

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

Parish	Site	App.No.	Schedule	Recommended
Copythorne	SCAFFOLDING YARD, THE OLD BRICKYARD, SALISBURY ROAD, COPYTHORNE SO51 6AN	14/11044	09	<b>Grant Subject to Conditions</b>
Hordle	LAVENDER FARM, HARE LANE, HORDLE SO41 0GE	14/11063	10	<b>Head of Planning Authorised to Grant</b>
	Land adjacent 86 EVERTON ROAD, HORDLE SO41 0FD	14/11160	14	<b>Grant Subject to Conditions</b>
Hythe and Dibden	TRAVELLERS REST, HART HILL, HYTHE SO45 3ND	14/11077	11	<b>Grant</b>
Lymington and Pennington	101 HIGH STREET, LYMINGTON SO41 9AP	14/10429	03	<b>Head of Planning Authorised to Grant</b>
	JEVINGTON, 47 WATERFORD LANE, LYMINGTON SO41 3PT	14/10941	05	<b>Grant Subject to Conditions</b>
	22 DANIELLS WALK, LYMINGTON SO41 3PN	14/11035	08	<b>Grant Subject to Conditions</b>
	15 LODGE ROAD,	14/11120	12	<b>Grant Subject to</b>

PENNINGTON, LYMINGTON  
SO41 8HH

**Conditions**

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PINETOPS HOUSE, 67-69  
RAMLEY ROAD,  
PENNINGTON, LYMINGTON  
SO41 8GY

14/11138

13

**Head of Planning  
Grant or Refuse**

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New Milton

Land south of, LYMINGTON  
ROAD, NEW MILTON BH25  
6PR

13/11276

01

**Head of Planning  
Grant or Refuse**

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NORTH MILTON ESTATE,  
NEW MILTON BH25 5LD

14/11099

15

**Grant Subject to  
Conditions**

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Ringwood

Land at CROW ARCH LANE &  
CROW LANE, CROW,  
RINGWOOD BH24 3DZ

13/11450

02

**Grant Subject to  
Conditions**

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THE PUBLIC OFFICES, 65  
CHRISTCHURCH ROAD,  
RINGWOOD BH24 1DH

14/11023

07

**Refuse**

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Totton and Eling

10 HARWOOD CLOSE,  
TOTTON SO40 3FT

14/10868

04

**Grant The  
Variation Of  
Condition**

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32 RINGWOOD ROAD,  
TOTTON SO40 8BZ

14/10959

06

**Grant Temporary  
Permission**

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

**STATUTORY TESTS**

## **Introduction**

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

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

## **The Development Plan**

### **The Development Plan Section 38**

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

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

## **Listed Buildings**

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

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

## **Conservation Areas**

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

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

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

## **Areas of Outstanding Natural Beauty (AONB's)**

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

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

## **Trees**

### Section 197. Trees Town and Country Planning Act 1990

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

## **Biodiversity**

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

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

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

### Conservation of Habitats and Species Regulations 2010

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

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

## **Equality**

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

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

(3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

### **Financial Considerations in Planning**

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

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

**Application Number: 13/11276** Outline Planning Permission

**Site:** Land south of, LYMINGTON ROAD, NEW MILTON BH25 6PR  
**Development:** 4 houses; site of alternative natural green space; access (Outline Application with details only of access)  
**Applicant:** Mr Chappell  
**Target Date:** 06/12/2013

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**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Town Council and Highway Authority View

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Built-up area  
Landscape Feature  
Protected trees

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES****Core Strategy****Objectives**

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

**Policies**

CS1: Sustainable development principles  
CS2: Design quality  
CS4: Energy and resource use  
CS7: Open spaces, sport and recreation  
CS10: The spatial strategy  
CS15: Affordable housing contribution requirements from developments  
CS24: Transport considerations  
CS25: Developers contributions

**Sites and Development Management Development Plan Document**

DM2: Nature conservation, biodiversity and geodiversity  
DM3: Mitigation of impacts on European nature conservation sites  
NMT12: New public open space south of Lymington Road, north of Chestnut Avenue

**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 - New Milton Local Distinctiveness  
SPD - Design of Waste Management Facilities in New Development  
SPD - Parking Standards  
SPD - Mitigation Strategy for European Sites  
SPD - Housing Design, Density and Character

## **6 RELEVANT PLANNING HISTORY**

- 6.1 Erection of 6 houses and construct new access (54869) Refused on the 1st September 1994
- 6.2 Erection of 5 houses and construct new access (55862) Refused on the 6th Feb 1995. Appeal dismissed.

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

New Milton Town Council: Recommend refusal - While the principle of enabling development on the open space and Site of Alternative Natural Green Space is accepted

- 1. The policy objective of providing at least 0.3 hectares of accessible public open space and SANGS is not met; the extension of the road and turning head into the western half of the site urbanises around two thirds of the site such that the area available for delivering open space and natural green space is too small. Further delivery of a pedestrian through route for access is uncertain because the indicative footpaths terminate in private land at the site boundary.
- 2. Unsafe access onto the A337: there is a lack of confidence in the recorded wet weather speeds used to determine the appropriate easterly visibility splay and uncertainty in delivering a suitable visibility splay due to a lack of control over the necessary land.
- 3. Protected trees will not be adequately protected; given the absence of an arboricultural method statement there is a lack of confidence that the numerous protected trees on the site will be adequately protected; it is noted that the indicative layout (which could become subject to condition to implement) sites a garage underneath a protected tree making that tree vulnerable to future applications for management to safeguard the building only.

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

- 9.1 Hampshire County Council Highway Engineer: Recommends refusal
- 9.2 Tree Officer: No objection
- 9.3 Environmental Design (Urban Design): No objection
- 9.4 Policy: No objection
- 9.5 Ecologist: The report that has been submitted does not meeting national guidance.

9.6 Land Drainage: No objection subject to condition

## **10 REPRESENTATIONS RECEIVED**

10 letters of objection concerned that the application only covers half the site and it should be detailed as to what is happening on the other half of the land. There should be restrictions on the land for future plans. There are restrictive covenants on the land. There should be no vehicular access to this site through Farm Lane North. The road is too narrow. There is no need for two pathways to be marked onto the plan leading to the existing right of way. Concerns have been expressed about boundary ownership. Concerns over impact on residential amenity including noise and disturbance and overlooking. There is a pipeline running through the site.

## **11 CRIME & DISORDER IMPLICATIONS**

No relevant considerations

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission and the dwellings built, the Council will receive £4608 in each of the following six years from the dwellings' completion, and as a result, a total of £27,648 in government grant under the New Homes Bonus will be received. New Forest District Council currently does not have an adopted CIL scheme.

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

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

This is achieved by

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



performance requirements.

This application as originally submitted was unacceptable for a number of reasons including number of dwellings, layout, tree issues, highway and ecological issues and officers have worked with the applicant to resolve these matters to now reach a positive solution to develop the site.

## 14 ASSESSMENT

- 14.1 The application site is a rectangular shaped open piece of grassland within the built up area of New Milton to the south of Lymington Road. There are no buildings on the land and currently the site is not used for any purposes and has the appearance of a paddock. There is currently a single access into the site from Lymington Road provided by a metal gate. There are numerous mostly mature trees around the northern, western and southern boundaries which are protected by a Tree Preservation Order, with a small woodland to the east. The site lies to the north of the rear gardens to properties in Chestnut Avenue, which consist of substantial detached dwellings in generous plots. Smaller terraced and semi detached properties in Oxey Close abut parts of the northern site boundary. On the western boundary of the site are detached properties in Farm Lane North with a public footpath running parallel to part of the site.
- 14.2 This planning application proposes the erection of four dwellings and two garages together with the provision of an informal area of open space in the form of a Site of Alternative Natural Green Space (SANGS). The application has been made in outline with details only of access to be considered at this stage. All other matters are reserved. The planning application has been accompanied by an illustrative site layout plan showing the positioning of the four dwellings and internal access road and the area of open space. A minimum of 0.3 hectares of land on the site will form the area of open space to be used as SANGS.
- 14.3 The proposed layout of the site shows an internal access road from Lymington Road running through the site with two dwellings sited on the eastern part of the site, and the area of open space to be used as a SANGS is situated on the western part of the site. The internal access road leads onto the area of open space and would effectively be connected to an internal footpath providing a link through the whole site from Lymington Road to the existing footpath to the west of the site. It should be noted that whilst the submitted site layout plan is an illustrative drawing, it does show a possible layout of the site for both the dwellings and area of open space and the full details of the area of open space and housing layout would be assessed as part of a reserved matters application.
- 14.4 There have been previous applications on this site back in 1994 and 1995, which were refused permission and dismissed on appeal. The application dismissed on appeal involved a development of five large detached dwellings on the whole of this site with the access to be provided between two existing residential properties in Chestnut Avenue. In dismissing the appeal, the Inspector did not raise any

concerns relating to the effect on the character of the area or trees, however, he was concerned with the impact of the proposed access road on the living conditions of the adjoining residents at 30 and 32 Chestnut Avenue. In the decision letter, the Inspector stated that it might be possible to gain access to the site from Lymington Road but it is a relatively busy principle traffic route and in the absence of any detailed evidence on this matter, he was not satisfied that such an access could be provided without prejudicing highway safety.

- 14.5 In assessing this proposal, it is important to start with the policy position. In the past, this piece of land was identified in the local plan as a Landscape feature. The aim of the policy was to protect the area from developments which would detract from the contribution they make to the quality and character of the local environment. Whilst this policy is still a saved policy, the application site has been removed from its designation as a landscape feature and has been re- allocated in the Local Plan Part 2.
- 14.6 The relevant policy in this case is Policy NM12 of the adopted Local Plan Part 2, which has superseded the saved policies in the local plan. Policy NM12 states that the site in question is proposed as a new public open space to be managed as Suitable Alternative Natural Green Space (SANGS). The policy seeks to mitigate the impact of recreational impacts from residential development on the European Nature Conservation designations and to secure long term public access to this area. However, it is stated that in order for this area of open space to happen and be implemented, the Council may consider a very limited amount of 'enabling development' on the site provided a minimum of 0.3 hectares of accessible public open space in the form of natural green space is provided. The details of the creation of this area of open space which would be managed as a SANGS is set out in the Councils adopted Mitigation Strategy. It states that provision of the area of natural green space is linked to the public right of way to the west of the site.
- 14.7 The proposed illustrative layout of the site shows that an area of open space in the western part of the site which equates to over 0.3 hectares in size would be provided. The area of open space would be an informal grassed area with scattered trees with a footpath link through the site connecting to the existing public footpath to the west in Farm Lane North. This would enable people to access and utilise this area from the surrounding areas and provide a pedestrian connection through the site. This area of open space would need to be transferred to the District Council for ownership and control so that it can be managed as a SANG, together with the land being laid out in accordance with an approved scheme prior to occupation of the first dwelling on the site and for public access to this area in perpetuity. These matters would be secured through the completion of a Section 106 Legal Agreement. It is considered that the provision of four dwellings on this site together with the internal access road from Lymington Road enables the implementation of the area of open space to be accessible to the public and on this basis, it is considered that the proposal would comply with Policy NM12.
- 14.8 While concerns have been expressed by the Town Council that the

proposed internal access road with its turning head reduces the extent and usable area of open space, the actual level of open space to be provided for the development exceeds the policy requirement which is 0.3 hectares. Accordingly an objection on this basis would not be reasonable and it should be noted that the length of the turning head has been reduced further to maximise the level of open space in this area.

- 14.9 Concerns have also been expressed that the proposed internal footpath links onto a private garden area and does not connect to the existing public footpath to the west. This is an important point given the need to provide public access into the site from the existing public right of way to the west of the site. However, the red line extends up to the boundary of the footpath and the illustrative plan showing the internal footpath has now been amended to show a connection and link to the existing footpath, this would ensure that the open space is accessible to the public. It should be noted that the proposal is to create a pedestrian access point onto the existing footpath network.
- 14.10 In terms of visual impact, the actual layout of the site, design of the buildings, and the layout of the area of open space will be provided in full in a reserved matters application. The submitted illustrative drawing demonstrates that the proposed number of houses can be acceptably accommodated on the site enabling the required area of open space and also shows a spacious layout with the proposed dwellings benefiting from good sized gardens and space between the buildings together with a housing layout that invites the public into the site to use the area of open space. It should be noted that the proposed area of open space will require modest improvement for such purposes as informal amenity, including some bulb planting, a few additional trees, and some facility for sitting to enjoy the space, but it is not intended to create formal play areas with its associated equipment.
- 14.11 Accordingly on the basis that the basic concepts, layout and design principles are followed in the illustrative plans, there is no reason why a high quality development should not result and if planning permission were to be granted, there should be a condition which ensures that the development should reflect the design principles on the illustrative plans.
- 14.12 In terms of residential amenity, it is considered that four dwellings could be provided on this site without causing significant impact on the privacy, light and outlook of the adjoining and nearby residents and this has been demonstrated on the submitted illustrative drawing. Overlooking would be a matter to be considered in any reserved matters application when the appearance of the buildings would also be considered. However, the dwellings would be sited and orientated away from the residents to the south in Chestnut Avenue in which two dwellings are sited more than 20 metres away from the rear boundary with the residents. One of the proposed dwellings in the south east part of the site is closer at a distance of 8 metres which would be acceptable. The proposed dwellings would be located closer to the residents at Nos 1 and 2 Oxey Close, however, the distances from the rear elevation of the proposed dwellings to the rear elevation of the neighbours measures more than 22 metres which is acceptable.

- 14.13 In terms of tree matters, there are many substantial trees on and adjacent to the site which are protected by a Tree Preservation Order and are mainly located around the perimeter of the site. The Tree Officer considers that there is scope for development of the site which could include the long term retention of the important trees and the submitted illustrative layout shows that the distances to the trees and the level of garden spaces would be acceptable without effecting these trees. The proposed detached garage would be sited under the canopy of the tree located on the southern boundary, however, the Tree Officer considers that the tree is in poor condition and the loss of the tree is acceptable. Accordingly, the Tree Officer is satisfied that the site could accommodate 4 dwellings with access from Lymington Road without undue risk to the protected trees from either construction works or longer term pressure from occupiers.
- 14.14 With regard to highway safety matters, it is proposed to provide access onto Lymington Road, which is a classified Road. The applicant commissioned a speed survey which provided an 85%ile wet weather speed of 31mph for vehicles travelling in a westerly direction. The necessary visibility splay required to accommodate this 85%ile speed is indicated to incorporate the splay, however, it should be noted that part of the splay passes over land in the ownership of a third party.
- 14.15 The Highway Authority have raise an objection to the proposal and considers that on the basis that part of the visibility splay ( in the eastern direction) passes over unregistered land (a small part of the visibility splay is outside highway land and the applicants land) the provision/ retention of the splay cannot be guaranteed by the imposition of a condition.
- 14.16 In response, whilst Officers understand the comments made by the Highway Authority, a reason for refusal on the grounds that part of the visibility splay is located on unregistered land would not be reasonable. Planning permission can still be granted with a condition for the visibility splays to be provided and it will be the responsibility of the applicant to ensure that the condition is complied with. The applicant has tried to find out who the owner of this piece of land is, however, they have had no success. On other highway matters, the proposed internal access shows a turning head within the layout to ensure refuse and emergency vehicles can enter and leave the site in a forward gear. Matters of car parking provision would be considered as part of any reserved matters application.
- 14.17 The site does have potential for protected species and an ecological report has been submitted in support of the application. It is considered that further survey work is still required and this will need to be secured before a decision is issued.
- 14.18 In terms of contributions, the proposed development would provide an area of 0.3 hectares of land to be used as a SANG and area of informal open space and this would accord with the policy requirement for habitat mitigation and open space for the site. The SANGS on the site will have to be provided and laid out in accordance with an approved scheme as detailed in any reserved matters application and the land must be transferred to the District Council together with a financial contribution towards future maintenance and monitoring (a total of £16,800 and £50 per dwelling). Access to the SANGS through the housing development for the public to use will have to be secured

as part of the Section 106 Agreement.

- 14.19 The proposed development would also require an off site affordable housing contribution, in which the final payment figure will be dependant on the number of bedrooms in the reserved matters application. The proposed development would also require a contribution towards transport improvements.
- 14.20 Concerns have been expressed that there are restrictive covenants on the land, however, this is not a planning matter. Concerns have been expressed that the red line boundary is not correct in terms of land ownership. However the applicant in response has confirmed that the red line boundary is correct. Matters of boundary disputes and ownership are not planning matters.
- 14.21 In conclusion, the proposal to develop part of the site for four dwellings would enable the remainder of the site, which equates to 0.3 hectares in size to be used as an area of informal open space to be used as SANGS. The illustrative layout shows how the site could be developed in this context together with a useable area of open space which connects Lymington Road with the existing public footpath at Farm Lane North. Whilst concerns have been expressed from the Highway Authority that part of the visibility splays would be located on unregistered land, this is a matter for the applicant to resolve and ensure that the proposed development can achieve acceptable visibility splays. The applicant has agreed to enter into a Section 106 Agreement to provide contributions towards affordable housing and transportation improvements, together with the provision of on site public open space and its maintenance and monitoring contributions.

#### 14.22 **Heads of Terms of the Proposed Section 106 Agreement**

As this is an outline application with no fixed bedroom numbers at this stage there are no specific figures for a contributions table. As a result the Heads of Terms set out the formulae used to calculate the appropriate contributions.

**The transportation contribution** would be based on the following as detailed in the reserved matters application:

For a one bedroom dwelling: £1980

For a two/ three bedroom dwelling: £3745

For a four bedroom dwelling: £5457

**The affordable housing contribution** would be based upon the following as detailed in the reserved matters application:

For a one bedroom dwelling= £13,750

For a 2 bedroom dwelling = £25,540

For a three bedroom dwelling = £36,720

For a four bedroom dwelling =£38,940

The **open space/ SANGS** contribution would be based on the following:

A minimum of 0.3 hectares of land to be used as SANGS/Open space. The SANGS/ open space maintenance contribution based on the calculation of £56,000 for every hectare (a total of £16,800 ) will be required. The SANGS/open space will have to be made available for use prior to first occupation of any Dwelling on the land. SANGS monitoring sum of £50 per dwelling to be payable to NFDC when the land is transferred.

- 14.23 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

## 15. RECOMMENDATION

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

- i) the completion 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 a financial contribution for off-site affordable housing and transportation improvements, a minimum of 0.3 hectares of land to be used as SANGS/ Open space to be provided within the identified area (to be shown as hatched on a plan) and all of the SANGS/ Open space. The SANGS/ open space maintenance contribution based on the calculation of £56,000 for every hectare (a total of £16,800 ) will be required. SANGS monitoring sum of £50 per dwelling.
- ii) the receipt of further information in relation to the likely implications in relation to ecology on the site.
- iii) the imposition of the conditions set out below.

BUT, in the event that the Agreement is not completed by 30th March 2015, the Head of Planning and Transportation be **AUTHORISED TO REFUSE PERMISSION** for the reasons set out below.

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

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

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

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

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the 'reserved matters' to be approved.

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

4. At the reserved matters stage the dwellings will be required to achieve the level of the Code of Sustainable Homes applicable on the date of the reserved matters application. No development should commence on site until an interim certificate has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until a final code certificate has been submitted to and approved in writing by the Local Planning Authority certifying that the dwellings have achieved the required Code Level.

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

5. The development permitted shall be carried out in accordance with the following approved plans: 8324/100 Rec C 8324/101 Rev E.

Reason: To ensure satisfactory provision of the development.

6. The details submitted in accordance with Conditions 1) and 2) shall reflect the design concepts and principles contained in the illustrative site layout plan drawing number 8324/100 Rev C. .

Reason: To ensure that any pursuant reserved matters applications follow the key design principles and concepts which are set out in the illustrative drawings in accordance with Policies CS2 and CS10 of the Core Strategy for the New Forest District outside the National Park.

7. Visibility splays, in accordance with the details shown on Anders Roberts & Associates Ltd Drawing 8324/100 Rev. C, at the junction of the proposed new vehicular access with Lymington Road (A337) shall be provided prior to occupation of any dwelling hereby approved and thereafter permanently maintained and retained. and these splays shall be kept free from any obstruction greater than 600mm above the adjacent carriageway at all times.

Reason: In the interest of highway safety and to comply with Policies CS1 and CS10 of the Core Strategy for the New Forest District outside the National Park.

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

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

9. 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.



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

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

**Notes for inclusion on certificate:**

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.

This application as originally submitted was unacceptable for a number of reasons including number of dwellings, layout, tree issues, highway and ecological issues and officers have worked with the applicant to resolve these matters to now reach a positive solution to develop the site.

2. This decision relates to amended plans received by the Local Planning Authority on the 20th March 2014 and the 12th June 2014.

**Further Information:**

Major Team  
Telephone: 023 8028 5345 (Option 1)



# New Forest

DISTRICT COUNCIL

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

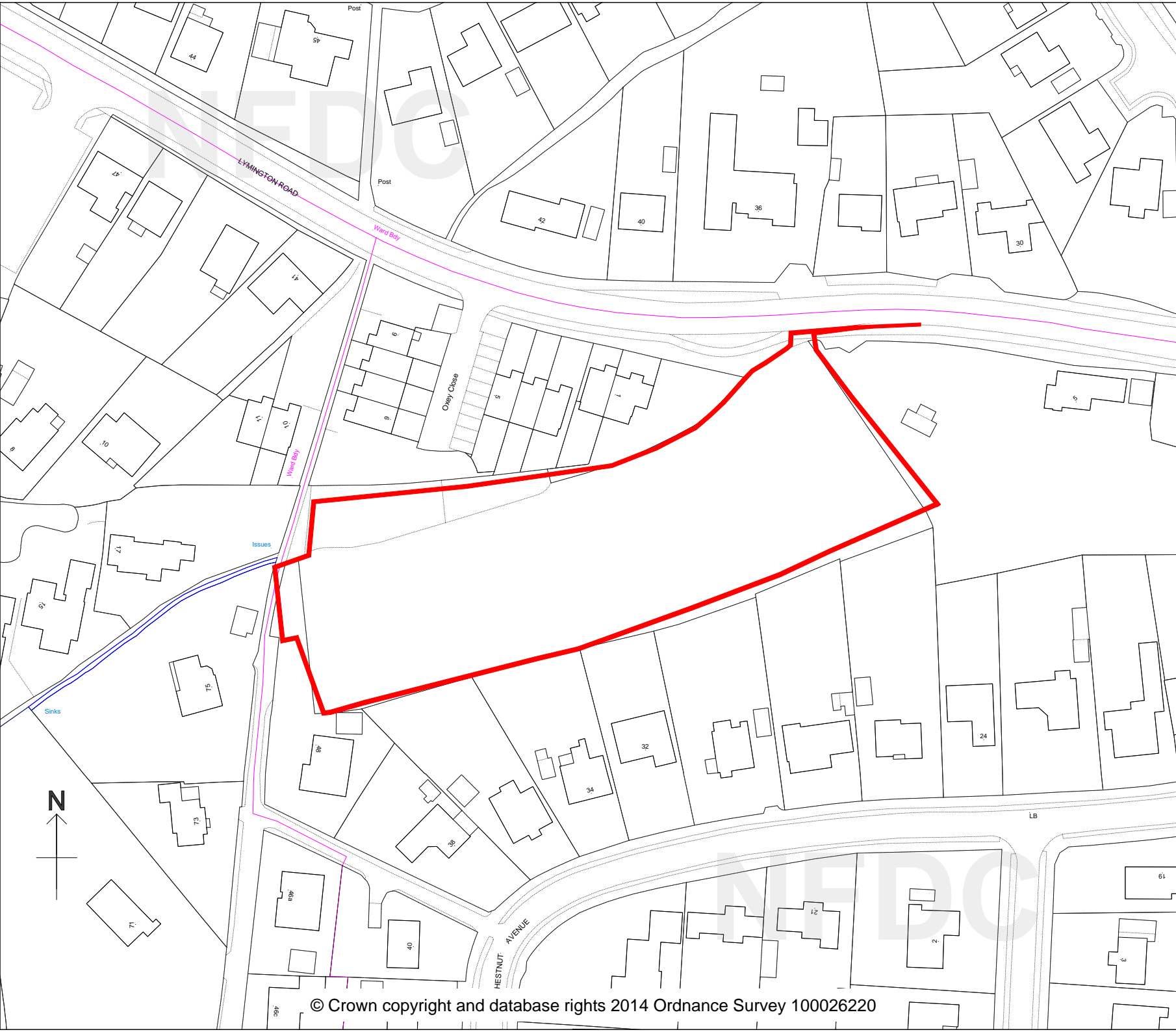
Chris Elliott  
Head of Development Control  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

**Planning Development  
Control Committee**  
**October 2014**

**Item No: A1**  
Land South of  
Lymington Road  
New Milton  
App No 13/11276  
SZ2494

Scale 1:1250

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



**Application Number: 13/11450** Outline Planning Permission

**Site:** Land at CROW ARCH LANE & CROW LANE, CROW,  
RINGWOOD BH24 3DZ

**Development:** Mixed development of up to 175 dwellings (Use Class C3); up to 1.5 hectares of small employment (Use Classes B1 & B2); nursing home (Use Class C2); child nursery (Use Class D1); hotel / pub / restaurant (Use Class C1); fitness centre (Use Class D2); retail / professional services / restaurant (Use Class A1/ A2/ A3); open space areas; allotments; accesses on to Crow Lane and Crow Arch Lane; estate roads; footpaths; cycle ways; foul & surface water infrastructure (Outline Application with details only of access)

**Applicant:** Linden Ltd and Hampshire County Council

**Target Date:** 18/02/2014

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**1 REASON FOR COMMITTEE CONSIDERATION**

Previous Committee Consideration. The report is the same as previously considered with an update in Paragraph 14 and consequential changes to the recommendation.

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Built-up area  
Green Belt  
Housing Reserve Site  
Industry/Business Reserve Site  
River Valley

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Core Strategy**

CS1: Sustainable development principles  
CS2: Design quality  
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)  
CS4: Energy and resource use  
CS6: Flood risk  
CS7: Open spaces, sport and recreation  
CS9: Settlement hierarchy  
CS10: The spatial strategy  
CS11: New housing land allocations  
CS15: Affordable housing contribution requirements from developments  
CS18: New provision for industrial and office development and related uses  
CS23: Transport proposals  
CS24: Transport considerations

CS25: Developers contributions

### **Local Plan**

RW-12: Land west of Crow Lane

DW-E9: Hedgerows

DW-E28: Archaeological field assessment

### **Local Plan Part Two**

RING3 - Land south of Ringwood, west of Crow Lane and adjacent to Crow Arch Lane

DM2b - Provision of Suitable Alternative Natural Green Space

DM13 - Tourism and visitor facilities

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

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

Planning Practice Guidance

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

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

Parking Standards SPD (Oct 2012)

Ringwood Local Distinctiveness SPD

HCC's Developer Contributions Policy towards Education Facilities (December 2013)

Council's Draft Habitats Mitigation Strategy SPD

## **6 RELEVANT PLANNING HISTORY**

- 6.1 99/NFDC/65802/OU - Residential development (approximately 100 dwellings), open space & new access on 5.4 ha of land West of Crow Lane, Ringwood - Refused August 1999
- 6.2 NFDC/98/65104/OUT - Residential development (approximately 100 dwellings) open space & new access on 5.4 ha of land West of Crow Lane, Ringwood - Appeal withdrawn November 2000
- 6.3 94/NFDC/54868 Erect 40 dwellings, landscaping, open space & new access on land west of Crow Lane, Ringwood - Refused September 1994
- 6.4 XX/RFR/15253 Residential development with access - Refused August 1972
- 6.5 XX/RFR/14656 Residential development with construction of access - Refused February 1972

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

Ringwood Town Council: recommends Permission, subject to the following conditions:

- The development should not worsen the flood risk in the surrounding area, in accordance with Policy CS6.  
The development should not have a detrimental impact on the sewerage system. Any recommendations by Wessex Water for upgrading local sewers and pumping stations should be implemented.

