future occupiers would be able to provide planting to their own taste. The hard surfacing around the dwellings appears as approved, as does the planting to the front and between the dwellings.
- 14.4 To the front of the site, the plan lacks some detail with regard to the proposed surfacing to the areas either side of the garage. If these areas are to be as per the approved plan then no objections are raised. To the west of the garage, the changes to the surfacing include deletion of some steps and it is unclear how this change in level would be managed - this area is close to the original access to the site which was a slope up from the road. The proposed change to the division between shingle and block paving within the site is not as pleasing as the approved scheme as it would appear more clinical with straight lines as opposed to the more organic curves which were approved.
- 14.5 However, the main concern with regard to the change is the proposed relocation of the footpath to be immediately adjacent to the highway and at the same level. The original scheme included a compacted hoggin surface set in from the edge of the carriageway with a grass verge and which went to the rear of the large tree to the front of the site at the higher level. While no objections to the provision of this path in close proximity to a tree have been made by the Arboriculturist, there are concerns in respect of the proposed surfacing which could result in shingle being displaced onto the highway. In addition to this, the path has been cut into the bank without any provision for a retaining structure.
- 14.6 On site, much of the work has been undertaken although the submitted scheme is not exactly as implemented. The access and associated block paving across it are much wider, extending across the front of the garage to plot 3. This opens the site more and results in less hedgerow being possible. The retention or provision of a new hedge along the road frontage was an important consideration throughout the applications for this site and the loss of further hedgerow would not be viewed favourably. There was a further discrepancy adjacent to the tree, where the plan shows a bin collection point although, on site, earth has been dumped across the former access under the canopy of the tree and hedge planting has been provided at the higher level.
- 14.7 Visually, the site, albeit unfinished, appears messy and it is clear that shingle does migrate onto the adjacent road surface as there is no edging to prevent this. Although works have not yet been completed on site, there appears to be little space at road level for the provision of a footpath along the suggested length of the development. It is considered that the proposed scheme offers a reduced quality scheme by virtue of the proximity of the footpath to the road and associated lack of edging. There are other issues which require clarification, although this would be dealt with through taking enforcement action.
- 14.8 As the application is to vary a condition on an approval relating to new dwellings, a S106 Agreement would usually be sought to secure contributions towards public open space, transportation, affordable housing and habitats mitigation. However, under the circumstances of this application, the houses are now nearing completion and the contributions agreed under a previous approval have now been paid in full. The previously required contributions did not include habitats

mitigation although given the development could be completed in accordance with the approved landscaping scheme, it is considered inappropriate to request such a contribution at this stage in the development.

- 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.

## **15. RECOMMENDATION**

### **REFUSE the VARIATION of CONDITION**

#### **Reason(s) for Refusal:**

1. The revised landscaping scheme would offer a less attractive frontage to the development through the variation of the approved surfacing materials and the proximity of the footpath to the edge of the highway and the associated cut away bank. The proposal is therefore considered to be detrimental to the character and appearance of the lane and would represent a danger to users of the highway. The proposal is therefore contrary to policies CS2 and 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 revised landscaping plan is not considered to be a better option than the agreed scheme given the Highway Authority objection. The works implemented on site neither matched what was being requested, nor the approved scheme, and were refused.

#### **Further Information:**

Major Team  
Telephone: 023 8028 5345 (Option 1)



**New Forest**  
DISTRICT COUNCIL

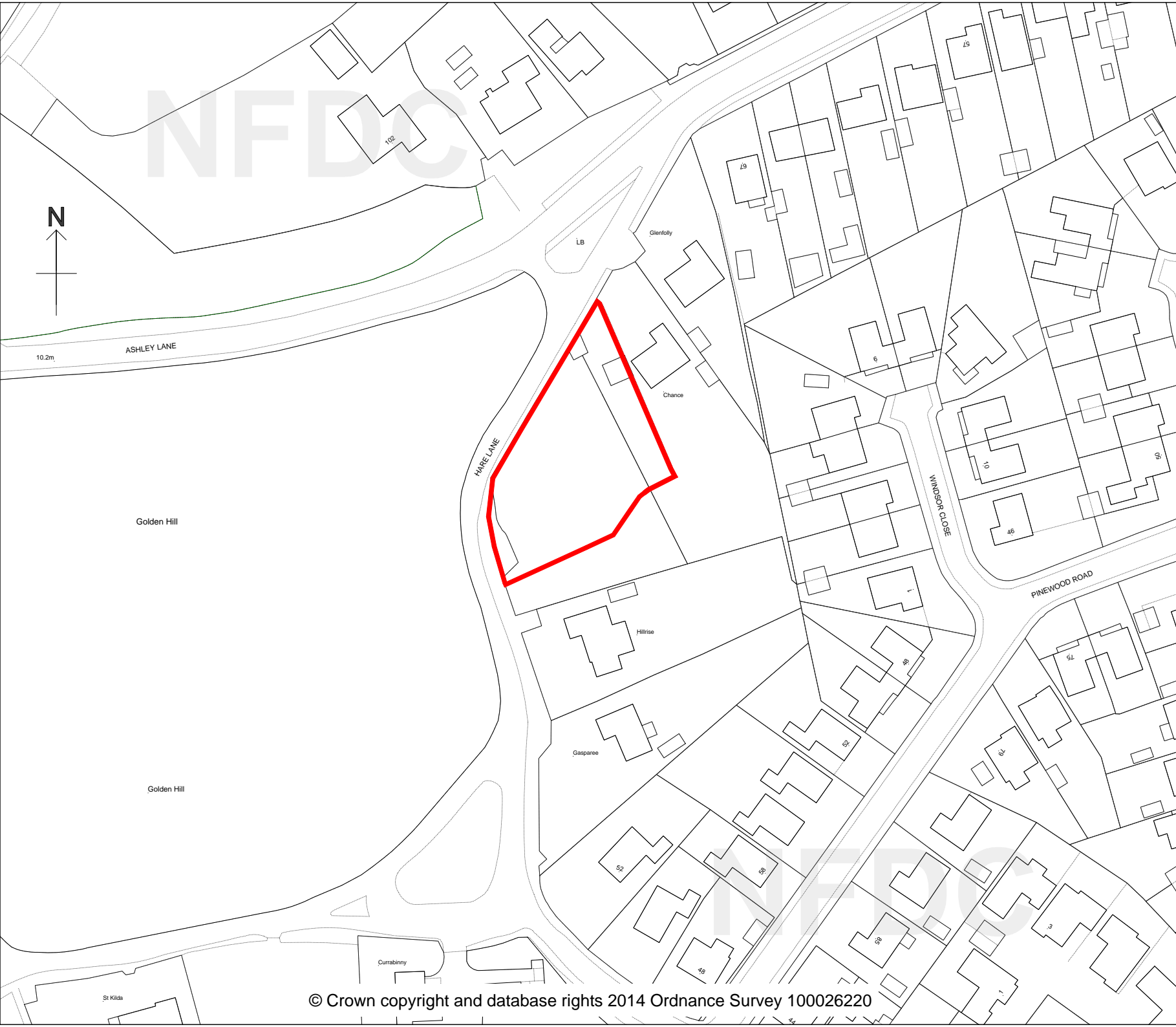
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Chris Elliott  
Head of Development Control  
New Forest District Council  
Appletree Court  
Lyndhurst  
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**Planning Development  
Control Committee**  
**August 2014**

**Item No: A11**  
Golden Hill Cottages  
Hare Lane  
Hordle  
App No 14/10787  
SZ2695

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the internet, it will not be to  
scale.



