

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

Parish	Site	App.No.	Schedule	Recommended
Bransgore	WALNUT COTTAGE, DARK LANE, HINTON ST MICHAEL, BRANSGORE BH23 7EA	14/10674	03	<b>Refuse</b>
Fawley	CARTERETA, WALKERS LANE NORTH, BLACKFIELD, FAWLEY SO45 1YA	14/10943	08	<b>Grant</b>
Hordle	LIGHTFOOTS FARM, SILVER STREET, HORDLE SO41 6DG	14/10637	02	<b>Grant Subject to Conditions</b>
Lymington and Pennington	23-25 KINGSTON PARK, PENNINGTON, LYMINGTON SO41 8ES	14/11016	01	<b>Grant Subject to Conditions</b>
	OLD WALLS, MILL LANE, LYMINGTON SO41 9AZ	14/10918	06	<b>Refuse</b>
	71 HIGH STREET, LYMINGTON SO41 9AL	14/10957	10	<b>Grant Subject to Conditions</b>
	71 HIGH STREET, LYMINGTON SO41 9AL	14/10958	11	<b>Grant Listed Building Consent</b>

	3 BINGHAM DRIVE, LYMINGTON SO41 3PR	14/11018	12	<b>Refuse</b>
New Milton	25 HENGISTBURY ROAD, BARTON-ON-SEA, NEW MILTON BH25 7LT	14/10878	05	<b>Grant Subject to Conditions</b>
	RECREATION GROUND, WHITEFIELD ROAD, NEW MILTON	14/11042	13	<b>Grant Subject to Conditions</b>
Ringwood	5 MARKET PLACE, RINGWOOD BH24 1AN	14/10933	07	<b>Grant Subject to Conditions</b>
	THE PUBLIC OFFICES, 65 CHRISTCHURCH ROAD, RINGWOOD BH24 1DH	14/10949	09	<b>Grant Advertisement Consent</b>
Totton and Eling	Land of LOPERWOOD FARM, LOPERWOOD, TATCHBURY MOUNT, CALMORE, TOTTON SO40 2RT	14/10857	04	<b>Head of Planning Grant or Refuse</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:** 14/11016 Full Planning Permission

**Site:** 23-25 KINGSTON PARK, PENNINGTON, LYMINGTON SO41  
8ES

**Development:** Reduce parapet wall

**Applicant:** Mr James Milburn, Mr Nicholas Straw & Mrs Daphne Turner

**Target Date:** 08/09/2014

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**1 REASON FOR COMMITTEE CONSIDERATION**

Applicant is a member of staff

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Built up area

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Core Strategy**

**Objectives**

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

**Policies**

CS2: Design quality

**Sites and Development Management Development Plan Document**

No relevant policies

**4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

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

**5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

Lymington Local Distinctiveness Supplementary Planning Document

**6 RELEVANT PLANNING HISTORY**

No relevant history

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

Lymington and Pennington Town Council: recommend permission.

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

Land Drainage - No comment

## **10 REPRESENTATIONS RECEIVED**

One letter of support from 17 Leelands who have commented that the proposal will improve the look of these houses immensely and their outlook.

## **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 properties are a terrace of three two storey dwellings with a staggered building line. Within the immediate vicinity are similarly styled properties and while the roofs are all finished with a distinctive parapet wall style there are some variations in the height of this parapet.
- 14.2 The main considerations when assessing this application are the impact on the street scene and local distinctiveness.
- 14.3 Given that the proposal is to reduce the height of the parapet there would not be any impact on neighbour amenity.
- 14.4 The proposed alterations would be similar to several other blocks of dwellings in this location and therefore would not detract from the local distinctiveness. The current high parapet does appear excessive in scale and therefore the proposed reduction in height would result in a roof form that would be more sympathetic to the dwellings. The application is recommended for approval.
- 14.5 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

## **15. RECOMMENDATION**

### **Grant Subject to Conditions**

#### **Proposed Conditions:**

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

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



2. The development permitted shall be carried out in accordance with the following approved plans: TBD/14/970/01, TBD/14/970/02 & TBD/14/970/03

Reason: To ensure satisfactory provision of the development.

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

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

**Notes for inclusion on certificate:**

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

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

**Further Information:**

Householder Team

Telephone: 023 8028 5345 (Option 1)



# New Forest DISTRICT COUNCIL

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

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

**Planning Development  
Control Committee  
September 2014**

**Item No: A1**

23-25  
Kingston Park  
Pennington Lymington  
App No 14/11016  
SZ3194

Scale 1:1250

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



**Application Number: 14/10637** Full Planning Permission

**Site:** LIGHTFOOTS FARM, SILVER STREET, HORDLE SO41 6DG

**Development:** Access

**Applicant:** Mr Lightfoot

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

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**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Highway Authority view

**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

Policies

CS2: Design quality

CS10: The spatial strategy

CS24: Transport considerations

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

No relevant policies

**4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

**5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

None

**6 RELEVANT PLANNING HISTORY**

None

**7 PARISH / TOWN COUNCIL COMMENTS**

Hordle Parish Council:- Happy to accept a delegated decision

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

9.1 Hampshire County Council Highways Authority:- Recommends refusal - inadequate information to show that the provision of a second access would have a positive impact on highway safety.

9.2 Land Drainage:- Requests an informative on piping of watercourse

## **10 REPRESENTATIONS RECEIVED**

None

## **11 CRIME & DISORDER IMPLICATIONS**

No relevant considerations

## **12 LOCAL FINANCE CONSIDERATIONS**

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

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

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

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- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
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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 Lightfoots Farm is situated on the south side of Silver Street. To the south side of the main farmhouse and its associated farm buildings is a field, which is used in part as a static caravan site for a maximum of 6 caravans. The existing access is situated between the farm buildings on the site.
- 14.2 The submitted application seeks to create a new access onto Silver Street, which is a classified road. The access would be located on the eastern edge of the plot, to the east of the main farmhouse and adjacent to an access for the neighbouring property 'Eden Gate'. The access would necessitate the removal of a short section of roadside hedgerow and would provide a new access to the caravan site field to the rear. No gates or piers are proposed.
- 14.3 The Highway Authority have objected to the proposed access. They consider the existing site access to be adequate and they are unaware of any safety concerns relating to this access. The Highway Authority's advice is not to permit second accesses to a property where that site already benefits from a suitable vehicular access onto a specific highway. The advice that they apply does, however, have a caveat that indicates that a second access may be considered acceptable if there would be a specific benefit to highway safety that cannot be achieved with a single access, and if the new access would not be detrimental to highway users. In this case, the Highway Authority do not feel that there would be any specific benefit to highway safety to justify a second access and they therefore deem the second point of access to have an unacceptable impact.
- 14.4 The Highway Authority indicate that, historically, it has been determined that the more accesses there are onto a highway the greater the potential for accidents. However, in this case, the Highway Authority have not suggested that there is any direct harm arising from the access that is proposed. There is no suggestion that the access has inadequate visibility, nor that it would be of an inadequate width or design. Their objection to a second access is simply on a matter of principle, and because the applicant has not demonstrated any positive benefits. It is considered that this constitutes a weak grounds of objection that is unlikely to be sustainable in an appeal situation. At another site (at 1 Home Farm Cottage in Hythe), an appeal inspector allowed an application for a second access in 2013 and made an award of costs against the Local Planning Authority. In that case, the appeal inspector noted that the Hampshire County Council guidance on second points of access has not been subject to public consultation and does not amount to Supplementary Planning Guidance in terms of the relevant regulations and also taking into account the advice of the National Planning Policy Framework, he therefore afforded the guidance little weight. The

inspector awarded costs against the Council because of a failure to provide evidence that the proposed access was inherently dangerous. The message of that appeal decision is clear. It is necessary to demonstrate harm, and it is not reasonable to refuse a second point of access unless there is demonstrable harm. Having regard to this precedent, it is considered the second access proposed at Lightfoots Farm would be acceptable, in spite of the highway authority's objection, because it would not cause demonstrable harm to highway safety.

- 14.5 The removal of a short section of roadside hedgerow and the short access driveway associated with the proposed access would not have a significant impact on the rural character and appearance of the area. The proposal would not have a material impact on the openness of the Green Belt. The proposal is therefore considered to be consistent with countryside protection policies.
- 14.6 Overall, the proposed development is considered to be consistent with the Council's Core Strategy objectives and policies. While the Highway Authority's concerns are noted, it is not considered that it would be reasonable to object to the second access that is proposed unless there is demonstrable harm to highway safety. The Highway Authority have not suggested or demonstrated any material harm, and therefore the proposal is recommended for permission.
- 14.7 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

## **15. RECOMMENDATION**

### **Grant Subject to Conditions**

#### **Proposed Conditions:**

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: 1:1250 Location Plan, 1:500 Site Layout Plan.

Reason: To ensure satisfactory provision of the development.

**Notes for inclusion on certificate:**

1. 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.

2. Hampshire County Council should be contacted if it is intended to pipe, culvert or alter any part of a ditch or watercourse. Generally the presumption is against piping of watercourses except in locations where there is no alternative such as access crossings.

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

**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

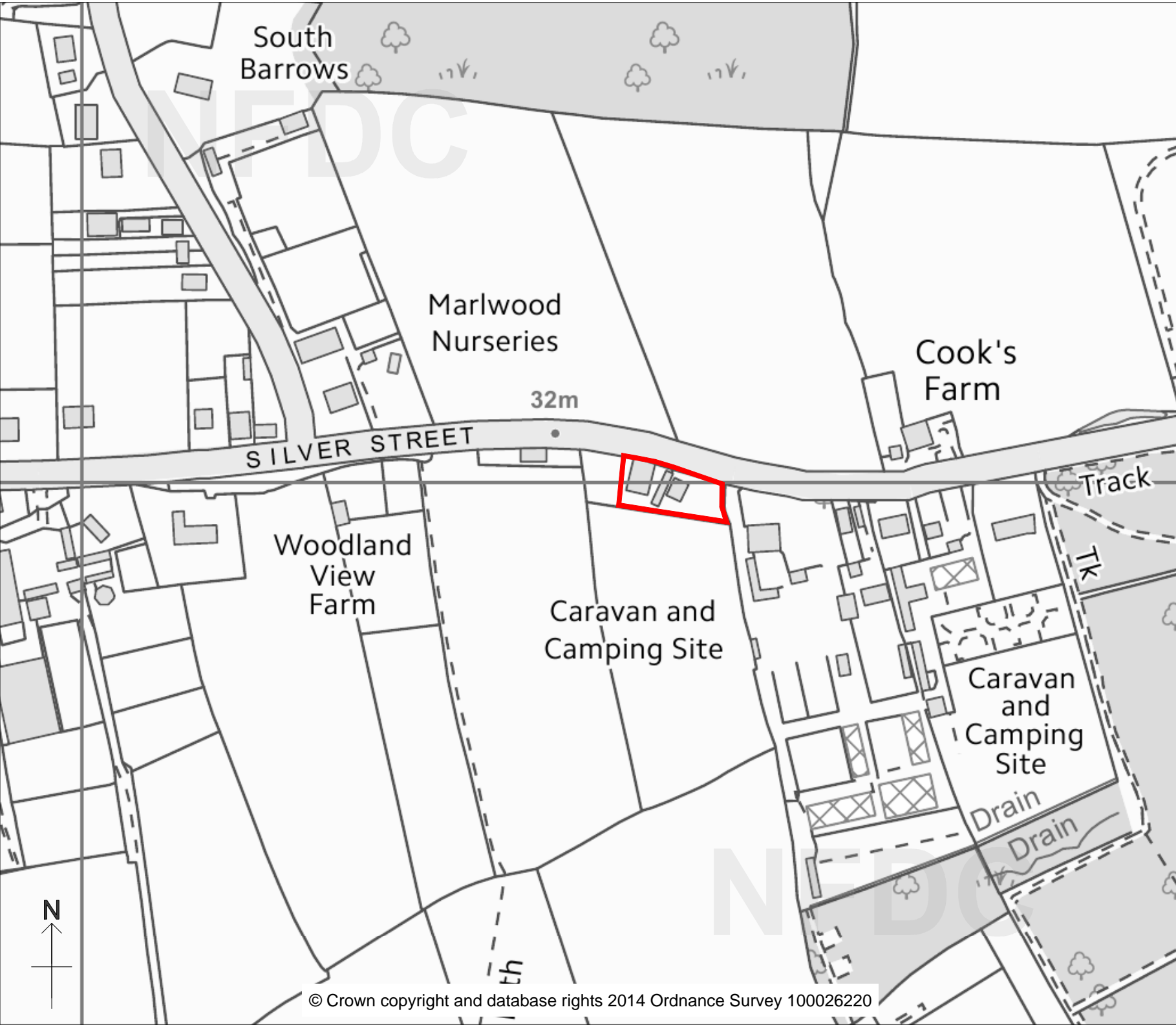
**Planning Development  
Control Committee**  
**September 2014**

**Item No: A2**

Lightfoots Farm  
Silver Street  
Hordle  
App No 14/10637  
SZ2895

Scale 1:3000

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





**Application Number:** 14/10674 Full Planning Permission

**Site:** WALNUT COTTAGE, DARK LANE, HINTON ST MICHAEL,  
BRANSGORE BH23 7EA

**Development:** Single-storey front & side extension

**Applicant:** Mr Roberts

**Target Date:** 03/09/2014

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## **1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Parish Council View

## **2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Green Belt  
Countryside

## **3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

### **Core Strategy**

#### **Objectives**

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

#### **Policies**

CS2: Design quality  
CS10: The spatial strategy

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

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 NPPF Ch. 7 - Requiring good design  
NPPF Ch. 9 - Protecting Green Belt land  
Circular 11/95 Use of conditions in planning consents

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

SPG - Residential Design Guide for Rural Areas

## **6 RELEVANT PLANNING HISTORY**

6.1 13/10326 Removal of condition 1 of Planning Permission

90/NFDC/46120 to allow pd rights to be retained. Refused 7/06/2013  
appeal dismissed on 28/02/2014

6.2 12/98888 Single storey side extension (Lawful Development Certificate that permission is not required for proposal) Was not lawful 24/01/2013

6.3 90/46120 Relieve condition 2 of PP39764 & 40523 Use of garage as accommodation granted subject to conditions 20/12/1990

6.4 88/40523 Erection of bungalow & garage granted subject to conditions 22/02/1989

6.5 88/39764 Erect bungalow, double garage and woodstore (demolish various) granted 23/11/1988

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

Bransgore Parish Council: no objection to the design of the proposed extension but in view of the comments made by the Planning Officer's initial assessment regarding current Policy would request that this application is determined by the NFDC Planning Development Control Committee

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

Land Drainage: no comment

## **10 REPRESENTATIONS RECEIVED**

None received

## **11 CRIME & DISORDER IMPLICATIONS**

Not applicable

## **12 LOCAL FINANCE CONSIDERATIONS**

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

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

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- 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.