- 50% of the dwellings to be affordable, in accordance with Policy CS15, to be secured by S.106 agreement with no opportunity for negotiation.
- The District Council is requested to review the mix of property type it requires for affordable housing to best meet the needs of Ringwood. More family homes should be provided.
- The findings of the Traffic Assessment should be challenged and account taken of the independent assessment to be provided by A Better Ringwood group.
- Further assessment is needed of the impact of the development on the surrounding road network, to include the highway implications for: Hightown Hill, Moortown Road, Cloughs Road, Manor Road, Junction of Parsonage Barn Lane/Hightown Road, A31 slip road (from Eastfield Lane), Nouale Lane and Milky Down Lane.
- Further assessment is needed on the number of additional trips likely to be generated by the development, with consideration being given to seasonal variations in existing traffic flows.
- Further assessment is needed of the proposed southern access from Crow Lane, with measures taken to avoid the creation of a blind bend.
- Further assessment is needed on the proposed narrowing of Hightown Road, which could have a detrimental impact on pedestrians and cyclists due to large vehicles mounting verges and pavements.
- Consideration should be given to the provision of a bridleway within the development, running parallel with Crow Lane, for the safety of horse riders and cyclists.
- That the option of routing traffic for the industrial units through Endeavour Business Park instead of Crow Lane is investigated, noting that the landowner in question is open to discussion.
- A structural survey of the road bridge in Crow Arch Lane is required to ensure it is able to withstand increased traffic.
- That no right hand turn from Eastfield Lane to the A31 slip is provided
- That the non-residential uses proposed on the site do not have a detrimental impact on the vitality and viability of the town centre, or generate traffic movements unsuited to a residential area.

## 8 COUNCILLOR COMMENTS

None

## 9 CONSULTEE COMMENTS

9.1 **Environment Agency** - initial comment was no objection, subject to informatives and planning conditions to address the surface water management strategy for the site and its future maintenance. Having reviewed the letter from RPS (dated 17 March 2014), the winter soakaway testing and the original Flood Risk Assessment (dated November 2013) it is not disputed that soakaways could be a viable option for surface water management. The detailed design of the site drainage will need to be based upon more detailed ground investigation and discreet drainage systems will be needed for each phase. At this stage it would be prudent to utilise the worst case 'available' infiltration testing and groundwater level results (i.e. from the testing conducted this winter) as the design infiltration rate across the whole site. It is advisable to conduct continued testing between now and as the development comes forward through to its conclusion, to ensure any more severe conditions are captured and design parameters duly amended. Further testing where soakaway proves to be inappropriate, other methods will need to be put forward at the appropriate time. On this basis it is unreasonable

revise the FRA or drainage strategy.

- 9.2 **Council Drainage Section** - The Environment Agency is the lead authority to comment on the suitability of the on-site surface water management proposals. The historical flooding events at Crow Crossroads and areas downstream of the site are acknowledged, though consider the submitted flood risk assessment to be acceptable. No objections are raised to the proposal subject to conditions to address surface water discharge details and future maintenance of site drainage. Specifically; greenfield run-off rate from the site would need to be assessed, infiltration techniques and SUDS features should be varied across the site, pollution from areas such as highways or parking areas intercepted, in areas where surface water is not collected it is to be specified how pluvial water from a heavy downpour will be dealt so as not to cause a local flood, evaluation of any changes in the ground water level during the more severe rainfall events and how maintenance of agreed drainage measures can be carried out for the lifetime of the development.

The testing undertaken in January 2014 consisted of 9 trial pits with water strikes at between 1.9m and 2.5m below ground level in five of them. No water strikes were recorded in the latest survey for the western side of the site where pits of between 2.1m and 2.3m were dug, so the water level is not known at these locations. Water levels should be found to aid the design of soakaways. The original site investigation report stated that all seven window sample boreholes were installed with permanent water monitoring installations. It is queried why the logs for these were not included in the later report. Although the soakage rates are shown to be somewhat reduced under the latest tests the site should still be suitable for soakage but the structures are likely to be larger and flatter because of the water table and therefore a different design.

- 9.3 **Wessex Water** - Wessex Water is sewerage undertaker at this location and water supply is provided by Sembcorp Bournemouth Water. With regard to Foul & Surface Water Drainage separate systems of drainage will be required to serve development proposals. Existing public foul systems in this location drain to Ringwood STW via a number of pumping stations. An engineering appraisal will be required to confirm points of connection and any downstream capacity improvements. Wessex Water is currently working with the developer to agree a strategy for foul water disposal. These include options to attenuate flows or upgrading pumping capacity at Crow Lane SPS to the treatment works. An existing 150mm diameter foul sewer crosses land at the extreme western boundary. Surface water discharges should be made to existing land drainage systems subject to any agreed flood risk measures under the National Planning Policy Framework and Environment Agency requirements. With regard to Sewage Treatment, sufficient headroom capacity is available within the existing discharge consent. Wessex Water are currently reviewing replacement and maintenance of assets at the works. This may include upgrading where necessary.

- 9.4 **Urban Design, Landscape and Open Space Team** - The principle of development is supported, but some important matters remain to be resolved. At this stage it is not possible to confirm numbers of dwellings or quantum of development that can satisfactorily be accommodated whilst meeting design quality and all other policy requirements. The application does not include a proposed layout, although there is an illustrative masterplan and a supporting Design & Access Statement that

makes reference to 175 dwellings. No information has been provided on parking provision. At the point when a detailed layout is drawn up, there will need to be very careful attention given to the balance between parking provision and the provision of green space within the housing layout, to avoid the creation of a hard urban layout and ensure that the character of the development is sensitive to its rural edge context. The full open space requirements (including SANG) should be provided on site, but the proposed 3.8ha total open space is insufficient for the suggested 175 houses of the type indicated, so the number of houses may need to be reduced to satisfy open space policy requirements. Any approval to be subject to conditions as required, and subject to specific reference in the decision confirming that:

- the submitted illustrative masterplan and D&AS are merely illustrative,
- the quantum of development (number of houses) is not agreed, and
- the landscape strategy plan is not agreed and will require further consideration.

- 9.5 **Environmental Health Section (Contaminated Land)** - The Phase 1 Report complies with the requirements of the NPPF and CLR 11. RPS's Phase 2 report concludes that the site is suitable for residential use, further ground gas monitoring is required to comply with CIRIA C665 and that a discovery strategy should be put in place to identify unanticipated contamination. No objections are raised, subject to imposition of standard contaminated land planning conditions.
- 9.6 **Environmental Health Section (Pollution)** - There is little information supplied at this stage of the application process on which we are able to comment. We would like to see the detailed plans for the buildings and associated services when they become available.
- 9.7 **Highways Agency** - No objections
- 9.8 **Hampshire County Council Highway Engineer** - Following submission of further information in support of the planning application, the concerns previously raised by the Highway Authority have been alleviated. No objections are raised to the development, subject to the applicant entering into a Section 106 Agreement with the Highway Authority to secure a highway contribution of £583,000 towards highway improvements, to provide the access junctions under Section 278 of the Highways Act 1980, to provide the offsite highway works under Section 278 of the Highways Act 1980 and to submit and implement a bonded Full Travel Plan approved by the Highway Authority. Twelve conditions are recommended to ensure detailed proposals for the construction of the roads, footways and accesses, together with details of street lighting, landscaping, paving and surface water disposal, a Construction Traffic Management Plan is prepared and implemented, to ensure appropriate provision of access to the allotments is made and various conditions to ensure adequate pedestrian/cycle connections are made throughout the site, including those parts of the scheme related to improvement of the Castleman Trail. A fuller summary of the Highway Authority's comments is included in the Highway Implication section below.
- 9.9 **Hampshire County Council Education** - Ringwood is an area of pressure for primary school places which has resulted in Poulner Infant School admitting above its published admission number in recent years. A development of 175 dwellings of two beds or more, would yield 52 primary age pupils, adding to the pressure for places in the area. To

reflect this a contribution of £379,275 towards the cost of additional provision should be made. The contribution being sought represents the expected impact from this development on the requirement for additional places and is related to the principles contained in HCC's Developer Contributions Policy towards Education Facilities updated in December 2013. Whilst the development lies in the catchment area of Ringwood Infant and Junior Schools the expected yield of additional pupils is not sufficient to warrant an expansion of these schools. The contribution would, therefore be directed at expansion of Poulner Infant School to provide 90 places per year group, thus providing additional places to meet the expected demand for pupil places from this development. Additional modular teaching accommodation, costing in the region of £100,000 (including installation, rental and removal costs) will be provided at Poulner from September 2014 pending a permanent expansion of the school, planned for 2016. Plans for the permanent expansion have not been finalised but expected costs could be in the region of £800,000. At Junior level it is felt there will be sufficient places available within the local schools to accommodate any additional pupils.

- 9.10 **HCC Archaeologist** - The planning application is supported by an archaeological desk based assessment (DBA), which appears to underestimate the archaeological potential of the site. However, archaeological mitigation is not an overriding issue and it is recommended that an archaeological condition is attached to any planning permission to secure a preliminary archaeological survey, any mitigation and to report arising results.
- 9.11 **Natural England** - No objections as the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which the SSSI, SAC, SPA and Ramsar sites are designated, subject to conditions being attached to any permission to ensure the recommendations and commitments set out in the Ecological Assessment and Habitats Regulations Assessment are addressed, prior to development commencing to include:
- Detailed SANGS proposals including walking routes, interpretation and the habitats to be created;
  - Details of hedgerow replacement ensuring no net loss of extent over existing;
  - A lighting strategy/plan which demonstrates that impacts to commuting bats (primarily along hedgerows) will be minimised.
- 9.12 **New Forest National Park Authority** - No objections to the principle of the proposed development, but consider a number of matters require further scrutiny, so lodge a holding objection pending clarification.
- The Transport Assessment does not thoroughly assess the potential impact the proposal could have on the National Park, by way of increased vehicular activity. The development could result in an increase of vehicular activity, primarily from the A31 across Hightown Hill. Alternative accesses should be considered to limit potential activity across the National Park. The employment area would be better accessed from the existing adjoining industrial estate, via Crow Arch Lane or by extending Embankment Way. The proposed residential areas to the north of the site should be better linked to the existing highway network serving Hightown Gardens;
  - This application should not be granted unless the Council is satisfied that it can meet its obligations under the European Habitat Regulations



with regard to the adjacent New Forest Natura 2000 sites (approximately 2km to the east of the site at their nearest point). On-site provision of public open space and Suitable Alternative Natural Greenspace (SANG) should be secured;

- 50% of dwellings provided should be affordable and;
- Links should be provided to the proposed cycle route on the Castleman Trailway.

9.13 **Ecologist** - No objection, subject to matters being reserved in respect of detailed design and implementation of open space/SANG provision and wildlife mitigation/compensation measures.

9.14 **Tree Officer** - notes that the proposed access points puncture stretches of hedgerow but do not affect any individual trees which are important to the area's amenity.

9.15 **Housing Development Manager** - No objections. Core Strategy Policy CS15 requires 50% of new residential dwellings within Ringwood to be made available as affordable housing. The application proposes 175 new dwellings and confirms provision of 87 affordable dwellings on-site, of which 70% are required to be for social rent and 30% for intermediate housing. At least 50% of the affordable housing should be family housing. The current proposals meet the requirements of Policy CS15, subject to provision of the affordable dwellings being tied to a Section 106 agreement to ensure delivery of the dwellings to a Registered Provider. The affordable housing must be available in perpetuity and meet the Design and Quality Standards set by the Homes and Community Agency and meet at least Code 4 of the Code for Sustainable Homes. The dwellings must also meet the affordable definition set out in the National Planning Policy Framework.

9.16 **Crime Prevention Design Advisor** - No objection

## 10 REPRESENTATIONS RECEIVED

10.1 176 pieces of correspondence have been received from notified parties. Four in support, 40 offering comments and 132 objecting to the proposal on the following grounds:

- Development of the density and height proposed would be detrimental to the character and distinctiveness of the area;
- Overdevelopment of site;
- It is inappropriate to develop this greenfield site;
- The site should be retained for agricultural or equestrian use;
- The proposal would exacerbate local service problems associated with school places and medical service provision;
- Existing infrastructure such as sewerage and drainage could not accommodate the proposal;
- Exacerbation of localised flooding problems;
- There is no road access to the development under flood conditions. Any permission should be subject to funding of up to £50k to alleviate highway flooding problems and facilitate access to the development.
- The proposal would lead to a reduction in highway safety for road users and pedestrians;
- Inadequate parking provision;
- Inadequate pavements and excessive walking distance from facilities.
- Inadequate transport links to local schools;

- Exacerbation of traffic congestion on local roads at peak periods;
- Inconvenience caused by highways mitigation works, particularly the proposed alteration to the A31 Slip Road
- Alternative access to the employment site should be sought, instead of the 7.5 tonne restricted roads, as proposed
- The 7.5t limit on Crow Lane will restrict operational capability of the industrial area and thus job creation.
- Clarification is sought that the path from Ringwood Industrial Estate through Crow to North Kingston would not be affected;
- Doubts are expressed that the affordable housing will be delivered;
- Increased light pollution;
- The non-residential (hotel, pub and retail) aspects of the proposal are considered inappropriate; Detriment to the town centre retail/commercial offer, as the proposed hotel, restaurant and shops will take much needed visitors away.. One small convenience store (under 200sqm) would be of benefit and would reduce the number of vehicle movements without affecting the town centre.
- Affordable housing should be orientated more towards family housing (3 to 4 bed units)
- Affordable housing should be made available to Ringwood residents first
- Detriment to wildlife and protected habitats
- A bridleway should be provided within the site along the line of Crow Lane
- Loss of privacy;
- Alternative housing allocations should be brought forward prior to this site
- Inadequate open space arrangements
- The dual role of HCC as applicant and Highway Authority is queried

Support for the proposal is based on the following:

- Provision of affordable housing;
- Provision of additional employment opportunities;
- The proposal offers an opportunity to enhance public transport and non-motorised transport facilities within the town
- The children's nursery would be a useful local facility

10.2 A Better Ringwood: a 15 page document has been submitted by a firm of Solicitors on behalf of this community group. Whilst it is stated that the Group would like to support an application for development on this site and that they acknowledge that the site is allocated for up to 150 dwellings and employment uses, due to the nature of the proposals within the outline application, the group feels that they must raise objections. The Executive Summary of the report sets out the reasons why they consider that the proposals fail the National Planning Policy Framework sustainability policies and relevant local plan policies as follows:

- Adopt proactive strategies to mitigate and adapt to climate change taking full account of flood risk (para 94, NPPF).

The Environment Agency has requested that Linden Homes provide a new Flood Risk Assessment.

There is no road access to the development under flood conditions. A flood action committee has been set up by Ringwood Town Council to resolve the existing problem. A Better Ringwood would like to see as condition of any grant of permission that funding of up to £50k be secured and provided by either the Council or the developer to facilitate

access to the development.

- Building a strong, competitive economy (paras 18 – 22, NPPF)

7.5t limit on Crow Lane will severely restrict operational capability of the industrial area and thus job creation.

- Ensuring the vitality of town centres (paras 23 – 27, NPPF)

The proposals fail the sequential test of development as highlighted in these paragraphs. The proposed hotel, restaurant and shops will take much needed visitors away from Ringwood town centre. One small convenience store (A1 – not more than 200sqm) would be of benefit to the development and would reduce the number of vehicle movements without affecting the town centre. More shops and/or a single shop greater than 200sqm will be to the detriment of the town centre

- Promoting sustainable transport (paras 29 – 41, NPPF)

Inadequate pavements and excessive walking distance from facilities. The bus service serving the development is inadequate and children will be taken by car to Poulner school.

- NFDC Affordable Housing Policy

The proposals meet 50% in number of affordable houses (mostly 1 or 2 bedrooms), but not as required by this policy 50% of family houses (mostly 3 or 4 bedroom houses). In addition, a full needs analysis has not been prepared for Ringwood as to the split between shared equity homes and rental. Furthermore, data relied upon by Linden Homes is factually incorrect and therefore the viability assessments produced by them are fatally flawed.

## **11 CRIME & DISORDER IMPLICATIONS**

The Police have made no comment at this stage, but subject to approval, reserve the right to comment at reserved matters stage. They recommend the applicant engage in consultation with their Crime Prevention Design Advisor at the earliest time in order to maximise opportunities to 'design out crime'.

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission and the dwellings built, the Council will receive £201,600 in each of the following six years from the dwellings' completion, and as a result, a total of £1,209,600 in government grant under the New Homes Bonus will be received. New Forest District Council currently does not have an adopted CIL scheme.

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

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

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 pre-application discussions took place between the Local Planning Authority, applicants and relevant consultees. The planning application process itself has resulted in preparation and submission of extensive additional documents seeking to justify the proposal in light of comments received from consultees and notified parties. In light of the original submissions and additional information received, the proposal is considered to be acceptable, as submitted.

## **14 ASSESSMENT**

### **UPDATE**

Following the Planning Committee's resolution to approve this application at the meeting of 9th April 2014, a letter dated 7th May 2014 from the Department for Communities and Local Government directed the Council not to grant permission for this application without specific authorisation from the Secretary of State, in exercise of his powers under Article 25 of the Town and Country Planning (Development Management Procedure) Order 2010. The direction was issued to enable him to consider whether he should direct that the application should be referred to him for determination. In a letter dated 22nd September 2014 the Department for Communities and Local Government instructed the Council that the application did not need to be referred to the Secretary of State for determination.

The application was previously presented to Committee on the proviso that a Section 106 Legal Agreement must be completed by 1st August 2014, in order to secure the measures outlined in Section 14 below. In the event that the Agreement was not completed by 1st August 2014, the Head of Planning and Transportation was authorised to refuse permission on grounds that the Section 106 works would not be addressed. The requisite legal agreement was completed on 31st July 2014, but the decision could not be issued due to the potential intervention of the Secretary of State. The application is, therefore, re-presented for consideration by Members, the original timeframe for

determination agreed by Committee having been exceeded. The assessment below, is the same as presented to the Committee meeting of 9th April 2014, the salient issues now being that the Secretary of State has decided not to call the application in and that the Section 106 Agreement has been sealed. There is no reason to come to a different view at this time as the proposals remain the same as that considered at the April meeting.

#### 14.1 **Introduction**

14.1.1 The site is located on a greenfield site, currently in agricultural use to the south of Ringwood, west of Crow Lane and north of Crow Arch Lane. To the north it is bound by existing residential development (Hightown Gardens). To the east it is bound by the line of Crow Lane, with residential development beyond. To the south it is bound by the line of Crow Arch Lane, with sporadic residential development present. To the west it is bound predominantly by existing employment sites known as Endeavour Business Park, Hightown Industrial Estate and Crow Arch Lane Industrial Estate. The site is allocated by Policy RING3 of the emerging Development Plan Document for up to 150 dwellings (50% affordable), up to 5 hectares of employment land and a minimum of 3.4 hectares of public open space. Much of the proposal site has been allocated for mixed use purposes since 2005 by the Local Plan.

14.1.2 The application is made in outline, with details of access only to be determined at this stage. A reserved matters application would determine the matters of detail at a later stage, should the outline application be approved. The outline application proposes a mixed development of up to 175 dwellings, small employment uses (Classes B1 & B2); nursing home (Class C2); child nursery (Class D1); hotel / pub / restaurant (Class C1); fitness centre (Class D2); retail / professional services / restaurant (Class A1/ A2/ A3); open space areas; allotments; estate roads; footpaths; cycle ways; foul & surface water infrastructure. A land use plan forms part of the submission, which shows two areas of residential development to the north east and south west of the site, accessed from Crow Lane and Crow Arch Lane respectively. The larger residential area would be accessed from two new points of access from Crow Lane, the smaller residential area would be accessed from Crow Arch Lane. A 1.5 hectare area of employment/commercial land uses would be located on the western boundary of the site, adjoining the existing Endeavour Business Park employment site, with access off Crow Lane. Areas of public open space, totalling 3.8 hectares, are indicated throughout the site and would provide children's equipped playspace, informal open space and SANGS habitat mitigation (Suitable Alternative Natural Green Space). The largest area of open space would be concentrated to the south east of the site linking into the Castleman Trail and would predominantly provide a SANGS facility. Fifteen allotments, access and parking would be provided to the extreme south west of the site, on the south side of Crow Arch Lane.

14.1.3 More detailed, illustrative plans are submitted within the Design and Access Statement seeking to demonstrate that the scale of development proposed could be achieved within the confines of the site. Justification for the proposal is also sought through submission of other documents including: a Planning Statement, Transport Assessment, Landscape and Visual Impact Assessment, Ecological Assessment, Ground Conditions Assessment, Habitat Regulations Assessment, Air Quality Assessment, Flood Risk Assessment, Archaeological Assessment, Tree Survey and Statement of Community Involvement. The relevant consultees have

been notified of the application and their comments, based on the submitted documentation, will inform the outcome of the application and are summarised in Section 9 of this report.

## 14.2 **The Principle of Development**

- 14.2.1 Core Strategy Policy CS11 applies to this proposal, which requires new housing development of around 150 dwellings in Ringwood during the plan period. In accordance with CS11, Policy RING3 of the emerging local plan part 2: Sites and Development Management specifically allocates this site for a mixed use development of around 150 dwellings, employment development and open space. The illustrative plans submitted with the application seek to demonstrate that 175 dwellings could be accommodated on the site, which is assessed in more detail below. There are some proposed changes to Policy RING3 relating to mitigation of impacts on international designations and provision of a Site of Alternative Natural Green Space (SANGS), but generally this policy should be accorded significant weight given the advanced stage of the Plan. Some of the site itself is also currently allocated as a land reserve under policy RW-12 of the Local Plan First Alteration. However, this policy is outdated and its requirements are superseded by RING3.
- 14.2.2 Core Strategy Policy CS9 identifies Ringwood as a large town and therefore the most sustainable tier of settlement for development.
- 14.2.3 Core Strategy Policy CS18 (iii) requires the provision of around 5 hectares of new industrial and office development in Ringwood. Policy RING3 of the emerging Local Plan Part 2 specifically requires that these 5 hectares is provided as part of this allocation. This application allows for 3.34 hectares of new employment space, which in addition to traditional B uses also includes a hotel and leisure facility. This is less than RING3 specifies, but the application does not cover the whole of the allocation site. It is anticipated that the remaining part of the allocation will provide further employment development and so the level of employment land provided in this application is considered acceptable.
- 14.2.4 In light of the site's allocated status for housing and employment uses and the provisions of the policies highlighted above, the principle of the proposed development is acceptable.

## 14.3 **Design Issues**

- 14.3.1 The application leaves design as a reserved matter but the Design and Access Statement is important in determining the proposal. Design issues that will be resolved in more detail later are explained here, but final designs would follow the statement fairly closely. While there are many aspects suggestive of good quality contained in this design statement, there are six aspects that need further consideration, which will need to be addressed at the reserved matters stage as follows:
- 14.3.2 **Impact on the character and local distinctiveness of the nearby lanes**  
Issues regarding traffic will certainly impact upon character and quality of the surrounding lanes and streets and only limited information is provided on this. Alterations are necessary in order to facilitate the additional traffic generated by this proposal. Typically, this will mean additional signage, hardening and suburbanising of junctions, removal of vegetation to facilitate sight lines and possibly traffic calming and gateway features. All of these will need to be sympathetically designed to ensure that there are no unacceptable impacts on local character.

Highway matters cannot be dealt with in isolation from matters of environmental design and character and fuller details will be expected of the reserved matters submission.

#### 14.3.3 Intensity of building

Much of the concept suggests streets which would be contained by buildings. To the north, the layout is typical of the grouping of buildings on Hightown Gardens but may not necessarily reflect the containment inherent in the bungalow development of a significant part of that area so that the proposed streets may appear to be far more built up. To the south east the proposed development pattern reflects and integrates with the building density and patterns of the existing east side of Crow Lane. The central area of the site is identified as being higher density with car parking placed inside the block. This is not characteristic of the locality and makes for a more urban part of the layout than might be expected this close to the rural edge.

#### 14.3.4 Building height

Building height is referred to by way of maximums. Three areas of the concept masterplan cause some minor concern, being:

- Adjacent to Hightown Gardens, where transition between streets with a high proportion of bungalow dwellings would be expected;
- The area either side of the existing cottages on Crow Arch Lane, where proposed heights should be referred to in terms of relationships between buildings so that when working up detailed designs there can be scope for both 1½ and 2 storey dwellings where appropriate.
- The central area is a fairly large area where buildings might be 2½ storeys. The suggestion that employment buildings might be of *large scale causes concern*. The local distinctiveness SPD guides business park design, highlighting the issues of size and roof heights being at odds with the town's roofscape and valley landscape locally, at Endeavour Park and Hightown Industrial Estate. New employment uses in this area should avoid adding to this impact and take influence from the Headlands Business Park. This scheme should not further damage the townscape. Impact upon the rural edge will be a sensitive issue and whilst it may be softened by tree planting, scale and especially height has the potential to create problem here.

#### 14.3.5 Car Parking

The majority of the masterplan appears to show either on-street parking as part of some rather tight street designs or in the case of the higher density central areas some rear parking courts. The Local Distinctiveness SPD explains that such parking design depletes the value of rear gardens which collectively would otherwise be more valuable than the sum of their parts. More detail would be required at the Reserved Matters stage to ensure that all car parking is identified to ensure that it will be adequate without impinging upon areas intended for green amenity.

#### 14.3.6 Garden Space and setting for buildings

Spaces between buildings are as vital as the buildings themselves in setting the character of an area and the issue is explored in the housing design density and character SPD and the Ringwood Local Distinctiveness SPD. Cumulative garden groups within blocks should be large enough to offer the potential for trees and planting to be seen

between buildings and to punctuate the skyline over rooftops. The proposal provides some communal spaces that will offer this. Within the demonstration area diagrams, some minimum distances have been annotated. However, the cumulative garden groups and minimum depths of gardens has not been described or set in the concept and there remains every chance that intrusion through car parking, depth of some buildings or tight divisions between buildings may result in some very small gardens and/or some areas which do not work as cumulative tranquil garden areas and some streets that would not be as green as they are portrayed.

#### 14.3.7 Landscape Strategy

The intentions in principle for this area are fairly well explored. However, the landscape strategy is not in tune with the overall strategy for design and layout and would not support local distinctiveness. The layout offers some division of the broad open space whereas retaining the sense of broad openness of landscape and sky is identified as being an important characteristic of the area. Too much in the way of tree groups and woodland edge type planting is shown which would alter the character of the landscape character considerably. This is exacerbated by contriving a circulation route which is superimposed upon the land as though the former railway route did not exist as a pathway.

14.3.8 The introduction of spaces and green routes within the built up layout was intended to offer some tree punctuation at rooftop level. Oaks are characteristic of the area and are to be omitted from the main built-up section in favour of some species that will appear unusual in the area. The woodland/shrub planting is too deep in many areas, often close to the built up parts of the site. This sort of planting is often associated with the screening and buffering the effects of built form. By using planting in this way the layout creates divisions, blocks natural surveillance and creates potentially insecure areas unnecessarily. Planting and building design needs to work together on rural edges like this and there should certainly be no buildings which are so poor as to need screening.

14.3.9 The applicant has submitted a Landscape and Visual Assessment (LVIA). The methodology chosen follows current LVIA guidance. The LVIA notes that 'since the detailed architectural and landscape treatment is to be a reserved matter, the assessment was based on the masterplan provided and a number of assumptions. As a result of the need to use assumptions, there are some places in the report where accurate assessment has been more difficult, which is understandable given the lack of detail available. As a result of this, the assessment is only able to go part way towards assessing the landscape and visual impacts of this development.

#### 14.3.10 Design Conclusions

The housing layout illustrated by the concept masterplan and demonstration areas might work well provided that the final designs are of high quality and provided the expectation of users is for a relatively urban lifestyle. With some concessions to local distinctiveness, it should be recognised that the intensity of development will provide a markedly different character from that of the locality across much of the centre of the site. However, the D&AS makes a strong case for creating a new sense of place within the built up layout, though if the Council is to accept this, attention to detail and high quality innovative design will be paramount in any later submission. The proposal would undoubtedly



show some improvement to the rural edge, but also leaves some potential detractors. There remain important issues regarding the contribution that garden spaces and the design of trees and tree groups should offer to the area and the character of the lanes is not properly explored. Whilst the D&AS has not demonstrated that a particular amount of development (175 dwellings) is appropriate, subject to the concerns highlighted above being addressed through the reserved matters, the illustrative concept plans are generally acceptable.