**Application Number:** 14/10800 Full Planning Permission

**Site:** 57 NORTHFIELD ROAD, RINGWOOD BH24 1LT

**Development:** Juliet balcony and roof lights in association with new first floor; single-storey and two-storey rear extension; fenestration alterations

**Applicant:** Mr Wolfeld

**Target Date:** 07/08/2014

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**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**

Ringwood Local Distinctiveness Supplementary Planning Document



## **6 RELEVANT PLANNING HISTORY**

- 6.1 13/11486 Roof alterations in association with new first floor, single-storey rear extension Granted Subject to condition 22/01/2014
- 6.2 13/11261 Rear extension, roof alterations and rooflights in association with new first floor Refused 21/11/2013

## **7 PARISH / TOWN COUNCIL COMMENTS**

Ringwood Town Council recommend refusal - the flat roof and Juliet balcony appear as incongruous additions to the dwelling. There is also concern about future use of the flat roof, which would be accessible from the balcony, causing overlooking to neighbouring properties.

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

Land Drainage - No comment

Ringwood Society – Object as the proposal constitutes a significant change to the building and incorporates a Juliet balcony and flat roof extension that are poorly designed and out of character.

## **10 REPRESENTATIONS RECEIVED**

Two letters of objection from the neighbours at number 55 and number 59 Northfield Road. The objections are that the Juliet balcony would be incongruous and the flat roofed area could be used as a full balcony. Number 55 has added that the proposed rooflights would cause an invasion of privacy.

## **11 CRIME & DISORDER IMPLICATIONS**

No relevant implications

## **12 LOCAL FINANCE CONSIDERATIONS**

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

## **13 WORKING WITH THE APPLICANT/AGENT**

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 31 of Town and Country Planning (Development Management Procedure) (England) Order 2010, New Forest District Council take a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome.

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- Working together with applicants/agents to ensure planning applications

- are registered as expeditiously as possible.
- Advising agents/applicants early on in the processing of an application (through the release of a Parish Briefing Note) as to the key issues relevant to the application.
  - Updating applicants/agents of issues that arise in the processing of their applications through the availability of comments received on the web or by direct contact when relevant.
  - Working together with applicants/agents to closely manage the planning application process to allow an opportunity to negotiate and accept amendments on applications (particularly those that best support the Core Strategy Objectives) when this can be done without compromising government performance requirements.
  - Advising applicants/agents as soon as possible as to concerns that cannot be dealt with during the processing of an application allowing for a timely withdrawal and re-submission or decision based on the scheme as originally submitted if this is what the applicant/agent requires.
  - When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

## **14 ASSESSMENT**

- 14.1 The property is a detached bungalow with a hipped roof in an area of mixed styles with both bungalows and two storey properties. A detached garage is located to the rear. The front garden is enclosed with low fencing while high hedges and fences form the boundaries to the rear.
- 14.2 The main issues to take into consideration are the impact on the neighbouring properties and on the street scene. This application follows a previous one which was approved in January 2014 (14/11486). The differences from the previous scheme are an alteration to the roof design, with an increase in the length of the ridge at full height, and the inclusion of a single storey rear extension and juliet balcony. The ridge height would be unaltered from that previously approved.
- 14.3 The neighbour at number 55 is a bungalow built close to the shared boundary, which consists of a low fence rising to a high fence towards the rear. There are windows on the side elevation alongside the boundary. The proposed roof alterations would retain a low eaves height and as there is a gap between the properties (4.5 to 5.0 metres) the overall impact would be acceptable. This neighbour has objected to the application in that the proposed rooflights would cause a loss of privacy. One of the proposed rooflights facing this neighbour would serve a staircase and therefore would not cause an unacceptable loss of privacy, the plans indicate that this window would be obscure glazed. The proposed rooflight to the bedroom would be set further back and could be conditioned to be obscure glazed and fixed shut to ensure there is no loss of privacy on this neighbour.

- 14.4 The neighbour at number 59 is a two storey property and has windows along the elevation closest to the host property. A low fence forms the shared boundary. A detached garage is located to the rear, close to the shared boundary. Given the gap between the properties (6.5 metres) there would not be any adverse impact in terms of loss of light or visual intrusion. The proposed rooflight would serve a bathroom and is sited towards the front of the property and could be conditioned for it to be obscure glazed and fixed shut to overcome any overlooking to the neighbour's first floor windows. The proposed single storey element to the rear would be sited alongside this neighbour's garage and with the low height would not adversely impact on their amenity.
- 14.5 The neighbour at numbers 55 and 59 along with the Town Council have objected to the inclusion of a juliet balcony stating that it would appear as an incongruous addition which could also give access to the flat roof as a larger balcony. The juliet balcony is to the rear of the property this is similar to a window and only gives direct views down the rear garden. Given its position it would not detract from the resulting property or have a detrimental impact on the local area. The use of the flat roof as a large balcony would require express planning consent and therefore should not be considered as an issue under this application.
- 14.6 The local distinctiveness Supplementary Planning Guidance does identify the variety of dwellings in this road and that this can only work where properties are well designed and retain elements of similar properties in the area. Many of the bungalows have been altered to form rooms in the roof and have retained their low eaves height. The proposed alterations include a low eaves height and also elements of design from the neighbouring property. Materials are to be brick, with a slate roof, which would be in keeping within this location. Therefore the proposed alterations would not have a detrimental impact on the street scene and the application is recommended for approval.
- 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: 8112/1

Reason: To ensure satisfactory provision of the development.

3. The first floor rooflights on the east and west elevations of the approved building 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.

4. 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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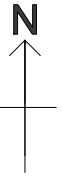
**Planning Development  
Control Committee**  
**August 2014**