Pre application advice was sought prior to this application being submitted. The applicant was advised that any further extensions to the existing dwelling could not be viewed favourably at officer level as they would be contrary to policy, due to the floorspace allowable being already utilised by previous extensions. Notwithstanding this, the applicant sought advice as to the type of extension which could have been supported if there had not been an in principle objection to an extension, and the view was given that a modest subservient side extension would have been acceptable, and should not come forward of the dwelling so as not to impact on the openness of the Green Belt.

The subsequent application that has been submitted incorporates a front extension and also the introduction of a full hip on the side elevation. These are seen as creating a demonstrable level of harm to the appearance of the dwelling and detracting from the rural character of the area.

## **14 ASSESSMENT**

- 14.1 The application site consists of a detached bungalow, situated at the end of a line of properties accessed via a private drive. It lies in the countryside, designated as being within the Green Belt.
- 14.2 The dwelling is set back in the plot, in line with the neighbouring properties, and as a result has a deep frontage. It is a linear style dwelling with cropped hips on the end elevations, and has a modest porch projecting from the front elevation. There is also a conservatory on the rear elevation. The proposal is for a single storey side and front extension.
- 14.3 By virtue of the location of the application site in relation to neighbouring properties the proposed extensions would not impact on the amenities of other dwellings in the immediate area, nor would they impact on the street scene.
- 14.4 There are three elements to the proposed extensions: the extension of the roof to create a hipped roof on the east elevation; a subservient

single storey side extension on the end with full gable; and a gable fronted front extension, replacing the existing porch.

- 14.5 The extension of the roof, to form a hip on the east elevation, would be different in design to the cropped hip on the other end of the dwelling unbalancing the overall form of the building. The proposed single storey side extension is quite modest in dimensions and is subservient to the roofline of the main dwelling and thereby does not elongate the current form of dwelling, but the introduction of the gable on the end does not reflect the overall form creating a mixture of styles to the overall detriment of the appearance of the dwelling. The current proposal does not reflect the design that was the subject of pre application discussions.
- 14.6 The proposal includes a large front extension which would replace the modest porch with a structure that would be wider and higher than existing, with the introduction of glazing on the front elevation. It would be disproportionate in size and design, creating a bulky addition which would detract from the simple form of the dwelling. The harm would be further exacerbated by the proposed materials, which would make the extension more visually prominent. The harm is increased due to the setting of the application site in the Green Belt, and as such this development would be contrary to Para 88 and 89 of the National Planning Policy Framework.
- 14.7 The original bungalow was built as a replacement small dwelling, and was subject to restrictions on its size. The original dwelling had a floorspace of 69.75m<sup>2</sup> when it was built, following consent being granted in 1989. Following the incorporation of the garage as living accommodation, which was allowed under application 90/46120, and the unauthorised addition of the conservatory and replacement porch the existing dwelling has a resulting floorspace 115.71m<sup>2</sup>. Even though the increase in the floorspace on plan form appears quite modest, the extensions would create a further 25.34m<sup>2</sup> of floorspace resulting in an overall total of 141.05m<sup>2</sup> which equates to a 41% increase (including the existing conservatory) over the allowable floorspace for this type of property, contrary to the current policy DM20 of the Local Plan Part 2: Sites and Development Management Development Plan.
- 14.8 Furthermore, the dwelling is situated in the Green Belt where policy states that extensions should not result in disproportionate additions over and above the size of the original building (National Planning Policy Framework, Chap 9). Therefore, the proposed extensions would be contrary to both Council and Government policy. The applicant was aware, when the application was submitted, that the allowable floorspace had already been utilised and that no further extensions would be supported at officer level as they would be contrary to policy.
- 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 subject to no further comments as a result of re-consultation on amended description:**

**Refuse**

**Reason(s) for Refusal:**

1. In order to safeguard the long term future of the countryside, the Local Planning Authority considers it important to resist the cumulative effect of significant enlargements being made to rural dwellings. Consequently policy DM20 of the Local Plan Part 2: Sites and Development Management Plan seeks to limit the proportional increase in the size of such dwellings recognising the benefits this would have in minimising the impact of buildings and human activity generally in the countryside and the ability to maintain a balance in the housing stock. This proposal would result in a building which is unacceptably large in relation to the original dwelling and would undesirably add to pressures for change which are damaging to the future of the countryside and contrary to policy DM20 of the Local Plan Part 2: Sites and Development Management Plan, policy CS10 of the Core Strategy for the New Forest District outside the National Park and Chap 9 of the National Planning Policy Framework.
2. The proposed front extension, by reason of its height, width and overall design would create a bulky addition to the existing dwelling detracting from its simple form, and this harm would be exacerbated by the proposed glazing resulting in a more prominent addition. Furthermore the introduction of a full hip to the roof on the east elevation, coupled with a gable end to the side extension would create a mixture of styles that would disrupt the proportions of the existing dwelling to the detriment of its appearance. Overall the proposed extension would adversely impact upon the character of the Green Belt and as such would be contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park, Policy DM20 of the Local Plan Part 2: Sites and Development Management Plan, and para 88-89 of the National Planning Policy Framework.

**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.

Pre application advice was sought prior to this application being submitted.

The applicant was advised that any further extensions to the existing dwelling could not be viewed favourably at officer level as they would be contrary to policy, due to the floorspace allowable being already utilised by previous extensions. Notwithstanding this, the applicant sought advice as to the type of extension which could have been supported if there had not been an in principle objection to an extension, and the view was given that a modest subservient side extension would have been acceptable, and should not come forward of the dwelling so as not to impact on the openness of the Green Belt.

The subsequent application that has been submitted incorporates a front extension and also the introduction of a full hip on the side elevation. These are seen as creating a demonstrable level of harm to the appearance of the dwelling and detracting from the rural character of the area.

**Further Information:**

Householder Team

Telephone: 023 8028 5345 (Option 1)



# New Forest

DISTRICT COUNCIL

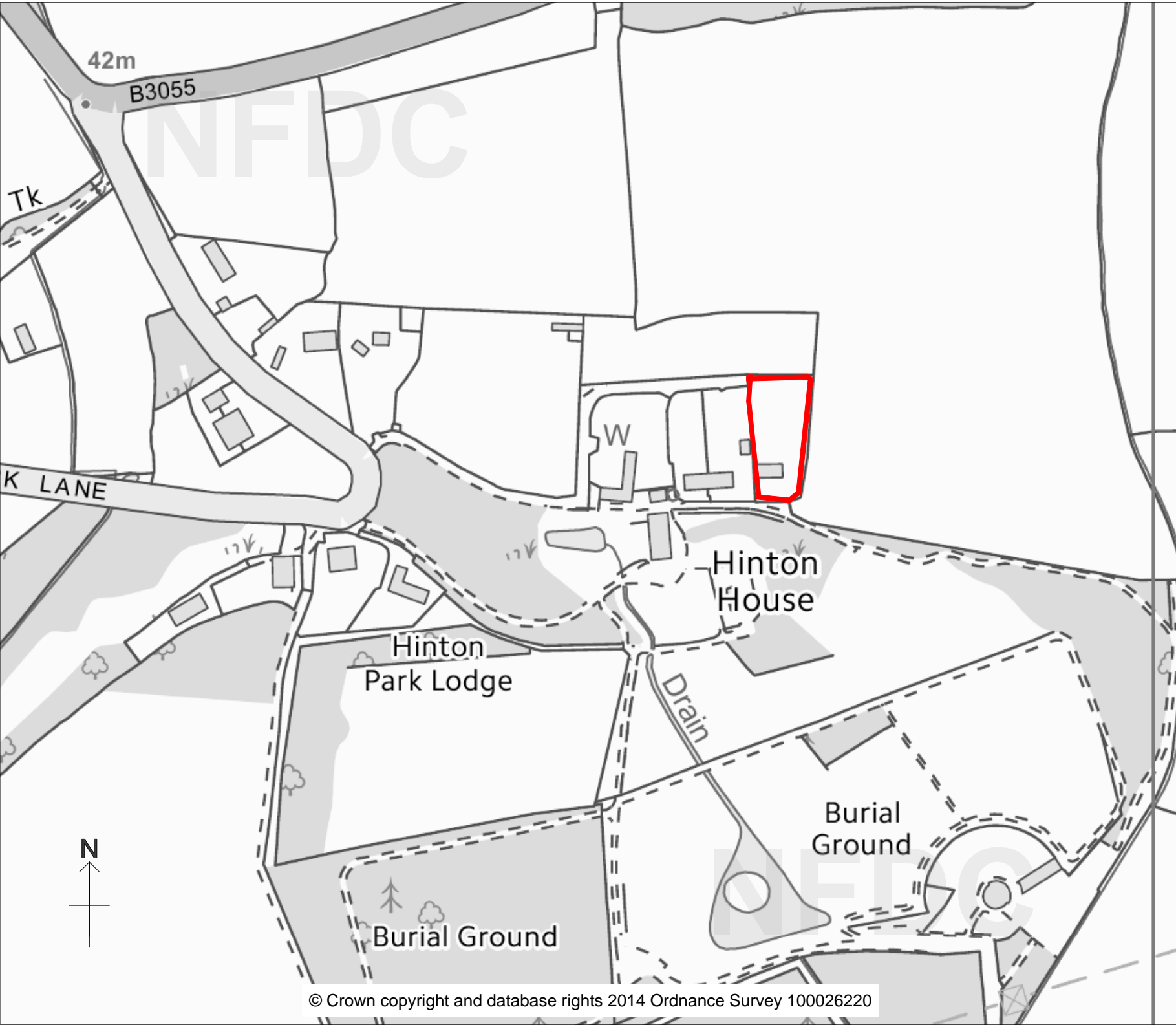
Tel: 023 8028 5000  
www.newforest.gov.uk

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

**Planning Development  
Control Committee**  
**September 2014**

**Item No: A3**  
Walnut Cottage  
Dark Lane  
Hinton St Michael Bransgore  
App No 14/10674  
SZ2195

Scale 1:3000  
N.B. If printing this plan from  
the internet, it will not be to  
scale.



**Application Number:** 14/10857 Full Planning Permission

**Site:** Land of LOPERWOOD FARM, LOPERWOOD, TATCHBURY MOUNT, CALMORE, TOTTON SO40 2RT

**Development:** Development of 24 dwellings comprised 10 detached houses; 3 pairs semi-detached houses; 1 terrace of 3 houses; 1 block of 5 flats; detached garages; bin & cycle store; substation; access; open space & landscaping

**Applicant:** Persimmon Homes South Coast

**Target Date:** 10/09/2014

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## **1 REASON FOR COMMITTEE CONSIDERATION**

Request of Member of Planning Development Control Committee

## **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

- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS4: Energy and resource use
- CS7: Open spaces, sport and recreation
- CS15: Affordable housing contribution requirements from developments
- 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
- TOT2: Land at Loperwood Farm



#### **4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

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

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

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

#### **6 RELEVANT PLANNING HISTORY**

Erection of 21 dwellings with new access (00/70499) - refused 21/12/00

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

Totton & Eling Town Council:- Recommend permission, but would accept a delegated decision - pleased with the layout, design and the large provision of affordable housing which is beneficial for the community; have concerns with the parking provision on the site; care should be taken to protect trees and hedgerows.

#### **8 COUNCILLOR COMMENTS**

Councillor Dart:- Requests Committee consideration

#### **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 comment
- 9.3 Land Drainage Engineer:- No objection subject to conditions
- 9.4 Hampshire County Council Education:- No objection, but requests an education contribution
- 9.5 Southern Water:- No objection subject to conditions and informatives
- 9.6 Tree Officer:- No objection subject to conditions
- 9.7 Housing Development Manager:- Supports subject to 50% of units being affordable
- 9.8 Ecologist:- No objection subject to conditions
- 9.9 Environmental Health (contaminated land):- No objection subject to conditions
- 9.10 Environmental Design (Open Space):- Advise that the scale and location of the on-site open space is appropriate. The design of the space will require careful design; maintenance contributions will be required.
- 9.11 Environmental Design (Urban Design):- No objection to amended plans

subject to conditions. - The proposal is more intense than might be expected in the context of the rural edge, but considers that the proposal would have a reasonable quality of design and would be a reasonable design response to the local context.

9.12 Hampshire County Council Archaeologist:- No objection

## **10 REPRESENTATIONS RECEIVED**

10.1 28 letters of objection from local residents to original plans & 6 further letters of objection to amendments :- access would be dangerous; overdevelopment of the site; flats at entrance would be out of keeping in a village environment; development would be too cramped and too urban in character; poor design; adverse impact on semi-rural character of Old Calmore; increased traffic and congestion to detriment of highway safety; inadequate on-site parking; increased highway safety risk at adjacent road junction; noise disturbance; adverse impact on adjacent playground; increased surface water runoff leading to increased risk of flooding; adverse impact on local wildlife; adverse impact on the functioning of the adjacent church; farmhouse building should be considered for listing; concerns about impact on archaeology; increased pressures on local infrastructure; adverse impact on trees; lack of need; landscaping would be inadequate.

10.2 1 letter of support from local resident.

## **11 CRIME & DISORDER IMPLICATIONS**

See Assessment report below

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission and the dwellings built, the Council will receive £27648 in each of the following six years from the dwellings' completion, and as a result, a total of £165,888 in government grant under the New Homes Bonus will be received. New Forest District Council adopted a CIL charging schedule on 14 April 2014. However, the implementation date for the charging schedule is 6 April 2015 so no CIL payments are currently due.

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

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

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
- Advising agents/applicants early on in the processing of an application (through the release of a Parish Briefing Note) as to the key issues

relevant to the application.

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

In this case all the above apply. The application proposals were the subject of pre-application discussions and amendments have been made since the application was submitted. This has enabled a positive recommendation to be made.

## **14 ASSESSMENT**

- 14.1 The application site is a 0.92 hectare plot of land located on the corner of Calmore Road with Loperwood. The original 2-storey farmhouse on the site is no longer occupied and is now in a derelict condition. The site is otherwise open, mainly rough grassland. Around the boundaries of the site are some mature hedgerows, and along the site's southern and western boundaries, in particular, there are some more significant mature trees. The site is bounded on its southern side by the King George's Recreation Ground and its associated children's play area, whilst to the west of the site are open fields. The nearby residential properties to the south and east are mainly detached dwellings set within fairly generous sized garden plots. The site has a gentle slope with the western edge of the site being 3-4 metres higher than the eastern edge.
- 14.2 The submitted application seeks to develop the site with 24 dwellings. These would be comprised of 10 detached houses, 3 pairs of semi-detached houses, 1 terrace of 3 houses and a block of 5 flats. All buildings would be 2-storeys high. The proposed development would also include detached garages, bin and cycle stores, an electricity substation, new areas of public open space and areas of hard and soft landscaping. The development would be served by a new access onto Calmore Road.
- 14.3 Policy TOT2 of the Local Plan Part 2 specifically allocates the site for residential development, including affordable homes, in accordance with Policy CS15(a) of the Core Strategy. Policy requires the provision of safe vehicular, pedestrian and cycle access, and appropriate landscape treatment to the boundaries of the site, in particular to enhance the Loperwood and Calmore Road frontages and the setting of St Anne's Church (which is situated opposite the site). The policy also requires the provision of public open space in accordance with Policy CS7 to include

natural space for young children. The supporting text to the policy suggests that the site can accommodate up to around 20 dwellings.