#### 14.4 **Flood Risk**

- 14.4.1 Many representations received from notified parties remark on localised flooding problems, particularly following recent heavy and prolonged rainfall events and that the proposed development will exacerbate flooding problems.
- 14.4.2 The Council's Drainage Section is aware of historical flooding over several decades at Crow Crossroads and other areas downstream of the site. A number of balancing ponds have been built at Crow to reduce flooding at this location and downstream. Also, an overflow pipeline was laid from the ponds area along Moortown Lane to Hampshire Hatches to reduce the incidence of flooding in Moortown Lane and Green Lane. Historical highway flooding in this area has been so severe that Green Lane has sometimes remained impassable to its residents. Further down the system near North Kingston, another weir/overflow pipe was built to remove water from the watercourse in an effort to reduce flooding downstream. Surface water flooding of the highway from the watercourse still occurs as does flooding of Crow Lane near the road junction upstream of the site.
- 14.4.3 Due to the size of the site the Environment Agency is the lead authority to comment on the suitability of the on-site surface water management proposals. However, since the site is considered to fall within fluvial Flood Zone 1 (as defined by Government under the NPPF) they make no comment regarding fluvial flood risk.
- 14.4.4 The Environment Agency recommend conditions to ensure that the principles of the agreed Flood Risk Assessment (FRA) with respect of the surface water management are delivered as the development comes forward. It is important that sufficient attenuation/storage is provided for each development area/phase. This should be clearly demonstrated in any reserved matters application(s) via a bespoke updated FRA/drainage strategy reports which shows the detailed design and provisions for each area/phase. Each reserved matters application will need to demonstrate a suitable drainage scheme in accordance with the submitted FRA to allow us to recommend approval for any detailed layout proposals.
- 14.4.5 The Agency is aware that there is an element of flood risk within the site which is associated with the existing site surface water runoff and the ordinary watercourse running along the eastern site boundary. The floodplain of this watercourse is not mapped by the Environment Agency since this is an ordinary watercourse with a catchment less than 3km<sup>2</sup>, but the floodplain appears to have been modelled by the FRA consultant. The Agency is aware of public concern over localised flood risk issues and advise the Local Planning Authority to consult their drainage engineers who should be the authority to comment on the local and ordinary watercourse flood risk issues. They also recommend that

the hydrology and hydraulic model conducted by RPS, and any future associated site layouts and channel designs (and maintenance) be reviewed by the Local Authority drainage engineers.

- 14.4.6 With regard to the surface water management for the proposed development, the Agency confirm that the FRA contains a sufficient level of site investigation, assessment and consideration of design standards required at this stage to demonstrate scheme feasibility. The Agency do not dispute that soakaways could be a viable option for surface water management. If appropriately designed, constructed and maintained over the lifetime of the development, the scheme should not increase flood risk elsewhere under the requirements of the NPPF. We therefore recommend that the detailed surface water management design can be dealt with by planning condition.
- 14.4.7 The proposed site is generally flat and the Council's Drainage Engineer notes that a day after heavy rain, although there was considerable ponding on fields south of Crow Crossroads, there was no ponding of the site except at an access point between fields. Currently the rate of flow to the Crow Lane watercourse is likely to be small following a rainstorm, and from only part of the site. Due to the sensitivity of this watercourse, the greenfield run-off rate from that part of the site draining to it would need to be assessed very carefully to ensure that it will not increase the downstream flood risk, if a controlled flow was to be discharged to the watercourse from the new development. There is a public surface water sewer just beyond the western end of the Crow Arch Lane site and any surface water discharged to this sewer would need to be balanced as this sewer eventually discharges to a tributary of the River Avon which has also suffered substantial flooding.
- 14.4.8 The infiltration techniques and SUDS features should be varied across the site and not all channelled directly to one containing / filtration area at the lowest part of the site. Pollution from areas such as highways or parking areas will need to go through at least one cleaning stage before discharging to any drainage receptor.
- 14.4.9 The site is at risk of pluvial flooding. If there are areas where surface water is not specifically collected it is to be specified how pluvial water from a heavy downpour will be dealt with so as not to cause a local flood risk. The site also has a moderately high vulnerability to ground water flooding. The applicant will need to investigate this and carry out a suitable evaluation of any changes in the ground water level during the more severe rainfall events such as those occurring this winter. The monitoring of the water table should be undertaken at sufficient suitable locations in the site to show that the soakaways are not likely to be impeded as they must work satisfactorily for the lifetime of the development.
- 14.4.10 The testing undertaken in January 2014 consisted of 9 trial pits with water strikes in five of them. No water strikes were recorded in the latest survey for the western side of the site, so the water level is not known at these locations. The original site investigation report stated that all seven window sample boreholes were installed with permanent water monitoring installations and the Council's Drainage Engineer queries why the logs for these were not included in the later report. Whilst soakage rates are shown to be somewhat reduced under the latest tests the site should still be suitable for soakage.

14.4.11 The micro drainage method of designing the soakaways with a 1 in 100 year storm plus 30% climate change and a safety factor of 2 is acceptable. If the ground permeability proves suitable then soakage to the ground is the preferred solution. The areas used for the calculations will also need to include a percentage for urban creep such as additional garages, conservatories etc. built throughout the lifetime of the development. The applicant should also carry out an assessment to determine if the use of soakaways throughout the site is likely to cause any other flooding or water level issues.

14.4.12 The owner of the land adjacent to a watercourse has riparian responsibilities for its maintenance even if it is between the boundary and the highway. The flood risk mitigation measures regarding the watercourse along the eastern side of the site is noted. Any proposed work will require the approval of Hampshire County Council the Lead Local Flood Authority for the area. The full onsite soakaway test details will need to be provided along with the detailed drawings showing how maintenance can be carried out for the lifetime of the development.

14.4.13 Wessex Water is sewerage undertaker at this location and would require foul and surface water drainage to be on separate systems of drainage. Existing public foul systems in this location drain to Ringwood Sewage Treatment Works via a number of pumping stations. An engineering appraisal will be required to confirm points of connection and any downstream capacity improvements and Wessex Water is currently working with the developer to agree a strategy for foul water disposal. These include options to attenuate flows or upgrading pumping capacity at Crow Lane Sewage Pumping Station to the treatment works. An existing 150mm diameter foul sewer crosses land at the extreme western boundary. 14. Wessex Water confirm that sufficient headroom capacity is available within the existing discharge consent, though they are currently reviewing replacement and maintenance of assets at the works, including upgrading where necessary.

14.4.14 There is clear evidence of flooding problems on roads in the vicinity of the site. A local Flood Action Group has been set up to identify and then implement an action plan to improve the situation. Flooding has created circumstances this winter where there would be no vehicular access to the application site. While the development would not make this flooding any worse, alleviating these problems, which can prevent access to the application site can be viewed as necessary and directly related to the development. The applicant has agreed to the direction of a sum from the transport contribution up to a maximum of £50,000 to be spent on these drainage works to be included in the draft S106 agreement.

#### 14.5 **Open Space**

Core Strategy Policy CS7 requires a development to provide new open space at the equivalent of 3.5ha per 1,000 population with a mixture of both informal and formal open space. The application site appears to demonstrate this ratio, based on 175 dwellings, although the details of how the informal and formal spaces are to be laid out have not been provided. The proposals also include a suitable area for the provision of new allotments in line with Policy RING3.

14.5.2 The Landscape Strategy shows a good general approach to the positioning of the different types of proposed Public Open Space (POS). It shows how smaller areas of Informal POS, incorporating play facilities can be accommodated within the new built up area, whilst the main

informal and formal POS will be laid out in the south-eastern corner of the site, providing a soft edge to the development and a more rural character for users of the new POS/Site of Alternative Natural Green Space (SANG) area.

- 14.5.3 The route of the old railway line through the site is indicated on the illustrative layout, as being retained. However the relationship between this and the other paths proposed within the POS/SANG requires further consideration.
- 14.5.4 Full details of the Public Open Spaces have not been provided at this stage and further clarification will be required in respect of play provision, including the functions and roles of the different play spaces, the relationships between them, and the type of equipment and features to be provided, which might take the form of a play strategy. Careful design of all POS is required to ensure that it can fulfil its recreational and SANGS roles whilst enhancing the landscape character and views in and out of the development. A commuted sum related to the play provision will be required.
- 14.5.5 The application proposes a total of 3.8 ha of open space (POS + SANG). This is insufficient based on the proposed 175 dwellings of the types indicated by the Design and Access Statement. The Council's Open Space Team consider that 175 houses of the types indicated would result in a shortfall of around 0.5 – 0.9 ha. Based on proposed bedroom numbers, 3.8 ha of POS would be sufficient for provision of 453 bedrooms on site. In light of this, and following negotiations with the applicant, if the reserved matters result in more than 453 bedrooms being provided, additional SANGS will be provided through one or more of the following mechanisms; the provision of an off-site SANGS contribution in accordance with the adopted SPD; the provision of additional on-site SANGS and/or the provision of SANGS on adjoining land.
- 14.5.6 Timing of implementation is an important consideration. Account must be taken of the requirements of the Habitats Regulations which state that the SANGS element (or an agreed portion of it) of the POS needs to be provided before the first dwelling is occupied, which will be a requirement of the Section 106 agreement. Provision for ongoing maintenance will be an essential requirement for the development. Full details of the maintenance requirements will be calculated once areas of POS are agreed and finalised. The play provision and equipment will require an additional specific maintenance allowance, again to be calculated once details of the play areas have been agreed. The SANG and POS will be transferred to NFDC, to be enshrined within the terms of the Section Agreement, along with the requisite maintenance sums. Under a similar provision, fully operational allotments are likely to be transferred to the Ringwood Town Council.

#### 14.6 **Habitat Mitigation and Ecological Impacts**

- 14.6.1 The application site is within approximately 550m of habitats which form part of the Avon Valley (Bicton – Christchurch) Site of Special Scientific Interest (SSSI) and River Avon System SSSI. These SSSI are part of the River Avon Special Area of Conservation (SAC), Avon Valley Special Protection Area (SPA) and is a Wetland of International Importance under the Ramsar Convention (Ramsar Site). The application site is also within approximately 1km of The New Forest SSSI, and 1.6km from the New Forest SAC, SPA and Ramsar sites.

- 14.6.1 Natural England raises no objections to the proposal, subject to conditions, including that the proposal is implemented in accordance with an approved SANG, to ensure the provisions of the Habitat Regulations are met. The Council's Ecologist notes the policy background and that provision of greenspace is close to that required by current and draft policy. The relatively high numbers of dwellings are in close proximity to the New Forest SPA and delivery of effective mitigation is required to ensure adverse effects are avoided. The accompanying information to support Habitat Regulations Assessment is appropriate and acknowledges the likelihood of adverse effects.
- 14.6.3 Emerging policy DM2b of the Local Plan part 2: Sites and Development Management requires a development of over 50 dwellings to provide Suitable Alternative Natural Green Space (SANGS) on or close to site. SANGS should be provided at a ratio of 8ha per 1,000 population, although the 2ha of informal open space required under CS7 can also be considered as part of this 8ha. Whether the required level of SANGS is provided would be dependent on the eventual number of dwellings that come forward on the site. It is considered that 3.8 ha of POS is adequate to meet up to a maximum of 155 dwellings on site, anything over that figure would be subject to a payment of £4,050 per dwelling, to meet the requirements of the Habitats Regulations. An agreed portion of the SANGS must be provided prior to the first dwelling being occupied. Also under policy DM2b, a contribution of £50 per dwelling will be required towards monitoring the impacts of new development in the plan area as set out in the Council's Draft Mitigation Strategy SPD.
- 14.6.4 In light of the above the proposals related to ecological interests and for habitat mitigation are considered to be acceptable.

#### 14.7 **Highway Implications**

- 14.7.1 The transport implications associated with a development of the type and scale proposed are an important consideration in determining the application, to be assessed against the provisions of Policy CS24 of the Core Strategy. The application is accompanied by a transport assessment, which seeks to demonstrate the surrounding highway network can accommodate the level of development proposed. The transport assessment has been re-visited and reviewed following consultation responses received and in light of an independent transport assessment submitted by the Better Ringwood Group. The applicant's highway consultant (Vectos) responded directly to the highway concerns raised by the National Park Authority and a Better Ringwood Group in responses dated February 2014. The County Highway Authority and Highways Agency were made aware of highway related concerns and their comments on the proposal are summarised in the Consultee Response Section above and form the basis for the following section.
- 14.7.2 **Access Junctions**  
Following a request for further speed surveys in the vicinity of the proposed Crow Lane (North) and Crow Arch Lane (North) access point, additional speed survey data was collected and presented. The recorded speeds are below those previously used to inform the visibility splays achievable at the proposed junctions in these locations and the Highway Authority confirm the visibility splays shown on the submitted drawings meet the required standard set out in Manual for Streets.
- 14.7.3 Dropped kerbs and tactile paving to facilitate pedestrians crossing Crow Lane, are identified on the submitted drawings and will be supplemented

with adjacent facilities. The Highway Authority is satisfied that this can be addressed during the design checking process.

14.7.4 With regard to the Southern Plot - Unmettled Track Access (Allotments), the applicant has provided no further details regarding ownership or improvements. Should the application be approved the Highway Authority is content that the provision of a suitable access could be secured through condition.

14.7.5 Accessibility of the Site

All local facilities are beyond 500m of the development site; two convenience stores are located within 1000m and all other facilities are beyond this distance. The applicant would provide pedestrian improvements to ensure that the development does not overly rely on the private vehicle and consequently the Highway Authority does not consider the proposals to conflict with national planning policy for the Northern plot of the development (area north of the Castleman Trail). However, the Central plot (bordered by the Castleman Trail to the north and Crow Arch Lane to the south and west) is not acceptable for pedestrians. Whilst a route via the Northern plot (before connecting to existing footways towards the town centre) is possible, it is convoluted. Consequently, residents travelling on foot from the Central plot may route via Crow Arch Lane north towards Castleman Way. The section of Crow Arch Lane between the proposed site access and Hightown Industrial Estate has no footway provision and forward visibility is restricted by the approach gradients of the disused railway bridge. The Highway Authority considers this route to be unsuitable, but an alternative route has been identified to Christchurch Road using land within the applicant's control, to be secured by condition and delivered prior to occupation of the Central plot.

14.7.6 The applicant has provided further information regarding a proposed mitigation scheme on Hightown Road to better facilitate walk/cycle accessibility to Ringwood Infant School and the town centre. The highway works proposed are deemed acceptable by the Highway Authority.

14.7.7 The applicant has demonstrated that a range of facilities are located within 5kms of the proposed development. The facilities north of the A31 and east of the A338 will require cyclists to route via the A31 Slip Road/Eastfield junction and proposals to mitigate the existing road safety issue at this junction will also need to facilitate cyclists. The Highway Authority considers the development site's accessibility to facilities is acceptable, subject to conditions to ensure pedestrian and cyclist enhancements are implemented.

14.7.8 Personal Injury Accident Data

Personal Injury Accident data has been collated for Castleman Way between October 2008 and September 2013, a period deemed acceptable by the Highway Authority. The data identifies 5 accidents on Castleman Way within the period, 3 of which were serious and 2 slight. None of these accidents appear to be attributable to the design of the highway. Nevertheless, the applicant has provided a mitigation scheme on Castleman Way to make walking and cycling a more attractive mode of travel.

14.7.9 Committed Development Traffic

The applicant has clarified the use of the RING1 site's traffic as

committed development. The applicant has applied the traffic from the RING1 site to the Christchurch Road / Castleman Way junction, but RING1 traffic is not included in other junctions due to the vast majority of trips from the RING1 site not enter the remainder of the study area. This is considered acceptable by the Highway Authority.

#### 14.7.10 Trip Distribution

The applicant has presented geographical information showing the extent of the built-up area within Ringwood South ward, in comparison to the adjacent Ringwood East and Sopley ward. On review of Figure 3, the Highway Authority accepts that Ringwood South ward is the best comparative representation.

#### 14.7.11 Highway Impacts

The Highway Authority initially identified that further junction modelling may be required should the proposed safety led improvements on the A31 Slip/Eastfield Lane Junction alter the design and capacity of the junction. The proposed improvements put forward in Drawing 110048-A-19 (Rev. A) are negligible in capacity terms and the highway authority is content that the modelling undertaken and associated impact is considered acceptable.

#### 14.7.12 Section 278 Works

The applicant has proposed to provide a number of highway improvements under Section 278 of the Highways Act 1980. These improvements are required in order to mitigate against the developments highway impact and are as follow:

14.7.13 The applicant has developed a mitigation scheme for Crow Lane. The revised scheme removes the proposed kerb build out which was deemed ineffective by the Highway Authority.

14.7.14 The design does not incorporate footway provision along the western side of Crow Lane, linking the lower site access with the junction of Crow Arch Lane. The applicant has demonstrated that there is insufficient space for a footway to be constructed adjacent to the carriageway and consequently a footpath within the site boundary heading parallel to the carriageway is proposed. The Highway Authority considers this South Eastern Footpath Link acceptable in principle but advises that this footpath is intended to attract pedestrians from the carriageway onto a safer footpath and consequently will need to be fit for purpose, taking into account safety, accessibility and directness, at all times. This is to be secured by condition. Whilst this South Eastern Footpath Link does not require a Section 278 Agreement, the Highway Authority requires submission of any detailed design for approval to ensure the footpath is of appropriate design.

14.7.15 A mitigation scheme for Castleman Way, including the junction of Hightown Road/Castleman Way is presented by the applicant. The improvements include the upgrading of the existing footway to a Shared Use foot/cycleway. The principle of this improvement is considered acceptable.

14.7.16 The proposed mitigation scheme for A31 Slip/Eastfield Lane junction is considered acceptable in principle.

#### 14.7.17 Travel Plan

The applicant has provided an updated Interim Employment Travel Plan

and Interim Residential Travel Plan, which are deemed appropriate by the Highway Authority, subject to the appointment of a Travel Plan Co-ordinator at an appropriate time, to the applicants meeting the costs of implementation, to securing the Travel Plan by a Section 106 Agreement and to a number of other minor provisos.

#### 14.7.18 Transport Contribution Policy (TCP)

A transport contribution is required to ensure suitable infrastructure is provided on the local highway network and to ensure development does not overly rely on the private motor car and consequently does not conflict with National Planning Policy. Further to discussions between the Highway Authority and the applicant regarding the highways contribution, a package of £927,927 has been agreed upon. The highway authority notes that some of the physical improvements the applicant is required to provide themselves (whilst required to make the development acceptable) will have a wider public benefit. Consequently, the cost of these improvements will be deducted from the transport contribution. A financial contribution of £583,000 is to be spent on transport improvements as set out in the Legal Agreement Section below.

#### 14.8 Affordable Housing

- 14.8.1 Core Strategy Policy CS15 requires 50% of new residential dwellings within Ringwood to be made available as affordable housing. The application proposes 175 new dwellings and confirms provision of 87 affordable dwellings on-site, of which 70% are required to be for social rent and 30% for intermediate housing. At least 50% of the affordable housing should be family housing.
- 14.8.2 The applicant has agreed to the required provision of affordable housing. Assuming 175 dwellings could be provided on the site, the breakdown of affordable housing would result in 20 no. 1 bed units, 52 no. 2 bed units and 15 no. 3 bed units. The Council's Housing Development Manager confirms that the proposals meet the requirements of Policy CS15, subject to provision of the affordable dwellings being tied to a Section 106 agreement to ensure delivery of the dwellings to the Council or a Registered Provider. The affordable housing must be available in perpetuity and meet the Design and Quality Standards set by the Homes and Community Agency and meet at least Code 4 of the Code for Sustainable Homes. The dwellings must also meet the affordable definition set out in the NPPF:
- Social rented housing is owned by local authorities or other registered providers, for which guideline rents are determined through the national rent regime;
  - Affordable rented housing is let by local authorities or other registered providers to households who are eligible for social rented housing at no more than 80% of the local market rent;
  - Intermediate housing is housing for sale and rent provided at a cost above social rent but below market levels, including shared equity homes.
- 14.8.3 Agreement has been reached with the applicant for the Council to receive the land for 40 affordable dwellings, to be made available as social rented dwellings. The residual affordable dwellings would be transferred to a registered provider with 21 units made available as social rented/affordable rented housing and the remaining 26 units made available as intermediate housing.



14.8.4 Whilst the District Council has been requested to review the mix of property type it requires for affordable housing to best meet the needs of Ringwood and to provide more family homes within the scheme, the proposed mix and tenure has met with no objections from the Council's Housing Development Manager. The proposal is compliant with adopted policies seeking provision of appropriate affordable housing within new developments.

14.8.5 In light of the high demand and lengthy waiting list for Ringwood, Officers in the Homesearch Team consider that it would be appropriate to apply a lettings plan to the first let of vacancies on the Ring 3 site to give preference to households with a connection to the Ringwood parish.

#### 14.9 **Potential Impacts upon Residential Amenity**

The application is made in outline only, though indicative plans contained within the Design and Access Statement, suggest how the type of development proposed might fit onto the site. Proposals should not cause unacceptable effects on adjoining amenity by reason of visual intrusion, overlooking, shading and noise, under the provisions of Policy CS2 of the Core Strategy.

14.9.2 The indicative plan shows blocks of development throughout the site. Those blocks to the centre of the site would have no direct impacts upon the amenity of adjoining occupiers. The development to the site peripheries may have potential to impact upon the amenity of existing residents, though by and large, development is set sufficiently distant from existing properties to avoid any adverse effect on residential amenities. The siting of the blocks is informed with regard to the neighbouring development, with larger employment buildings close to the boundary with existing industrial development to the west, where its impact would be minimised. It is noted that one of the employment buildings could be within 8m of the site boundary with Hightown Gardens. While the gables of dwellings on Hightown Gardens face this building, it is questionable whether 8m is adequate separation in this location considering the proposal for large scale tree planting on this boundary. The scale and mass of the employment building is unknown at this outline stage, though will be important in consideration of any subsequent reserved matters. Residential areas are sited sympathetically, with adequate levels of separation, gables facing gables or parking areas, with opportunity to orientate fenestration away from existing occupiers. The development will inevitably intensify use of the land such that the outlook and degree of quiet enjoyment currently experienced by residents will be interrupted. However, the degree of disruption would not be so severe to warrant refusal of planning permission on this allocated site.

14.9.3 It is reiterated that the plans within the Design and Access Statement are for illustrative purposes only. The application is made in outline only, with access to be determined at this stage. All other matters including appearance, layout, scale and landscaping are reserved for later consideration. The submission of the reserved matters will offer the planning authority and local residents the most appropriate opportunity to assess the direct impacts of the development upon residential amenity, when full details of siting, scale, mass, fenestration, boundary treatments and landscaping will be made available for comment.

#### 14.10 **Other Matters**

- 14.10.1 With regard to the comments of consultees and notified parties, which are not addressed in the sections above, the following comments are offered:
- 14.10.2 The applicant has considered provision of a bridleway within the development, running parallel with Crow Lane, in light of the comments received from the Town Council and notified parties. The applicant confirms that a route for horses will be made available within the site from the north eastern corner to the Castleman Trail. This may not be an exclusive bridleway, but it will take horses off Crow Lane. The detail of the route will be agreed through the reserved matters process. It should be noted that the Castleman Trail through the site will be upgraded and would be suitable for use by horseriders and cyclists alike. There is also scope to make the north/south route through the site from the Castleman Trail to Hightown Gardens suitable for use by horses, cyclists and pedestrians. A suitable crossing, for use by horseriders and others would need be provided across Crow Lane, close to its junction with Crow Arch Lane, to facilitate eventual extension of the Castleman Trail to the west and ensure the safety of its users.
- 14.10.3 The applicant has been encouraged to discuss with the relevant landowner, the option of routing traffic for the industrial units through Endeavour Business Park instead of Crow Lane, since the pre-application stage of proceedings. The Planning Authority concurs that the route would be a better form of access to the employment land. It is apparent that the parties corresponded some time ago, but have not been in recent contact. The Planning Authority is not in a position to insist the parties negotiate the desired outcome, particularly as the Highway Authority raises no objections to the proposed means of access to the employment site via Crow Lane.
- 14.10.4 The County Highway Authority advise that a BE4 (structural) assessment has been conducted on the bridge on Crow Arch Lane. The assessment concludes that the bridge was on the verge of having unlimited capacity and that the additional traffic generated by the 25 dwellings that would use it would not present a concern for the bridge. However HGV construction traffic may be more of a concern, though this may be addressed by the Construction Traffic Management Plan to be secured by condition, which will detail construction vehicle access and the structural limitations of the bridge.
- 14.10.5 Representations note that the non-residential uses proposed on the site (child nursery, hotel, pub, restaurant, fitness centre, retail and professional services) should not have a detrimental impact on the vitality and viability of the town centre, or generate traffic movements unsuited to a residential area. The Design and Access Statement identifies three blocks of development towards the centre of the site, which would accommodate the non-residential uses. In moderation, the specified uses may be considered acceptable on the site, though until the reserved matters are submitted, where details in respect of precise siting, scale, numbers, floorspace, car parking are known to the Planning Authority, the impact of this aspect of the proposal on the viability of the town centre cannot be readily ascertained. It is unlikely that all of the specified non-residential uses would come forward on the site and the logic of providing a hotel or fitness centre in this relatively peripheral location of Ringwood, away from passing trade, is questionable. Nothing other than small scale retail/service development, to meet the

local needs of future occupiers of the development and locality, would be acceptable on this site.

14.10.6 The proposed development would inevitably increase the level of light emitted from the site. From an ecological perspective, Natural England are content that the impact of light spillage on foraging bats may be controlled by following the recommendations of the submitted ecological survey, which would be conditioned. With regard to the impact of light spillage on visual amenity, a further condition may be imposed requiring a scheme to be submitted to control light spillage from the development for approval by the Local Planning Authority.

14.10.7 With regard to comments that it is inappropriate to develop this greenfield site, that it should be retained for agricultural or equestrian use and that alternative housing allocations should be brought forward prior to this site, it is reiterated that the site is allocated for mixed use development, with an essential role of providing the housing and employment needs for the town in the period up to 2026. While there are brownfield sites within Ringwood, none are large enough or suitable to accommodate the level of development required to meet the town's needs to 2026.

14.10.8 On a point of clarification the applicant's proposed alterations to the A31 Slip Road do not include any restriction on the ability of vehicles to turn right out of Eastfield Lane.

14.10.9 With regard to concerns raised over the dual role of Hampshire County Council as applicant and Highway Authority; Hampshire County Council is Highway Authority for all roads in the County except Motorways and Trunk Roads (which fall under the jurisdiction of the Highways Agency). The Highway Authority is a statutory consultee in the planning process and objectively assesses all development proposals in respect of their impact on the highways and transport network. There are no additional rules, procedures, protocols or safeguards for particular applicants, all applications are assessed in the same way.

#### **14.11 Legal Agreement Heads of Terms**

14.11.1 A legal agreement is necessary to secure the requisite level of affordable housing on site, to secure off-site transport mitigation measures and works, the provision of a range of open space arrangements, to secure appropriate surface water drainage and subsequent maintenance measures, towards primary education in Ringwood and to ensure an appropriate marketing strategy for the commercial land is forthcoming. These, only where it is satisfactorily demonstrated that the works and/or contributions are necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development.

##### **14.11.2 Affordable Housing**

- 50% of total number of Dwellings to be constructed on the land – to be Affordable Housing Dwellings.
- Each reserved matters application will deliver equal numbers of Affordable Housing Dwellings and Open Market Dwellings.
- NFDC to have the right (in priority to any other RP), for the Affordable

Housing Land equating to land for 40 Affordable Houses, to be transferred to it, at a peppercorn. Balance of affordable housing remaining, to be transferred to a registered provider.

- Affordable Housing Land should be transferred prior to first occupation of an Open Market Dwelling on the land. If the development is to be phased, then the Affordable Housing Land in each phase is to be transferred prior to first occupation of an OMD in that phase.

#### 14.11.3 Highway Works

To enter into a Section 106 Agreement with the Highway Authority to secure the following:

- A highway contribution of £583,000 towards highway improvements including;
  1. Improvements to the junction of A338/A31;
  2. Traffic Management on Hightown Road;
  3. Cycle Improvements on Crow Arch Lane;
  4. Improvements to Castleman Trail;
  5. Pedestrian Improvements to High Street and West Street;
  6. Improvements to Quomp, Hightown Gardens and Hightown Road;
  7. Castleman Way to Town Centre cycle route;
  8. Junction Improvements at Castleman Way and Christchurch Road;
  9. Ringwood Bus interchange waiting and information improvements;
  10. Ringwood Bus Interchange layout improvements.
  11. Following confirmation from the County Council as to whether there is control over that portion of the Castleman Trail outside the application site, the cost of works shall come off the Transportation Contribution.
  12. Direction of a sum up to a maximum of £50,000 to be spent on drainage works to alleviate existing flooding problems on surrounding roads
- Enter into further agreement with the Highway Authority to provide the access junctions at Crow Lane (North), Crow Arch Lane (North) and to the proposed allotments under Section 278 of the Highways Act 1980;
- Enter into further agreement with the Highway Authority to provide the off-site highway works under Section 278 of the Highways Act 1980 including;
  1. Improvements to the A31 / Eastfield Lane slip road junction;
  2. Pedestrian Improvements to Crow Lane;
  3. Pedestrian Improvements to Hightown Road; and
  4. Improvements to the section of Castleman Trail within the applicant's ownership.
- To submit and implement a bonded Full Travel Plan approved by the highway authority.