**Item No: A12**  
57 Northfield Road  
Ringwood

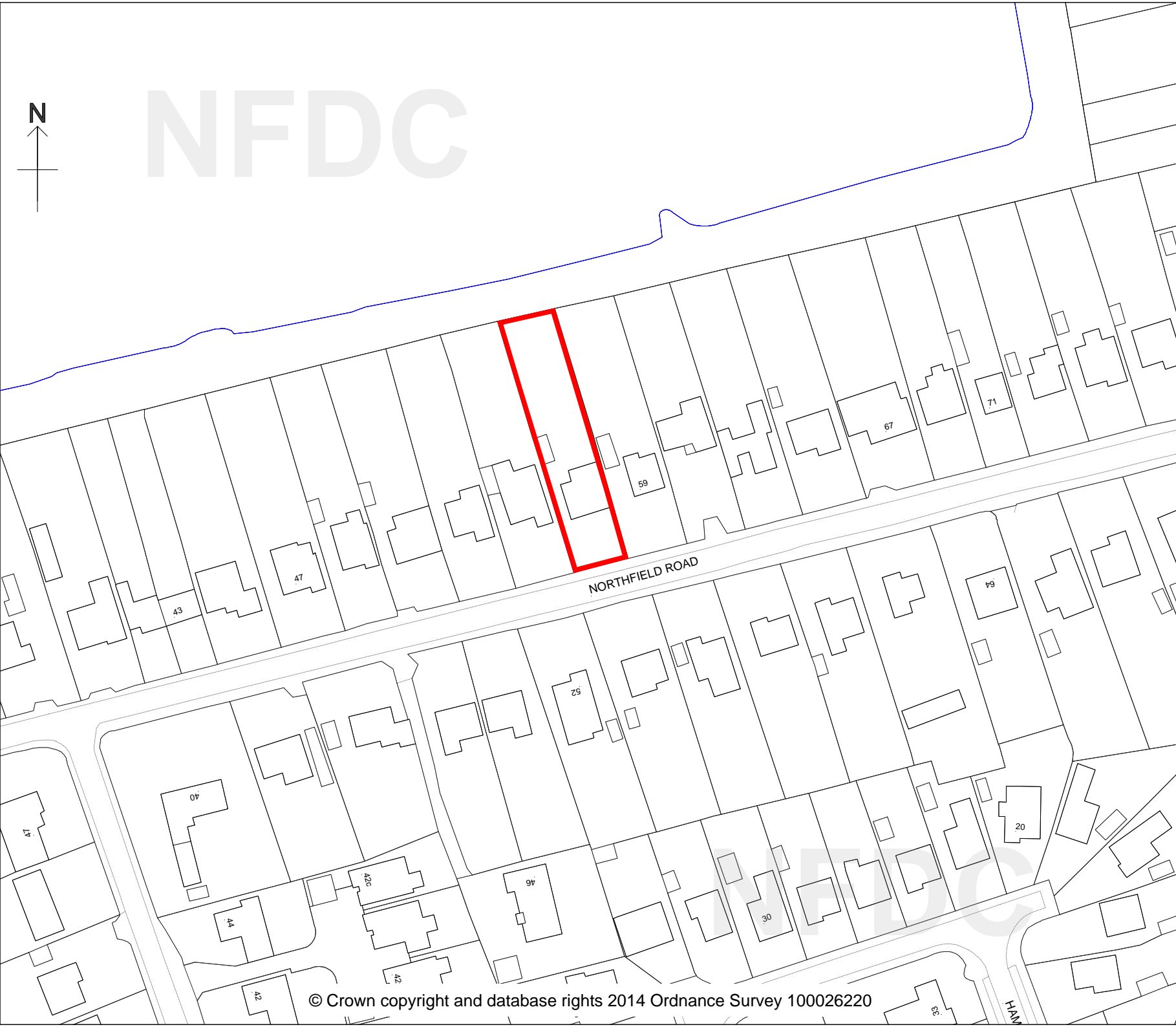
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the internet, it will not be to  
scale.



NFDC



**Application Number:** 14/10806 Full Planning Permission

**Site:** BROCKHILLS CATTERY, SWAY ROAD, NEW MILTON BH25  
5QU

**Development:** Single-storey veterinary building

**Applicant:** Mr & Mrs Redman

**Target Date:** 28/07/2014

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## 1 REASON FOR COMMITTEE CONSIDERATION

Discretion of Head of Planning and Transport

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside, Green Belt

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

#### Objectives

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

#### Policies

CS2: Design quality

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

CS10: The spatial strategy

CS17: Employment and economic development

CS24: Transport considerations

### Local Plan Part 2 Sites and Development Management Development Plan Document

DM22: Employment development in the countryside

## 4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

## 5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

None

## **6 RELEVANT PLANNING HISTORY**

- 6.1 18 cat houses and 6 dog houses with alterations to pedestrian / vehicular access (existing accommodation to be demolished) - granted 1/11/79
- 6.2 Erection of additional cattery shed (28936) - granted 14/5/85
- 6.3 Bungalow; detached garage / store; boundary fence & entrance gates; pedestrian access; landscaping; demolition of existing (14/10477) - granted 2/6/14

## **7 PARISH / TOWN COUNCIL COMMENTS**

New Milton Town Council:- recommend permission - appropriate redevelopment of a derelict commercial site

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

- 9.1 Hampshire County Council Highways Engineer:- No objection subject to conditions
- 9.2 Land Drainage Engineer:- No objection subject to condition
- 9.3 New Forest National Park Authority:- No comment
- 9.4 Ecologist:- No objection subject to a condition

## **10 REPRESENTATIONS RECEIVED**

1 letter of objection from neighbouring dwelling:- velux windows would overlook their property to detriment of their privacy.

## **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 situated within a Green Belt location on the corner of Brockhills Lane with Sway Road. There is an existing single-storey bungalow on the southern boundary of the site, as well as a range of other structures and outbuildings, many of which have been used in connection with a cattery business. The site is not currently occupied, and the site has a somewhat neglected character. Many of the outbuildings are in a poor state of physical repair. There is a detached 2-storey dwelling (Rose Cottage) to the south side of the site and an open field to the east.
- 14.2 Recently, planning permission has been granted for a replacement dwelling and a new outbuilding at this site. This application is for a new veterinary surgery, which would be situated to the north-west side of the approved dwelling and to the north of a parking area that has already been approved in connection with the recent residential planning permission. The proposed surgery would necessitate removal of an outbuilding and some cages associated with the former cattery business. The building would be single-storey and would have an internal floorspace of about 80 square metres. The surgery would include a single consulting room, a waiting room, an operating area, an office, and various ancillary facilities. The former cattery business would be significantly scaled down, although it is still intended to retain 4 cattery buildings, which would operate in conjunction with the veterinary practice.
- 14.3 Because the site is within the Green Belt it is first necessary to consider whether the proposed development is appropriate development in the Green Belt. The National Planning Policy Framework (NPPF) advises that, apart from some specific exceptions, the construction of new buildings is inappropriate development in the Green Belt. One exception



is the partial or complete redevelopment of previously developed sites (brownfield land, but excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt. With its existing cattery buildings, the proposal could be argued to constitute the partial redevelopment of a brownfield site, and indeed in conjunction with the residential redevelopment that has already been approved, the proposal could be argued to be a complete redevelopment of previously developed land. The veterinary surgery building that is proposed would be of more permanent construction than the cattery buildings that would be demolished, but with its modest single-storey height and footprint, it would not have a significantly greater impact on the openness of the green belt than the existing structures. Indeed, it is of note that the floorspace of all built structures on-site would reduce if the site were to be redeveloped in the proposed manner.