- 14.4 Given the site's allocation, there can be no objection to the principle of residential development. Core Strategy Policy CS15 indicates that 50% of units in this situation should be affordable housing units. More specifically, it is indicated that 35% of the total dwellings should be for social rented housing and 15% of the total dwellings should be intermediate housing. It is indicated that at least 50% of the affordable dwellings provided should be family housing. The applicants are actually proposing that 12 units be dedicated affordable housing units (units 1-12). This would meet the 50% requirement sought under policy. The applicants have also indicated that 8 units would be made available for social rented housing and 4 would be provided as shared ownership, which again would meet policy requirements.
- 14.5 The new on-site area of public open space that is proposed would be situated in the south-eastern corner of the site and would measure approximately 0.15 hectares. The quantum of on-site public open space would comply with policy requirements. In addition, the location of the on-site public open space, which would be adjacent to existing public open space, is considered to be both logical and appropriate. The public open space would be a positive and attractive feature at the entrance to the development, although the precise design detail of this open space will still need to be agreed through conditions and a Section 106 legal agreement. As part of the S106 legal agreement, the applicant would also be expected to secure a public open space maintenance contribution (£26,600), and a contribution to formal public open space (£26,704)
- 14.6 Although the proposed development is for slightly more dwellings than the 20 dwellings suggested by policy, the proposal would still be appropriate if the layout and design is of a sufficiently high quality that sufficiently respects its rural edge context.
- 14.7 Units 1-5 are located within a flatted building that would be the development's most prominent and significant building. The building would be a focal building that would front onto both Calmore Road and the new access road and it would also to some extent address the adjacent crossroads junction. It is felt that a larger flatted building would be contextually appropriate on this corner. The massing of the building would be reasonably articulated, and as the section of building that would be closest to the site's Loperwood (northern) boundary would be only single-storey, this would help to ensure that the building is not too intrusive from viewpoints to the north and north-east. The building would be reasonably well detailed and would have appropriate visual interest. There would be an appropriate green margin to the front of the building to provide it with an acceptable setting. It would have perhaps been preferable if the building had chimneys, but nonetheless, subject to the use of good quality materials and detailing, it is felt that the building would be a sympathetic feature that would not appear out of place within its wider context. Indeed, it is felt the building would satisfactorily compliment St Anne's church, thereby adequately safeguarding the setting of that existing building.
- 14.8 Units 8-10 would also be a reasonably prominent building group that

would have a relatively traditional character. The units would address the street in an appropriate manner and the units (as amended) would have acceptable sized rear gardens. Units 23 and 24 would also be of a relatively traditional appearance and would address the public open space in a positive manner. Further into the site, amendments have been made to the application to address some initial design concerns. Based on the amended plans that have been submitted, the dwellings would be generally well proportioned and their designs are considered to be appropriate to their rural edge context. Window details and materials will be critical to securing a well designed development, but these are matters that can reasonably be conditioned.

- 14.9 The proposed dwellings would typically have limited front gardens. However, the application is accompanied by a detailed landscape scheme, which indicates that narrow, but acceptable margins of greenery would be provided to the fronts of dwellings, whilst parking would typically be set to the sides of dwellings, which should help to ensure that the new street is not too car-dominated. In addition, the visual impact of the new street would be satisfactorily broken up by suggested changes of surface material, whilst the parking court between Plots 1-5 and Units 6-8 should also be a fairly good quality space. The gaps between dwellings would be generally reasonable, and dwellings would have acceptable sized rear gardens. The proposed electricity sub-station in the south-east corner of the site would be set close to Calmore Road, but it would be well designed (to resemble a reasonable quality outhouse) and its impact is therefore considered to be acceptable. Some aspects of the landscaping proposals need to be improved upon, such as the hedgerow planting adjacent to the site's Loperwood boundary, whilst other aspects of the landscaping need more detail, such as the landscape details to the public open space and the link to the existing adjacent public open space. It is felt that amended landscape details to address these concerns could be reasonably secured by condition.
- 14.10 Overall, the design is considered to be of a good quality and one that would respond positively to local distinctiveness. The buildings would be of a design that would adequately respect the site's rural edge context, and the development would have an acceptably green setting. There would also be good natural surveillance of public spaces. Given the scheme's design qualities, it is felt that the small number of dwellings over and above what policy had anticipated would be entirely acceptable. The success of the scheme will to some extent depend on securing good quality materials, landscaping and detailing, but it is felt that these matters could reasonably be left to condition.
- 14.11 As the site is not adjacent to any other residential properties, the development would not have a material impact on the light, outlook or privacy of other nearby properties. Nor is it considered the development would give rise to unreasonable noise or disturbance.
- 14.12 The Highway Authority have advised that the layout would be acceptable from a highway safety perspective. The levels of on-site parking would be in accordance with adopted parking standards, and based on a traffic speed survey, they are satisfied that the site's access onto Calmore Road would have adequate visibility. Indeed, the required visibility splays would be contained fully within the existing highway boundary. The level of traffic generated by the development would also be acceptable.

Therefore, whilst the concerns of local residents are noted, it is considered that the development would not have adverse implications for highway safety.

- 14.13 The proposed development would generate a need to secure a transportation contribution of £94,857. It is considered that this contribution amount would be fairly and reasonably related to the transport impact of the proposed development. This transportation contribution would need to be secured within a completed Section 106 legal agreement.
- 14.14 The Tree Officer is satisfied that the layout will not adversely affect protected trees and other important trees on or around the boundaries of the site. The proposal would result in the loss of a single silver birch tree. However, the loss of this tree could be satisfactorily mitigated by appropriate replacement planting and its loss would therefore be justified.
- 14.15 The application is accompanied by an ecological report. Survey work suggests the likelihood of protected species is low, and subject to conditions to secure appropriate biodiversity mitigation and enhancement, the Ecologist is satisfied that the proposal will not adversely affect ecological interests.
- 14.16 In line with Policy DM3, there is a need for the development's impact on designated European sites to be adequately mitigated. The applicants have agreed to secure a contribution of £92,400 as part of the required Section 106 legal agreement. This would be reasonable mitigation and could be put towards the implementation of a dog exercise area within the adjacent recreation ground, which is a particular project that has been identified in the Council's recently adopted Supplementary Planning Document addressing this specific matter.
- 14.17 The County Council have requested an education contribution of £106,197. They suggest that the development is within the Catchment area of Calmore Infant and Junior School. The Infant school is full and there is deemed to be considerable pressure on local schools. A contribution has been sought towards the strategic expansion strategy to be developed in the Totton area and to provide additional primary school places. However, the justification for this contribution is not considered to meet all of the relevant tests as previously applied by Circular 5/05 and as re-applied under the CIL guidelines.
- 14.18 Local residents have raised a number of concerns. With respect to flooding the site is not in an area at risk of flooding and drainage concerns could be adequately dealt with by condition. With respect to archaeology, the site is not in an area identified as having any special archaeological interest. The existing farmhouse building on site is not considered to be of such special architectural or historic interest as to justify being listed.
- 14.19 Overall, the proposed development is considered to be consistent with Core Strategy policies and objectives. The proposed development would be an appropriate development of an allocated site. Although more intensive than other nearby residential development, what is proposed would be of a good design quality and sympathetic to its rural edge context. As such, it is felt the development would have an acceptable

impact on the character and appearance of the area. The proposed development could be provided without detriment to highway safety and would secure appropriate levels of affordable housing and public open space. Potential impacts on designated European sites would be adequately mitigated. The development would not cause material harm to the amenities of the wider area. Therefore, subject to conditions and the completion of an appropriate Section 106 legal agreement the development is recommended for permission.

- 14.20 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	12	12	0
Financial Contribution	0	0	0
<b>Public Open Space</b>			
On site provision by area	0.15	0.15	0
Financial Contribution	£26,704	£26,704	0
<b>Transport Infrastructure</b>			
Financial Contribution	£94,857	£94,857	0
<b>Habitat Mitigation</b>			
Financial Contribution	£92,400	£92,400	0

### 15. RECOMMENDATION

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

- i) the receipt of no significant new objections to the amended plans from relevant consultees by 5th September 2014.
- ii) the completion, by 30th September 2014, of a planning obligation entered into by way of an Agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure appropriate provision towards affordable housing, public open space and transportation improvements, and to also secure appropriate mitigation of designated European sites.
- iii) the imposition of the conditions set out below.

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

**Reason(s) for Refusal:**

1. The proposed development would fail to make any contribution toward addressing the substantial need for affordable housing in the District. The proposal would therefore conflict with an objective of the Core Strategy for the New Forest District outside the National Park 2009 and with the terms of Policies CS15 and CS25 of the Core Strategy.
2. The proposed development would fail to make any contribution to enhance or create off-site provision and management of public open space to meet the needs of the occupants of the development for public open space. The proposal would therefore be contrary to an objective of the Core Strategy for the New Forest District outside the National Park 2009 and with the terms of Policies CS7 and CS25 of the Core Strategy.
3. The proposed development is likely to impose an additional burden on the existing transport network which would require improvements in order to mitigate the impact of the development. In the absence of any contribution towards the costs of the necessary improvements to enable the additional travel needs to be satisfactorily and sustainably accommodated, the development conflicts with an objective of the Core Strategy for the New Forest District outside the National Park 2009 and with the terms of Policies CS24 and CS25 of the Core Strategy.
4. The recreational impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area, the New Forest Ramsar site, the Solent and Southampton Water Special Protection Area, the Solent and Southampton Water Ramsar site, and the Solent Maritime Special Area of Conservation would not be adequately mitigated and the proposed development would therefore be likely to unacceptably increase recreational pressures on these sensitive European nature conservation sites, contrary to Policy DM3 of the New Forest District Local Plan Part 2: Sites and Development Management.

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development permitted shall be carried out in accordance with the following approved plans: HT.Ched-B.pe (Plots 17 & 18), HT.Ched-C.pe (Plot 24), HT.Ched.pe rev C (Plots 19 & 20), HT.CHED-A.pe (Plot 23), HT.Clay-A.pe, P.6-7.e rev A, P.8-10.e rev B, P.8-10.p rev A, P.14-15.pe rev A, AHL.01 rev G, BML.01 rev G, DML.01 rev G, SL.01 rev G, CSa/2429/100 rev B, SE.01 rev E, LP.01, HT.Clay.pe rev A, P.6-7.p, P.11-12.e,



P.11-12.pe, SS.01pe rev A, GAR.01.pe rev A, GAR.02.pe, GAR.03.pe, BCS.01.pe, P1-5.e rev A, P1-5.p rev A, GTS553.01A.

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 that dwelling has achieved Code Level 4.

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

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

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

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

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

6. Before the development is first occupied the existing accesses from the site onto Loperwood shall be permanently stopped up and abandoned. The footway crossing / verge shall be reinstated, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, immediately after the completion of the approved new access onto Calmore Road and prior to occupation of the buildings.

Reason: 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.

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

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

8. Prior to the commencement of works (including site clearance and any other preparatory works) the scheme for the protection of trees as set out in the submitted Alex Monk Arboricultural Method Statement, dated June 2014 ref Loperwood Farm, Calmore Road, Calmore and Plan Ref: GTS553.03 Tetlow King Tree Protection Plan shall be fully implemented and at least 3 working days notice shall be given to the Local Planning Authority that the approved tree protection measures have been installed before any other work is undertaken on site.

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

9. Before the commencement of development (including ground clearance works), details of the biodiversity mitigation and enhancement measures that are to be implemented, based on the recommendations of the Extended Phase 1 Habitat Survey dated 15th April 2013, shall be submitted to and approved by the Local Planning Authority. Development shall proceed only in accordance with the approved details.

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

10. 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 11 to 13 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 14 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.

11. 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.

12. 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.

13. 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.

14. 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 11, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 12, 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 13.

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.

15. 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.

16. 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.

17. Notwithstanding the submitted elevational plans, the precise window design details to include details of window heads, cills and reveals shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development. Development shall only take place in accordance with those details which have been approved.

Reason: To ensure the scheme is of an appropriately high design quality and sympathetic to its rural edge context, in accordance with Policy CS2 of the Core Strategy for New Forest District outside of the National Park.

18. Notwithstanding the submitted landscape details, before development commences a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :

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

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

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

19. 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.

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

Reason: In order to ensure that the sewerage arrangements are appropriate and in accordance with Policies CS2 and CS6 of the Core Strategy for the New Forest District outside the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

**Notes for inclusion on certificate:**

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

In this case, the application proposals were the subject of pre-application discussions and amendments have been made since the application was submitted. This has enabled a positive recommendation to be made.

2. A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

**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 September 2014

### Item No: A4

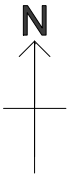
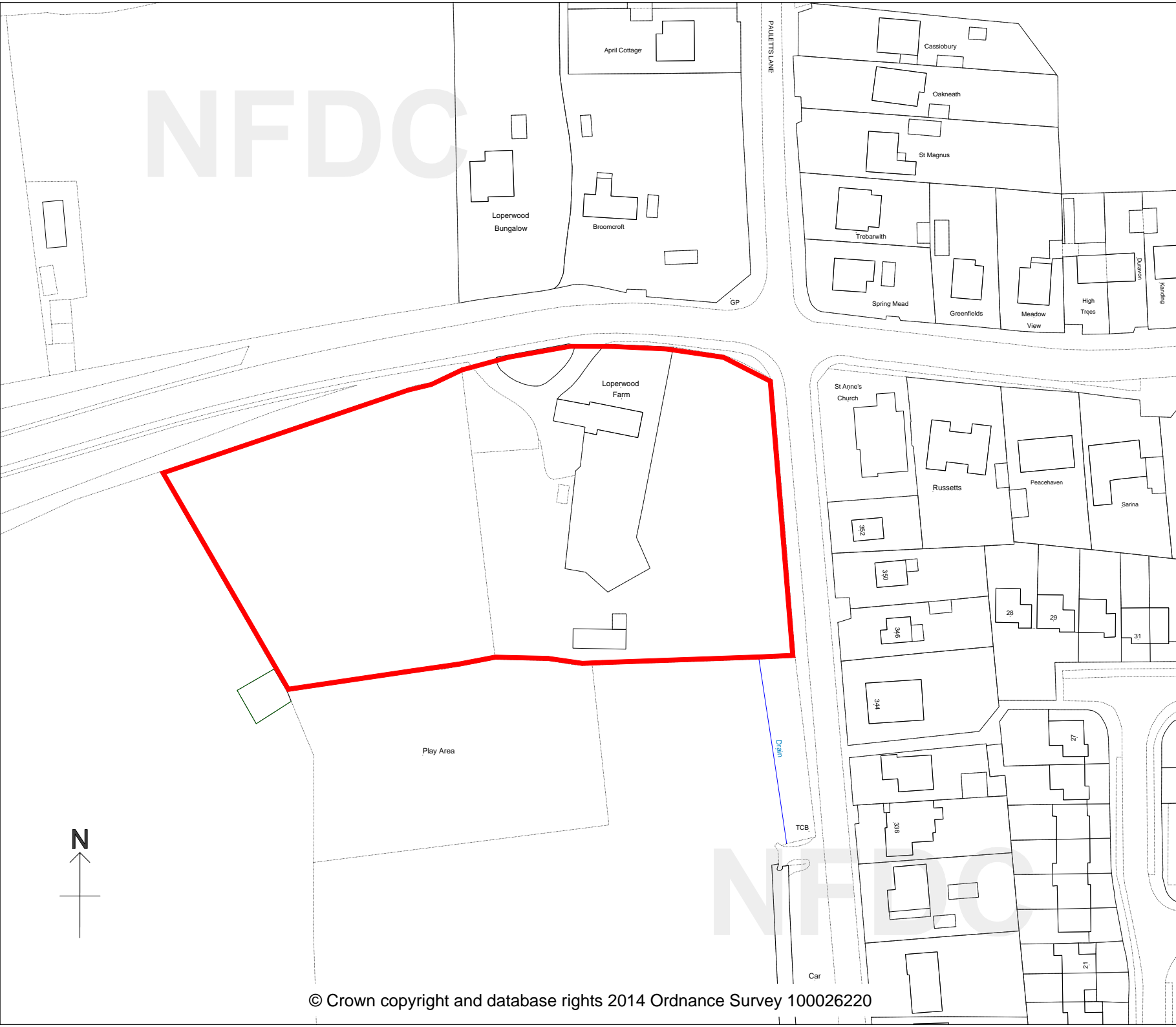
Land of Loperwood Farm  
Loperwood Tatchbury Mount  
Calmore Totton  
App No 14/10857  
SU3314

Scale 1:1250

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the internet, it will not be to  
scale.