#### 14.11.4 Public Open Space/SANGs

To produce a SANGS package in accordance with adopted policy and to be identified and approved as part of the first Reserved Matters Application. Total POS (including SANG, informal and formal open space and play areas) shall be a minimum of 3.8 ha. If the reserved

matters result in more than 453 bedrooms being provided, additional SANGS will be provided through; the provision of an off-site SANGS contribution in accordance with the adopted SPD; the provision of additional on-site SANGS and/or the provision of SANGS on adjoining land. An agreed proportion of the SANG to be made available for use prior to first occupation of any dwelling on the land. All POS to be transferred to NFDC with a Maintenance Contribution based on the calculation of £56,000 for every hectare of land or such other figure that has approval at the time of a Reserved Matters Application. SANGs monitoring payment of £50 per dwelling to be payable to NFDC.

#### 14.11.5 Allotments

Size and location of allotments land to provide 15 allotments to be identified as part of the first Reserved Matters Application. Allotments to be transferred to the Council or to Ringwood Town Council and made available for use as allotments (including provision of fencing, a right of access from a public highway and an on-site parking for 6 vehicles with a 'hard' base and gravel surface along with metered water supply), prior to occupation of 50% of the Open Market Dwellings.

#### 14.11.6 Management and Maintenance of Surface Water Drainage System

As part of the first Reserved Matters Application, to submit a scheme detailing the surface water drainage system works for whole site for approval and then to carry it out in accordance with the 'Approved Scheme'.

#### 14.11.7 Education Contribution

Applicant to pay £379,275 (or such lesser sum as agreed with HCC), based on a formula of 3/7ths of 175 dwellings x £5,057, in case the reserved matters achieve less than 175 dwellings.

#### 14.11.8 Commercial Land

Prior to occupation developer to seek NFDC's approval in respect of a Marketing Strategy for the Commercial Land and to implement the Marketing Strategy in accordance with its approved terms.

#### 14.11.9 Pedestrian Route (South of Site)

As part of the first Reserved Matters Application, details of the works to be carried out to enable users of the footpath/cycleway (going through the site on a path with an appropriate treatment to reflect the use of the land as a SANGS) to gain safe access across Crow Lane and Arch Crow Land and to carry out such works prior to occupation of 50% of Open Market Dwellings.

### 14.12 Conclusion

14.12.1 The proposed development would undoubtedly alter the character of the area from that of an agricultural field to a significant extension of the town's built-up area. However, the site is allocated for mixed use development and the proposal indicates an acceptable level of development, with opportunities to enhance open space, landscaping and links to the town centre and further afield. The application is made in outline only, though the layout illustrated might work well and there is no reason to suggest it would have any significant adverse impact upon the character and appearance of the area. Similarly the proposed development can be designed so that its impact upon adjoining amenity,

nature conservation interests flood risk and highway safety are mitigated, which will be subject to reserved matters application/s. The proposal complies with Policies of the Core Strategy for the New Forest District outside the National Park and the adopted New Forest District Local Plan First Alteration. Accordingly it is recommended for approval, subject to the conditions outlined below and to completion of a Section 106 Agreement to secure the matters outlined in Section 14 above.

14.12.2 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

## **15. RECOMMENDATION**

### **Grant Subject to Conditions**

#### **Proposed Conditions:**

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

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

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

3. At the reserved matters stage the dwellings will be required to achieve the level of the Code of Sustainable Homes applicable on the date of the reserved matters application. No development should commence on site until an interim certificate has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until a final code certificate has been submitted to and approved in writing by the Local Planning Authority certifying that the dwellings have achieved the required Code Level.

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

4. The outline planning permission hereby approved does not imply that the quantum of housing development sought on the site would be approved following submission of the reserved matters.

Reason: The submitted masterplan and plans contained within the Design and Access Statement are illustrative only and have not fully satisfied the Local Planning Authority that 175 dwellings could be accommodated within the site, whilst contributing positively to the character of the area and local distinctiveness, in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

5. Prior to any reserved matters approval, details of the surface water management strategy and scheme shall be submitted to, and agreed in writing by the Local Planning Authority. The strategy and scheme shall be in accordance with the submitted Flood Risk Assessment (Level 3 prepared by RPS and dated November 2013) and shall include details of the development phasing arrangements and provisions. As each development area/phase comes forward full and up-to-date details of the surface water management proposals shall be submitted. The development shall be implemented in accordance with the approved scheme.

Reason: In order to ensure that the drainage arrangements are appropriate and to prevent the increased risk of flooding as a result of the development in accordance with the National Planning Policy Framework (NPPF), Policy CS6 of the Core Strategy for the New Forest District outside the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

6. Before development commences details of the future maintenance of the drainage system approved under condition 5 above shall be submitted to the Local Planning Authority. The maintenance arrangements and full details of the responsible parties must be confirmed to the Local Planning Authority by the applicant prior to occupation of the penultimate dwelling.

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

7. 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 nos. 8 to 11 have been complied with.

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 11 relating to the reporting of unexpected contamination has been complied with in relation to that contamination.

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

Strategy for the New Forest District outside the National Park.

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

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

(ii) an assessment of the potential risks to:

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

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

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

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

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

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

10. The approved remediation scheme must be carried out in accordance with



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

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

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

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

12. No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: The development is located in an area of archaeological significance where the recording of archaeological remains should be carried out prior to the development taking place in accordance with Policy DW-E28 of the adopted New Forest District Local Plan First Alteration.

13. No development hereby permitted shall commence until plans and particulars showing the detailed proposals for the width, alignment, gradient and type of construction proposed for the roads, footways and accesses, including all relevant horizontal cross sections and longitudinal sections showing the existing and proposed levels, together with details of street lighting, landscaping (including the materials to be used for paved and hard surfaces and the finished levels in relation to existing levels), the method of disposing of surface water, and details of a programme for the making up of the roads and footways has been submitted to and approved by the Local

Planning Authority.

Reason: In the interest of highway safety and in accordance with Policy CS24 of the Core Strategy for the New Forest District outside the National Park.

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

Reason: In the interest of highway safety and in accordance with Policy CS24 of the Core Strategy for the New Forest District outside the National Park.

15. No development of the allotments plot south of Crow Arch Lane shall commence until such time as a design for the access route has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The access route shall be implemented in accordance with the details approved and thereafter permanently retained and maintained before the allotments are first used.

Reason: In the interest of highway safety and in accordance with Policy CS24 of the Core Strategy for the New Forest District outside the National Park.

16. No development hereby permitted shall be occupied until the design of the South Eastern Footpath Link between the Crow Arch Lane S278 works shown in principle on drawing 110048/A/21 and the North Plot's Southern Access shown in principle on drawing 110048/A/15 (Rev. C) within the site has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interest of highway safety and in accordance with Policy CS24 of the Core Strategy for the New Forest District outside the National Park.

17. No development hereby permitted shall be occupied until the South Eastern Footpath Link is provided between the Crow Arch Lane S278 works shown in principle on drawing 110048/A/21 and the North Plot's Southern Access shown in principle on drawing 110048/A/15 (Rev. C) within the site has been constructed and made available for use in accordance with the approved design. The South Eastern Footway Link must remain available for use at all times.

Reason: In the interest of highway safety and in accordance with Policy CS24 of the Core Strategy for the New Forest District outside the National Park.

18. Details of the improvements to the section of Castleman Trail that falls within the applicant's ownership shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority prior to the implementation of this improvement.

Reason: In the interest of highway safety and in accordance with Policy CS24 of the Core Strategy for the New Forest District outside the National Park.

19. No more than 50% of the development hereby permitted shall be occupied until the section of Castleman Trail that falls within the applicants ownership has been improved and made available for use in accordance with the approved design. This section of Castleman Trail must remain available for use at all times.

Reason: In the interest of highway safety and in accordance with Policy CS24 of the Core Strategy for the New Forest District outside the National Park.

20. No development of the Central plot shall commence until such time as a design for a pedestrian / cycle connection between the Central plot and Christchurch Road has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interest of highway safety and in accordance with Policy CS24 of the Core Strategy for the New Forest District outside the National Park.

21. No development of the Central plot shall be occupied until such time as the pedestrian / cycle connection between the Central plot and Christchurch Road has been completed to the satisfaction of the County Council and made available for use. This pedestrian / cycle connection must remain available for use at all times.

Reason: In the interest of highway safety and in accordance with Policy CS24 of the Core Strategy for the New Forest District outside the National Park.

22. No development of the Central plot shall commence until such time as a design for a pedestrian / cycle connection between the Central plot and the Northern Plot's Southern Access has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interest of highway safety and in accordance with Policy CS24 of the Core Strategy for the New Forest District outside the National Park.

23. No development on the Central plot shall be occupied until such time as a pedestrian / cycle connection between the Central plot and the Northern Plot's Southern Access has been completed and is made available for use. This pedestrian / cycle connection must remain available for use at all times.

Reason: In the interest of highway safety and in accordance with Policy CS24 of the Core Strategy for the New Forest District outside the National Park.

24. Prior to the commencement of development the recommendations and commitments outlined in Section 2 of the Ecological Survey prepared by RPS and dated October 2013, relating to mitigation and compensation measures in respect of protected species, shall be implemented in accordance with an approved programme of works to be submitted to and be approved in writing by the Local Planning Authority.

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

25. At the reserved matters stage, a scheme to control light spillage from the development shall be submitted for approval to the Local Planning Authority. The scheme shall be implemented and permanently maintained in accordance with the details approved.

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

**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 pre-application discussions took place between the Local Planning Authority, applicants and relevant consultees. The planning application process itself has resulted in preparation and submission of extensive additional documents seeking to justify the proposal in light of comments received from consultees and notified parties. In light of the original submissions and additional information received, the proposal is considered to be acceptable, as submitted.

2. The Environment Agency advise that the surface water drainage scheme for each phase of the proposed development must meet the following criteria:

1. Any outflow from the site must be limited to Greenfield run-off rates and volumes and discharged incrementally for all return periods up to and including the 1 in 100 year storm.

2. The surface water drainage system must incorporate enough attenuation to deal with the surface water run-off from the site up to the critical 1% Annual Probability of Flooding (or 1 in a 100-year flood) event, including allowance for climate change for the lifetime of the development. Drainage calculations must be included to demonstrate this (e.g. Windes or similar sewer modelling package calculations that include the necessary attenuation volume).

3. If there is any surcharge and flooding from the system, overland flood flow routes and "collection/storage" areas on site (e.g. car parks, landscaping) must be shown on a drawing. CIRIA good practice guide for designing for exceedance in urban drainage (C635) should be used. The run-off from the site during a 1 in 100 year storm plus an allowance for climate change must be contained on the site and must not reach unsafe depths on site.

4. The adoption and maintenance of the drainage system must be

addressed and clearly stated.

5. Whilst the primary strategy is to discharge to ground there remains the possibility that some attenuation/storage may be required. Any such storage should not be permitted within any area liable to flood during events up to and including the 1% event plus climate change allowance.

Any works that could affect the flow of the ordinary watercourse (i.e. culverting, in channel works etc) may require the prior written Land Drainage Consent from the Lead Local Flood Authority (in this case Wiltshire Council - contact Danny Everett).

**Further Information:**

Major Team

Telephone: 023 8028 5345 (Option 1)



# New Forest

DISTRICT COUNCIL

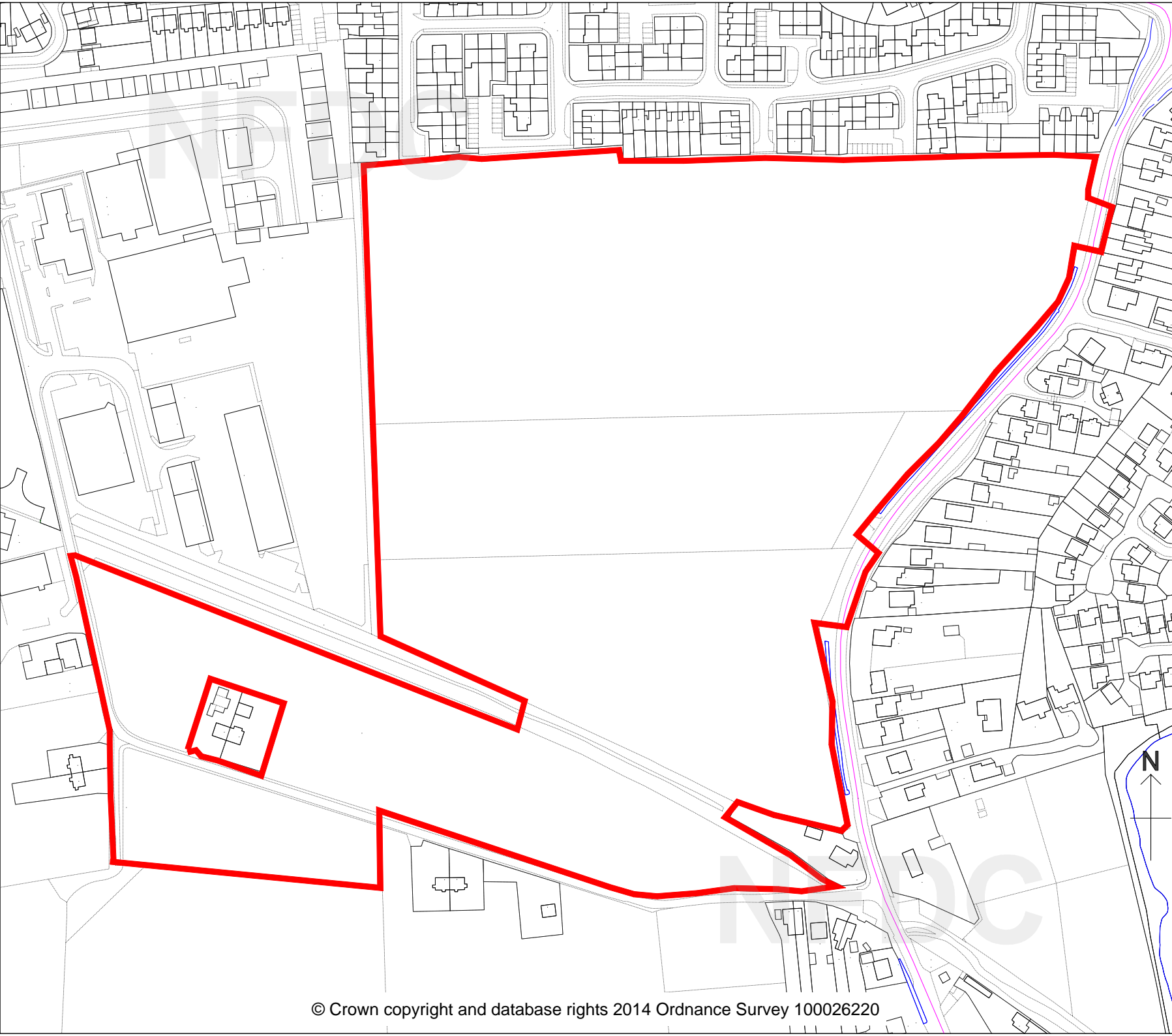
Tel: 023 8028 5000  
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Chris Elliott  
Head of Development Control  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

**Planning Development  
Control Committee**  
**October 2014**

**Item No: A2**  
Land at Crow Arch Lane  
& Crow Lane Crow  
Ringwood  
App No 13/11450  
SU1504

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



**Application Number:** 14/10429 Full Planning Permission

**Site:** 101 HIGH STREET, LYMINGTON SO41 9AP

**Development:** Refurbishment to existing property to include alterations to shop floor; sub division of living accommodation on upper floors to create 2 flats; conversion of outbuilding to residential dwelling; cycle & bin stores

**Applicant:** Temple Bar Developments (Hampshire) Ltd

**Target Date:** 15/05/2014

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## 1 REASON FOR COMMITTEE CONSIDERATION

Reduced contributions on affordable housing, transport infrastructure and public open space.

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

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

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

CS1: Sustainable development principles

CS2: Design quality

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

CS7: Open spaces, sport and recreation

CS10: The spatial strategy

CS15: Affordable housing contribution requirements from developments

CS20: Town, district, village and local centres

CS24: Transport considerations

CS25: Developers contributions

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

DM2: Nature conservation, biodiversity and geodiversity

DM3: Mitigation of impacts on European nature conservation sites

DM14: Primary shopping frontages

### National Planning Policy Framework - Achieving Sustainable Development

NPPF Ch. 7 - Requiring good design

NPPF Ch. Heritage

## 4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

Hampshire County Council's Transport Contributions Policy (Oct 2007)  
Parking Standards SPD (Oct 2012)  
SPG - Lymington - A Conservation Area Appraisal  
SPD - Lymington Local Distinctiveness  
SPD - Mitigation of impacts on European nature conservation sites

Advisory Note on the Implementation of Core Strategy Policy CS15

## **6 RELEVANT PLANNING HISTORY**

- 6.1 14/10430 - Refurbishment to existing property to include alterations to shop floor; sub division of living accommodation on upper floors to create 2 flats; conversion of outbuilding to residential dwelling; cycle & bin stores Listed Building Consent – approved May 2014
- 6.2 07/89365 - External fire escape door & staircase (Application for Listed Building Consent) - 01/03/2007 Granted
- 6.3 07/89284 - External fire escape door & stair case - 15/02/2007 Granted

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

Lymington Town Council - recommend permission

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

- 9.1 Environmental Design (Conservation) - The building is Grade II listed and stands within the central section of the Conservation Area. Other historic fabric is nearby and the setting of these and the character and appearance of the Conservation Area could be affected by developments here. During the Pre-Application process the whole property was thoroughly inspected in the course of a site visit. A Heritage Statement has delivered a full recording of the main features and surviving decorative elements. For the most part, the building was already modernised inside but a few decorations may still be found. The building formerly contained a retail unit occupying the ground floor and basement. This ceased trading some time ago and the building has remained vacant for some time. On the upper floors the building was predominantly in residential use, also now vacant. Due to neglect and other low standards of design and construction these rear and upper floors are currently in a condition which requires attention if the future of 101 High Street is to be secured. For this reason, the application is welcome and this is particularly the case as the whole building is to be the subject of a single and integrated project of renewal. Although there will be some



refurbishment of the shop front and the High Street façade, it is not being altered and the scheme proposes that the premises will return to retail use. The main element in the listing (i.e. the frontage: its contribution to the High Street and group value with other similar buildings nearby) would be unchanged. In the rear and upper areas there would not be significant demolitions. Only sub-standard material is being removed to make way for sound structure as its (partial) replacement. The scheme also proposes to re-instate the distinctness of the rear building from the High Street fabric with which it had been merged in an untidy fashion. No objections, subject to conditions to ensure the protection of internal decorative features in the course of building works and approval of new claddings and external features such as new windows on rear and side elevations prior to construction, to preserve and enhance the special interest of the listed building.

- 9.2 Estates and Valuation - has reviewed the submitted viability assessment and concludes that as this project can be seen to make no profit and shows a deficit, it would be reasonable to accept the reduced amount of S106 contributions offered in the letter from Temple Bar Developments dated 12<sup>th</sup> September 2014.
- 9.3 Hampshire County Council Highways Engineer - In this instance the highway authority consider that a car free development in this location within the defined town centre is acceptable. While the applicant has indicated the provision of a secure cycle store the details provided show that this would only accommodate 2 cycles. Accordingly, a condition is sought to secure the provision of long-stay cycle parking in accordance with the minimum standards, i.e. 1 space for a one-bed and 2 spaces for a two-bed dwelling. The proposal generates a requirement for a transport contribution in accordance with the Transportation Contributions Policy, the net contribution for the additional 2 dwellings is £5,725, i.e. £1,980 for a one-bed & £3745 for a two-bed dwelling. Subject to the applicant entering a Section 106 Agreement for the payment of a transportation contribution and a cycle parking condition there are no highway objections.
- 9.4 Environmental Health (Pollution) - The application seeks alterations to 101 High Street, Lymington, resulting in an A1 use at ground level and residential uses above as well as residential use of the building behind the site. The proposal may result in unacceptable noise levels in the residential properties above if sufficient noise insulation is not provided in the separating floor between the ground and first floor areas. A condition should therefore be applied to ensure noise impacts on residential properties are attenuated.
- 9.5 Tree Officer - Tree comments refer to the submitted Landscaping Plan. No tree survey information appears to have been submitted though the plan shows an existing tree retained toward the northern end of the garden. Viewed from Anchor Mews this is a Holly of some 10m height. The tree has noticeably sparse foliage on its southern side. The tree is visible from surrounding properties but from the only public vantage point in New Street it is partially screened by TPO Maples within Anchor Mews. There is a potential risk that landscaping works could cause root damage or that the size, spread and species characteristics of the Holly might be viewed by future occupants as inappropriate to the very restricted space and otherwise more formal and neat proposed

landscaping. However the tree is not of sufficient public value to merit a TPO. No tree objections

9.6 Ecologist - Provided works are carried out in accordance with the recommendations of the submitted bat report, no objections are raised.

9.7 Drainage Section - no comments

9.8 Southern Gas - give informatives on proximity of site to their apparatus.

## **10 REPRESENTATIONS RECEIVED**

One letter has been received, objecting to the proposal for the following reasons:

- 101 High Street is listed;
- The existing user is a shop with storage on upper floors;
- The intensity of development is inappropriate in the town;
- There is no parking provision;
- There is no justification for loss of retail floor space;
- There is no practical access to the rear property from Cannon Street;
- The dwellings are too small;
- Emergency access. egress is inadequate;
- The proposal would impinge upon the burgage plot;
- The proposal would be harmful to the character and appearance of the conservation area.

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

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

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

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

This is achieved by

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

applications through the availability of comments received on the web or by direct contact when relevant.

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

In this case all the above apply and as the application was acceptable as submitted no specific further actions were required with regard to the design and appearance of the proposal. However, the applicant was required to submit further justification for their proposal in light of their contention that the Council's requests for contributions in light of adopted on affordable housing, transport infrastructure and public open space would make the proposal unviable.

## 14 ASSESSMENT

### 14.1 The Site and Surroundings

No. 101 High Street is probably of C17 or early C18 origin. It is located on the north side of the High Street to the east of New Street. A frontage building, of earlier origin with a later building, probably C19 originally independent but now linked at ground floor, behind the frontage building, on a plot of land that has probably C19, brick boundary walls and remnants of a small range of brick outbuildings to the rear. The original plot has clearly been carved up and redeveloped in stages but it would have probably been a narrow burgage plot in C17 and C18. The building is Grade II Listed and is within Lymington's Conservation Area and Primary Retail Frontage. The building is currently vacant, though last used for A1 retail purposes at ground floor level, with predominantly residential above.

### 14.2 Proposed Development

The proposal is for retention of the frontage part of the property at ground floor level for A1 retail purposes, converting part of the basement to provide further shop floorspace and staff facilities. The upper 3 floors would be altered to create two self-contained apartments. A building to the rear of the site, also previously used for retail purposes would be converted to create a 3<sup>rd</sup> self-contained dwelling. This building is currently attached to the frontage building by a poorly constructed link extension and it is proposed to remove the link, to make the building to the rear detached and self-contained. The development proposes 1 no. 1 bed unit and 2 no. 2 bed units. No off-street parking can be provided. Various alterations to the internal and external fabric of the building, including demolition of an existing link structure between the frontage building and the later structure to the rear are proposed. An associated

listed building application was submitted and approved (see paragraph 6.1 above).

#### 14.3 Design and Appearance

It is clear that the building is in need of some attention, being in poor condition inside and out. The comments of the Conservation Team acknowledge the building is in need of sensitive refurbishment and that the form of the proposed development is broadly acceptable, subject to conditions. The whole building is to be the subject of a single and integrated project of renewal and the plans and submissions suggest it will be done to a good standard, ensuring the protection and enhancement of the heritage asset and local distinctiveness in accordance with Policies CS2 and CS3 of the Core Strategy and Chapter 12 of the NPPF.

#### 14.4 Amenity Impacts

The Environmental Protection Section have no objections to the proposal, subject to imposition of a condition to ensure appropriate soundproofing measures are incorporated into the development to protect the amenity of residents on upper floors. Subject to that condition, the proposal would have no unacceptable impacts upon the amenities of the neighbouring properties and future occupiers of the proposal.

#### 14.5 Town Centre Viability

Policy CS20 of the Core Strategy and Policy DM14 of the Local Plan Part 2 seek to protect the primary retailing role of the defined primary shopping areas in town centres such as Lymington. They place a presumption against the loss of premises in A1 use, except where it can be demonstrated that an alternative use would be complementary to the retailing function and would enhance the overall vitality of the centre. It is noted that the proposal would result in the loss of a modest amount of ground floor A1 retail floorspace, to provide residential accommodation to the rear of the premises. Whilst this would appear to be contrary to policy, it is noted that the main retail floorspace to the front would be retained, with much of the lost ground floor retail floorspace compensated by re-provision of retail and ancillary floorspace within the basement. In light of the floorspace swap from the ground floor to the basement, it is considered that the proposed development would cause no harm to the vitality and viability of the town centre retail function. Conversely the quality of the proposed development is more likely to enhance the retail environment of the High Street and the proposal complies with the relevant policies which seek to maintain the retailing role of the defined primary shopping areas.

#### 14.6 Viability of the Scheme and Enabling Development

14.6.1 Contributions towards public open space, transportation improvements, affordable housing and habitat mitigation would normally be required of a proposal creating additional residential units.

14.6.2 The applicant has submitted a viability appraisal, in accordance with the advice set out in the Advisory Note on the Implementation of Core Strategy Policy CS15, which concludes the form of development proposed cannot support the full range of contributions, requested by the

Council. The Council's Valuer has reviewed the submitted viability assessment and concludes that the scheme is unable to support an affordable housing contribution and can only sustain reduced contributions in respect of transport and open space, but can support a full habitat mitigation contribution of £5,100. The applicant confirms that they would be prepared to proceed with the S.106 agreement on the basis of a total contribution of £6,500, as outlined in the Developers' Contributions Summary Table below.

14.6.3 Paragraph 140 of the National Planning Policy Framework is very pertinent to consideration of the viability argument put forward by this application. The proposal will result in the refurbishment of a listed building, which is currently in a very poor state of repair. Paragraph 140 states that 'local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies'. The building in question is a significant heritage asset, being Grade II Listed and the Council is supportive of the works proposed to improve the building, exemplified by the comments of the Council's Conservation Team. It is clear that the premises is in desperate need of renovation and is in a very poor condition internally, due to the ingress of water and unsympathetic alterations in the past. It is concluded that in the best interests of the heritage asset, reduced contributions are acceptable in this instance, in order to facilitate renovation of the premises. The proposal accords with the relevant policies of the Core Strategy and guidance offered by the NPPF in respect of viability and enabling development.

#### 14.7 Other Matters

With regard to the comments of the notified party not addressed above, the fact the building is listed is not a reason to refuse a proposal, if it is otherwise acceptable. The Highway Authority consider a 'car-free' development to be acceptable in this instance, due to its town centre location. The application shows that there is a pedestrian right of way and fire escape route within the curtilage of the property to the rear, linking to Cannon Street. Emergency services could access the property from the rear, but are more likely to access from High Street, although it will largely be a Building Control matter to consider whether the emergency access/egress provision is acceptable. The size of the dwellings is constrained by the existing form of buildings on site, but they offer a reasonable level of accommodation, the adequacy of which would be open to the discretion of future occupiers. There is no additional development proposed which would impinge upon the character or openness of the burgage plot.

#### 14.8 Conclusion

14.8.1 The proposed development would result in a good quality refurbishment of a listed building in poor physical condition. It would maintain the viability of the town centre while providing some additional residential accommodation in a sustainable town centre location, without impinging upon the amenity of adjoining occupiers. Accordingly, the proposal is recommended for approval.