- 14.4 Although it could reasonably be argued that the proposed veterinary surgery is appropriate development in the Green Belt, the applicants have also submitted a case that there are very special circumstances for permitting this proposal. They advise that the proposal is consistent with the Council's employment policies, which seek to keep existing employment sites and which encourage small-scale businesses on suitable sites. The new veterinary practice would have a catchment area that would include New Milton, Hordle, Sway and Burley. At present, there is only a single veterinary practice in New Milton, which targets the top end of the veterinary market. There are also veterinary practices in Pennington, Lymington, Lyndhurst and Highcliffe as well as small / limited practices in Milford and Bransgore. With a catchment area that is estimated to contain some 5000 dogs and 4000 cats, the applicant has concluded that there is a need for additional veterinary care within the area. The applicant considers that combining a veterinary practice with a boarding cattery would be beneficial in providing a level of care that would not be possible in a normal cattery, and there would also be benefits in terms of efficiency. The applicant has emphasised that the site is already a commercial enterprise and what is proposed would provide primary level care at affordable prices to the benefit of the local community. Having regard to all of the applicant's arguments for permitting this proposal, it is felt that the proposal would be of clear benefit to the local community and it is recognised that there are similarities between the proposed use and the former use, in that both are animal care businesses. The proposed new building and associated works would not compromise the openness of the Green Belt. Therefore, even if it had been concluded that the proposal was inappropriate development in the Green Belt, it is felt that there would be very special circumstances for permitting this proposal.
- 14.5 The veterinary surgery would be of an acceptable design and appearance and, subject to the use of good quality materials, it would be appropriate to its rural context.
- 14.6 The proposal would include 4 on-site car parking spaces for the proposed veterinary building / retained cattery function. This would be in line with the Council's recommended guidelines. The Highway Authority also consider that the access arrangements would be acceptable. The Highway Authority consider that the proposed veterinary surgery would have a neutral impact in terms of overall traffic movements and, therefore, they have advised that a transportation contribution is

unnecessary in this instance.

- 14.7 Concerns have been raised about rooflights overlooking a neighbouring dwelling. However, the building is a single-storey building and the rooflights would provide additional natural light to ground floor rooms. The proposal would not result in material overlooking of neighbouring dwellings and, overall, it is considered that the proposed development would not have a significant impact on the amenities of neighbouring dwellings.
- 14.8 Overall, the proposed development would be consistent with Core Strategy policies and objectives. The development would provide improved veterinary facilities for the local community and would foster the well-being of the local economy. It is considered the proposed use would be an appropriate use of the site, given the site's former use as a cattery business, which would still continue in a scaled down capacity. The development would not harm the openness of the Green Belt or have any material adverse impact on amenities of the wider area. It is felt the development could be construed as appropriate development in the Green Belt, but in any event, there would be very special circumstances to permit this proposal. As such, the application is recommended for permission.
- 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: 1194.02 (Site Plan / Block Plan), 1194.03, 1194.04, 1194/02 (Proposed Site Plan), 185.100.A.

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

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

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

5. The development hereby permitted shall not be occupied until the approved arrangements for the parking 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 New Forest District outside of the National Park.

6. Before the commencement of development, cycle parking details shall be submitted to and approved in writing by the Local Planning Authority and these approved cycle parking details shall be provided before the development is first occupied, and shall be retained thereafter.

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

7. Before development commences a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :

- (a) the existing trees and shrubs which have been agreed to be retained;
- (b) a specification for new planting (species, size, spacing and location);
- (c) areas for hard surfacing and the materials to be used;
- (d) the treatment of the boundaries of the site and other means of enclosure;
- (e) a method and programme for its implementation and the means to provide for its future maintenance.

No development shall take place unless these details have been approved and then only in accordance with those details.

Reason: To ensure that the development takes place in an appropriate way and to prevent inappropriate car parking to comply with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the appearance and setting of the development is satisfactory and to comply with Policy CS2 of the New Forest District outside the National Park Core Strategy.

9. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2005 and the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent re-enactments thereof, the development hereby approved shall only be used as a veterinary surgery (including in conjunction with the retained cattery business) and for no other use purposes, whatsoever, including any other purpose in Class D1 of the Town and Country Planning (Use Classes) Order 2005 or any subsequent re-enactment thereof, without express planning permission first being obtained.

Reason: The application has been assessed on this basis and alternative uses may not be similarly justified in this green belt location having regard to the advice of the National Planning Policy Framework.

10. Development shall be carried out fully in accordance with the ecological mitigation measures set out within the report by New Forest Ecological Consultants dated 14<sup>th</sup> March 2014.

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

**Notes for inclusion on certificate:**

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive

outcome by giving clear advice to applicants.

In this case, as the application was acceptable as submitted no specific further actions were required.

**Further Information:**

Major Team

Telephone: 023 8028 5345 (Option 1)



# New Forest DISTRICT COUNCIL

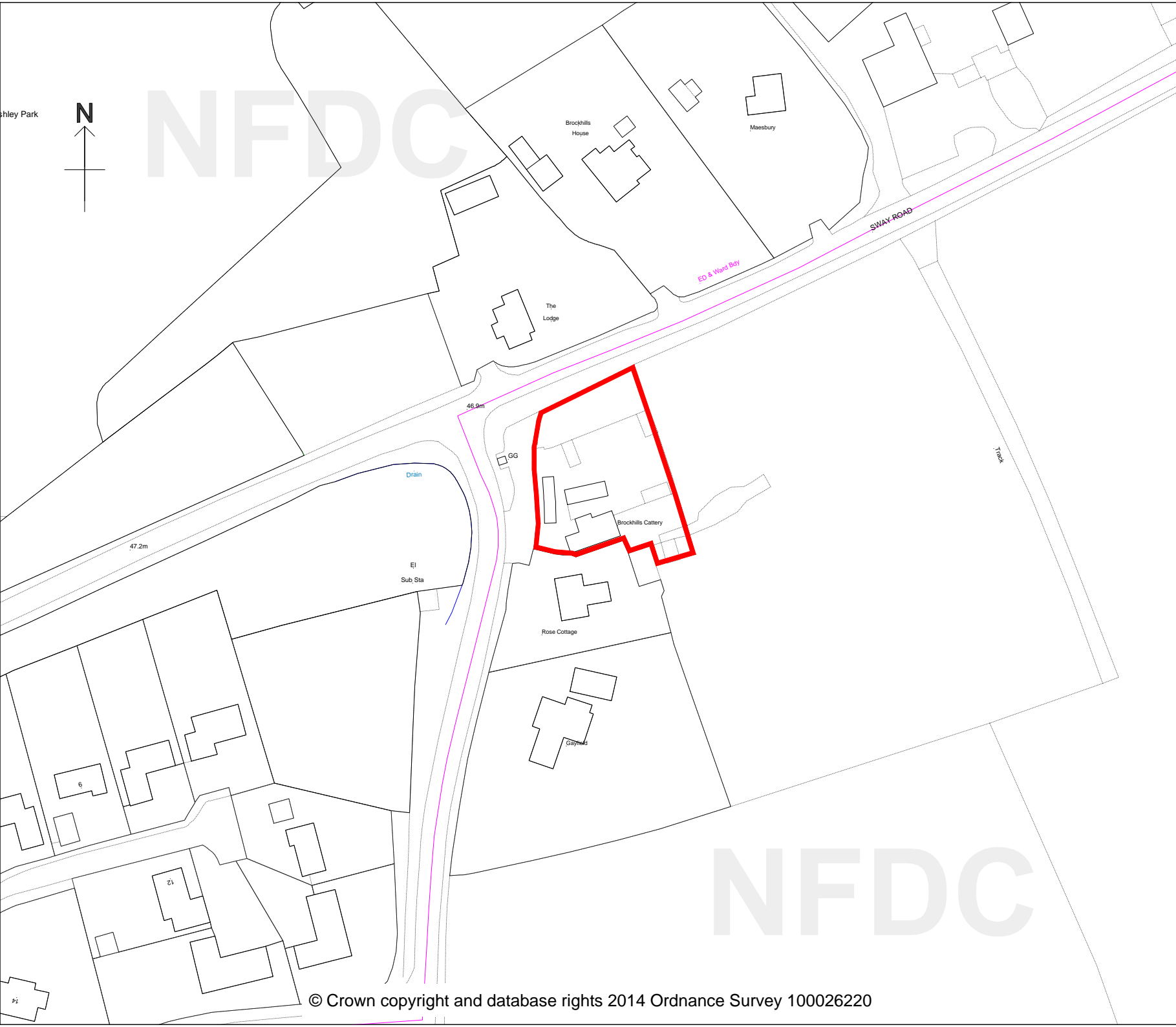
Tel: 023 8028 5000  
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Chris Elliott  
Head of Development Control  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