NFDC

NFDC



**Application Number:** 14/10878 Full Planning Permission

**Site:** 25 HENGISTBURY ROAD, BARTON-ON-SEA, NEW MILTON  
BH25 7LT

**Development:** Single-storey side & rear extension; fenestration alterations

**Applicant:** Mr & Mrs Drummond

**Target Date:** 11/08/2014

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## **1 REASON FOR COMMITTEE CONSIDERATION**

Applicant is Council employee.

## **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

Built-Up Areas  
Plan Area

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

No relevant policies

## **4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

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

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

SPD - New Milton Local Distinctiveness

## **6 RELEVANT PLANNING HISTORY**

14890 - third bedroom and toilet (granny annexe). Granted 13.9.73



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

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

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

Land 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.

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

- When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

In this case 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 Barton on Sea in a residential area dominated by bungalows. The spacing between the dwellings is such that garages are provided to the rear of some properties. The proposal entails two additions to the bungalow, one to provide a front addition to the existing attached garage, converting the rear section into an ensuite for the main bedroom and the other, to provide a large kitchen/dining/living room to the rear of the property, increasing the width of the existing rear projection.
- 14.2 Visually, the front addition, although closer to the road frontage, would have a limited impact on the street scene, having a flat roof to match the existing garage. The rear addition would replace the existing flat roof with a pitched roof which would be visible from the street given that it is slightly off set from the side wall of the property. The boundary between the site and immediate neighbour at 27 consists of mature vegetation which continues across the front of the site resulting in a limited impact on the street scene. However, the resultant massing of the roof form would be seen in views from outside no.27. Having regard to the character of the area, it is not unusual to see roof forms behind the main dwelling - no.27 has its own rear sited garage close to the boundary with the site and there is built form visible to the rear of 27/29. Whilst the existing gap between the two properties would be lessened by the proposal, it is not considered to be such that would warrant refusal of the scheme.
- 14.3 With regard to residential amenity, it is not considered that either immediate neighbour would suffer from any loss of privacy or significant impact on the light to their property. The new roof on the rear extension would pitch away from the boundary with No. 23. The impact on light to no.27 towards the end of the day would be marginal given the adjoining drive to the side of the property.
- 14.4 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

## 15. RECOMMENDATION

### Grant Subject to Conditions

#### Proposed Conditions:

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

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

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

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

3. The development permitted shall be carried out in accordance with the following approved plans: site location plan, 479/PL/05, 479/PL/04, 479/PL/03, 479/PL/02, 479/PL/01.

Reason: To ensure satisfactory provision of the development.

#### Notes for inclusion on certificate:

1. 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)



**Application Number: 14/10918** Full Planning Permission

**Site:** OLD WALLS, MILL LANE, LYMINGTON SO41 9AZ

**Development:** House; demolition of existing

**Applicant:** Mr Smith and Mr S Boswell

**Target Date:** 18/08/2014

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**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Town Council View (in part)

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Built-up area

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Core Strategy**

Objectives

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

Policies

- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS4: Energy and resource use
- CS6: Flood risk
- CS24: Transport considerations

**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**

None

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

Lymington & Pennington Town Council:- Recommend refusal - adverse impact on neighbours from overshadowing and potential overlooking as a result of increased height; mass and scale of building would be inappropriate to neighbourhood; contemporary design would not be comfortable; concerns about land drainage and potential for subsidence

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

- 9.1 Hampshire County Council Highway Engineer:- No objection subject to conditions
- 9.2 Environment Agency:- No objection subject to conditions
- 9.3 Ecologist:- No objection subject to condition
- 9.4 Land Drainage:- No objection subject to condition
- 9.5 Environmental Design (Conservation & Design):- No objection subject to conditions

## **10 REPRESENTATIONS RECEIVED**

- 10.1 21 letters of objection / concern from local residents:- overdevelopment of the plot; dwelling would be too high and have too great a footprint; the dwelling would have an adverse impact on the light, outlook and privacy of neighbouring dwellings in Trafalgar Place; proposal would be overbearing to adjacent communal amenity areas; the design would be too modern and out of keeping with other Mill Lane properties and the wider area's historic character; the proposal could cause drainage and flooding problems; concerns about subsidence; concerns that dwelling could be subsequently converted into 2 properties; concerns about future installation of solar panels.
- 10.2 1 letter of support from adjacent business, but with concerns about access during demolition.
- 10.3 Lymington Society:- objects - scale and mass is far too great and inappropriate, adverse streetscene impact; concerns about lack of detail on drawings.

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

In this case all the above apply. The application proposals were the subject of pre-application advice. However, in the light of the concerns set out in the assessment below, it has not been possible to make a positive recommendation on this application.

## **14 ASSESSMENT**

- 14.1 Old Walls is a 2-storey detached dwelling that occupies a split-level site, which fronts directly onto Mill Lane. The ground floor of the existing dwelling, which is level with the street, has 3 garage door openings that appear to serve non-habitable accommodation. All of the property's main habitable accommodation appears to be at first floor level. The property's garden area is also raised above the level of the street. There is a tall retaining wall to the street on the property's south side, beyond which is a 3-storey terrace at 9-12 Trafalgar Place. To the north side of the property is a block of garages for adjacent dwellings at Trafalgar

Place. Immediately to the rear of the site is a terrace of 3 two-storey dwellings at 12a-15 Trafalgar Place. These are set at a higher level than the application site. The western side of Mill Lane is largely residential and, apart from the application site, is typically 3-storey in scale. A large boatyard occupies the eastern side of Mill Lane. The application site is situated within the Lymington Conservation Area.

- 14.2 The submitted application seeks to demolish the existing dwelling and in its place it is proposed to build a single replacement dwelling. The dwelling would be part 3-storey. The ground floor of the building would provide space for car and boat storage and would not be habitable floorspace. All habitable floorspace would be on the proposed dwelling's upper 2 floors. The second floor of the dwelling would comprise 2 separate projections that would be partly separated by a small external courtyard. A larger external courtyard space would be provided on the proposed dwelling's south side.
- 14.3 The existing dwelling is not considered to be of a high design quality. Indeed, both historically and architecturally, it is a building that fails to make a significant or positive contribution to the character and appearance of the Lymington Conservation Area. The building does not have any particular merit within the streetscene, and therefore the principle of redevelopment is considered to be justified. Although the dwelling has limited design merit, the existing retaining walls are of some interest. However, provided that bricks would be retained in the construction of the new retaining wall (which would be 1.1 metre higher than the existing retaining wall), it is considered that demolition of these walls would also be justified.
- 14.4 The proposed replacement dwelling would be larger than the existing dwelling, and the three-storey elements would be higher. However, given the prevailing scale of other nearby developments fronting Mill Lane, it is considered that the greater scale of the development that is now proposed would be contextually appropriate. The dwelling would be of a distinctly contemporary design and appearance. However, in this part of the Conservation Area, adjacent to the town's boatyards and in an area where there is a variety of built-forms, it is considered that the design that is proposed would be sympathetic. In terms of its streetscene impact, it is felt that the proposed dwelling would be a well-considered design. The 2 distinct and separate 3-storey elements would give the dwelling an appropriate rhythm in the streetscene and would help to break up the massing of the building. The building would be well proportioned and subject to the use of good quality materials and detailing, what is proposed should be sympathetic to the character and appearance of the Lymington Conservation Area.
- 14.5 Concerns have been raised that the dwelling has the appearance of 2 dwellings, or that it could subsequently be converted to 2 dwellings. However, only 1 dwelling is actually proposed, and it is on this basis that the application must be determined.
- 14.6 The application site is within an Area at Risk of Flooding, and it is for this reason that all habitable accommodation would be provided at first and second floor level (above flood levels). The application is accompanied by a Flood Risk Assessment (FRA), which has been considered by the Environment Agency, who are satisfied that the flood risk associated with



the proposed development is acceptable, subject to conditions. Because the proposal is for a single replacement dwelling, there is no need to apply the Sequential / Exception Tests. Concerns about drainage could be adequately addressed by condition.

- 14.7 The proposed development would have a greater impact on the amenities and outlook of the neighbouring dwellings at 12a-15 Trafalgar Place than the existing dwelling to be demolished. The roof of the new dwelling would be about 1.22 metres higher than the main ridge height of the dwelling to be demolished. In addition, the 3-storey elements of building would extend further back within the plot than the existing dwelling so as to be closer to the boundary with 12a-15 Trafalgar Place. The 3-storey elements would also extend further to the south so as to be more directly to the rear of 14 Trafalgar Place. The rear gardens of 12a to 15 Trafalgar Place are quite small (being 6-8 metres in depth), and the 3-storey elements of built form would be about 9-10 metres away from the rear facade of 12a to 15 Trafalgar Place at their nearest point. Although the proposed 3-storey features would not be perceived as being 3-storeys high from the adjacent properties in Trafalgar Place due to the neighbouring dwellings' higher ground level, they would still project about 4-5 metres above the level of the adjacent gardens. Given the height of these 3-storey projections and their close proximity to the rear of 12a to 15 Trafalgar Place and their small rear gardens, it is felt that the outlook of these neighbouring dwellings would be unreasonably compromised. From these neighbouring rear gardens and ground floor rooms (particularly 14 and 15 Trafalgar Place) it is considered that the dwelling would appear unduly dominant and overbearing. It is recognised that there would be a gap between the two 3-storey elements of built-form, but it is not felt that this gap would sufficiently minimise the development's adverse impact. It is considered that the relationship to 14 Trafalgar Place would be particularly severe due to one of the projections being set directly to the rear of that property.
- 14.8 The dwelling would include second floor windows facing 12a-15 Trafalgar Place. These would be high level bedroom windows that could, reasonably be glazed with obscure glass. The nearest windows on the south side elevations of the projections could also reasonably be glazed with obscure glass to maintain neighbours' reasonable privacy. An obscure glazed balcony screen could also be provided to ensure no undue overlooking from proposed balcony features. Therefore, in respect of privacy, it is felt the development's relationship to 12a to 15 Trafalgar Place would be acceptable. There would be some additional overshadowing of the gardens of 12a to 15 Trafalgar Place, but given the orientation of the proposed dwelling to the east / north-east side of these gardens, it is felt, on balance, that the additional overshadowing would be within acceptable limits. Overall, however, having regard to the concerns set out in the preceding paragraph, it is considered that the impact on neighbours' amenities would be unacceptable.
- 14.9 The proposed dwelling would be required to comply with level 4 of the Code for Sustainable Homes. It is considered that this matter could be reasonably controlled by condition were the planning application otherwise acceptable.
- 14.10 Concerns have been raised about subsidence. Given the changes in ground levels and the excavation that would be needed to accommodate

the proposed development, these concerns are understood. They are, however, essentially civil concerns that cannot be reasonably controlled through this planning application

14.11 In conclusion, the proposed redevelopment of the site is considered to be justified in principle, taking into account the existing dwelling's limited historic and architectural merit. The dwelling that is proposed is also considered to be a fitting addition to the Lymington Conservation Area. Its design and scale would be sympathetic and contextually appropriate. However, it is felt that the dwelling's relationship to the neighbouring dwellings at 12a-15 Trafalgar Place would not be satisfactory. Seen from these neighbouring dwellings, the development would appear too intrusive and would be harmful to the reasonable amenities of the occupants of these neighbouring dwellings. As such, the application is recommended for refusal.

14.12 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that 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. As a result of the proposed dwelling's scale, height and close proximity to the rear of 12a-15 Trafalgar Place, the proposed development would have an overbearing impact on those neighbouring properties (particularly 14 and 15 Trafalgar Place) and would affect the outlook of those properties to an unreasonable degree to the detriment of the amenities of the occupants of those properties, contrary to Policy CS2 of the Core Strategy for New Forest District outside the National Park.

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

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

In this case, the application proposals were the subject of pre-application advice. However, in the light of the concerns set out in the assessment of

the application, it was not possible to make a positive recommendation on this application.