14.8.2 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and

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

## Developers' Contributions Summary Table

<b>Proposal:</b>			
<b>Type of Contribution</b>	<b>NFDC Policy Requirement</b>	<b>Developer Proposed Provision</b>	<b>Difference</b>
<b>Affordable Housing</b>			
No. of Affordable dwellings	0	0	0
Financial Contribution	£63,850	£0	£63,850
<b>Public Open Space</b>			
On site provision by area			
Financial Contribution	£3,505	£700	£2,805
<b>Transport Infrastructure</b>			
Financial Contribution	£5,725	£700	£5,025
<b>Habitat Mitigation</b>			
Financial Contribution	£5,100	£5,100	£0

## 15. RECOMMENDATION

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

- i) the completion, by 28th November 2014, of a planning obligation entered into by way of an Agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure contributions towards off-site transport mitigation measures and works, the provision of a range of open space arrangements and to secure appropriate habitat mitigation arrangements.
- ii) the imposition of the conditions set out below.

BUT, in the event that the Agreement is not completed by 28th November 2014, the Head of Planning and Transportation be **AUTHORISED TO REFUSE PERMISSION** for the reasons set out below.

### Reason(s) for Refusal:

1. The proposed development would fail to make any contribution to enhance or create off-site provision and management of public open space to meet the needs of the occupants of the development for public open space. The proposal would therefore be contrary to an objective of the Core Strategy for the New Forest District outside the National Park 2009 and with the terms of

Policies CS7 and CS25 of the Core Strategy.

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

**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: 027/D01, 027/D10, 027/D11, 027/D12, 027/D13, 027/D14, 027/D15, 027/D16, 027/D17 and 027/D18, Heritage Statement, Structural Survey, Historic Fabric Assessment and Design and Access Statement  
  
Reason: To ensure satisfactory provision of the development.
3. Before development commences, samples or details of new claddings, facing and roofing materials and external features such as new windows on rear and side elevations, 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 preserve and enhance the special interest of the listed building in accordance with Policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park.
4. Before development commences, details of internal decorative features to be preserved and measures to be taken to protect them during the course of building works, 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 preserve and enhance the special interest of the listed building in accordance with Policy and CS3 of the Core Strategy for the New Forest District outside the National Park.

5. The development shall be implemented in accordance with the conclusions and recommendations of the submitted Phase 1 and 2 Bat Surveys, dated June 2014 and prepared by Species Ecological Consultancy.

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

6. The development hereby permitted shall not be occupied until the arrangements for the provision of cycle parking facilities have been implemented in accordance with a scheme to be agreed by the local planning authority. These parking spaces shall be provided and, thereafter, be retained and 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 CS2 of the Core Strategy for the New Forest District outside the National Park.

7. Prior to the development commencing, a scheme for the sound insulation for the separating floor between the ground and first floors shall be submitted to the Local Planning Authority for approval. The provisions of this scheme shall include physical controls and operational restrictions where appropriate. The scheme shall ensure that the indoor ambient noise levels for dwellings in table 4 of BS8233:2014 are complied with. The scheme shall be implemented, maintained and retained in accordance with the agreed scheme.

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

#### **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 with regard to the design and appearance of the proposal. However, the applicant was required to submit further justification for their proposal in light of their contention that



the Council's requests for contributions in light of adopted on affordable housing, transport infrastructure and public open space would make the proposal unviable.

2. Southern Gas advise of the presence of their Low/Medium/Intermediate Pressure gas main in the proximity to the application site. There should be mechanical excavations taking place above or within 0.5m of the low pressure system, 0.5m of the medium pressure system and 3m of the intermediate pressure system. You should where required of mains using hand dug trial holes. If you have any queries on these matters please phone Dawn McGeachy at Southern Gas on 0141 4184093.
3. In complying with condition no. 7, the applicant is advised that Listed Building consent is required for these works.

**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  
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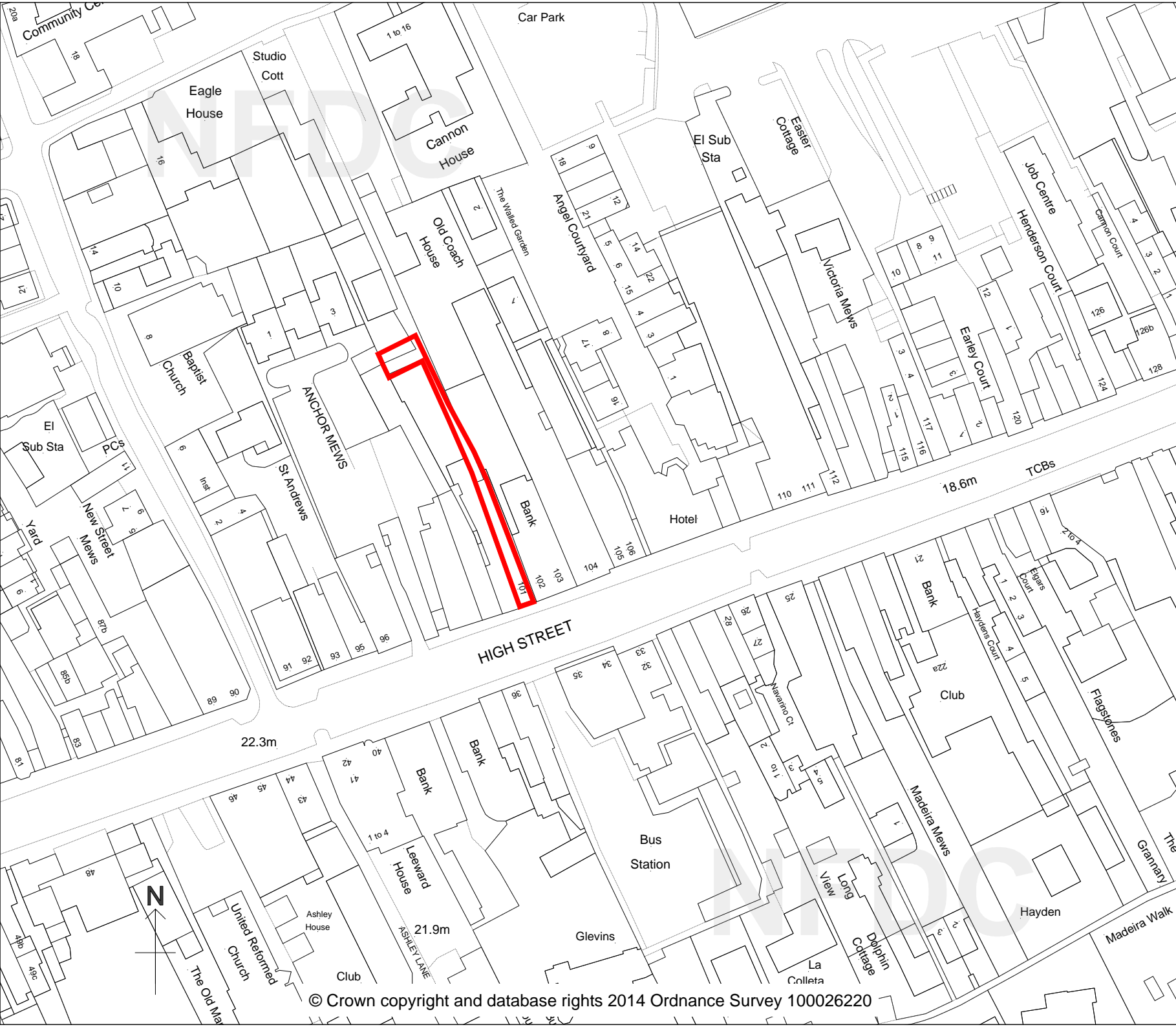
**Planning Development  
Control Committee**  
**October 2014**

**Item No: A3**

101  
High Street  
Lymington  
App No 14/10429  
SZ3294

Scale 1:1250

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



**Application Number:** 14/10868 Variation / Removal of Condition

**Site:** 10 HARWOOD CLOSE, TOTTON SO40 3FT

**Development:** Variation of condition 6 of planning permission 12/99517 to allow amended plan number C12/058.05 Rev C landscape/site layout

**Applicant:** Mr Bateman

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

**1 REASON FOR COMMITTEE CONSIDERATION**

No contributions being requested

**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

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

DM2 Mitigation of impacts on European nature conservation sites

**4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

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

**5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

None

**6 RELEVANT PLANNING HISTORY**

- 6.1 99517 - house, new access, associated parking, cycle and bin store. Granted 16.8.13
- 6.2 Alternative facing materials have subsequently been approved.

**7 PARISH / TOWN COUNCIL COMMENTS**

Totton and Eling Town Council - recommend permission but would accept a delegated decision. Original layout preferred but proposal not considered to be detrimental to the street scene.

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

Drainage - no comment

## **10 REPRESENTATIONS RECEIVED**

None

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

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

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

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

This is achieved by

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

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 Totton in a residential area. Permission was granted in 2013 to provide an additional dwelling and this is now nearing completion. Although care was taken to try and achieve a scheme which retained as much of the front boundary hedge as possible, this has been removed during the course of the building works and permission is now sought to vary the agreed landscaping to the front of the new and existing dwellings.
- 14.2 The site at present is open to the road although is tucked away at the end of the cul de sac. Although the front hedge would not be replaced in this scheme, the proposed shingle parking areas would be located either side of the gardens enabling the provision of a small grassed area centrally on the site. Hedges would be retained either side of the site and on this basis, whilst some front hedge would be preferable, it is not considered that the scheme would adversely affect the visual amenities of the area subject to maintenance of the lawn and hedges to the side.
- 14.3 Variation of condition applications require full consideration of all matters pertaining to the original approval. Since the original application was approved, the applicant has paid the required contributions in full and the house has been built. Had the approved landscaping been carried out, there would be no requirement for habitat mitigation and on this basis, it is not considered that the variation of the approved landscaping is sufficient justification to request additional contributions for mitigation.
- 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 the VARIATION of CONDITION**

#### **Proposed Conditions:**

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

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

2. The materials shall be Edenhall Dorset Pink bricks and Redland roof tiles as submitted with the application unless alternatives are previously agreed in writing by the Local Planning Authority.

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

3. Development shall only take place in accordance with the drainage details approved by the Council's decision notice dated July 30th 2014.

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.

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

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

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

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

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

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

**Notes for inclusion on certificate:**

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

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

**Further Information:**

Major Team

Telephone: 023 8028 5345 (Option 1)



# New Forest

DISTRICT COUNCIL

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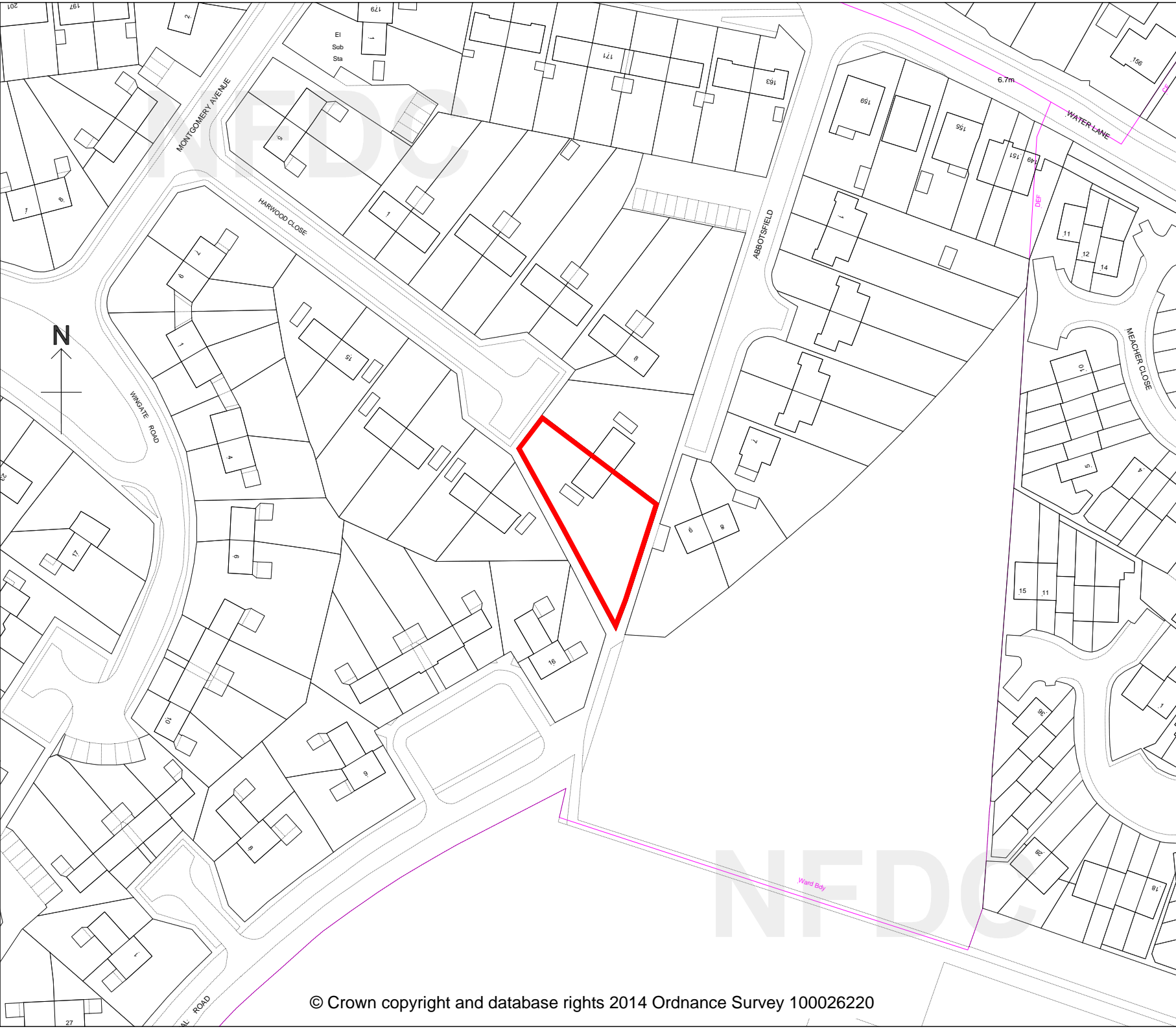
**Planning Development  
Control Committee**  
**October 2014**

**Item No: A4**

10  
Harwood Close  
Totton  
App No 14/10868  
SU3513

Scale 1:1250

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the internet, it will not be to  
scale.





**Application Number:** 14/10941 Full Planning Permission

**Site:** JEVINGTON, 47 WATERFORD LANE, LYMINGTON SO41 3PT

**Development:** Use as 2 dwellings; fenestration alterations

**Applicant:** Mr & Mrs Carruthers

**Target Date:** 04/09/2014

---

## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary Town Council view

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

#### Objectives

1. Special qualities, local distinctiveness and a high quality living environment
2. Climate change and environmental sustainability
6. Towns, villages and built environment quality

#### Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS7: Open spaces, sport and recreation
- CS10: The spatial strategy
- CS15: Affordable housing contribution requirements from developments
- CS24: Transport considerations
- CS25: Developers contributions

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

DM3: Mitigation of impacts on European nature conservation sites

## 4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

## 5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Mitigation Strategy for European Site  
SPD - Lymington Local Distinctiveness  
SPD - Parking Standards

## 6 RELEVANT PLANNING HISTORY

6.1 36306 - addition of a lounge and kitchen. Granted 30.11.87

6.2 57369 - first floor addition. Grant 18.9.95

6.3 96768 - detached garage. Granted 9.5.11

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

Lymington and Pennington Town Council - recommend refusal as it does little to enhance the amenity of area and not comfortable with the amount of garden space lost for parking.

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

9.1 Environmental Health (Contamination) - no concerns

9.2 Environment Agency - no objection

9.3 Drainage - no comment

9.4 Natural England - no objection

9.5 Hampshire County Council Highway Engineer - no objection subject to conditions and contribution

## **10 REPRESENTATIONS RECEIVED**

None

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission and the dwellings built, the Council will receive £1152 in each of the following six years from the dwellings' completion, and as a result, a total of £6,912 in government grant under the New Homes Bonus will be received. New Forest District Council 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.
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- Working together with applicants/agents to closely manage the planning application process to allow an opportunity to negotiate and accept amendments on applications (particularly those that best support the Core Strategy Objectives) when this can be done without compromising government performance requirements.
- Advising applicants/agents as soon as possible as to concerns that cannot be dealt with during the processing of an application allowing for a timely withdrawal and re-submission or decision based on the scheme as originally submitted if this is what the applicant/agent requires.
- When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

In this case all the above apply and as the application was acceptable as submitted no specific further actions were required other than to obtain a more detailed block plan indicating the proposed subdivision of the garden area.

## **14 ASSESSMENT**

- 14.1 The site lies within the built up area of Lymington in a residential area. It is a semi-detached property which has been previously extended and is currently in use as a Bed and Breakfast. The proposal entails the conversion of the property into two dwellings, the section originally built would have a lounge, dining room, kitchen and conservatory at ground floor level with two bedrooms and two bathrooms upstairs. The proposed dwelling in the 'extension' would have a living room, hall, WC and kitchen at ground floor level with two ensuite bedrooms at first floor level. It is anticipated that the current owners would retain this section together with the existing large garage building in the rear garden.
- 14.2 The physical changes to the building would be minimal and would include the provision of a door where there is currently a large three panel window to the side elevation and a roof light above the new staircase together with a new kitchen window to the rear elevation. These changes would not adversely affect either residential or visual amenity.
- 14.3 Outside the property, concern has been expressed by the Town Council that the provision of so much parking would be harmful. However, it is clear that the front of the property already benefits from parking spaces to its frontage and between these and the front elevation is an attractive, well maintained patio garden. This situation would not change except for the provision of a dividing fence between the two plots and creation of a small opening to enable access to the end plot. There is already a tarmac drive to the side of the property with tall vehicular gates screening its continuation into the rear garden area and up to garage building. The impact of the proposal on the street scene would therefore be minimal.
- 14.4 To the rear, while there is a substantial amount of hard surfacing, not

only for the drive, but large paved and decked patio areas in the main garden area, it is also an attractive and well maintained garden with the only change proposed to separate the patio area immediately adjacent to the house into two sections in line with the existing fence line which separates parking from the garden. It is proposed to retain the decked area at the end of the garden resulting in a slightly shorter length of garden for the middle house although it would retain an adequate garden. Further, in order to try and address the concern of the Town Council, some of the existing tarmac would be laid to lawn but kept available for turning as necessary.

- 14.5 The proposal generates a requirement for contributions to be made towards the provision of public open space, transportation and habitats mitigation which would be fairly and reasonably related to the development proposed. The relevant amounts have been secured through the completion of a S.106 Agreement.
- 14.6 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

## Developers' Contributions Summary Table

<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>	<b>N/A</b>		
No. of Affordable dwellings	0	0	0
Financial Contribution	0	0	0
<b>Public Open Space</b>			
On site provision by area	0	0	
Financial Contribution	0	0	<b>0</b>
<b>Transport Infrastructure</b>			
Financial Contribution	£2,033	£2,033	
Habitats mitigation	£750	£750	0

## 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: Flood risk details, block plan, 2014/010/10, 2014/010/11, 2014/010/12, 2014/010/13, 2014/101/15.

Reason: To ensure satisfactory provision of the development.

**Notes for inclusion on certificate:**

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

In this case all the above apply and as the application was acceptable as submitted no specific further actions were required other than to obtain a more detailed block plan indicating the proposed subdivision of the garden area.

**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

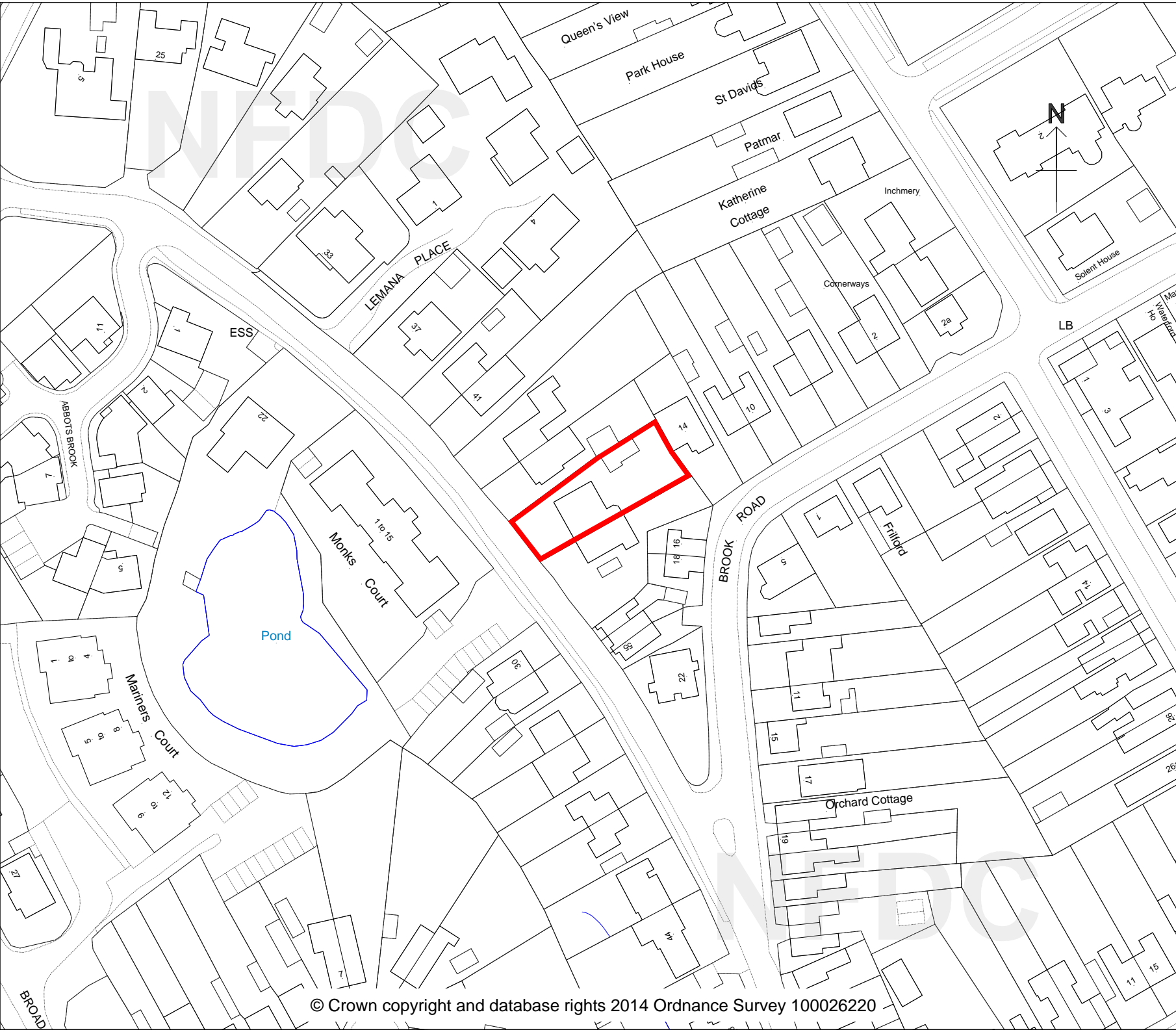
October 2014

### Item No: A5

Jevington  
47 Waterford Lane  
Lymington  
App No 14/10941  
SZ3294

Scale 1:1250

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



**Application Number:** 14/10959 Full Planning Permission

**Site:** 32 RINGWOOD ROAD, TOTTON SO40 8BZ

**Development:** Continued use as hand car wash & valeting facility

**Applicant:** Mr Memishi

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

**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Town Council View; Contrary to Policy

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Built-up area  
Town Centre Boundary  
Primary Shopping Area

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Core Strategy**

Objectives

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

Policies

CS2: Design quality  
CS10: The spatial strategy  
CS17: Employment and economic development  
CS20: Town, district, village and local centres  
CS24: Transport considerations

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

TOT15: Totton town centre opportunity sites

**4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

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

**5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

SPG - Totton Town Centre - Urban Design Framework

**6 RELEVANT PLANNING HISTORY**

- 6.1 Replace fuel filling station with conveyor wash and vacuum facility (06/88684) - refused 3/11/06 - appeal dismissed
- 6.2 Continued use as hand car wash (08/92041) - refused 7/5/08
- 6.3 One 2-storey block of retail units & offices (Use Classes A1 & A2); car wash & valeting canopy & bays; access alterations; new access (09/94113) - refused 13/8/09
- 6.4 Continued use as hand car wash & valeting facility (09/94493) - grant temporary permission 10/12/09
- 6.5 Continued use as hand car wash and valeting facility (11/98069) - grant temporary permission 15/3/12
- 6.6 Continued use as and car wash & Valeting facility (14/10433) - withdrawn - 3/6/14

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

Totton & Eling Town Council:- Recommend refusal - feel that adequate time has already been given to develop plans for the site and that continued use as a car wash facility is an obstacle to town centre improvements. Although there will be costs involved in redeveloping a contaminated site, consider the site has enough value for a redevelopment to be viable.

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

- 9.1 Hampshire County Council Highway Engineer:- No objection
- 9.2 Land Drainage Engineer:- No objection
- 9.3 Environmental Health (Contaminated Land):- No objection
- 9.4 Estates & Valuation:- Considers that a further 1 year temporary permission would be justified.

## **10 REPRESENTATIONS RECEIVED**

None

## **11 CRIME & DISORDER IMPLICATIONS**

No relevant considerations

## **12 LOCAL FINANCE CONSIDERATIONS**

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

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

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 31 of Town and Country Planning (Development



Management Procedure) (England) Order 2010 , New Forest District Council take a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome.

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
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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. The Local Planning Authority has been in regular contact with the agent and has set out the issues of concern. In the light of these concerns, the application is not felt to be wholly acceptable as submitted, but as set out in the assessment below, it is felt that a further 1 year temporary permission would be justified.

## **14 ASSESSMENT**

14.1 The application site is a former petrol filling station, which has been used as a car wash and valeting facility since at least 2007. The site is located in a prominent position in the centre of Totton, directly opposite a large Asda retail store. The site is bounded on its western side by Popes Court which is a residential development providing sheltered accommodation for the elderly, whilst to the north and east of the site are a number of mainly commercial properties that front onto Salisbury Road and Water Lane.

14.2 The existing car wash and valeting facility has been the subject of a number of temporary planning permissions. In fact, a car wash and vacuum facility was initially refused by the Local Planning Authority in November 2006 as being contrary to policy and of an unduly poor design quality that failed to accord with the Council's design aspirations for the site. A subsequent appeal was dismissed. By the time the appeal was considered, it appears that a hand car wash facility had already unlawfully commenced on the site. The appeal inspector deemed the development to be wholly inconsistent with the design framework

embodied in the "Totton Town Centre - Urban Design Framework" Supplementary Planning Guidance (SPG). A further application for the retention of the car wash facility was refused by the Local Planning Authority in May 2008 for similar reasons to the earlier refusal.

- 14.3 In December 2009 a further planning application for the continued use of the site as a hand car wash and valeting facility was given a 2 year temporary planning permission. It was recognised that the proposal was contrary to policy. However, it was felt the conflict with policy was outweighed at that time by short-term economic benefits. The proposal allowed for the retention of jobs in very difficult economic conditions. It was also felt that granting a 2-year temporary permission would give the applicant additional time to provide an acceptable scheme for the redevelopment of the site. In March 2012, planning permission was granted for the continued use of the car wash and valeting facility for a further 2 year temporary period (expiring on 31st March 2014). It was felt that a renewal of planning permission was justified on economic grounds given the difficult economic conditions that still existed at that time. It was again felt that granting a temporary planning permission would give the applicant more time to provide an acceptable scheme for the redevelopment of the site that would be capable of meeting the Council's design aspirations for the site.
- 14.4 A further application for the continued use of the site and car wash and valeting facility was withdrawn in June 2014, thereby making the existing use unlawful. The application that has now been submitted seeks to retain the existing hand car wash facility and valeting business for a further 2 years.
- 14.5 The existing development site and associated use is considered to have a negative townscape impact. The existing canopy, and the associated structures and external spaces are of a poor design quality, which fail to make a positive contribution to the character and appearance of the area. The Totton Town Centre - Urban Design Framework SPG promotes the redevelopment of this site with a 2-3 storey building on the street frontage encompassing retail and other 'A' class uses, as well as various mixed uses on the upper floors. The SPG seeks to integrate the application site more successfully with the shopping core by establishing well designed frontage uses which would draw pedestrians. It is felt that the continued use of the site as a car wash and valeting facility would be in clear conflict with this SPG. It is also felt that the proposal would be in clear conflict with the new Local Plan Part 2 Policy TOT15. This identifies the application site as a Town Centre Opportunity site and it is suggested that the site should be redeveloped primarily for a retail use, although it is also indicated that other uses may be acceptable as part of a mixed used scheme on upper floors. The proposal would also be contrary to Core Strategy Policy CS20, which seeks to protect the primary retailing role of defined shopping areas, and which also seeks to strengthen the vitality and viability of town centres.
- 14.6 The applicants do recognise that their proposal would be contrary to policy. They believe, however, that it will be difficult to meet the policy aspirations and strategy for this site in the immediate future. They consider that a redevelopment of the site will not generate an adequate return on the investment at the present time, partly because of the site's constraints and partly because of the ongoing uncertainty over interest rates. They have submitted a financial viability report and development appraisal to support their view that redevelopment of the site would be

too high a risk in view of a likely poor financial return.