**Planning Development  
Control Committee  
August 2014**

**Item No: A13**  
Brockhills Cattery  
Sway Road  
New Milton  
App No 14/10806  
SZ2596

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the internet, it will not be to  
scale.



**Application Number:** 14/10814 Full Planning Permission

**Site:** 127-128 HIGH STREET, LYMINGTON SO41 9AQ

**Development:** Louvered door enclosure to rear elevation; new wall vents; 2 air conditioning units, ventilation ducting and internal extraction ductwork for food preparation area

**Applicant:** Kempsey Goodison Limited

**Target Date:** 29/07/2014

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## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up area  
Primary Shopping Area  
Town Centre Boundary  
Lymington Conservation Area

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

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

### Local Plan Part 2 Sites and Development Management Development Plan Document

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 - Lymington - A Conservation Area Appraisal  
SPD - Lymington Local Distinctiveness

## 6 RELEVANT PLANNING HISTORY

6.1 14/10813 - Listed building consent application for louvered door to rear elevation; new wall vents; shop fitting to include stud walls; disabled access facilities; new ceiling lights & lights; internal air conditioning units; display 1 non illuminated projecting sign; non illuminated internally

mounted signs – Item A15 on this Agenda.

- 6.2 ENQ/14/20595 - Pre-application advice sought from the Council on how to resolve the reasons for refusal of application in February 2014, which has resulted in submission of the current schemes.
- 6.3 13/11548 - 2 air conditioning units & enclosures to rear elevation; new wall vents; shop fitting to include stud walls; disabled access facilities; new ceiling lights & lights; internal air conditioning units; display 1 non-illuminated projecting sign; unilluminated internally mounted signs (Application for Listed Building Consent) - Refused February 2014
- 6.4 13/11547 - Air conditioning units & enclosure - Refused February 2014
- 6.5 13/11546 - Display 1 non-illuminated projecting sign; non illuminated internally mounted signs (Application for Advertisement Consent) - Current application

## **7 PARISH / TOWN COUNCIL COMMENTS**

Lymington & Pennington Town Council - Recommended refusal, as despite efforts to migrate noise, concerns are raised over loss of amenities to nearby flats as a result of the installation of air conditioning vents into the shared courtyard.

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

- 9.1 Environmental Design (Conservation)- It is proposed to relocate the air conditioning units internally, within the modern single-storey side extension at the rear of the building. The current rear door in this part of the building, which is of no historic significance, would be replaced with a fixed/opening louvered metal door to serve the a/c units. The principle of this proposal would be acceptable; it would be a discreet alternative to the previous external scheme, and would not harm the significance of the listed building. The louvered door should be finished in either a cream colour to match the render of this part of the rear elevation or black.

The proposal reduces the number of new vents in the external walls, now proposing one relatively small vent in the side wall within the passage way and the replacement of the existing rear vent. The proposed use of terracotta vent covers for the vent openings with the specified finishes is considered acceptable.

The ground floor of the building has been substantially altered, most likely a result of the various commercial uses the building has had during the latter half of the C20 to the present day. The principle of inserting additional stud walls, a WC and other internal fixtures and fittings, and the replacement of the modern plaster work on the walls and ceilings would be acceptable and not harm the significance of the listed building. However any historic fabric (i.e. lath and lime plaster, fire places) that is discovered beneath the modern additions should be left in situ, the Conservation Team notified and its existence recorded and documented.



9.2 Environmental Health (Pollution) - Information has been submitted with regard to noise impact from the air conditioning units as part of this application, which demonstrates that noise will be significantly below that of the background level, so no objection is raised. This is on the basis of a condition being applied to any approval to ensure the louvre door is kept closed during operation. The installation of plant and equipment, and in particular the ducting shown on the plans on the ceiling of the building, could potentially result in nuisance to first floor occupiers, therefore a condition should be applied to ensure first floor occupants are not subject to noise transmission and vibration.

9.3 Land Drainage - no objections

9.4 Southern Gas - give informatives

## **10 REPRESENTATIONS RECEIVED**

Three letters have been received objecting to the proposal and two additional letters have been received objecting to the listed building consent application under ref. 14/10813, the content of which are more appropriately related to this application. The grounds of objection are as follow:

- The signs look too large and too numerous;
- Noise generated by condensers, extractors, deliveries, and patrons of premises;
- The colours look brash and not in keeping with the tone of the High Street;
- Food, waste and other odours from the use proposed;
- Potential for litter problem posed by another fast food outlet.
- The principle of a sandwich shop is objected to

## **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 grade II listed building situated in the core of the Lymington Conservation Area. The building features a late C18/early C19 facade and an early C20 shopfront, which are both additions to an older timber framed building behind. The rear wing of the building which is constructed from red and burnt header brickwork under a clay tile roof, is sited within a small courtyard which is surrounded by several other listed buildings, and is visible in views from Cannon Court. Internally the ground floor shop unit does not contain any original or significant architectural features that are visible; a result of having undergone various unsympathetic commercial shop fittings over the years. The property is currently vacant, though was last used for A1 retail purposes.
- 14.2 The property has access to a small shared courtyard to the rear, and it is noted that there are residential flats to the first floor level of the building and surrounding area. The application follows several refused applications and subsequent pre-application advice, and proposes two internally installed air conditioning units, extraction equipment, with an associated metal louvered rear door, a side wall vent and the replacement of an existing wall vent. The proposal would facilitate use of the premises as a Subway sandwich bar, an A1 use which does not require a change of use application, as the use involves the retail of predominantly cold food with only limited heating required.
- 14.3 The main considerations of this application will be the impact on the character and appearance of the area, and on the residential amenity of the occupiers of neighbouring properties. Air conditioning units and other extraction equipment would vent to the rear courtyard within close proximity of residential properties and other businesses in Cannon Court. A separate listed building application has been submitted to make internal and external alterations to the building (see Item A15 on this Agenda).