**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

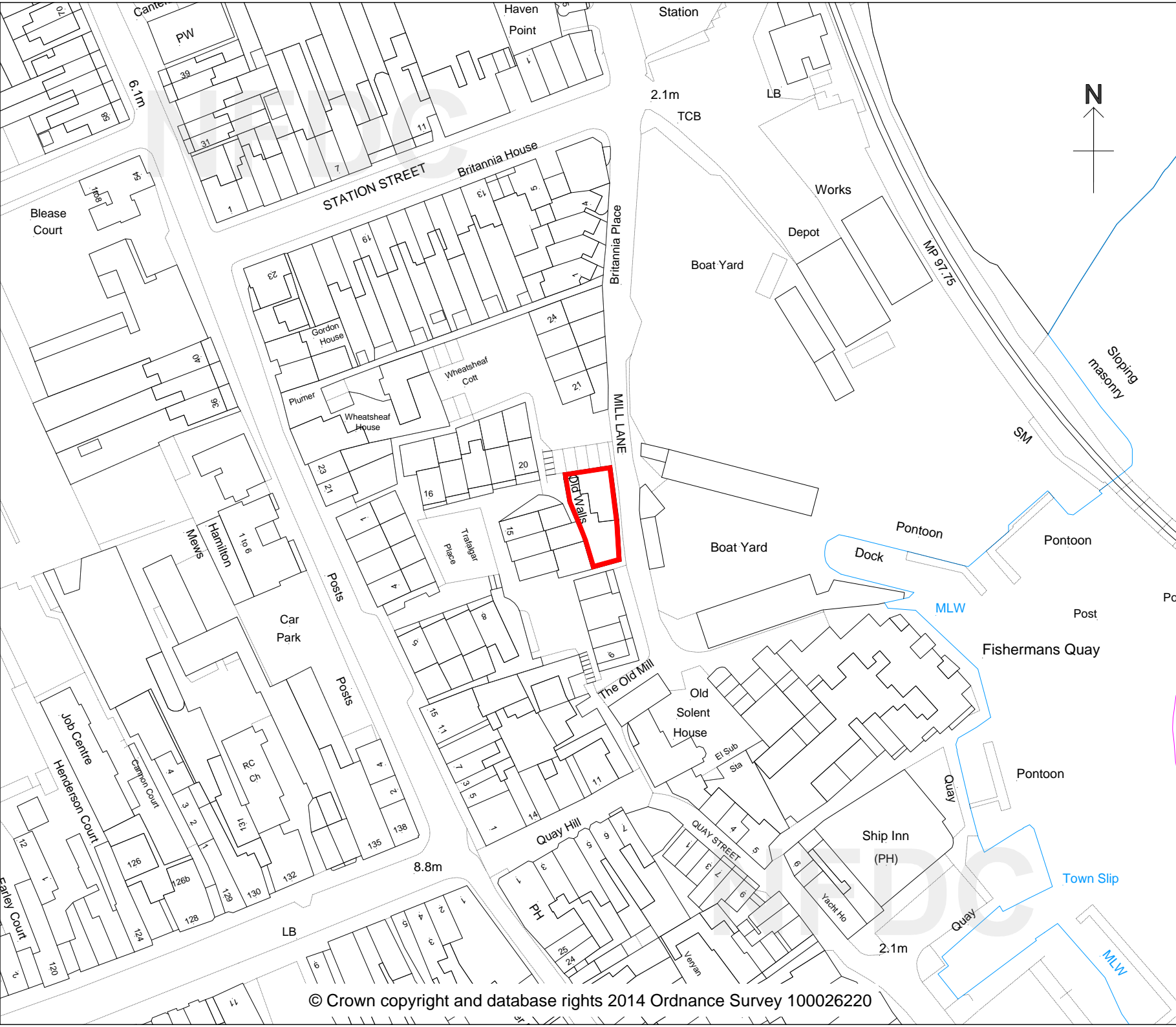
## Planning Development Control Committee September 2014

### Item No: A6

Old Walls  
Mill Lane  
Lymington  
App No 14/10918  
SZ3295

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



**Application Number:** 14/10933 Full Planning Permission

**Site:** 5 MARKET PLACE, RINGWOOD BH24 1AN

**Development:** Use as estate agents (Use Class A2)

**Applicant:** Countrywide Plc

**Target Date:** 03/09/2014

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**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Town Council View

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Built-up area, 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

CS2: Design quality

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

CS20: Town, district, village and local centres

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

DM1: Heritage and Conservation

DM14: Primary shopping frontages

**4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

**5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

SPG - Ringwood - A Conservation Area Appraisal

**6 RELEVANT PLANNING HISTORY**

None

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

Ringwood Town Council:- Recommend refusal - feel strongly that the unit should remain as an A1 retail use and the balance of uses in the town is not right and is having a negative impact on the vitality and economic viability of the town. There have been other recent changes of use resulting in loss of shops, taking the amount of retail to under 70%. The proposal would therefore be contrary to policy.

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

9.1 Hampshire County Council Highways Engineer:- No objection

9.2 Policy:- Considers the proposed change of use would comply with policy.

## **10 REPRESENTATIONS RECEIVED**

1 letter of objection from nearby business occupant - the loss of an independent retail shop would be detrimental to town centre vitality and viability.

## **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.

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- 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 5 Market Place is a 2-storey, Grade II Listed building within the Ringwood Conservation Area, the ground floor of which is a vacant retail shop. The property is situated within Ringwood Town Centre, and has most recently been used as a mens' clothing shop. Adjacent ground floor premises are all in commercial use, with the property on one side being used as a charity shop and the property on the other side being used as a bank/building society.
- 14.2 The submitted application seeks to use the ground floor of the building as an estate agents, which has an A2 use Class. No external or internal alterations are proposed as part of this application.
- 14.3 The application site is situated within Ringwood's Primary Shopping Area/Frontage. Local Plan Part 2 Policy DM14 indicates that appropriate non-retail uses will be permitted within the Primary Shopping Area, provided the length of ground floor street frontage in non-retail use within the primary shopping area is no greater than 30% of the overall length of the ground floor street frontage. The policy indicates that non-retail uses will not be considered appropriate in premises in prominent locations within a Primary Shopping Area. However, the policy also indicates that a non-retail use which is appropriately located in the shopping street may be considered appropriate in the Primary Shopping Area, even where it would result in more than 30% of the relevant street frontage being in non-retail use, provided that the use would add to the vitality and attractiveness of the primary shopping area, and provided it can be demonstrated that the proposed development will generate customer levels (footfall) similar to a typical retail unit.
- 14.4 The most recent survey of the Ringwood Primary Shopping Area was carried out in the Summer of 2013. At that time, 71% of the overall length of the ground floor street frontage was in retail use. Based on this most recent survey, the change of use that is now proposed would reduce the length of ground floor street frontage in non-retail use by no more than 1%. Therefore, if the figures in the 2013 shopping survey are still accurate the change of use would be in accordance with policy. However, it has been suggested by the town council that the figures in the 2013 shopping survey are now out of date, and that other properties in the Primary Shopping frontage have changed from retail to non-retail

use within the past year. If this is the case, the application that is now proposed may reduce the length of Primary Shopping frontage in retail use to slightly less than 70%.

- 14.5 Even if the application were to reduce the length of the ground floor frontage in retail use to slightly below 70%, the proposed use as an estate agents would still be acceptable from a local policy perspective if it is deemed to have a positive impact on the vitality of the town centre, and if it is deemed to generate similar levels of footfall to a typical retail unit. An estate agents is a common use within town centres, and it is felt that the use is one that would contribute positively to the overall vitality of the town centre and it would also generate a certain level of customer activity. Whilst the level of activity generated may be less than with some types of shop, regard also needs to be had to recent proposed government planning reforms. The government are currently considering amalgamating most A2 uses into the A1 Use Class, which would mean that in the near future there is a reasonable likelihood that what is now proposed would not even need planning permission at all. The clear direction of Central Government policy is to give greater flexibility to business to move between premises, and so support local communities and economic growth, by enabling premises to change use more quickly in response to market changes. It is felt that permitting the current planning application would be very much consistent with the clear direction of current central government policy, and indeed a refusal of planning permission would be at odds with current government intentions and aspirations.
- 14.6 Given no external or internal alterations are proposed, it is not considered the proposal would have any adverse impact on the character and appearance of the Ringwood Conservation Area, and nor is it considered the proposal would harm the character and interest of the existing Grade II Listed Building. The use would have no material impact on the amenities of other adjacent properties.
- 14.7 Overall, the proposed development is considered to be consistent with Core Strategy policies and objectives. Based on the most recent shopping survey, the proposed change of use would not breach policy thresholds, but even if there were to be a reduction in the length of A1 frontage below policy thresholds, the proposal would have an acceptable impact on town centre vitality and taking into account Central Government policy and recent proposed changes to permitted development rights, it is considered that the A2 use that is proposed would be entirely justified. As such, the application is recommended for permission.
- 14.8 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.



## 15. RECOMMENDATION

### Grant Subject to Conditions

#### Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: 1:1250 Location Plan, Existing Ground Floor Plan, Proposed Ground Floor Plan.

Reason: To ensure satisfactory provision of the development.

#### Notes for inclusion on certificate:

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

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

#### Further Information:

Major Team  
Telephone: 023 8028 5345 (Option 1)



# New Forest DISTRICT COUNCIL

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

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

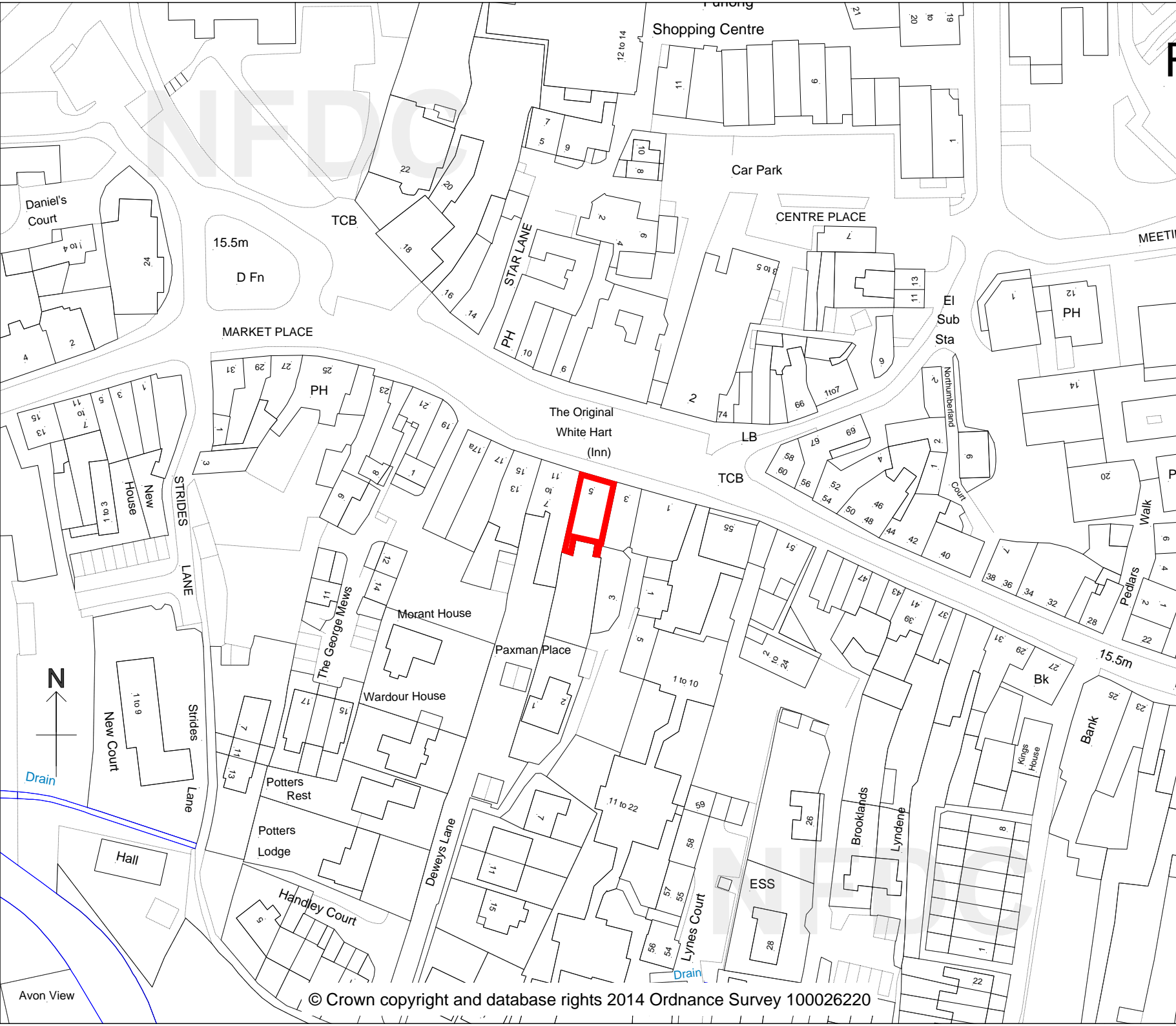
**Planning Development  
Control Committee**  
**September 2014**

**Item No: A7**

5  
Market Place  
Ringwood  
App No 14/10933  
SU1405

Scale 1:1250

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



**Application Number:** 14/10943 Full Planning Permission

**Site:** CARTERETA, WALKERS LANE NORTH, BLACKFIELD,  
FAWLEY SO45 1YA

**Development:** Retention of front dormer and 2 rooflights in association with new  
first floor

**Applicant:** Mrs Hughes

**Target Date:** 25/08/2014

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**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Parish Council view

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Built up area

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Core Strategy**

Objectives

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

Policies

CS2: Design quality

**Sites and Development Management Development Plan Document**

No relevant policies

**4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

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

**5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

No relevant documents

**6 RELEVANT PLANNING HISTORY**

No relevant history

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

Fawley Parish Council recommend refusal and have added that this retrospective application should be rejected and the development should be subjected to the rigorous powers that the District Council has.

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

Land Drainage - no comment

## **10 REPRESENTATIONS RECEIVED**

None received

## **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**

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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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- 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, similar bungalows are located either side with a mixture of sizes of properties in the area including two storey dwellings. The roof has been altered to include accommodation and this includes the addition of a dormer to the front and rooflights to the side and rear. The front garden is enclosed with a low wall and high shrubs. High hedges form the boundaries to the side and rear.
- 14.2 The main issues to take into consideration when assessing this application are the impact on the neighbouring properties and on the street scene.
- 14.3 The neighbouring properties to the north west have their front elevation facing the application site with The Laurels having a detached garage close to the shared boundary which consists of high hedges. The side rooflight serving a bedroom does face these properties and while there may be a degree of overlooking, this would be to the front of these properties and, with a minimum distance of 18 metres separating the dwellings, the overall impact in terms of overlooking would be acceptable.
- 14.4 The rooflight to the rear is small and serves a staircase and therefore there is limited potential for overlooking to the neighbours to the rear.
- 14.5 The application site is fairly prominent, being located at a bend in the road and thereby being visible as you approach. However, there are other bungalows in the road with dormers on the front roof slope and the dormer on Cartereta does not appear out of keeping in this location. While it is accepted that the dormer is fairly large and deep within the roofspace it does have materials to match the tile hanging on the front of the property and therefore does not have a significantly adverse impact on the design of the property or appear overly detrimental to the local area. Therefore the application is recommended for approval.
- 14.6 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

## 15. RECOMMENDATION

### Grant

#### Notes for inclusion on certificate:

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

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

#### Further Information:

Householder Team

Telephone: 023 8028 5345 (Option 1)