- 14.7 The Council's Estates and Valuation team, who have considered the applicant's viability appraisal, advise that the economy has been showing consistent signs of recovery since the previous temporary planning permission was granted, although the commercial property market is only at the early stages of improvement. The applicant's viability appraisal considers the viability of a 2-storey development containing 4 retail units and 4 first-floor apartments. It is not considered this viability appraisal is based on a scheme that would maximise the redevelopment potential of the site, and it is therefore considered to be of only limited value. Taking into account the rental income from the existing car wash use, the Council's Senior Valuer considers that the current temporary consent may possibly be acting as a deterrent to the site coming forward for redevelopment. The applicants have sought to argue that there would be no demand for a convenience store on this site due to its close proximity to a large Asda retail store. However, the Council's Senior Valuer believes that there could still be demand from other businesses requiring bespoke showrooms or larger retail space. Given the site's location, it is considered that the site could attract quite a range of retailers with larger space requirements. Such developments are normally constructed on a pre-let basis, which limits development risk and enhances site value, the extent of which could become clear through a marketing exercise. The conclusion of the Council's Senior Valuer is that it would be reasonable for the site to be actively marketed over the space of 1 year, during which time the existing temporary consent could be allowed to continue. Only if a full marketing exercise shows that there is no demand to redevelop the site would it then be appropriate to grant a further temporary permission.
- 14.8 Overall, the arguments for and against this proposal are considered to be fairly balanced. There is no evidence that the owners of the site have endeavoured to pursue an appropriate permanent development for this site since the previous temporary planning permission was granted and the use continues to detract from the design quality of the town centre, contrary to the Council's policy objectives. Economic conditions have improved since the previous temporary planning permission was granted, although the commercial market is still at a relatively early stage of recovery. The applicant's viability appraisal is not considered to be wholly convincing. To establish more clearly whether there is now a reasonable demand to redevelop the site and so achieve policy aspirations, there is a clear need for the site to be marketed in an appropriate manner. There would clearly be some economic benefit in allowing the existing use to continue whilst such a marketing exercise takes place, and therefore on balance, it is felt that a further temporary planning permission would be justified. However, it is felt that the 2 year-temporary permission sought by the applicant would be unjustifiably long. In view of the length of time that the use has already taken place and given the adverse visual impact of the current use, it is felt that only a 1 year-temporary permission would be justified. This would give the applicants reasonable time to market the site in an appropriate manner and should enable a clear conclusion to be reached on the acceptability of a continuation of the proposed use at the end of that 1 year period. Accordingly, the application is recommended for a 1 year temporary permission. The applicant should, however, be advised that a failure to demonstrate adequate marketing of the property at the end of that 1 year temporary permission, would probably then justify refusal of any further application.

14.9 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

## **15. RECOMMENDATION**

### **Grant Temporary Permission**

#### **Proposed Conditions:**

1. The use shall cease on or before 31st October 2015 and the land restored to a condition which has first been agreed by the Local Planning Authority.

Reason: The proposed use would be contrary to Policy CS2 of the Core Strategy for New Forest District outside of the National Park, Policy TOT15 of the Local Plan Part 2: Sites and Development Management, and the Totton Town Centre - Urban Design Framework Supplementary Planning Guidance. Temporary planning permission has previously been given for the proposed use as it retained an employment use in the short term under difficult economic conditions and because it also gave the applicant additional time to provide an acceptable scheme for the redevelopment of the site to meet the aspirations and strategy for the site in this important Town Centre location. It is considered that economic conditions have now changed. In what is now an improving economic climate, the Local Planning Authority is not persuaded that the site could not now be reasonably developed for a more appropriate permanent development. However, as the commercial property market is at the early stages of improvement, it is considered reasonable to give a further 1 year-temporary planning permission, recognising the resulting economic and employment benefits, during which time the Local Planning Authority will expect the site to be actively marketed in an appropriate manner so as to more clearly establish what demand there is to redevelop the site.

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

1. Please note that with respect to the active marketing referred to in condition 1, the Local Planning Authority will expect the site to be marketed with a reputable commercial agent. The Local Planning Authority would expect the marketing particulars to include a site plan, a description of the site, a description of the planning position including the policy expectation that the site should be developed with 2-3 storey building on the street frontage encompassing retail and other 'A' class uses, as well as various mixed uses on the upper floors. It is recommended that marketing should be on the

basis of an invitation of best offers and not on the basis of a fixed price. Any Commercial Agent that is instructed should be briefed to record details of all viewings and enquiries. Unless the site is marketed in this manner, and unless it is clearly established that there is no demand to redevelop the site in the current economic climate, then it is probable that the Local Planning Authority would view unfavourably any further application to extend this temporary planning permission.

2. 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 Local Planning Authority has been in regular contact with the agent and has set out the issues of concern. In the light of these concerns, the application is not felt to be wholly acceptable as submitted, but as set out in the Case Officer report, it is felt that a further 1 year temporary permission would be justified.

**Further Information:**

Major Team

Telephone: 023 8028 5345 (Option 1)



# New Forest

DISTRICT COUNCIL

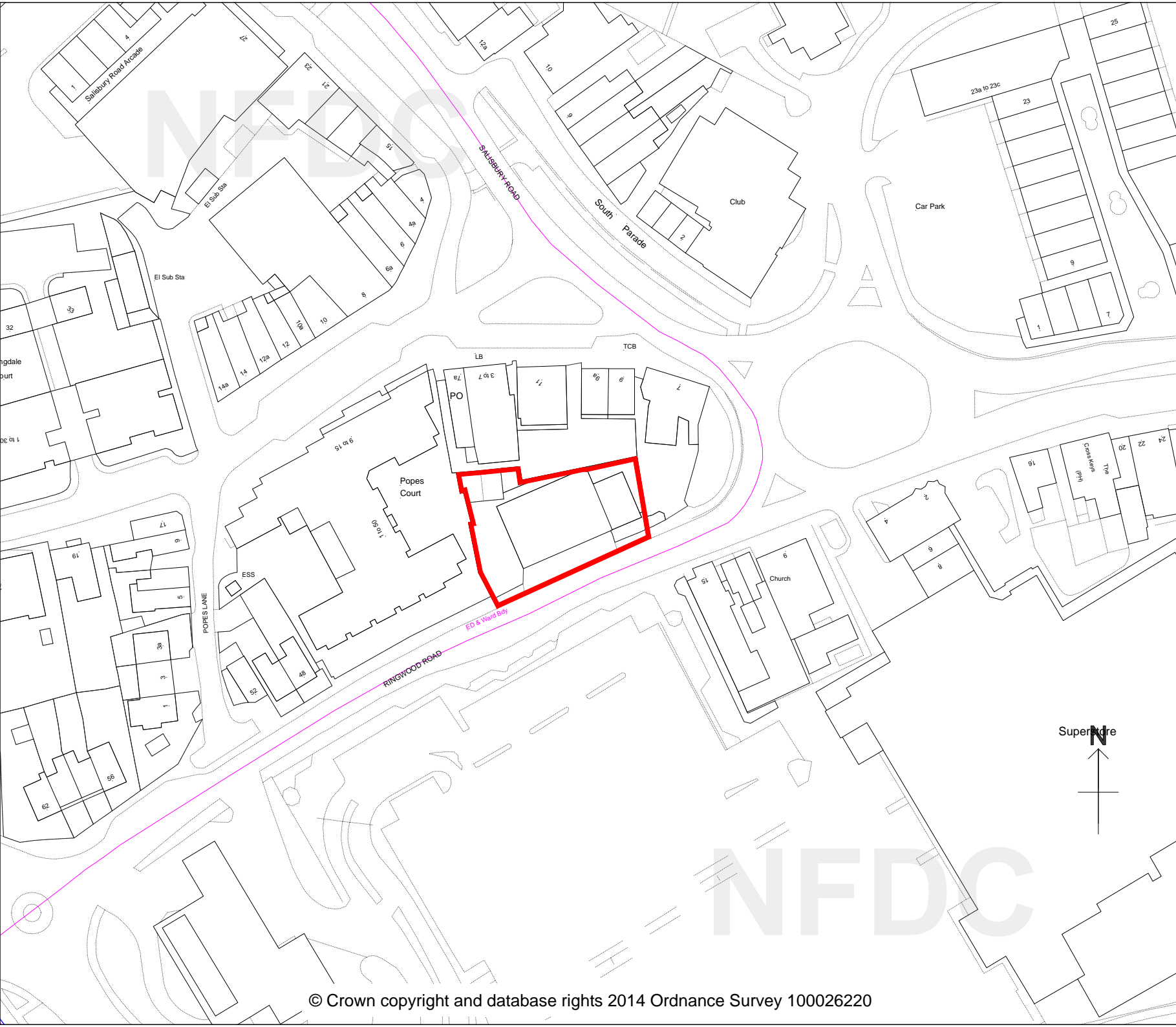
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Chris Elliott  
Head of Development Control  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

**Planning Development  
Control Committee**  
**October 2014**

**Item No: A6**

32  
Ringwood Road  
Totton  
App No 14/10959  
SU3513



Scale 1:1250

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

**Application Number:** 14/11023 Full Planning Permission

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

**Development:** One block of 25 retirement flats including communal areas;  
access, car parking; landscaping; demolition of existing

**Applicant:** Churchill Retirement Living

**Target Date:** 21/10/2014

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## 1 REASON FOR COMMITTEE CONSIDERATION

Member request and contrary to Town Council view (in part)

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

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

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

#### Objectives

1. Special qualities, local distinctiveness and a high quality living environment
2. Climate change and environmental sustainability
3. Housing
4. Economy
6. Towns, villages and built environment quality

#### Core Strategy

CS1: Sustainable development principles  
CS2: Design quality  
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)  
CS4: Energy and resource use  
CS7: Open spaces, sport and recreation  
CS8: Community services and infrastructure  
CS10: The spatial strategy  
CS15: Affordable housing contribution requirements from developments  
CS17: Employment and economic development  
CS20: Town, district, village and local centres  
CS24: Transport considerations  
CS25: Developers contributions

#### Local Plan Part 2

DM1: Heritage and Conservation  
DM3: Mitigation of impacts on European nature conservation sites  
DM10: Residential accommodation for older people

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

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

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

SPD - The Delivery of Affordable Housing (on Development Sites) through the Planning Process  
SPD - Housing Design, Density and Character  
SPD - Parking Standards  
SPG - Ringwood - A Conservation Area Appraisal  
SPD - Ringwood Local Distinctiveness  
SPD – Mitigation of impacts on European Conservation sites

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

- 6.1 One three storey block comprised, ground floor (Use Class A1, A2 & D1) first and second floors 8 flats; 1 terrace of 3 houses; bin & cycle stores; parking; landscaping; demolition of existing ref: 13/10364 refused 16-09-13.
- 6.2 Demolition of existing three-storey B1 office building (Conservation Area Consent to demolish) ref: 13/10365 granted 12-09-13.
- 6.3 Development of 15 dwellings comprised 1 block of 12 flats, 1 terrace of 3 houses, parking, landscaping - demolition of existing (11377) Granted with conditions on the 31st January 2014.

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

Ringwood Town Council: Recommend refusal. Members are in favour of the proposed use of the site in principle. However, they have concerns about the proposed design and the parking provision. The building is set too far forward in the plot, has an inconsistent mix of architecture and its bulk to the front is out of character with the street scene - the proposal is therefore contrary to the Local Distinctiveness SPD. It is also contrary to the Parking Standards SPD, which recommends one space per unit. Although it is understood that a minimum level of 50% has been used in similar developments across the District, the proposed provision is only 0.36 spaces per unit, allowing 9 spaces for 25 units, plus a guest suite. Members are concerned that this is insufficient for the number of residents, visitors and carers. Christchurch Road is a very busy road, with no on-street parking adjacent to the site, and the access road is located on a bend. With insufficient parking on site, there is a potential for hazardous situations to arise.

#### **8 COUNCILLOR COMMENTS**

Cllr B Woodfield: Requests that the application is considered by the planning committee

#### **9 CONSULTEE COMMENTS**



- 9.1 Planning Policy: No objection on policy grounds
- 9.2 Environmental Design (Conservation): Objection
- 9.3 Tree Officer: recommends refusal due to the loss of public amenity trees, inappropriate crown reduction and such proximity of habitable dwellings to amenity trees as to lead to foreseeable and undue pressure for further reduction or removal of trees.
- 9.4 Environment Agency: make no bespoke comments - as the site is located in Flood Zone 1 it has a low risk of flooding.
- 9.5 Ecologist: no objection subject to the development being carried out in accordance with the recommendations of the submitted ecology report.
- 9.6 Land Drainage Engineer: recommends approval subject to conditions and an informative note.
- 9.7 Southern Gas Networks: advise of the presence of a low/medium/intermediate pressure gas main in the vicinity of the site.
- 9.8 Wessex Water: comment that separate systems of drainage will be required to serve the proposed development and no surface water connections will be permitted to the foul sewer system. Waste water connections will be required from Wessex Water to serve the proposed development. Recommend that a full survey of the site and surrounding land is carried out to determine the local drainage arrangements.
- 9.9 Strategic Housing Officer: Objection on the basis that the proposal should make on site provision for affordable housing
- 9.10 Hampshire County Council Highway Engineer: no objection subject to conditions
- 9.11 Hampshire Education Authority: The proposal for retirement flats would not generate a need for contributions
- 9.12 Environmental Design (Urban Design Officer): Objection

## **10 REPRESENTATIONS RECEIVED**

- 10.1 Two letters of support
- 10.2 One letter of objection concerned with the lack of on site car parking

## **11 CRIME & DISORDER IMPLICATIONS**

No relevant considerations

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission and the dwellings built, the Council will receive £28800 in each of the following six years from the dwellings' completion, and as a result, a total of £172800 in government grant under the New Homes Bonus will be received. New Forest District Council adopted a CIL charging schedule on 14 April 2014, however the implementation date for the charging schedule is 6 April 2015 so no CIL payments are currently due.

## 13 WORKING WITH THE APPLICANT/AGENT

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

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

In this case, pre-application advice was given that raised concerns with the proposal which have not been addressed as part of this proposal. As a result, refusal is recommended.

## 14 ASSESSMENT

### Introduction

14.1 This site is located on the east side of Christchurch Road within the Ringwood Conservation Area and close to Listed Buildings including those opposite the site at Nos. 80, 82, 84 and Netherbrook House at No 86 Christchurch Road. The main building on the site is set further back from the road frontage than other buildings to the north, on a similar line to other buildings to the south of the site. This results in a distinct change in the character of the road at this point where there is more space in front of the buildings. The existing vacant building is a rectangular purpose designed public office with a mansard roof on the front and extensive flat roof behind. It has numerous windows on its side elevation at ground and first floor. The front of the site is an extensive area of tarmac providing access and parking. The rear of the site is a large car park and an old storage building. Opposite the site in Christchurch Road are mainly terraced properties of a smaller scale which sit at the back of the pavement. The site backs on to Woodstock Lane which is

characterised by modest two storey terraced/semi-detached properties on the east side opposite the site. On the west side of the Lane are mainly rear boundaries with walls and fences although there are bungalows at no's 14 and 20. The lane is not metalled and has a very different character to the front of the site

- 14.2 Uses in the area are a mixture of residential and commercial. The property immediately to the north of the site in Christchurch Road (no. 63) is a large, attractive, detached, two storey dwelling with no side windows facing the site. Immediately to the south of the site is the Fire Station which is a substantial two storey building with a utilitarian appearance. In addition to the main building there is also a modest single storey structure in the north east corner of the site close to Woodstock Lane.
- 14.3 The site is relatively level, with a dwarf wall along the front boundary with two access points which provide an in/out access arrangement to parking at the front and rear of the site with access drives to either side of the building. The boundary to no. 63 Christchurch Road is formed by a dilapidated interwoven fence about 1.8 metres high, with substantial planting overhanging from the garden of this neighbouring property. The boundary to the Fire Station is open from the Christchurch Road frontage to the rear of the buildings and there is a relatively new fence separating the rear areas of the site and the Fire Station. The rear boundary to Woodstock Lane is formed by a close boarded fence about 1.5 metres high.
- 14.4 There are two large pine trees to the front of the site close to the Fire Station boundary and three large trees to the rear of the site (two sycamore and one oak) all of which are protected by virtue of the Conservation Area designation. All these trees are prominent and provide an important public amenity. The site contains only limited planting of little significance, apart from these trees and the hedge overhanging the northern boundary.

### **Planning history**

- 14.5 Planning permission was granted on this site earlier this year for a development comprising 15 dwellings, with all existing buildings to be demolished and the removal of two pine trees and three pears and a sycamore tree under planning reference 11377. The approved development would comprise a 3 storey building (with the second floor contained within a mansard type roof) at the front of the site which would comprise 12 two bedroom flats (four on each of the three floors). To the rear of the site it was proposed to erect a terrace of two x two bedroomed and one x three bedroomed houses. These houses would be two storey and front Woodstock Lane with modest front and rear gardens. No vehicular access was proposed to Woodstock Lane. Car parking would be provided centrally on the site between the main frontage building and the terrace of three dwellings to the rear of the site. A total of 16 parking spaces were proposed (one space for each of the residential flats and houses plus one disabled visitor space). A number of replacement trees were proposed on the site, picket fencing was proposed to the Woodstock Lane frontage and the dwarf wall along the Christchurch Road frontage would have been retained and in filled where one of the existing access points would be closed.

### **The proposal**

- 14.6 The proposal is to demolish the existing building on the site and to construct a 2 and 3 storey building comprising 25 sheltered apartments for the elderly including communal facilities, access, car parking and landscaping.
- 14.7 The proposal essentially seeks to provide a single building on the site which fronts onto Christchurch Road extending back towards Woodstock Lane. The proposed building fronting onto Christchurch Road would rise to 3 storeys in height with the side elements dropping down to two and a half storeys. The building would lower to 2 storeys as it extends to the rear. The proposed building would be sited forward of the existing building and would also extend beyond the existing rear building line.
- 14.8 The proposed frontage building would rise to 3 storeys and would have its ridge line running parallel to the road with a series of dormer windows cut into the eaves line. The proposed building is shown to be a similar height to the existing building. Architecturally the building would have a symmetrical form when viewed from the front with large windows and doors. The rear element would be set in from the main frontage building dropping down to a run of two storey hipped roof buildings.
- 14.9 The proposed layout of the site shows that access would be gained from a single access driveway to the north of the site serving a car parking and turning area to the rear. A landscaped amenity area would be provided in the south east corner of the site. New tree planting is proposed to the front, southern side and rear of the site. The two existing Pine Trees would be removed, together with three pears at the front of the site

#### **The principle of the use proposed**

- 14.10 The Council's employment strategy is to retain existing employment sites (policies CS10 and CS17). The proposed residential development conflicts with this strategy. However, the previous planning permission accepted the redevelopment of the site with no commercial or retail uses. In addition, the former office use has already relocated (in part) to the Gateway building in Ringwood Town Centre. A further material consideration is that the site lies within a town centre location and a residential development designed to meet the needs of older people is generally encouraged in these locations and the particular benefit to the elderly weighs in favour of the use. Accordingly, the principle of the proposal for a completely residential scheme for the elderly on this site with no commercial development would be acceptable.

#### **The effect on the character and appearance of the Conservation Area and Local Distinctiveness**

- 14.11 Ringwood has a very large and varied conservation area which extends well beyond the town centre. Most buildings in the conservation area are of modest scale and unostentatious design with the grander buildings still standing out conspicuously.
- 14.12 In the vicinity of the application site, the character and appearance of the eastern side of Christchurch Road (including the application site) is distinctly different to that on the western side of the road. On the eastern side, the spacious layout and pronounced set back from the road of the

substantial detached Edwardian villas provides a uniformity of plot coverage and scale which is to a large extent maintained by the more substantial forms of the fire station and council office buildings, in spite of these buildings having a very different appearance. There is a clear balance between buildings and open spaces at the side and rear of these properties. This spatial arrangement creates gaps and views between and behind buildings, allowing trees and green spaces to flourish and creates a more dispersed grain than that in the town centre.

14.13 In contrast, the western side is characterised by generally narrower plots with smaller terraces of dwellings sited at or close to the edge of the pavement. This is a historic section of the street where traditional ribbon development (typical of Ringwood's medieval town centre) includes the majority of buildings having simple roof forms running parallel to the street at a domestic two storeys.

14.14 The Ringwood Local Distinctiveness Document describes the difference between the two sides of the road in the following terms:

"The line of buildings set back from the former council offices to Towngate Mews has an important margin of garden space that sets off the historic forms opposite and creates a green pleasant setting to display this set of matching brick and buff stone villas".

14.15 The applicant's Heritage & Design Statement acknowledges the character & appearance of this part of Christchurch Road in similar terms:

There is no public open space in the vicinity of the Site, however the properties surrounding the Site, on the eastern edge of Christchurch Road, sit within larger curtilages, being set back from the roadway giving a more 'open' appearance immediately to the south of the Site on the east side of Christchurch Road. The post-medieval development on the western side of Christchurch Road exhibits a much tighter urban grain, largely positioned addressing back of pavement on Christchurch Road. Landscaping is, however, limited on Christchurch Road, with much space given over to car parking"

14.16 Woodstock Lane has its own distinctive character. The terraces and semi-detached dwellings have a consistent front building line close to the edge of the lane. These are small scale dwellings, described in the Conservation Area appraisal as "...attractive low terraces with jettied and tile-hung first floors". The lane has an open aspect to the west although some backland development has detracted from this aspect. The applicants' Heritage & Design Statement describes Woodstock Lane as "a barely metalled roadway which serves a number of Victorian and Edwardian dwellings. The dominant building height surrounding the Site is noted to be two storeys, given the dominant residential theme".

14.17 In assessing this proposal, the proposed development has failed to acknowledge these significant contextual features. The proposal creates a substantial plot coverage with a single building that sits forward and back into the plot located very close to the edges of the site to provide a very dominant and assertive structure in its setting. The proposed building would extend forward of the existing building line and deep into the rear of the plot, which would be further back from the rear elevation of the existing building and well beyond that of the adjacent properties. The general open space around the building is limited and at odds with the spatial character of the plots along this part of Christchurch Road.

- 14.18 The applicants consider that the reduction in the amount of open space at the front, sides and rear of the proposed building is of benefit to the conservation area because it is more reflective of the tighter pattern of development on the western side of Christchurch Road and to the north of the site on the eastern side of the road (Heritage and Design Statement). This is not accepted. The spaces around the existing building are of a positive benefit to the conservation area, preserving the established pattern of development which is so distinctive. The proposal would erode features of the conservation area which should be retained if the scheme is to preserve or enhance the character or appearance of the conservation area.
- 14.19 Five new trees are shown in the submitted Landscape Strategy plan to be planted to the front of the site facing Christchurch Road and seven along the southern and eastern boundary. The proposal involves the felling of the two Pine trees and three pear trees on the Christchurch Road frontage and a considerable reduction in the canopy to the Sycamore Tree on the south east boundary. There is also likely to be pressure on the long term retention of the Oak tree on the southern boundary due to the close proximity to the building and a considerable reduction in the canopy size to the Sycamore tree. Whilst the tree officer has raised an objection to their loss and the threat of their retention in the long term, given the extant planning permission accepted the loss of the two Pine trees, three pear trees, a Sycamore tree, and reduction in the canopy size to the Sycamore, the current proposal would have a neutral impact on the extent of tree cover on site. Accordingly it is considered that a reason for refusal on tree grounds would not be reasonable.
- 14.20 Architecturally, the frontage elevation to Christchurch Road attempts to reference the Georgian buildings on the west side of Christchurch Road, especially Netherbrook House. However, its overall appearance is poorly let down by a number of design elements. On the front elevation, a patio door is proposed together with what appears as the main central entrance door to the building but is in fact a 'faux' door only serving a lounge area to one of the residential flats with access to the patio area on the front garden. A building of this scale needs to have a main entrance door on the front elevation to give the building legibility and to reinforce the 'active' frontage on Christchurch Road. Proposing the main entrance door to the side of the building is not considered to be an appropriate design approach to address Christchurch Road. The creation of patio doors and outside areas where people will sit with chairs and tables would not only appear as an odd feature to the front of the building but would give the impression that this is not the main entrance to the building. In addition, the proportions of the front elevation, particularly the side 'wings', the details of doors and windows and the use of render on part of the front elevation all do not adequately reflect the details of a Georgian building and represent poor quality design.
- 14.21 The proposed side elements of the building comprise a mixture of cropped and hipped roofs at varying sizes, a combination of render and brick materials, deep sections of unrelieved walls with no windows and for the most part the building rises to three storeys in height which poorly relates to the proportions and composition of the main section of the front elevation. Both of these side components are clearly visible when approaching from the north and south along Christchurch Road and not only would they severely weaken the appearance of the central part of the building, individually, the side sections would appear as

unsympathetic and intrusive building elements in the street scene.

- 14.22 The applicants have commented that there has been a concept to dispense with the formality of architecture behind the facade of Christchurch Road, at the same time as reducing the storey height at the rear and that this will provide a difference between the mass of elements. However, what the design actually does is create an uncomfortable hybrid of architecture, reducing quality in the rear while retaining a wide footprint which displays an institutional scale and mass with the simplest style domestic design. The whole of the site lies within the Conservation Area and views of the site can be gained from both Christchurch Road and Woodstock Lane.
- 14.23 How the proposed development addresses and responds to the Woodstock Lane context is important. The rear section of the building is set back from Woodstock Lane and separated by car parking spaces and an open green area. The rear elevation of the building shows a simple two storey pitched roof design with four windows and basic detailing which immediately gives the impression of the back of a building rather than a development which responds to and address the Woodstock Lane character and frontage. Views of the rear section of the building would be clearly visible from Woodstock Lane and the rear of the proposed building offers an uninspiring elevation to the lane.
- 14.24 In summary, it is considered that the proposed development would have an adverse impact upon the character and appearance of the Conservation Area and local distinctiveness, in that the proposed level of development is too great for the site and this has resulted in a single large building mass which would dominate the site's coverage and be over dominant in Christchurch Road failing to respond to the spatial characteristics of the area. In addition, there are aspects to the design and appearance of the building which are both inconsistent and not of sufficient cohesive quality to respond to, or make a positive contribution to local character and distinctiveness.

#### **Effect on the character and appearance of listed buildings**

- 14.25 There are 10 listed buildings in this part of Christchurch Road. The applicants provide a critique of their significance and the likely impact of the proposal on that significance. Of the ten buildings, the two closest listed buildings and those whose setting would be most likely to be impacted upon are 80-84 Christchurch Road and Netherbrook House at 86 Christchurch Road.
- 14.26 With regards to 80-84 Christchurch Road and Netherbrook House, the applicants view is that the proposed development "broadly echoes" the scale and design of the listed buildings and by being closer to the road than the existing building, would more closely reflect the building line of the listed buildings, and thereby have a very minor positive impact on the setting of the listed buildings. This is not agreed. For the reasons stated above, the design of the proposed building does not adequately reflect the architectural language of an eighteenth century building, and this would inevitably detract from the setting of the listed buildings and, by reason of being set more forward in the plot and being of a larger size than the existing building, would have a greater impact on the setting of the listed buildings.