- 14.4 The detailed comments of the Conservation Team are summarised above and no objections are raised over the impact of the proposal on the listed building or upon the character and appearance of the conservation area. The proposal complies with the design and heritage provisions of Policies CS2, CS3 and DM1.
- 14.5 The Environmental Health Section have been consulted on the proposed installation of plant and equipment and the potential impacts that may have upon adjoining residential amenity. They have raised no objection to the proposals. The comments of the Town Council and notified parties are primarily concerned with noise generation from the proposed vents and air conditioning units.
- 14.6 Notified parties also suggest that use of the premises by Subway would lead to additional noise generated by deliveries and patrons of the premises, problems associated with food waste, odours from the use proposed and the potential for increased littering. Unfortunately, these issues cannot be considered under this planning application, as the proposed use as a sandwich shop falls under Class A1 (retail), a use class which the premises already benefits from falling within. The only matters for consideration by this application are, therefore, the visual impact of the vents and louvered door and the amenity impact of the air conditioning and extraction equipment. The signage cannot be assessed under this application, as it does not require planning consent, though is considered by the associated application for listed building consent. (Item A15 on this agenda).
- 14.7 In light of the above, the proposed development would not harm either the visual amenity or residential amenity of the locality and complies with the provisions of Policies CS2, CS3 and DM1. Accordingly it is recommended for approval.
- 14.8 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

## **15. RECOMMENDATION**

### **Grant Subject to Conditions**

#### **Proposed Conditions:**

1. 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: B2311.04 Rev C, B2311.05 Rev C, B2311.07 Rev C and B2311.11 Rev B

Reason: To ensure satisfactory provision of the development.

3. The louvre door to the rear of the premises shall be kept closed at all times when the air conditioning units are operating except for maintenance and essential access.

Reason: To safeguard the amenity of adjoining residents, in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

4. Prior to the commencement of the development, a scheme shall be submitted to the Local Planning Authority to show how direct and flanking transmission of noise and vibration through the structure of the building will be prevented from affecting the residential properties above from the air conditioning units. The scheme shall be agreed in writing by the Local Planning Authority and shall be retained and maintained in accordance with the scheme.

Reason: To safeguard the amenity of first floor occupiers, 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.

. Any historic fabric that is revealed during the shop fitting (i.e. lath and lime plaster, fire places) should be left in situ and the Council's Conservation Team notified. The existence of that fabric should be recorded and documented.

. The Environmental Health Section note that drawing number B2311.07 Rev.A shows ductwork attached to the ceiling of the building. It is suggested that the applicant takes advice from a suitably qualified person in order to prevent direct and flanking transmission of noise and vibration through the structure of the building affecting the residential properties above. This is likely to include the use of suitable resilient mounts for all connections of ductwork (and other mechanical equipment such as air conditioning units) to the structure of the building.

#### **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

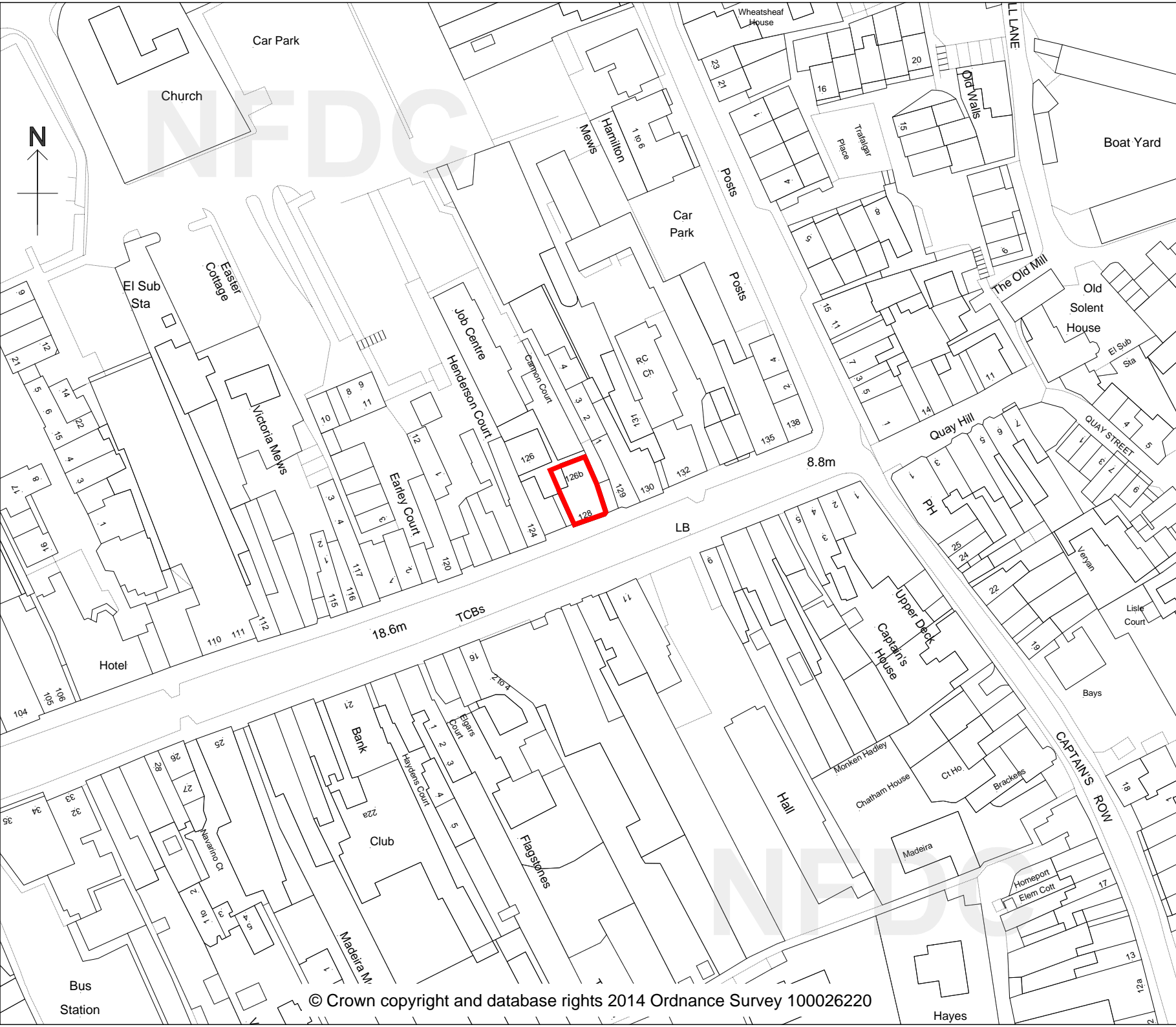
## Planning Development Control Committee August 2014

**Item No: A14 & A15**

127-128  
High Street  
Lymington  
App No 14/10813-14  
SZ3295

Scale 1:1250

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



**Application Number:** 14/10813 Listed Building Consent

**Site:** 127-128 HIGH STREET, LYMINGTON SO41 9AQ

**Development:** Louvered door to rear elevation; new wall vents; shop fitting to include stud walls; disabled access facilities; new ceiling lights & lights; internal air conditioning units; display 1 non illuminated projecting sign; non illuminated internally mounted signs  
(Application for Listed Building Consent)