# New Forest

DISTRICT COUNCIL

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

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

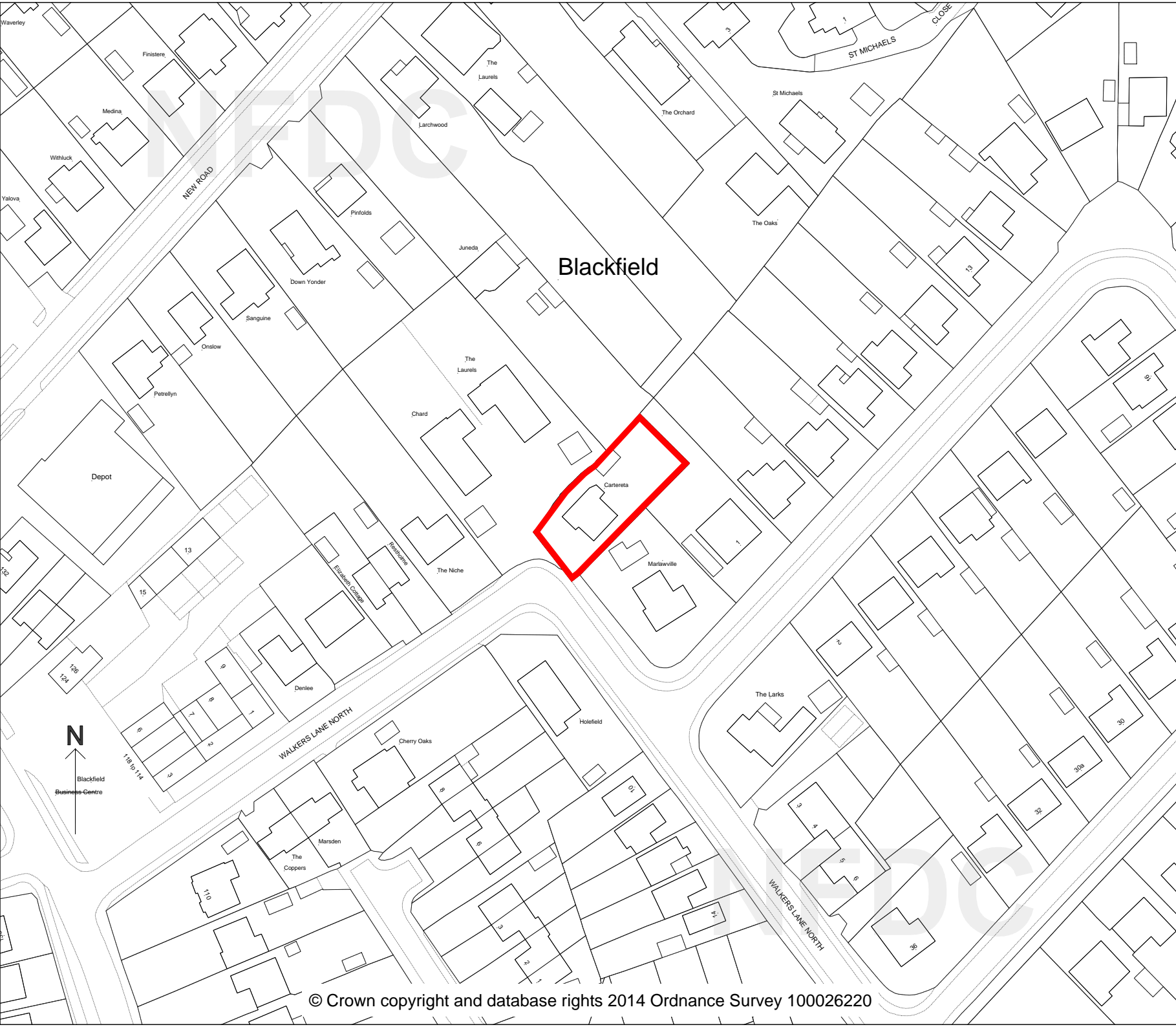
**Planning Development  
Control Committee**  
**September 2014**

**Item No: A8**

Cartereta  
Walkers Lane North  
Blackfield  
Fawley  
SU4402

Scale 1:1250

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



**Application Number:** 14/10949 Advertisement Consent

**Site:** THE PUBLIC OFFICES, 65 CHRISTCHURCH ROAD,  
RINGWOOD BH24 1DH

**Development:** Retention of 5 non illuminated flag pole signs; hoarding; 1 pole  
mounted hoarding sign (Application for Advertisement Consent)

**Applicant:** Churchill Retirement Living

**Target Date:** 26/08/2014

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**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Town Council view

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Built-up area  
Town Centre Boundary  
Ringwood 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

No relevant policies

**4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

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

**5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

None

**6 RELEVANT PLANNING HISTORY**

The site has been subject to several planning applications in recent years for its redevelopment for residential purposes. There is an extant permission for 15 dwellings under ref. 13/11377, although it is understood that Churchill Retirement Living will be seeking permission for sheltered apartments on the site.



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

Ringwood Town Council: recommend refusal, considering the hoardings are too high and located too close to the adjacent highway, thereby obstructing views of the premises either side (the fire station and 63 Christchurch Road) when exiting. Of particular concern is the nuisance to neighbours resulting from fire engines having to sound their sirens prior to leaving the station. It is also considered that the request for permission for 4 years is excessive.

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

9.1 Land Drainage – No objections.

9.2 HCC Highways Engineer: no objections. It is confirmed that the revised alignment of the hoarding and sign towards the boundary of the site is in accordance with the agreement reached between HCC Highways and representatives of the Hampshire Fire and Rescue Service.

9.3 Conservation Officer: no objections

## **10 REPRESENTATIONS RECEIVED**

10.1 Two letters received raising concerns that the hoarding obscures the sight lines for the fire station, resulting in appliances turning on their sirens and lights before they enter the highway and causing nuisance to occupiers of surrounding properties.

10.2 Ringwood Society object to the proposal on grounds of its impact upon the character of the Conservation Area and adverse impact upon egress from the fire station.

## **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 amended plans were submitted by the applicant on 31.7.14 seeking to overcome concerns about the effect of the hoarding on the visibility splay of the egress from the adjoining fire station. These plans were considered acceptable by both the Highway and Fire Authorities.

## **14 ASSESSMENT**

- 14.1 The site lies within the Ringwood Conservation Area, town centre and built-up area. The area is characterised by commercial/residential uses. The proposal relates to the Christchurch Road frontage of the Old Council Offices, where a 2.5m high hoarding, 5 no. flag poles and a pole mounted sign have been erected in Churchill's corporate colours. The purpose of the hoardings are to secure the site and to advertise, along with the flag poles and signage, its prospective development. The application is made retrospectively, the non-illuminated signage and hoardings having been erected, although they are of a temporary nature as the applicant is seeking to retain the structures for 4 years.
- 14.2 The main issues to consider are whether the proposal harms the character and appearance of the Conservation Area or visual amenity generally and whether the hoardings impact on highway safety or adjoining residential amenity.
- 14.3 The hoardings, sign and flag poles erected on site are typical of those erected by developers seeking to secure building sites and to advertise the form of development proposed for the site. While they would be considered inappropriate on a permanent basis, there is a temporary and functional requirement to secure the development site and a desire to advertise prospective development. The form of the proposal is not considered to be inappropriate, considering its tidy appearance and temporary nature, although the 4 year period of consent sought is considered to be excessive.

- 14.4 Planning permission has been granted for residential redevelopment of the site, although it is understood that the applicant intends to amend the form of the development proposed. The revised proposal will be subject to a new planning application, yet to be submitted.
- 14.5 While permission for the revised scheme will take time to determine, the 4 year time period for display of these adverts is considered to result in the signage paraphernalia being present in this prominent location within the Conservation Area for an excessive period. A period of 2 years is therefore considered to be more appropriate, which may be ensured by condition. If the applicant finds a longer period of time is necessary, then they can apply to renew the consent, with appropriate justification at a later date.
- 14.6 The retrospective nature of the proposal has thrown light on its impact on visibility splays for vehicles egressing the adjoining fire station. The original line of the hoarding and sign at the south east boundary of the site impinged upon the visibility on egress from the station, resulting in fire appliances turning their lights and sirens on, to raise awareness of their movement onto Christchurch Road. This constituted a highway safety problem, as well as a neighbour nuisance. The application (and hoarding/signage on site) has now been amended to maintain this visibility splay. The revised alignment of the hoarding and sign is now in accordance with the agreement reached between HCC Highways and representatives of the Hampshire Fire and Rescue Service.
- 14.7 The temporary consent for a more limited 2 year period, would have no undue impact upon the character or appearance of the area, highway safety or upon adjoining amenity. The proposal complies with the relevant provisions of the development plan 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 ADVERTISEMENT CONSENT**

#### **Standard Conditions**

1. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

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

**Proposed Conditions:**

6. Within two years of the date of this consent, the hoarding, pole mounted hoarding and 5 no. flagpole signs shall be removed from the site and the land restored to a condition which has first been agreed by the Local Planning Authority, unless the prior written approval of the Local Planning Authority is forthcoming.

Reason: To protect the visual amenity of the area 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, amended plans were submitted by the applicant seeking to overcome concerns about the effect of the hoardings on the visibility splay of the egress from the adjoining fire station. These plans were considered acceptable by both the Highway and Fire Authorities.

This decision relates to amended plans 10065 RW – PL100 A received by the Local Planning Authority on 31st July 2014.

**Further Information:**

Householder Team  
Telephone: 023 8028 5345 (Option 1)



# New Forest DISTRICT COUNCIL

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

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

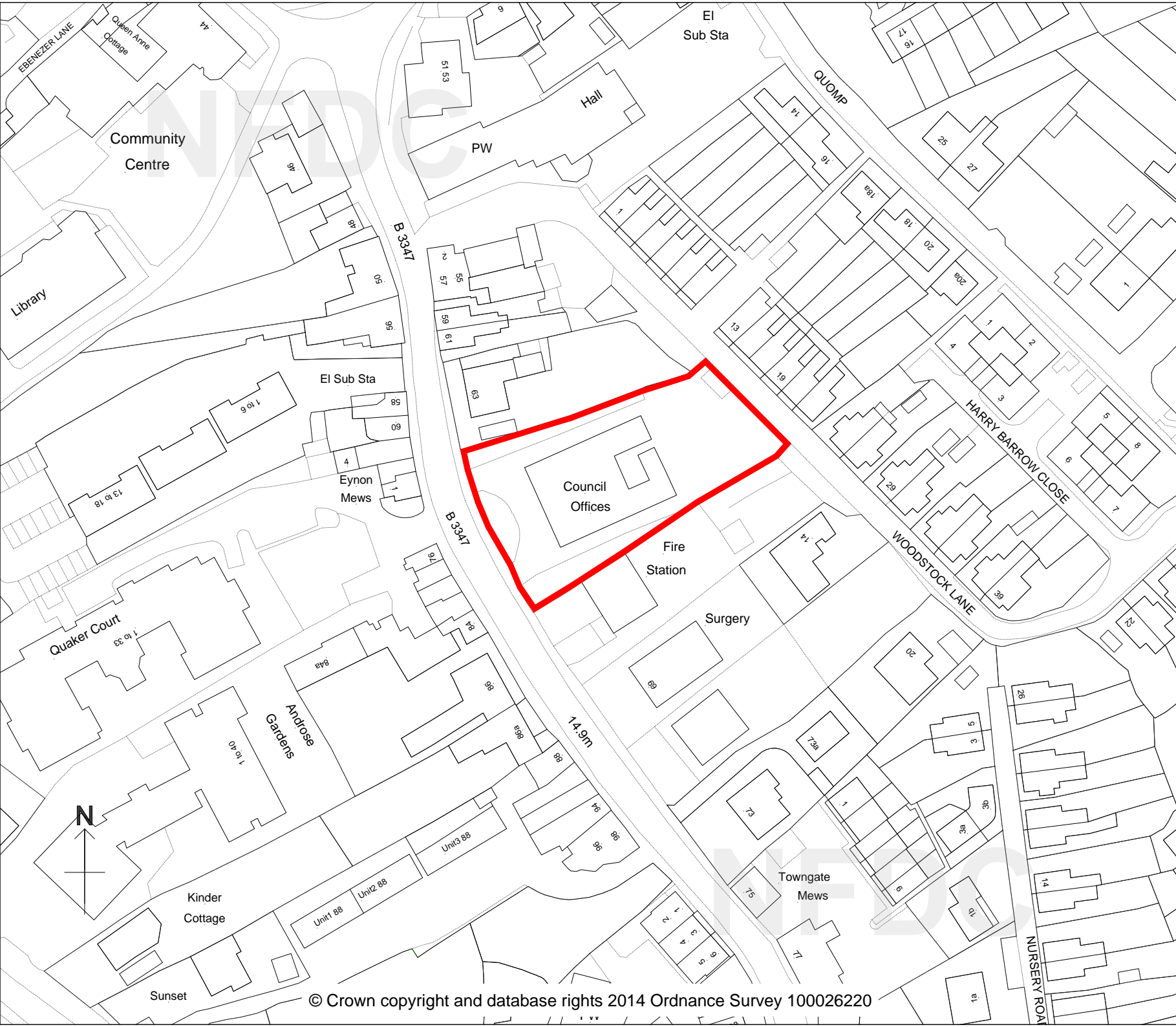
**Planning Development  
Control Committee**  
**September 2014**

**Item No: A9**

The Public Offices  
65 Christchurch Road  
Ringwood  
App No 14/10949  
SU1504

Scale 1:1250

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



**Application Number:** 14/10957 Full Planning Permission

**Site:** 71 HIGH STREET, LYMINGTON SO41 9AL

**Development:** Installation of 3 wall mounted air conditioning condenser units with aluminium louvre screening; awning to the front elevation

**Applicant:** Specsavers Opticians

**Target Date:** 27/08/2014

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## **1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Town Council view

## **2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Built-up area  
Primary Shopping Area  
Town Centre Boundary  
Lymington Conservation Area  
Grade 2 Listed Building

## **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 An application similar in appearance to the current proposal for 3 condenser units (Ref. 99183) was withdrawn in November 2012 due to inadequate information being available to assess the noise generated by the condensers and associated impact upon adjoining residential

amenity.

- 6.2 An application for 6 wall mounted air conditioning units was refused in August 2012. (Ref.98837) - The application was deemed to have an adverse impact on both the existing Listed Building and the character and appearance of the Lymington Conservation Area. The proposal was also considered detrimental to the amenities of neighbouring residential properties due to potential noise disturbance.
- 6.3 Previously, a single air conditioning unit was approved at this site in 2008 (Ref. 97267), although this permission was never implemented and has now lapsed.

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

Lymington & Pennington Town Council - Recommend permission for the awning, subject to it only being utilised during shop opening times and recommend refusal for Air Conditioning Units due to concerns with regards to impact of noise upon neighbours amenities; Impact on Conservation Area; Not in keeping with Conservation Area

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

- 9.1 Environmental Design (Conservation)- This application is further to a recently refused proposal for 6 air conditioning units on the rear elevation of the rear single-storey extension of the listed building. This proposal comprises a reduced amount of units (x3) sited at a low level below the lower window cill on the rear elevation and enclosed by an aluminium louvre screen finished white. This single-storey rear extension featuring modern windows, is not considered to be a significant element contributing to the building's architectural or historic interest. However, it does compliment the special interest of the building by reason of its design and form, and therefore any development impacting its character and appearance must be sympathetic to the building and surrounding heritage assets. The harmful visual impact that the proposed units would cause to the listed building and surrounding heritage assets would be minimised by the aluminium screening, the visual impact of which would be minimised by its white finish which would be read against the off-white painted elevation of the rear extension. Any approval should be conditioned to ensure that the air conditioning units shall not be installed in isolation, without the aluminium screen. The application also includes a proposal for a shopfront awning which would be installed in the existing awning box which would be repaired. This would be acceptable.
- 9.2 Environmental Health Section (Pollution) - a noise report has been submitted and has assessed the expected impact of the air conditioning condenser units. The applicant proposes to mitigate noise from these units by use of a louvre enclosure with a solid lid and sound insulation. The report advises that noise emanating from the units will be 1dB below the background level at the facade of the nearest noise levels. The mitigation proposed in the above mentioned noise report is sufficient to prevent a significant adverse impact being caused to the nearby

residents, subject to a condition be applied to any granted planning permission.