### **The residential amenity provided for future occupiers**

- 14.27 The quality of the space surrounding a building and the amenity it is likely to provide is a key design element in buildings designed for the elderly. For those residents without a balcony or patio, the only area proposed as communal amenity space is an area in the south-east corner of the site. The space is relatively small, is bounded by Woodstock Lane on one side and a parking area on another and will be heavily shaded by the Sycamore tree. There is no pedestrian access proposed for the area. For those residents with a patio, the patios for flats 1, 2, 9 & 10 would provide a low level of amenity, being either at the front of the building facing the noisy and public Christchurch Road or on the shaded northern side of the building, close to parking spaces and the access driveway. The sole outlook from the habitable rooms in flats three and four on the ground floor would be very restricted, being within a few metres of parking spaces and the access drive.
- 14.28 The poor quality of the amenity spaces being provided in this proposal for some residents would conflict with the objectives of the NPPF to secure a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17), and the Local Plan (Policy CS2(a)) which requires new development to provide public and private spaces that are well-designed, safe, attractive and complement the built form.

### **Impact on Neighbouring Properties**

- 14.29 The property most affected by this proposal is the dwelling at No. 63 Christchurch Road, which is a two storey detached dwelling set in a generous plot. This property has no windows in its side (south) elevation facing the application site and there is substantial planting along the boundary (within the grounds of No. 63) which overhangs a dilapidated fence. Part of the hedge would inevitably be trimmed back to enable the development to be constructed, however the proposed building would have 15 first floor windows and a second floor dormer window and roof light on the side (north) elevation facing the rear garden area to that property.
- 14.30 The existing office building already creates a degree of overlooking in which there are 9 first floor windows that are sited on the side elevation facing in the direction of No 63. The existing distances range from 6 to 8 metres from the first floor windows to the side boundary with that neighbour. The proposed building would be sited further away from the boundary with No 63 than the existing office building. Indeed, the proposed building would in part be sited between 11 to 16 metres away from the side boundary with No. 63.
- 14.31 It is considered that a residential use would be more intrusive in terms of privacy compared to office use given that the residential properties would be in use in the evenings and weekends compared to an office which is likely to be during weekdays and not into the evening.
- 14.32 However consideration should be given to the fact that the existing office building could be changed to residential purposes under a Prior Approval application which does not take into account matters of loss of privacy.
- 14.33 In assessing the impact on the privacy of the neighbouring resident at No 63, on balance, it is considered that the proposed development would not



increase the level of overlooking to this property compared to the current situation so as to justify a reason for refusal.

- 14.34 The proposed two storey rear section of the building would be set back from Woodstock Lane and it is proposed to introduce two first floor windows on the rear elevation facing these residents. The distances from the proposed windows to the front elevation to the properties in Woodstock Lane measures over 21 metres. This is considered to be acceptable and not result in any unacceptable overlooking to these residents.

### **Other matters**

- 14.35 In terms of car parking provision and access, it is proposed to have one singular access into the site to serve the proposed development. The proposal originally had shown 9 car parking spaces to be provided, however, amended plans have been submitted due to concerns raised by the Town Council and nearby residents which increase the level of car parking to 12 spaces.
- 14.36 The NFDC document 'Parking Standards Supplementary Planning Document (SPD)' adopted in October 2012 provides a recommended car parking provision in respect of developments for 'active elderly with warden control' of 1 space per apartment. When considering similar age restricted developments within the New Forest district a minimum level of provision of 50% has been utilised. This level of provision has been tested in appeal situations and has been found to be robust by Inspectors. Section 6 of the Transport Statement provides the results of the parking demand for the 8 similar developments which confirms that the demand for parking would be met by a provision 0.36 of a space per apartment. It is acknowledged that in 3 instances on 2 of these developments the level of demand exceeded the proposed level of provision but the average demand of the 8 developments is contained below this level.
- 14.37 Accordingly, given the data provided, the Highway Authority consider that an objection based upon an under-provision of parking would be neither appropriate nor sustainable. In terms of the proposed access and visibility onto Christchurch Road the Highway Authority does not raise any objections and considers that adequate visibility would be provided onto the highway.
- 14.38 The proposed dwellings would need to achieve the required Level 4 of the Code for Sustainable Homes which would comply with Policy CS4 of the Core Strategy.
- 14.39 The Ecologist has been consulted about the proposals and raises no objection subject to the imposition of appropriate conditions in relation to the potential for bats and nesting birds.

### **Contributions**

- 14.40 The required contributions set out below are considered to be fair and reasonable and directly related to the development proposed and have been secured as part of a Section 106 Agreement.

### **Transport Improvements**

- 14.41 Normally a residential development of this nature would generate the requirement for a financial contribution in accordance with adopted policy 'Transport Contributions Policy'. On this basis the proposed development would result in a net reduction of 60 trips over the course of a day and taking into consideration the floor area of the existing public offices, the proposed development does not generate a requirement for a transport contribution.

#### Public Open Space

- 14.42 The proposals generate the requirement to make a financial contribution of £39,722 towards off site open space provision.

#### Affordable Housing

- 14.43 The proposed development generates the requirement to make provision for affordable housing on site. The level of provision required is 40% of the total number of units proposed which equates to 10 units (total of 25 units proposed).
- 14.44 The applicants have made a strong case that there are real difficulties in terms of management and implementation of providing 10 affordable housing units alongside a sheltered housing block of 15 open market apartments and accordingly the applicants are prepared to make an off site financial contribution of £380,750. The Council's Strategic Housing Officer does not support the proposal on the basis that the development would not meet the required 10 on site dwellings to be affordable, however, in light of the case made by the applicant and on the basis that they are prepared to make the full off site contribution by way of a financial contribution of £380,750, Officers consider that this would be acceptable.

#### Habitat mitigation

- 14.45 As the proposal is for additional dwellings, there is a requirement to comply with Local Plan policies to mitigate the recreational impact of the proposed development on European nature conservation sites (the New Forest Special Conservation Area/ Special Protection Area/ Ramsar sites), to meet the requirements set out in the Habitats Regulations. A contribution of £60,250 towards habitat mitigation is required and this has been secured in the Section 106 Agreement which complies with the policy requirement.

#### Conclusion

- 14.46 In summary, while the proposed development would provide housing on a reasonably sustainable site in terms of its location to shops and services and it would help meet a substantial need for retirement housing potentially freeing up under occupied housing, this, does not outweigh the harm that would be created to the character and appearance of the Conservation Area and the setting of the listed buildings at 80-84 Christchurch Road and Netherbrook House. It is considered that the proposed development would be an overdevelopment of this site and is too massive to support the local distinctiveness. The key aspects of what makes Christchurch Road distinctive are not recognised – the building is too large, too high, too wide and too deep and there are

concerns over many aspects of the design of the building. There are also concerns that the proposal would have inadequate private amenity space and a very poor living environment for the residents.

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

### Developers' Contributions Summary Table

<b>Proposal:</b>			
<b>Type of Contribution</b>	<b>NFDC Policy Requirement</b>	<b>Developer Proposed Provision</b>	<b>Difference</b>
<b>Affordable Housing</b>			
No. of Affordable dwellings	10	0	
Financial Contribution	£0	£380,750	0
<b>Public Open Space</b>			
On site provision by area			
Financial Contribution	<b>£39,722</b>	<b>£39,722</b>	<b>0</b>
<b>Transport Infrastructure</b>			
Financial Contribution	0	0	0
<b>Habitats Mitigation</b>			
Financial Contribution	£60,250	£60,250	0

## 15. RECOMMENDATION

### Refuse

#### Reason(s) for Refusal:

1. The proposed development would fail to preserve or enhance the character and appearance of the Conservation Area and the setting of listed buildings and would have a harmful impact on local distinctiveness contrary to Policies CS2 and CS3 of the Core Strategy for New Forest District outside the National Park and Policy DM1 of the Local Plan Part 2 Sites and Development Management Document, the Ringwood Local Distinctiveness Document Supplementary Planning Document and Ringwood Conservation Area Appraisal Supplementary Planning Guidance in that:
  - i. much larger than other buildings within the area and set forward of the

existing building, the proposal would be too large in relation to both contextual streetscapes and its own spatial setting which as a result is rather constrained. Architecture is inconsistent throughout and does not support local distinctiveness in terms of a legible and appropriately active frontage.

- ii. the main frontage section would appear intrusive in the street scene and the scale of the three storey elements attached and behind the main frontage building would be disproportionate. This is exacerbated by inconsistent legibility through details of windows and doors, the partial use of render, the faux entrance door to the frontage and inappropriate patio areas to the frontage.
  - iii. the proposed rear section of the building would fail to support the local distinctiveness of Woodstock Lane appearing inappropriately institutional with an awkward configuration of building heights, roof forms, materials and blank elevations. This would be exacerbated by poor window and door details, inconsistent with the frontage part of the building. Such uninspiring design suggests a poor relationship with Woodstock Lane and an inconsistent relationship with the main frontage part of the building.
  - iv. the proposed rear section of the building descends into a domestic and institutional appearance and form with an awkward composition of roof forms, standard fenestration and detailing which is largely inconsistent with the design of the front elevation to Christchurch Road and the uninspiring design and treatment of proposed rear elevation poorly addresses the context and frontage onto Woodstock Lane.
  - v. by virtue of the poor design quality and appearance of the front of the building, its siting being set more forward in the plot and being significantly larger in size than the existing building, it would have a much greater impact and unacceptably detract from the setting of the Listed Building No 80-84 Christchurch Road and Netherbrook House at No 86 Christchurch Road, diminishing the significance of these heritage assets.
2. By virtue of the inadequate level and quality of amenity space provided on the site, and the poor outlook from the habitable rooms of residential flats identified as No's three and four, and the relationship of these spaces and windows to the internal access road, car parking spaces, Woodstock Lane and the busy nature of Christchurch Road with long term pressure to remove existing trees with no opportunity to replace them, the proposed development would create an unattractive and poor quality living environment for the residents, which conflicts with the objectives of the National Planning Policy Framework and Core Strategy. For this reason, the proposal is contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

**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, pre-application advice was given that raised concerns with the proposal which have not been addressed as part of this proposal. As a result, refusal is recommended.

2. This decision relates to amended plans received by the Local Planning Authority on

**Further Information:**

Major Team

Telephone: 023 8028 5345 (Option 1)



# New Forest DISTRICT COUNCIL

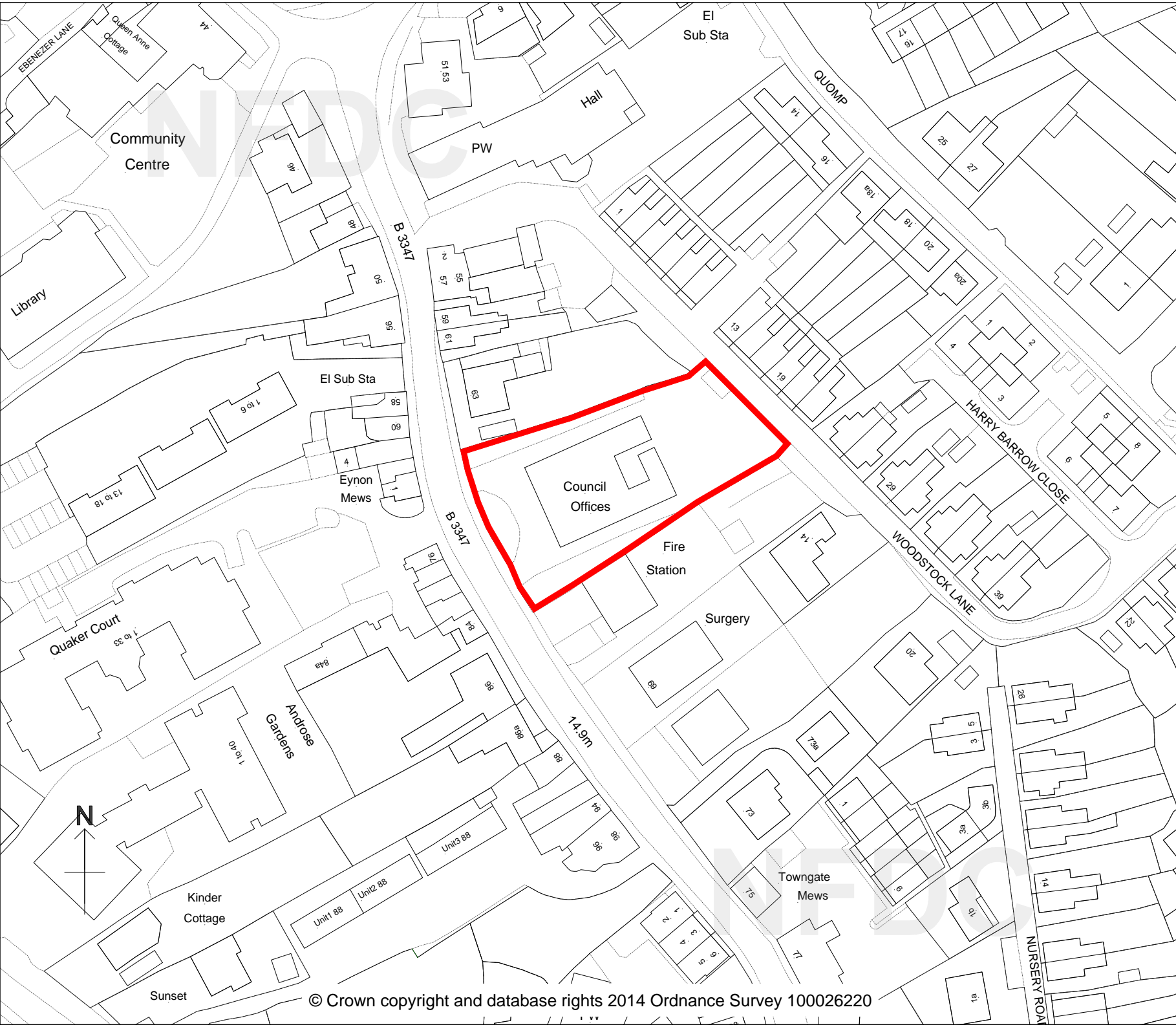
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Chris Elliott  
Head of Development Control  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

**Planning Development  
Control Committee**  
**October 2014**

**Item No: A7**  
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:** 14/11035 Full Planning Permission

**Site:** 22 DANIELLS WALK, LYMINGTON SO41 3PN

**Development:** Roof alterations; dormers and roof lights; rear juliet balcony; chimney; single-storey side extension; two-storey rear extension; detached double garage; access alterations; hardstanding

**Applicant:** Mr & Mrs Culpan

**Target Date:** 24/09/2014

**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Town Council view

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Built-up Area

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Core Strategy**

CS1: Sustainable development principles

CS2: Design quality

CS10: The spatial strategy

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

No relevant policies

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

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

NPPF Ch. 7 - Requiring good design

Conservation Area: N :

Tree Preservation Order: N TPO No:

**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**

Lymington Local Distinctiveness

Housing Design, Density and Character

**6 RELEVANT PLANNING HISTORY**

- 6.1 ENQ/14/20725/HDF - pre-application enquiry for a similar form of development to that now proposed, which was supported by the Council, subject to changes to address the impact upon no. 20 Daniell's Walk and the siting of the garage.
- 6.2 14/10059 - Two-storey dwelling (demolition of existing) at 19 Daniells Walk, Lymington SO41 3PP (opposite)

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

Lymington Town Council recommend refusal being unhappy with the nearness of the single storey extension to the boundary with number 20 and feel that this could well increase the sense of overbearing; loss of light and privacy and contrary to local distinctiveness.

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

Land Drainage Section – No objections subject to a condition requiring full details of how surface water will be disposed of.

## **10 REPRESENTATIONS RECEIVED**

- 10.1 Four pieces of correspondence have been received from two separate parties including the occupiers of number 20 Daniells Walk objecting to the proposal on the following grounds:
- Loss of light;
  - Overbearing impact of extension and garage;
  - Cramped and overdeveloped nature of the proposal, diminishing the
  - Harmful to the character and appearance of the area due to the
  - The submitted 3D plans misrepresent the siting of no. 20 Daniell's
- 10.2 Three letters of support have been received to the proposal from occupiers of numbers 2, 16 and 19 Daniells Walk.

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

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

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

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

This is achieved by



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

In this case all the above apply and as the application was acceptable as submitted, with the exception of an amendment to the size of the detached garage to the front, no specific further actions were required.

## **14 ASSESSMENT**

- 14.1 The proposal relates to a brick and tile, detached, half-hipped chalet bungalow, with a detached single garage to the side/rear and constructed in the late 1950's. The site is within the Built-up Area of Lymington. The area is characterised by residential development, predominantly half-hipped chalet bungalows, similar to the subject property, standing within generous garden curtilages. Some dwellings in the locality (nos. 19 (opposite), 2 and 16) have been altered, giving them a more contemporary appearance, in terms of design and materials.
- 14.2 It is proposed to alter the appearance of the property, to give it a more contemporary look, similar to the scheme approved at no. 19 Daniell's Walk. The dwelling would be extended with 2 storey additions (utilising roofspace) to the front and back and a single storey extension to the north east side. It is proposed to site a double garage in the front garden of the dwelling, but set back from Daniell's Walk, to facilitate retention and addition of landscaping. The materials of construction would be render, timber cladding and tile. The form of the proposal would be more heavily massed than the existing structure in situ, with half-hips removed, ridge raised by 0.4m and footprint enlarged. The front and rear elevations would be extensively glazed, but no first floor windows are proposed in the side elevation, other than a wc window in the south west elevation, which would be obscure glazed.
- 14.3 The main issues in consideration of this planning application are guided by Policy CS2, in particular, whether the form of development proposed would impact upon the character and appearance the area and upon adjoining residential amenity.

- 14.4 The design and materials of the proposed extensions are quite contemporary in appearance and while they do not match the more conventional dwelling on site, they are considered to be of good quality and would result in an acceptable form of development, consistent with several recent dwelling refurbishments in Daniell's Walk. The Local Distinctiveness Document refers to the bungalows along Daniell's Walk as having 'mostly been altered or rebuilt over the years, offering a charming variety of dwellings with their own green setting, the gaps between the dwellings, the front garden greenery and occasional trees all make an important contribution'. The proposal would maintain the variety of dwellings in the locality, existing gaps between properties and curtilage greenery. With regard to gaps between dwellings, the south west elevation follows the existing line of the bungalow and the north east elevation follows the existing line at second floor level, although the addition of a side extension would extend the footprint beyond that of the existing bungalow to the north east. While this would close the gap between dwellings to within 3m in plan view, the single storey and subservient nature of the extension would maintain the visual gap when viewed from the public realm, as its roof would be hipped back into the gable of the main dwelling and a 5m gap would be maintained at first floor level. With regard to the detached garage to the front, there are several examples of similarly sited structures along this side of Daniell's Walk, albeit smaller than the one originally proposed by the pre-application enquiry. An amended plan has been received reducing the footprint of the garage to 6.5m x 6.3m, to reduce its visual impact. The point of access to the site is to be amended and it would be expected that the existing access is stopped-up and landscaped with appropriate species, to assist with screening of the garage and enhancing landscaping along Daniell's Walk, akin to other examples in the locality. An existing single garage to the rear, adjoining the boundary with no. 20 would be removed from the site. In light of the above, the proposal complies with the design and character related provisions of Policy CS2 and the Lymington Local Distinctiveness Document.
- 14.5 The dwelling has a generous curtilage to the front and rear and the site is quite capable of accommodating the scale of development proposed. However, the house types common to the locality feature ground floor living room windows in the gables. No. 20 is set back relative to the site and no. 22 is located to the south. The pre-application enquiry response suggested the applicant needed to address the impact of the proposal upon the gable windows of no. 20, in terms of light and overbearing presence. To this effect the side extension has been reduced from the originally proposed two storey structure to a single storey extension, with the roof hipped away from no. 20. The single storey extension would be 2m closer to the adjoining property than the line of the existing gable wall of the application property, though a gap of at least 3m would be maintained between the walls of the two properties. The eaves of the single storey extension would be 2.4m high, with the roof hipping away from no. 20, to diminish its impact upon the facing ground floor window. The properties are separated by a 1.8m high fence at their closest point. The wall of the extension would be 1.3m away from the boundary fence and officers do not consider the appearance of a structure with an eaves height of 2.4m would have an overbearing impact upon the ground floor windows of no. 20. In terms of privacy, the existing first floor gable window, facing no. 20 would be removed, with only two ground floor windows retained. The applicant has agreed to incorporation of obscure glazing and fixing shut, other than fanlight opening, of these windows, in

the interests of maintaining the privacy of no. 20. Subject to an appropriate condition, to ensure that fixed shut and obscure glazed windows are installed, the ground floor windows would not impinge upon adjoining privacy. The impact of the proposal upon the amenity of no. 24 is limited due to the degree of separation and presence of structures within the curtilage of no. 24, subject to a condition to ensure the first floor wc window is obscure glazed. In light of the above, the proposal is considered to have an acceptable relationship to adjoining properties, in accordance with the amenity related provisions of Policy CS2.

14.6 The proposal would have no undue impact upon the character of the area and would have no adverse impacts upon adjoining amenity. The proposal complies with the relevant provisions of Policy CS2 and Local Distinctiveness Document and is accordingly 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: 1816-03 Rev. K

Reason: To ensure satisfactory provision of the development.

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

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

4. 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;

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 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.

6. The first floor window in the south west elevation and the ground floor windows in the north east elevation of the approved extension shall be obscurely glazed and other than top quarter fan light opening, fixed shut at all times.

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

7. 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 for the New Forest District outside the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

8. Notwithstanding the provisions of the Town and Country Planning General Development Order, the existing vehicular access to no. 22 Daniell's Walk shall be stopped up and abandoned, upon completion of the new vehicular

access to the dwelling. The existing footway crossing shall be reinstated in accordance with a scheme to be submitted to and agreed by the Local Planning Authority, immediately after completion of the new access and prior to occupation of the buildings.

Reason: In the interest of highway safety and to comply with Policies CS1 and CS10 of the Core Strategy for the New Forest District outside the National Park.

**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, with the exception of an amendment to the size of the detached garage to the front, no specific further actions were required.

2. Land Drainage Informative - No surface water from the proposed garage must be directed to the highway, any ditch of watercourse or adjacent land. As this proposal will increase the impermeable area any soakaways are to be designed in accordance with BRE365 (Building Research Establishment) (latest revision). Three soakage tests will need to be undertaken in accordance with this standard along with the soakaway design and be submitted to Planning for approval prior to construction. Any soakaway or sustainable urban drainage system is to be constructed and located so as not to affect adjacent property or the highway for events up to a 1 in 30 year storm event + climate change.

**Further Information:**

Householder Team  
Telephone: 023 8028 5345 (Option 1)



# New Forest

DISTRICT COUNCIL

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Chris Elliott  
Head of Development Control  
New Forest District Council  
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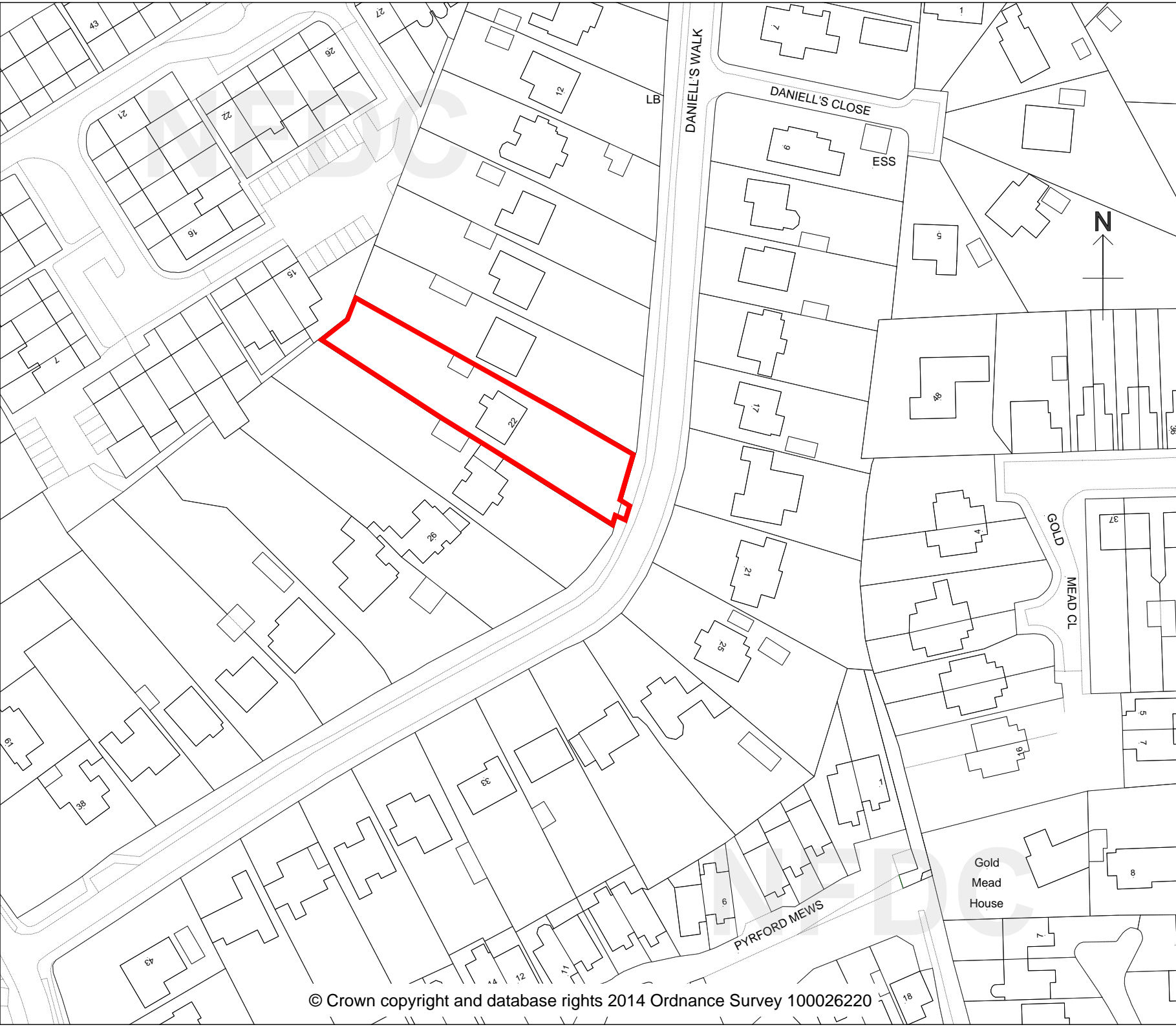
**Planning Development  
Control Committee**  
**October 2014**

**Item No: A8**

22  
Daniells Walk  
Lymington  
App No 14/11035  
SZ3295

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the internet, it will not be to  
scale.



**Application Number:** 14/11044 Full Planning Permission

**Site:** SCAFFOLDING YARD, THE OLD BRICKYARD, SALISBURY  
ROAD, COPYTHORNE SO51 6AN

**Development:** Single-storey extension

**Applicant:** S & K Scaffolding Ltd

**Target Date:** 15/09/2014

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## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary Parish Council view

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside outside the New Forest

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

#### Objectives

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

#### Policies

- CS1: Sustainable development principles  
CS2: Design quality  
CS10: The spatial strategy  
CS18: New provision for industrial and office development and related uses

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

DM22: Employment development in the countryside

## 4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan  
Planning and Compulsory Purchase Act 2004  
National Planning Policy Framework  
Achieving Sustainable Development  
NPPF Ch. 3 - Supporting a prosperous rural economy  
NPPF Ch. 7 - Requiring good design

## 5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

None relevant

## 6 RELEVANT PLANNING HISTORY

94008 - 1 office outbuilding. Granted 14.9.09

## 7 PARISH / TOWN COUNCIL COMMENTS

Copythorne Parish Council - recommend refusal and would not accept a delegated approval, adequate staff facilities exist, incremental and inappropriate expansion, close to listed building, unsuitable use for residential area.

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

9.1 Drainage - no comment

9.2 Environmental Health (Contamination) - recommend informative

## **10 REPRESENTATIONS RECEIVED**

An objection has been received from a local resident concerned with the following:

- that the proposed building is outside of the lawful use of the yard,
- it is a very large building for the proposed use
- it could upset the foundations of the listed building
- condition on hours of use is requested

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

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

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

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

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
- Advising agents/applicants early on in the processing of an application (through the release of a Parish Briefing Note) as to the key issues relevant to the application.
- Updating applicants/agents of issues that arise in the processing of their applications through the availability of comments received on the web or by direct contact when relevant.
- Working together with applicants/agents to closely manage the planning application process to allow an opportunity to negotiate and accept amendments on applications (particularly those that best support the Core Strategy Objectives) when this can be done without compromising government performance requirements.