**Applicant:** Kempsey Goodison Limited

**Target Date:** 29/07/2014

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## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up area  
Primary Shopping Area  
Town Centre Boundary  
Lymington Conservation Area

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

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

### Local Plan Part 2 Sites and Development Management Development Plan Document

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 - Lymington - A Conservation Area Appraisal  
SPD - Lymington Local Distinctiveness  
SPG - Shopfront Design Guide

## **6 RELEVANT PLANNING HISTORY**

- 6.1 14/10814 - Planning application for louvered door enclosure, new wall vents and internal plant and equipment – Item A14 on this agenda.
- 6.2 ENQ/14/20595 - Pre-application advice sought from the Council on how to resolve the reasons for refusal of application in February 2014, which has resulted in submission of the current schemes.
- 6.3 13/11548 - 2 air conditioning units & enclosures to rear elevation; new wall vents; shop fitting to include stud walls; disabled access facilities; new ceiling lights & lights; internal air conditioning units; display 1 non-illuminated projecting sign; unilluminated internally mounted signs (Application for Listed Building Consent) - Refused February 2014
- 6.4 13/11547 - Air conditioning units & enclosure - Refused February 2014
- 6.5 13/11546 - Display 1 non-illuminated projecting sign; non illuminated internally mounted signs (Application for Advertisement Consent) - Current application

## **7 PARISH / TOWN COUNCIL COMMENTS**

Lymington & Pennington Town Council - Recommended refusal, as despite efforts to migrate noise, concerns are raised over loss of amenities to nearby flats as a result of the installation of air conditioning vents into the shared courtyard.

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

- 9.1 Environmental Design (Conservation) - It is proposed to relocate the air conditioning units internally, within the modern single-storey side extension at the rear of the building. The current rear door in this part of the building is of no historic significance and would be replaced with a louvered metal door to serve the a/c units. This would be acceptable, being a discreet alternative to the previous external scheme, and would not harm the significance of the listed building. The louvered door should be finished in either a cream colour to match the render of this part of the rear elevation or black.

The proposal reduces the number of new vents in the external walls, now proposing one relatively small vent in the side wall within the passage way and the replacement of the existing rear vent. The use of terracotta vent covers for the vent openings with the specified finishes is considered acceptable.

Internally the ground floor of the building has been substantially altered, most likely a result of the various commercial uses the building has had during the latter half of the C20. The principle of inserting additional stud walls, a WC and other internal fixtures and fittings, and the replacement of the modern plaster work on the walls and ceilings would be acceptable and not harm the significance of the listed building. However any historic

fabric (i.e. lath and lime plaster, fire places) discovered beneath the modern additions should be left in situ, the Conservation Team notified. An informative should be applied, requiring the Conservation Team to be notified of any historic fabric that is revealed during the shop fitting, and the existence of that fabric to be recorded and documented.

No objection is raised to the proposed signage: The size of the hanging sign is considered proportionate to the building and would not be an overly dominant addition within the High Street and conservation area. A slender timber sign on a wrought iron black bracket would not be an inappropriate addition on this listed building within the conservation area, and would be compliant with the adopted guidance in the Shopfront Design Guide (SPG). It is proposed to mount three signs internally within the shopfront on the element of wall that extends below the fascia (bulkhead pelmet). The signs would be constructed from powder coated aluminium depicting the Subway logo. By siting the signs internally, set back from the shopfront fascia and windows thus keeping the fascia clear of signs, the impact on the façade of the listed building and the character and appearance of the street scene would be minimised. The signs are considered to be a reasonable size proportionate to the building and its shopfront, and of suitable materials that would not detract from the character and appearance of the building or the street scene, subject to a condition requiring the signage to have either a matt or satin finish.

9.2 Land Drainage Engineer - no objections

## **10 REPRESENTATIONS RECEIVED**

Five letters have been received objecting to the proposal on the following grounds:

- The signs look too large and too numerous;
- Noise generated by condensers, extractors, deliveries, and patrons of premises;
- The colours look brash and not in keeping with the tone of the High Street;
- Food, waste and other odours from the use proposed;
- Potential for litter problem posed by another fast food outlet.
- The principle of a fast food outlet is objected to

## **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 grade II listed building situated in the core of the Lymington Conservation Area. The building features a late C18/early C19 facade and an early C20 shopfront, which are both additions to an older timber framed building behind. The shopfront comprises large areas of glazing with traditionally detailed framing and fascia, occupying a relatively large frontage towards the bottom of the High Street. The rear wing of the building which is constructed from red and burnt header brickwork under a clay tile roof, is sited within a small courtyard which is surrounded by several other listed buildings, and is visible in views from Cannon Court. Internally the ground floor shop unit does not contain any original or significant architectural features that are visible; a result of having undergone various unsympathetic commercial shop fittings over the years. The property is currently vacant, though was last used for A1 retail purposes.
- 14.2 The property has access to a small shared courtyard to the rear, and it is noted that there are residential flats on the first floor level of the building and surrounding area. The application follows several refused applications and subsequent pre-application advice, and proposes two internal air conditioning units with an associated metal louvered rear door, a side wall vent and the replacement of an existing wall vent, various internal alterations to the shop unit, and signage. Internally it is proposed to install disabled access facilities, new lighting, shopfitting, non-illuminated signs and plant. The proposal would facilitate use of the

premises as a Subway sandwich bar, an A1 use which does not require a change of use application, as the use involves the retail of predominantly cold food with only limited heating required.

- 14.3 This application is for Listed Building Consent and as such the only consideration can be the impact on the character and appearance of this Grade II Listed Building. The detailed comments of the Conservation Team are summarised above and no objections are raised by them over the impact of the proposal on the listed building, subject to conditions and informatives. This being the case, the proposal complies with the provisions of Polices CS2, CS3 and DM1.
- 14.4 With regard to the comments of notified parties, a separate planning application has been submitted for the installation of a louvered enclosure, plant and wall vents (see Item A14 on this Agenda), which the Environmental Health Team have commented on, in respect of the impacts upon adjoining residential amenity. The comments of the Town Council and notified parties are primarily concerned with noise generation from the proposed vents and air conditioning units. This matter cannot be considered under a listed building application, though will be considered under the associated planning application, on this agenda. The principle of use of the premises by Subway, the noise generated by deliveries and patrons of premises and problems associated with food waste, odours from the use proposed and the potential for litter cannot be considered either under a listed building application or the associated planning application, as the proposed use as a sandwich shop falls under Class A1, a use class which the premises already benefits from falling within.
- 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 LISTED BUILDING CONSENT**

#### **Proposed Conditions:**

1. The works hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 18 of the Town & Country Planning (Listed Buildings & Conservation Areas) 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: B2311.00 Rev D, B2311.01, B2311.03, B2311.04 Rev C, B2311.05 Rev C, B2311.07 Rev C, B2311.11 Rev B, D01R08, D02R08 and D03R08

Reason: To ensure satisfactory provision of the development.

3. The external projecting sign hereby approved shall be finished in the colours as proposed, in a matt or satin finish.

Reason: To ensure an acceptable appearance of the building in accordance with Policies CS2 and CS3 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.

Any historic fabric that is revealed during the shop fitting (i.e. lath and lime plaster, fire places) should be left in situ and the Council's Conservation Team notified. The existence of that fabric should be recorded and documented.