9.3 Hampshire County Council Highways Authority - no objections

9.4 Land Drainage - no objections

## **10 REPRESENTATIONS RECEIVED**

None

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

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

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

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- When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

In this case the applicant has been requested to provide clarification and details on the proposed awning, in light of the Conservation Officer's queries.



## 14 ASSESSMENT

- 14.1 The property is a grade II listed building situated in the core of the Lymington Conservation Area. The premises is occupied by Specsavers opticians
- 14.2 The property has access to a small courtyard to the rear, where the condensers would be located. It is noted that there are residential properties in the surrounding area. It is proposed to screen the air conditioning units with aluminium louvre screening. It is also proposed to install a new awning to the front of the premises. The application is accompanied by technical data showing how the louvre screening will reduce the noise impacts of the condensers. An associated listed building application (Ref. 10958) (see Item A11 on this Agenda) will assess the impact of the proposal on the listed building.
- 14.3 The first main consideration is whether the proposed development would have an acceptable impact on the historic and architectural interest of the existing Grade II Listed Building and whether it would have an acceptable impact on the character of the Lymington Conservation Area. The second main consideration is whether the proposal would have an adverse impact on nearby residential properties as a result of potential noise disturbance and in this respect a noise assessment has been produced by the applicant, which the Environmental Health Team have assessed.
- 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 and conservation area. The proposal complies with the design and heritage provisions of Policies CS2, CS3 and DM1.
- 14.5 While no objections have been received to the proposal from adjoining residents, the Town Council are concerned about noise generation from the proposed air conditioning units. The Environmental Health Section have commented on this aspect of the proposal and have raised no objection, subject to the imposition of a condition to ensure the condensers are installed and operated in accordance with the submitted noise survey and that they are not operated at all between the hours of 19:00hrs and 08:00hrs.
- 14.6 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.
- 14.7 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: Site location plan, 720-PL02, 720-PL04 and Q-2003 Rev A

Reason: To ensure satisfactory provision of the development.

3. Before the use hereby permitted commences, the attenuation measures outlined in the noise report carried out by Blake Lucas of Acoustic Consultants Ltd entitled 'Proposed Condenser Plant, Specsavers, 71 High Street, Lymington Environmental Noise Report for Planning' Revision A dated 14 August 2014 shall be installed. These shall be retained and maintained in accordance with the standard in the noise report.

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

4. The air conditioning condenser units hereby permitted shall not operate between the hours of 19:00hrs and 08:00hrs.

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

#### Notes for inclusion on certificate:

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

In this case the applicant was requested to provide clarification and details

of the proposed awning, in light of the Conservation Officer's queries.

**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

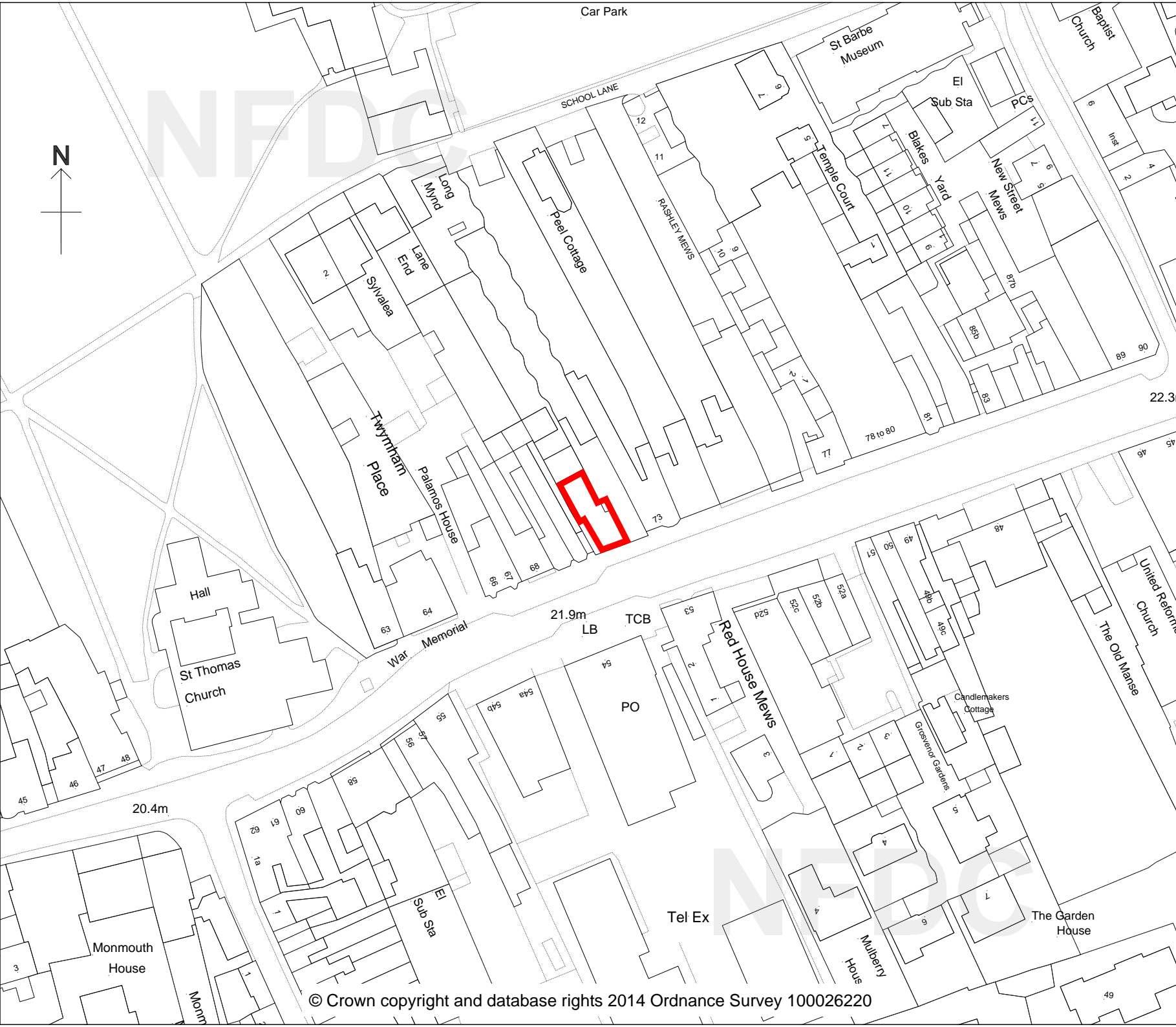
**Planning Development  
Control Committee  
September 2014**

**Item No: A10 & A11**

71  
High Street  
Lymington  
App No 14/10957-58  
SZ3295

Scale 1:1250

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



**Application Number:** 14/10958 Listed Building Alteration

**Site:** 71 HIGH STREET, LYMINGTON, SO41 9AL

**Development:** Installation of 3 wall mounted air conditioning condenser units with aluminium louvre screening; awning to the front elevation  
(Application for Listed Building Consent)

**Applicant:** Specsavers Opticians

**Target Date:** 27/08/2014

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## **1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Town Council view

## **2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Built-up area  
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 An application for 6 wall mounted air conditioning units was refused in August 2012. (Ref.98837) - The application was deemed to have an adverse impact on both the existing Listed Building and the character

and appearance of the Lymington Conservation Area. The proposal was also considered detrimental to the amenities of neighbouring residential properties due to potential noise disturbance.

6.2 Previously, a single air conditioning unit was approved at this site in 2008 (Ref. 97267), although this permission was never implemented and has now lapsed.

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

Lymington & Pennington Town Council - Recommend permission for the awning, subject to it only being utilised during shop opening times and recommend refusal for Air Conditioning Units due to concerns with regards to impact of noise upon neighbours amenities; Impact on Conservation Area; Not in keeping with Conservation Area

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

9.1 Environmental Design (Conservation)- This application is further to a recently refused proposal for 6 air conditioning units on the rear elevation of the rear single-storey extension of the listed building. This proposal comprises a reduced amount of units (x3) sited at a low level below the lower window cill on the rear elevation and enclosed by an aluminium louvre screen finished white. This single-storey rear extension featuring modern windows, is not considered to be a significant element contributing to the buildings architectural or historic interest. However, it does compliment the special interest of the building by reason of its design and form, and therefore any development impacting its character and appearance must be sympathetic to the building and surrounding heritage assets. The harmful visual impact that the proposed units would cause to the listed building and surrounding heritage assets would be minimised by the aluminium screening, the visual impact of which would be minimised by its white finish which would be read against the off-white painted elevation of the rear extension. Any approval should be conditioned to ensure that the air conditioning units shall not be installed in isolation, without the aluminium screen. The application also includes a proposal for a shopfront awning which would be installed in the existing awning box which would be repaired. This would be acceptable.

9.2 Land Drainage - no objections

## **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.

In this case the applicant has been requested to provide clarification and details on the proposed awning, in light of the Conservation Officer's queries.

## 14 ASSESSMENT

- 14.1 The property is a grade II listed building situated in the core of the Lymington Conservation Area. The premises is occupied by Specsavers opticians
- 14.2 The property has access to a small courtyard to the rear, and it is noted that there are residential properties in the surrounding area. This listed building application is for a more modest proposal than the proposal for 6 units which was refused in August 2012. It is proposed to screen the air conditioning units with aluminium louvre screening. It is also proposed to install a new awning to the front of the premises. An associated planning application (Ref. 10957) (Item A10 on this Agenda) will assess the impact of the proposal on nearby residential properties.
- 14.3 The main consideration is whether the proposed development (louvre

covered condensers to the rear and awning to the front) would have an acceptable impact on the historic and architectural interest of the existing Grade II Listed Building.

- 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. The proposal would comply with the design and heritage provisions of Policies CS2, CS3 and DM1.
- 14.5 The Town Council are concerned with noise generation from the proposed air conditioning units. The noise issue cannot be considered under this listed building application, the Environmental Health Section will respond on this matter under the associated planning application.
- 14.6 In light of the above, the proposed development would not harm the appearance or setting of the listed building and complies with the provisions of Policies CS2, CS3 and DM1. Accordingly it 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 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: Site location plan, 720-PL02, 720-PL04 and Q-2003 Rev A  
  
Reason: To ensure satisfactory provision of the development.



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

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

**Notes for inclusion on certificate:**

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

In this case the applicant was been requested to provide clarification and details on the proposed awning, in light of the Conservation Officer's queries.

**Further Information:**

Major Team

Telephone: 023 8028 5345 (Option 1)

**Application Number: 14/11018** Full Planning Permission

**Site:** 3 BINGHAM DRIVE, LYMINGTON SO41 3PR

**Development:** Two-storey front & side extensions; roof alterations

**Applicant:** Mr Taylor

**Target Date:** 08/09/2014

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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

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

No relevant policies

**4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

Section 38 Development Plan  
Planning and Compulsory Purchase Act 2004

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

**5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

Lymington Local Distinctiveness Supplementary Planning Document

**6 RELEVANT PLANNING HISTORY**

14/10319 Two-storey & single-storey rear extension; two-storey front extension; roof alterations; side dormers and rooflights 11/04/2014 Withdrawn by Applicant

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

Lymington and Pennington Town Council recommend permission. Given the support of the neighbours at number 2 we support this application where the proposal does not seem to be as overbearing as the case officer suggests.

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

Land Drainage - no comment

## **10 REPRESENTATIONS RECEIVED**

One letter of support from 2 Bingham Drive stating that they are grateful to Mr Taylor for submitting this revised application which minimises any loss of amenity.

## **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.

This application follows a previous scheme, which was withdrawn, and a pre-application enquiry. This current proposal has taken into consideration some of the issues with the previous application but is totally different to the plans submitted with the pre-application enquiry. The initial concerns with the proposal were set out in the Officer's Initial Briefing. The agent sent amended plans during the application process to overcome some of the design issues but there were still neighbour amenity concerns. The amended plans were not accepted as the application would have needed to be readvertised and the Government target date would have been exceeded. No request to withdraw the application was made.

## **14 ASSESSMENT**

- 14.1 The property is a detached chalet-style dwelling situated in the built-up area in a residential cul-de-sac in Lymington. The other dwellings in the immediate vicinity are all different in either design or materials. The property immediately adjacent, situated further forwards, has previously been extended to the rear and is now a much deeper building, although the two dwellings have a similar rear building line.
- 14.2 The main considerations when assessing this application are the impact on the character and appearance of the area, and impact on the residential amenity of surrounding properties. This application follows a previous scheme, which was withdrawn, and a pre-application enquiry. The main difference to the previous application is that the proposed extension would now be mostly to the front of the property with no extension to the rear.
- 14.3 The neighbour at number 2 is built up to the shared boundary where there is currently no fence, this property has been extended to the rear with a two storey extension. There are windows at ground floor and first floor facing the application site and therefore consideration has been given on the impact the proposed extension would have on these windows in terms of loss of light and visual intrusion. From the information available the first floor window which would be affected would be the sole window serving a bedroom.
- 14.4 While this application reduces the impact on this neighbour compared to the previous scheme, by moving the two storey extension to the front, this neighbour's side windows, towards the front of this property, would still be adversely affected. Therefore the proposed extension would have an unacceptable impact on this neighbour in terms of loss of light and visual intrusion. Number 3 already has dormer windows facing this neighbour but with the number as new rooflights proposed, there is likely to be a marginal increase in overlooking. However this could be overcome by a condition for the rooflights serving the ensuite towards the front of the property (which could have views into the first floor bedroom) and a second rooflight serving a bedroom which has its

primary outlook to the front and so it would be reason for these windows to be obscure glazed and fixed shut.

- 14.4 The neighbour at number 5 is sited to the west and is positioned over 10 metres away from the proposed alterations. There are already first floor windows facing this neighbour and therefore the proposed alterations would not cause any loss of privacy or outlook.
- 14.5 The applicant did submit a pre-application enquiry, however this was different to the proposed scheme and therefore the response given does not fully apply.
- 14.6 The proposed alterations would significantly alter the property and when viewed from the front elevation the differing roof lines would appear awkward and unbalanced; the increase in roof form and bulk along with the larger side gable resulting in a large monolithic structure. The proposed two storey front extension would bring the property further forward towards the road and the resulting building would appear bulky and more dominant in the street scene especially when viewed from the west. Consequently the proposal alterations would not respect the existing dwelling and would be overdominant and detrimental to the local area. Therefore the application is recommended for refusal.
- 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 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 development would, by reason of its position to the front, awkward unbalanced roof form and design; together with its excessive size and bulk, result in a form of development which would be contrived in design, imposing in its setting and as such would be detrimental to the character and appearance of the street scene. For these reasons, the proposal is contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park.
2. The proposed extension, by reason of its excessive depth and height in close proximity to the windows on the side elevation of 2 Bingham Drive would be visually imposing and detrimental to this neighbour's outlook and result in an unacceptable loss of light. The proposal would, therefore, be harmful to the amenities of the occupiers of the adjacent property and for this reason is contrary to Policy CS2 of the Core Strategy for the New Forest

District outside the National Park and the Core Planning Principles of the National Planning Policy Framework.

**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.

This application follows a previous planning application which was withdrawn, and a pre-application enquiry. This current proposal has taken into consideration some of the issues with the previous application but is totally different to the plans submitted with the pre-application enquiry. The initial concerns with the proposal were set out in the Officer's Initial Briefing. The agent sent amended plans during the application process to overcome some of the design issues but there were still neighbour amenity concerns. The amended plans were not accepted as the application would have needed to be readvertised and the Government target date would have been exceeded. No request to withdraw the application was made.

**Further Information:**

Householder Team  
Telephone: 023 8028 5345 (Option 1)



# New Forest

DISTRICT COUNCIL

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

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

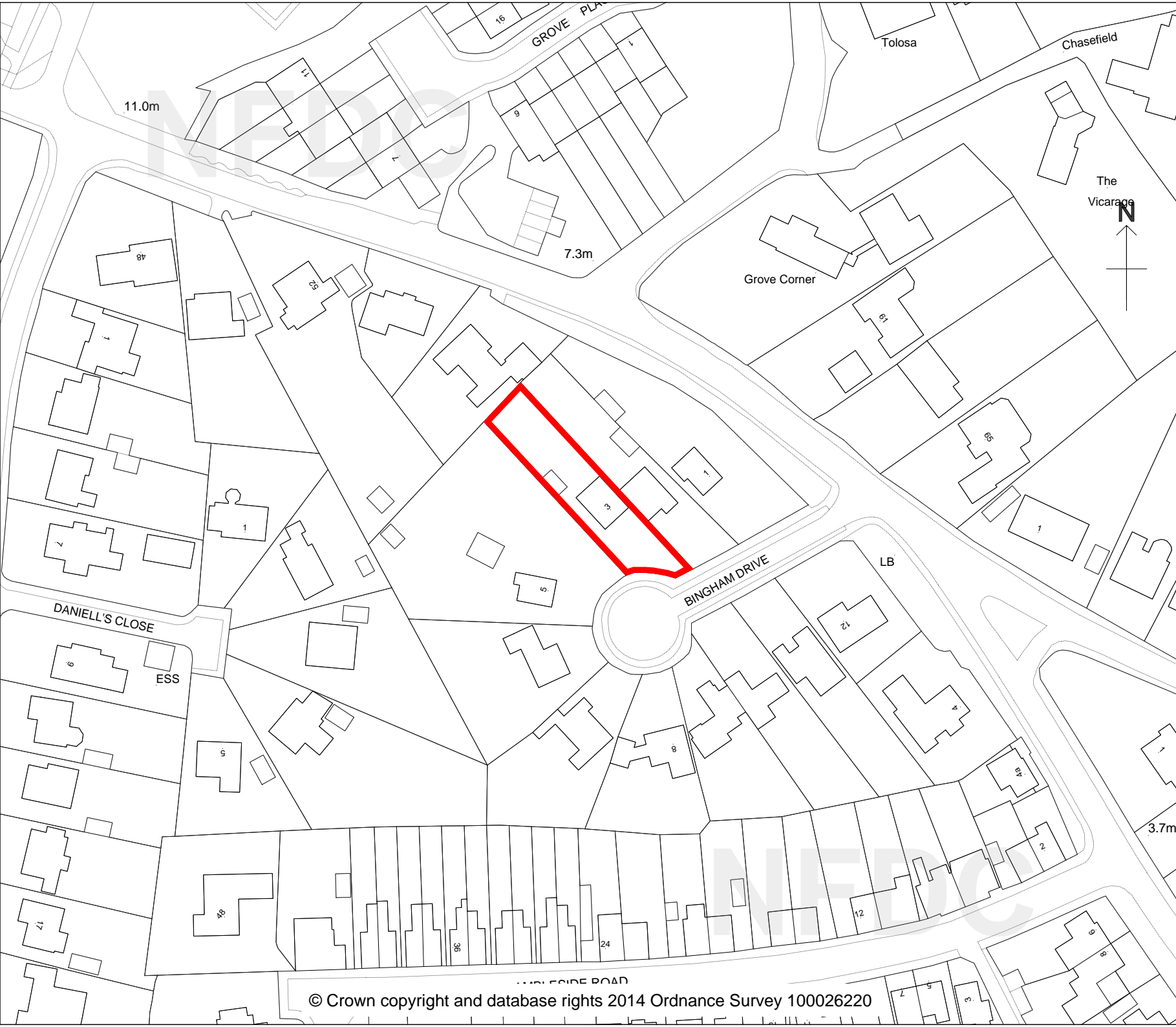
**Planning Development  
Control Committee**  
**September 2014**

**Item No: A12**

3  
Bingham Drive  
Lymington  
App No 14/11018  
SZ3295

Scale 1:1250

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



**Application Number:** 14/11042 Full Planning Permission

**Site:** RECREATION GROUND, WHITEFIELD ROAD, NEW MILTON

**Development:** Replacement concrete skate park, including associated drainage,  
hard and soft landscape works

**Applicant:** New Milton Town Council

**Target Date:** 12/09/2014

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**1 REASON FOR COMMITTEE CONSIDERATION**

Discretion of Head of Planning and Transportation

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Built-up area  
Public Open Space  
Town Centre Boundary

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Core Strategy**

CS2: Design quality  
CS5: Safe and healthy communities  
CS6: Flood risk  
CS7: Open spaces, sport and recreation  
CS8: Community services and infrastructure  
CS20: Town, district, village and local centres

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

DM8: Protection of public open space, private playing fields and sports grounds and school playing fields  
DM16: Within town centres, outside Primary Shopping Areas and Secondary Shopping Frontages

**4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

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

**5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

New Milton Local Distinctiveness Document

**6 RELEVANT PLANNING HISTORY**

None relevant.



## 7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: no comments received at the time of writing.

## 8 COUNCILLOR COMMENTS

None

## 9 CONSULTEE COMMENTS

9.1 Land Drainage Section - It is noted that surface water from the skate park and surrounding areas will be taken to drainage channels with an overflow to the highways system. Each overflow upstream end is to be at a higher level such that it retains as much water as possible in each channel before the final discharge to the highway drain. A long section through the piped systems will need to be produced that shows pipe levels and ground levels to show this. A copy of the confirmation that Hampshire County Council have agreed that an overflow can be taken to the highway system should be submitted to planning. Full details of how surface water will be disposed of are required by condition.

9.2 Environmental Health (Pollution) - Having reviewed the submitted noise report, concern is raised that the noise from the development may cause significant adverse impacts. Further information on the potential noise impacts is required before it can be concluded that the new development can operate without causing significant adverse impacts from noise. Noise from the development should be characterised so an assessment of the impact can be assessed and mitigation strategies explored. The comments are made within the context of the national policy planning framework, which states that steps should be taken to avoid noise from giving rise to significant adverse impacts in health and quality of life as a result of the new development. The specific concerns are:

- The application does not specify the times of operation so the assumption is that this facility will operate 7 days a week during the hours of day light.
- The report concludes that on Whitefield Road the noise levels would be +6dB, which is above the level of marginal significance.
- The report does not take into account the potential elevated noise source from participants being able to stand on the edge of the development nor does it take into account the possible acoustic amplification and/or protection to be afforded from the design of the development.
- It appears that between 7pm and 10:30pm the background noise levels fall to below the 45dB level. Further analysis on the background noise levels during this time are therefore required. If the background noise level is lower than stated and the specific noise from the activity is greater, then the noise impact will be greater than of "marginal significance."
- Information on predicted noise levels between 7pm and 10:30 pm needs to be further established to understand the impact and to assess noise mitigation and the impact of Sunday usage should also be established.
- Further acoustic attenuation or controls on the hours of operation of the development should be explored.

- There does not appear to be the ability to limit access to the facility so a condition to control times of operation does not appear to be feasible.
- The use of acoustic barriers or other mitigation measures has not been explored.

9.3 Community Safety Co-ordinator: see paragraph 11 below.

## **10 REPRESENTATIONS RECEIVED**

Thirteen letters of support have been received for the proposal on the basis that the existing skate park is outdated and the proposal would provide a good community facility in an accessible and convenient location. No objections have been received.

## **11 CRIME & DISORDER IMPLICATIONS**

Community Safety Co-ordinator comments that the land form between the skate park and bowls club hedge needs to be looked at closely, shrubs will need protection when establishing and the space outside the café needs careful attention..

## **12 LOCAL FINANCE CONSIDERATIONS**

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

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

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

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- 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, subject to clarification of the points raised on noise impacts by the Environmental Health Section.

## **14 ASSESSMENT**

### **The Site and Proposal**

- 14.1 The proposal relates to the provision of a replacement skate park facility at New Milton Recreation Ground. The Recreation Ground is a designated area of public open space within the town centre.
- 14.2 It is proposed to relocate the existing skate facility from a location at the eastern end of the Recreation Ground, to a site towards its centre, over the footprint of an existing multi use games area. The footprint of the proposed skate park would occupy an area of approximately 700 sq.m. The proposal is part of a wider scheme to improve the facilities on offer at the recreation ground. The skate park would be constructed of concrete bowls and ramps. The highest part of the structure would be a wave sculpture of 4m in height, though the remainder of the structure would be between ground level and 2.8m in height. The peripheries of the skate park would be landscaped with shrub and tree planting and the existing skate area would be landscaped.

### **The Design and Visual Impact of the Proposal**

- 14.3 Policy CS2 states that new development will be required to be well designed to respect the character, identity and context of the area's towns and to contribute positively to local distinctiveness. The proposal would not have any significant implications in respect of its impact upon the visual amenity and character of the area, the proposal being of interesting and good design, of appropriate scale and materials, appropriately sited and landscaped to an acceptable degree. A landscaping plan is submitted with the application which shows provision of landscaped areas immediately to the west and south of the skate park, which would assist in softening the appearance of the proposal in wider views. In addition, the existing skate park would be removed and landscaped to enhance the character and distinctiveness of the area. The proposal complies with the design and character related provisions of Policy CS2 and New Milton's Local Distinctiveness Document, subject to full details of the landscaping arrangements being finalised by condition.

### **Adjoining Amenity Implications**

- 14.4 Policy CS2 also requires new development to be sympathetic in relation to adjoining buildings and not to cause unacceptable effects by reason of visual intrusion, overlooking, shading, noise, light pollution or other adverse impacts to adjoining amenity. In terms of potential impacts upon adjoining amenity, the proposal is unlikely to impact significantly upon

residential amenity, due to the degree of separation involved, its scale and its unilluminated status. It is noted that the existing skate park is quite close to flats to the east and users of the existing facility may impact upon the amenity of occupiers of the flats by virtue of noise and disturbance, particularly in view of the fact that the existing ramps are constructed of hollow metal. On the face of it the location now identified appears less likely to cause residential amenity problems, due to its more isolated location (away from housing on the eastern boundary), the use of solid concrete ramps and its siting behind existing vegetative screening to the north, as well as proposed landscaping arrangements to the west and south. Notwithstanding the potential benefits to residents to the east, the Environmental Health (Pollution) Team are concerned that the proposal will be nearer flats on the other side of Whitefield Road to the west, which would potentially result in a new source of noise nuisance to those residents. The application is supported by a noise impact assessment in this regard. Having reviewed the submitted noise report, concern is raised that noise from use of the development may cause significant adverse impacts. Further information on the potential noise impacts is required before the Environmental Health Section can conclude that the new development can operate without causing significant adverse impacts from noise. The applicant has been requested to address the concerns raised by the Environmental Health Team, the outcome of which will be reported to Members. It is likely that additional conditions will be required to ensure noise nuisance does not result from implementation of the development. Such conditions might control the hours of operation, require submission of details of noise mitigation measures or require the proposal to be operated in accordance with the recommendations of the noise survey.

### **Provision of Sustainable, Improved and Safe Community Facilities**

- 14.5 Core Strategy Policies CS7 and CS8 are generally supportive of new community facilities that result in improvements in meeting the needs of the Plan Area's population and which enhance recreation, play and sports facilities within communities. Such facilities should provide high standards of accessibility, while ensuring that any adverse impacts are minimised. Policy CS20 supports development which creates safe, attractive and accessible town centres, providing a good range of leisure facilities and high quality public spaces. The Recreation Ground is a sustainable location for the type of development proposed, due to its central position, its accessibility to prospective users and also that it benefits from a good degree of natural surveillance. The proposal therefore complies with the provisions of Policies CS7, CS8 and CS20 of the Core Strategy.
- 14.6 Policy CS5 of the Core Strategy states that 'development will be planned, designed and managed to create environments in which people feel safe, reducing the fear of crime and anti-social behaviour. The siting of the facility in a town centre location, within existing open space covered by existing CCTV cameras and passively overlooked by other town centre uses was a fundamental consideration in site selection. Local Plan Part 2 Policies DM7 and DM16 facilitate development of ancillary public open space and community facilities to enhance the recreational use of the designated areas of public open space within town centres. The juxtaposition of the proposal to the adjoining play area and bowling club may cause issues with regard to the interests of the separate user

groups, although with appropriate mentoring of skate park users, it is not anticipated that the user groups cannot co-exist harmoniously. The use proposed is consistent with the type of use considered appropriate within a public open space. The policy context supports the principle of a replacement facility on The Recreation Ground within the town centre. The comments made by the Community Safety Co-ordinator can be resolved by way of the suggested conditions.

## **Conclusion**

- 14.7 The proposed development is considered acceptable in relation to its design and appearance, the sustainability of its location and the type of land use proposed, in accordance with the relevant adopted policies. Subject to clarification of the potential amenity impacts of the proposal on nearby residential properties, the proposal 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: VISUAL.2 REV Boundary Plan, VISUAL.2 REV SECTIONS, VISUAL.2 REV DIMENSIONS and Drawing no. 561.27.13-201.  
  
Reason: To ensure satisfactory provision of the development.
  
3. Before development commences, details of the means of disposal of surface water from the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved details.

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

4. Before development commences a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :
- (a) the existing trees and shrubs which have been agreed to be retained;
  - (b) a specification for new planting (species, size, spacing and location);
  - (c) areas for hard surfacing and the materials to be used;
  - (d) other means of enclosure;
  - (e) a method and programme for its implementation and the means to provide for its future maintenance.

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

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

5. All external works (hard and soft landscape) shall be carried out in accordance with the approved plans and details within one year of commencement of development and maintained thereafter as built and subject to changes or additions (including signage) only if and as agreed in writing with the Local Planning Authority.

Reason: To ensure the achievement and long term retention of an appropriate quality of 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, subject to clarification of the points raised on noise impacts by the Environmental Health Section.

#### **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**  
**September 2014**

**Item No: A13**  
Recreation Ground  
Whitefield Road  
New Milton  
App No 14/11042  
SZ2494

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