#### **Further Information:**

Major Team

Telephone: 023 8028 5345 (Option 1)

**Application Number:** 14/10842 Full Planning Permission

**Site:** 9 THE FURLONG, RINGWOOD BH24 1AT

**Development:** New shopfront & canopy

**Applicant:** The Furlong Shopping Centre Ltd

**Target Date:** 01/08/2014

## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary Town Council view

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area  
Town Centre  
Conservation 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  
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)

### Local Plan Part 2 Sites and Development Management Development Plan Document

DM1: Heritage and Conservation

## 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.2 - Ensuring the vitality of town centres  
NPPF Ch. 7 - Requiring good design  
NPPF Ch. 12 - Conserving and enhancing the historic environment  
Section 72 General duty as respects conservation areas in exercise of planning functions  
Planning (Listed Buildings and Conservation Areas) Act 1990

## **5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

SPD - Ringwood Local Distinctiveness  
SPG - Ringwood - A Conservation Area Appraisal  
SPG - Shopfront Design Guide

## **6 RELEVANT PLANNING HISTORY**

None

## **7 PARISH / TOWN COUNCIL COMMENTS**

Ringwood Town Council - recommend refusal and would not accept a delegated approval. The proposed glass frontage would be out of character.

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

9.1 Environmental Health (Contamination) – recommends approval, the existing timber shopfront in this unit is very ordinary, so a replacement in contemporary plate glass should be an improvement in this particular context. There are other similar units nearby and the proposal would not result in harm to the character and appearance of the Ringwood Conservation Area.

9.2 Drainage Engineer - no comment

9.3 Environmental Design (Conservation) - recommend approval

## **10 REPRESENTATIONS RECEIVED**

The Ringwood Society raise an objection to the proposed glazed shop front.

## **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.

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 the built up area of Ringwood in the Town Centre, Primary Shopping Area and Ringwood Conservation Area. It is a vacant shop unit which presently has a timber shop front and is slightly recessed from the shops either side. The proposal entails the replacement of the timber shop front with a frameless glazed structure with double doors rather than a single door as at present together with the addition of a canopy to match the eaves of unit 8.
- 14.2 Visually, the existing shop front is very ordinary and its replacement with a contemporary glazed frontage is considered to be an improvement in this particular context. It is noted that the Town Council and Ringwood Society both raise concerns about the glazing although it should be noted that there are other units within The Furlong which have glazed shop fronts similar to that proposed. There are also several more traditional shop fronts which would be retained within the development. It is not considered that the proposal would give rise to harm to the character or appearance of the Conservation Area as a result permission is recommended.
- 14.3 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: 283-A-x-3D-01, 283-A-x-P-00, 283-A-x-EXP-00.

Reason: To ensure satisfactory provision of the development.

#### Notes for inclusion on certificate:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

#### Further Information:

Major Team  
Telephone: 023 8028 5345 (Option 1)



# New Forest DISTRICT COUNCIL

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

Chris Elliott  
Head of Development Control  
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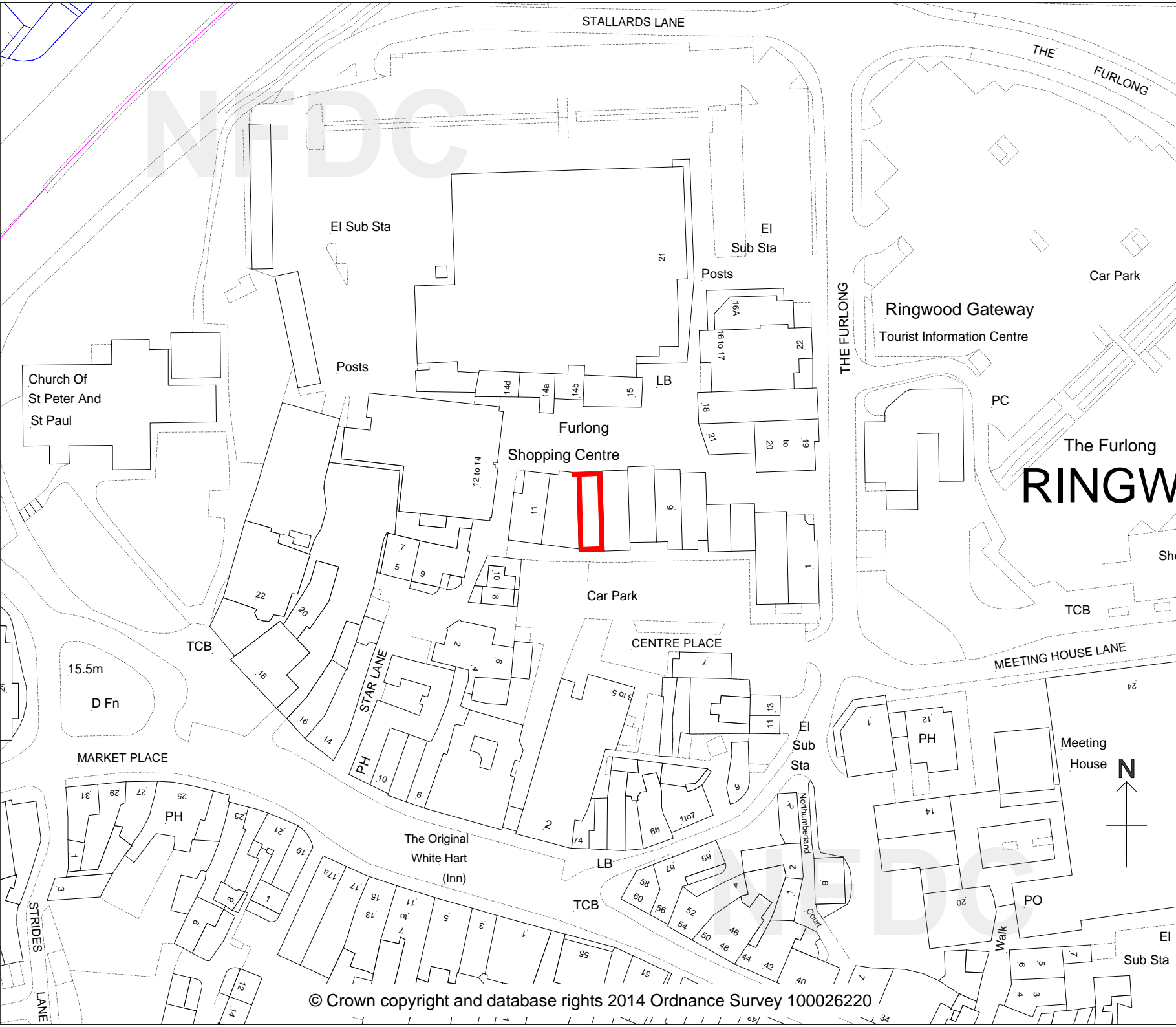
## Planning Development Control Committee August 2014

Item No: A16  
9 The Furlong  
Ringwood

App No 14/10842  
SU1405

Scale 1:1250

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





Planning Development Control Committee  
Item removed from Agenda

13 August 2014

**Item A 17**