- Advising applicants/agents as soon as possible as to concerns that cannot be dealt with during the processing of an application allowing for a timely withdrawal and re-submission or decision based on the scheme as originally submitted if this is what the applicant/agent requires.
- When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

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

## **14 ASSESSMENT**

14.1 The site lies within the countryside outside the New Forest and forms part of an established scaffolding business. Much of the site comprises the scaffolding racks and parking area, all of which is well screened from public vantage points by mature trees. The proposal entails the provision of an addition to the existing office building and removal of an open fronted corrugated metal storage structure. The addition would incorporate a rest/changing area, drying room, 2 WCs and a covered link to the office.

14.2 In principle, the proposal complies with policy in that it extends an existing building in employment use. It would not increase traffic generation to the site. While there has been some concern raised locally in respect of the need for such a building, the application is supported with documentation from Environmental Health who have been requesting accommodation of this nature for some time in order for the business to comply with Workplace Regulations.

14.3 Visually, the addition would be constructed in similar materials to the existing office building and as such, would be relatively low profile. Its siting would not impact on any trees being covered at present by hardcore and the existing structure. It is noted that there is a listed building close by (just outside of the site area) although the proposal would move the built form away from this dilapidated and overgrown structure and on this basis, would offer some improvement to its setting.

14.4 The proposal would not adversely affect residential amenity as there would be no intensification of the use of the site nor would the new building result in any loss of privacy or outlook for either the adjacent mobile home or property next door, some 120m away.

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 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: 1790D, Support, Design and Access Statement.

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:**

Major Team

Telephone: 023 8028 5345 (Option 1)



# New Forest DISTRICT COUNCIL

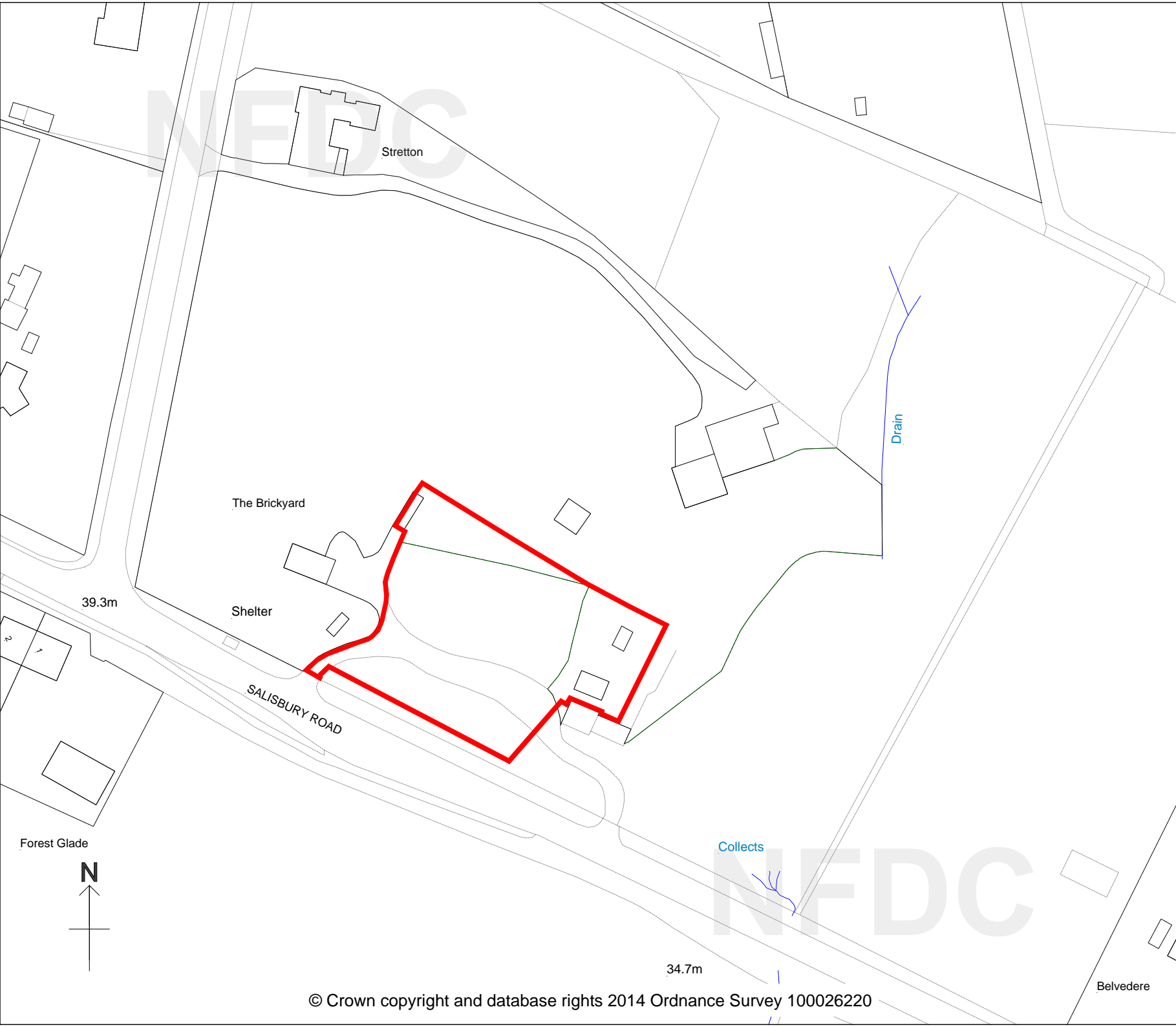
Tel: 023 8028 5000  
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Chris Elliott  
Head of Development Control  
New Forest District Council  
Appletree Court  
Lyndhurst  
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**Planning Development  
Control Committee  
October 2014**

**Item No: A9**  
Scaffolding Yard  
The Old Brickyard  
Salisbury Road Copythorne  
App No 14/11044  
SU3018

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



**Application Number: 14/11063** Full Planning Permission

**Site:** LAVENDER FARM, HARE LANE, HORDLE SO41 0GE

**Development:** Replacement house; detached garage; new access

**Applicant:** Bowring and Son

**Target Date:** 18/09/2014

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## 1 REASON FOR COMMITTEE CONSIDERATION

Policy interpretation

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside outside the New Forest  
Green Belt

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

#### Objectives

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

#### Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS4: Energy and resource use
- 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  
Achieving Sustainable Development  
NPPF Ch. 7 - Requiring good design

## 5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

None relevant

## 6 RELEVANT PLANNING HISTORY

- 6.1 97301 - house, detached garage, demolition of existing (O/L). Granted  
2.8.11
- 6.2 96588 - house, detached garage, demolition of existing (O/L). Refused  
10.3.11

- 6.3 90826 - erection of replacement dwelling and garage, demolition of existing (O/L). Granted 18.2.08
- 6.4 82879 - erection of replacement dwelling (extension of 72884). Granted 29.11.04
- 6.5 72884 - erection of replacement dwelling (extension of 64727). Granted 15.10.01
- 6.6 64727 - replacement dwelling. Granted 11.11.98

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

Hordle Parish Council - recommend permission but would accept a delegated decision. Comment that careful consideration should be given to the proposed access.

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

- 9.1 Drainage Engineer - recommend permission subject to condition
- 9.2 Hampshire County Council Highway Engineer - no objection subject to condition
- 9.3 Tree Officer - no objection subject to condition

## **10 REPRESENTATIONS RECEIVED**

One objection has been received raising the following concerns:

- Lavender Road shouldn't be used for deliveries
- the design will be over dominant
- concern that the land will cease to be agricultural

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

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

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

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

This is achieved by

- Strongly encouraging those proposing development to use the very

thorough pre application advice service the Council provides.

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

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

## **14 ASSESSMENT**

- 14.1 The site lies within the countryside outside the New Forest close to the built up area of Hordle. There is a group tree preservation order to the front of the site. As can be seen from the planning history, there is a precedent of approvals for replacement dwellings on this site although lately, these have been in outline form. The proposal is a full application to replace the dwelling which has now been demolished following storms last year. The proposed dwelling would comprise sitting room, dining room/study, kitchen/breakfast room, utility and WC at ground floor level with three bedrooms (one ensuite) and a family bathroom at first floor level. The access off Lavender Road would lead to a detached double garage.
- 14.2 Visually, the proposal is an attractive cottage style dwelling which would not appear out of context in this area. The adjacent property to the west is a mid 20th century bungalow and there is a new dwelling adjacent in Lavender Road. This dwelling has a side window and door, separated by a close boarded fence. Subject to an appropriate landscaping scheme and provision of obscure glazing to the side ensuite window, the proposal is unlikely to adversely affect residential amenity.
- 14.3 Replacement dwellings within the countryside are acceptable in principle subject to them not exceeding more than 30% of the original floorspace. In this case, the original dwelling had an attached outbuilding which can be included in this calculation. The applicants figures demonstrate that the proposal complies with this part of the policy. Policy also requires the dwelling not be have been abandoned. Having regard to this, it should be noted that whilst this was a clause in the previous policy (CO-H3) extant permissions would have meant development could have been implemented. The last permission for redevelopment on this site expired shortly after the current application was submitted. Under these

circumstances, it is considered that a shorter timescale for replacing the former dwelling should be granted as in theory, the proposal is now contrary to policy.

- 14.4 The proposed dwelling and garage are sited sufficiently far away from the trees for them not be adversely affected although their protection would be required during construction works. The Highway Authority has not raised any objection to the proposed access and has request a condition requiring retention of the parking provision.
- 14.5 On balance, the proposal is considered acceptable but should be subject to a shorter timescale for its replacement.
- 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

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

- i) the receipt of no new material objections to the submitted amended plans before October 14th 2014.
- ii) the imposition of the conditions set out below.

### Proposed Conditions:

1. The development hereby permitted shall be begun before the expiration of one year from the date of this permission.  
  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. Before development commences, samples or exact details of the facing and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.  
  
Reason: To ensure an acceptable appearance of the building in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park.
3. Before development commences a scheme of landscaping of the site shall

be submitted for approval in writing by the Local Planning Authority. This scheme shall include :

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

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

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

4. Prior to commencement of works (including site clearance and any other preparatory works) a scheme for the protection of trees in accordance with BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations' shall be submitted to the Local Planning Authority for approval. Once approved, the scheme shall be implemented and at least 3 working days notice shall be given to the Local Planning Authority that it has been installed. Information is required on the:

- Location of site compound and mixing areas,
- Routes of underground services, including the position of soakaways,
- Position of tree protective fencing/ground protection.

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

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

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

6. The first floor window on the southern elevation of the approved extension shall at all times be glazed with obscure glass.

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



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

Reason: To ensure adequate parking provision is made in the interest of highway safety and in accordance with policy CS2 of the New Forest District Council Core Strategy.

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

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

9. The development permitted shall be carried out in accordance with the following approved plans: Design and Access Statement, SBA.3440-1-2.a, SBA.3440-4-1SBA.3440-5-1.

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:**

Major Team  
Telephone: 023 8028 5345 (Option 1)



# New Forest DISTRICT COUNCIL

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

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

**Planning Development  
Control Committee  
October 2014**

**Item No: A10**

Lavender Farm  
Hare Lane  
Hordle

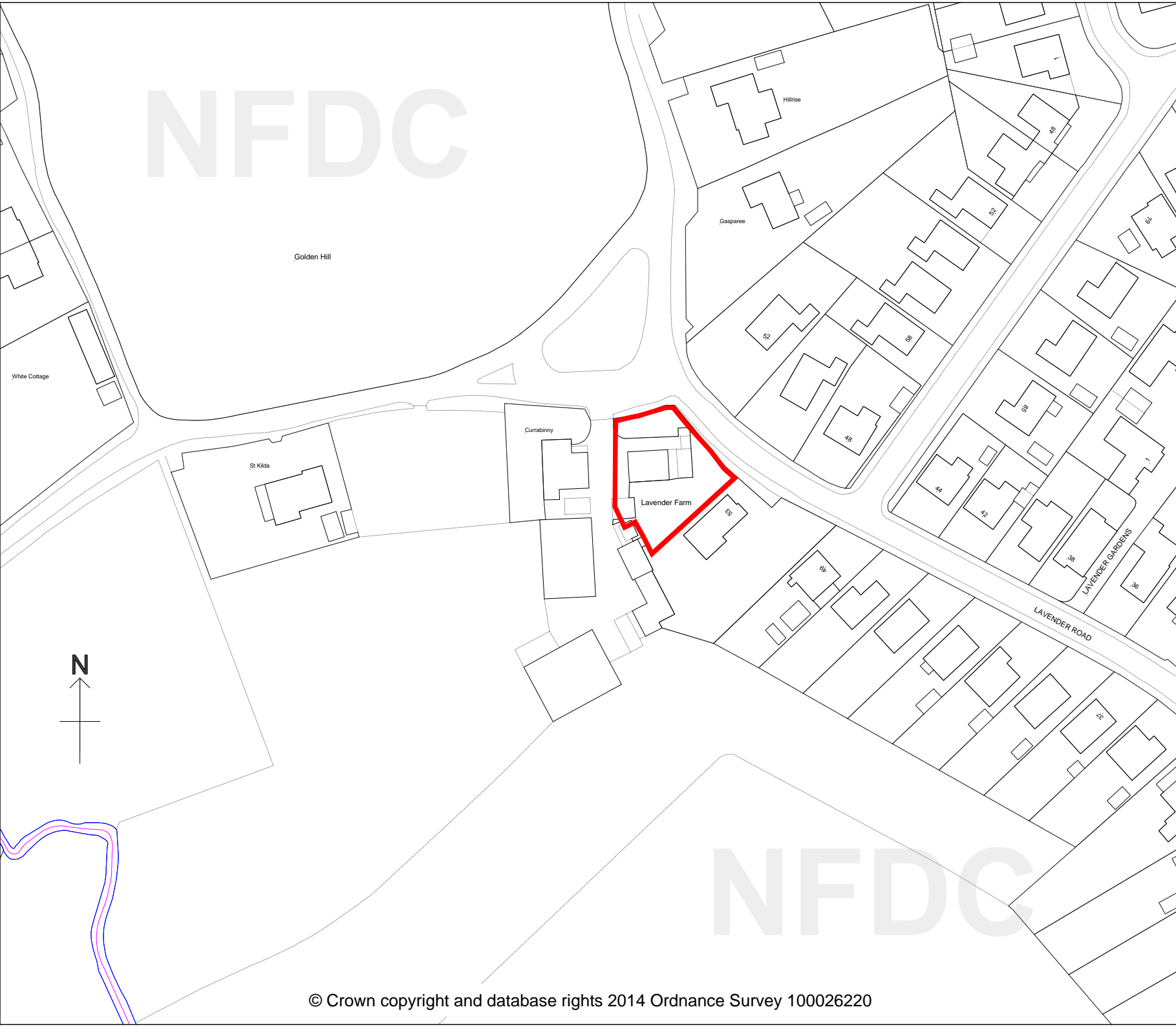
App No 14/11063  
SZ2695

Scale 1:1250

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

NFDC

NFDC



**Application Number:** 14/11077 Full Planning Permission

**Site:** TRAVELLERS REST, HART HILL, HYTHE SO45 3ND

**Development:** Retention of extended patio; fence

**Applicant:** Enterprise Inns

**Target Date:** 02/10/2014

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**1 REASON FOR COMMITTEE CONSIDERATION**

Previous Committee input; contrary to views of internal consultee

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Countryside

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Core Strategy**

Objectives

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

Policies

- CS2: Design quality
- CS5: Safe and healthy communities
- CS10: The spatial strategy

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

DM19: Small local shops and public houses

**4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

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

**5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

None

**6 RELEVANT PLANNING HISTORY**

- 6.1 Decking and paved patio; access ramp (77012) - refused 12/3/03
- 6.2 Retention of paved patio and access ramp (78362) - Granted 15/7/03

**7 PARISH / TOWN COUNCIL COMMENTS**

7.1 Hythe & Dibden Parish Council:- Recommend permission but would accept a delegated decision

7.2 Fawley Parish Council:- Recommend permission

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

9.1 Hampshire County Council Highway Engineer:- No objection

9.2 Land Drainage Engineer:- No comment

9.3 Environmental Health (commercial):- No comment

9.4 Environmental Health (pollution):- The proposal would make the garden area more attractive to patrons and could result in a significant adverse impact; recommends a condition be imposed that precludes the patio from being used between 10pm and 8am.

## **10 REPRESENTATIONS RECEIVED**

1 letter from neighbour raising no objection if concerns addressed by Environmental Health are addressed, but if not considers that the application should not be approved in the light of the failed 2003 planning application.

## **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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- 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 Travellers Rest is a Public House that is located within a rural location to the south of Hythe. The pub overlooks an attractive valley landscape on its eastern side. The main pub car park is situated to the south side of the pub building. Beyond this, to the south side of the site is a single residential dwelling called Laurel Cottage.
- 14.2 In April 2003, a planning application was submitted for a new patio and decking area to the rear of the public house and adjacent to the existing pub car park. This had been recommended for permission by officers, but Committee members refused planning permission because they considered that the proposed development would facilitate increased use of the pub garden to the detriment of the amenities of the neighbouring residential property. Subsequently, in July 2003, planning permission was granted for the retention of a smaller paved patio area and access ramp to the rear of the public house.
- 14.3 The application that has now been submitted seeks to retain an enlarged patio area. The patio has been extended onto an area of former lawn, right up to the site's eastern boundary with an adjacent field. A new picket fence has been put up to enclose this area.
- 14.4 The extended patio area measures approximately 50 square metres. It has resulted in more than doubling the size of the original patio area that was approved in July 2003. The enlarged patio area would be slightly smaller than the decking area that was refused planning permission in April 2003. A number of tables have been sited on the extended patio area.
- 14.5 Visually, the proposed patio is considered to have an acceptable impact. It would not cover an especially extensive area, and it would not adversely affect the setting of the public house or the rural character and appearance of the area. The picket fence would be appropriate to its rural context and is considered to be acceptable.
- 14.6 Concerns have been raised that the enlarged patio has resulted in an increased use of the pub garden, which in turn creates additional noise to the detriment of residential amenities. Whilst these concerns are noted, it is important to recognise that the area where the patio has been formed

has for a long time been a pub garden where tables and chairs have been sited. Therefore, the use of this area has not materially changed as a result the development that is now proposed. It is not considered that a change from a grassed area with tables and chairs to a paved area with tables and chairs has materially altered the manner in which this area can be used, and nor is it considered that such a change would result in a harmful intensification of use or a harmful increase in noise. It is recognised that in April 2003 a similar proposal was deemed to be unacceptable. However, given the applicant's fallback position of being able to site tables and chairs on this area in any event, and given the smaller patio area that now exists, it is not felt that refusing this latest application would be either reasonable or sustainable at appeal. The affected residential property is about 25-30 metres away from the extended patio, with the pub car park being sited between the patio area and that property. Although this is a quiet rural area, it is felt that this would be a reasonable degree of separation between the patio and the neighbouring dwelling. The Council's Environmental Health Officer has suggested a condition precluding use of the patio after 10pm. However, the existing patio area is not restricted in any way, and it is consequently felt that such a condition would be both unreasonable and unenforceable. Overall therefore, and notwithstanding the concerns of the Environmental Health Officer, it is felt that the proposed patio would not affect residential amenities to an unreasonable degree.

14.7 In conclusion, the proposed development is considered to be consistent with Core Strategy policies and objectives. The development would be ancillary to the existing public house and would not harm the rural character of the area. Impact on residential amenities would be sufficiently limited as to be acceptable.

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**

#### **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, 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

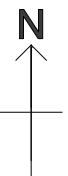
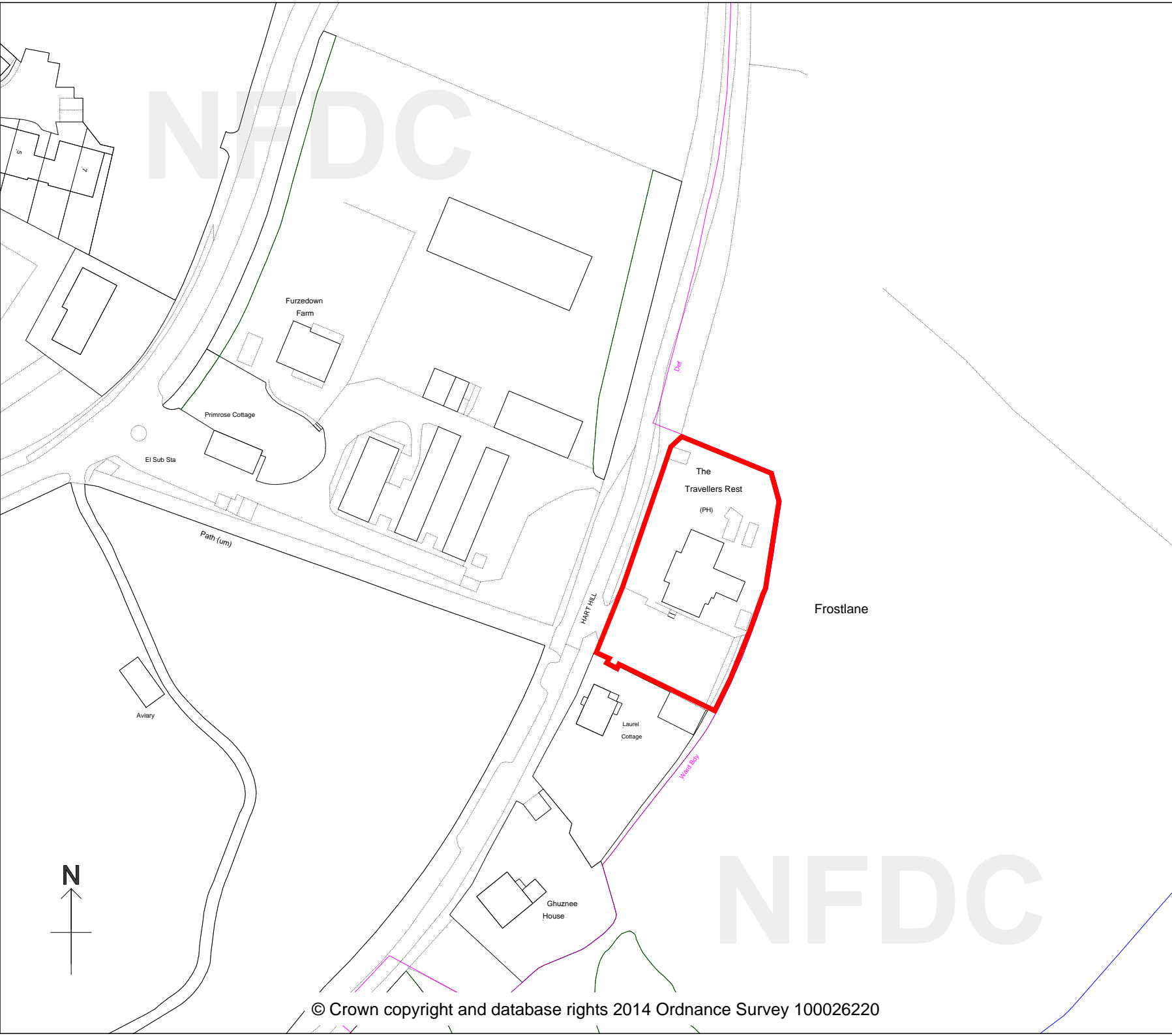
Tel: 023 8028 5000  
www.newforest.gov.uk

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

**Planning Development  
Control Committee**  
**October 2014**

**Item No: A11**  
Travellers Rest  
Hart Hill  
Hythe  
App No 14/11077  
SU4306

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the internet, it will not be to  
scale.





**Application Number:** 14/11120 Full Planning Permission

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

**Development:** Single-storey rear extension for ancillary accommodation, pitched roof to existing flat roof

**Applicant:** Mr & Mrs Parsell and Ms M Shorey

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

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

#### Policies

CS2: Design quality  
CS10: The spatial strategy

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

None

## 4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

## 5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Lymington Local Distinctiveness

## 6 RELEVANT PLANNING HISTORY

Outbuilding for use as ancillary accommodation (10720) Refused on the 9th July 2014

## 7 PARISH / TOWN COUNCIL COMMENTS

Lymington Town Council: no comments received

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

Land Drainage: No objection subject to condition

## **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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- 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 comprises a detached bungalow situated within the built up area of Pennington. The property is a conventional hipped roof bungalow with small flat roof rear additions and contains a relatively long rear garden area with some small outbuildings. To the rear of the site, there are some large trees, which partly overhang the end of the rear garden with the recreation ground beyond.
- 14.2 The character of the area is predominantly residential, although there is a community building to the east and the recreation ground and sports pavilion to the rear of the site. For the most part, the dwellings in the area are bungalows with long rear garden areas, although there is a new bungalow that has been built to the rear of one of the frontage dwellings along Lodge Road.
- 14.3 This planning application proposes a single storey rear extension to the main dwelling which would be used as ancillary accommodation. The proposed extension would comprise a bedroom, bathroom and lounge area and linked to the main building by a kitchen area. Visually the proposed extension would be single storey designed with a monopitch roof with a large central flat roof. It is also proposed to construct a mono pitch roof over the existing flat roof of the building. The proposed extension would measure approximately 6.8 metres wide by 8 metres long with materials to match that on the existing building.
- 14.4 This planning application follows a recently refused planning application (reference number 10720) for a detached outbuilding in the rear garden which was proposed to be used as ancillary accommodation. That proposed building would have been constructed from timber cladding rising to a maximum height of 3.3 metres, with a pitched roof. Internally, the building would have had three bedrooms, bathroom and living area. It has been stated that the building was required so that care can be provided for an elderly parent who resides in the bungalow.
- 14.5 The previous application was refused on the grounds that by reason of its siting, size and relationship to surrounding development, the introduction of a building into the rear of the site would be an incongruous feature in its setting representing an inappropriate form of development in an area of rear garden areas that would be wholly out of context with and harmful to the established character of the area.
- 14.6 This current application attempts to address the concerns previously raised by creating an extension to the rear of the existing building rather than a detached outbuilding situated in the middle of the rear garden. The proposed extension would have a smaller footprint compared to the previous proposal and would be a modest scale rising to some 3.5 metres in height. It is also proposed to install a mono pitch roof to the existing flat roof of the building so that the rear extension is constructed to the same design.
- 14.7 It is considered that this current proposal is a considerable improvement compared to the previous refusal in that the building would appear as an integral part of the existing dwelling with a reduced footprint and its

design would be in keeping with the character of the area. The proposed building would also not encroach into the rear garden, and accordingly, it is considered that the proposal has addressed the single concern raised in the previously rejected application.

- 14.8 With regard to residential amenity, there is only one neighbouring resident that would be affected by the proposal which is 13 Lodge Road. It is considered that based upon the fact that the proposed extension would be less than 3.5 metres high and be sited adjacent to an intervening garage, there would be little if any impact upon that neighbour. To the east, the boundary of the site is adjacent the private access track serving the recreation ground and social club, so the proposal would have no adverse impact on the amenities of residential properties on that side.
- 14.9 In order to ensure that the proposed extension does not become a self contained dwelling separated from the main dwelling house, which would be out of character in this location, a condition would need to be imposed to ensure that the extension would only be used as ancillary accommodation serving number 15 Lodge Road as a single dwelling house .
- 14.10 In conclusion, the proposed extension would not have any adverse impact on the character and appearance of the area or the living conditions of the adjoining neighbouring residential properties and by linking the building to the main dwelling it has addressed the concerns raised on the previously rejected application which proposed a large outbuilding in the central part of the rear garden area.
- 14.11 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

## **15. RECOMMENDATION**

### **Grant Subject to Conditions**

#### **Proposed Conditions:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development permitted shall be carried out in accordance with the following approved plans: Location plan, block plan, elevations/ floor plans dated 13th August 2014.

Reason: To ensure satisfactory provision of the development.

3. The development hereby approved shall only be used ancillary to the use of the application site at 15 Lodge Road as a single dwelling house and at no time shall a separate dwelling be created.

Reason: Whilst the development to create additional habitable accommodation to the dwelling house would be acceptable, the creation of an additional residential unit on this site would not be compatible with the character and appearance of the area and would fail to comply with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

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

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

**Notes for inclusion on certificate:**

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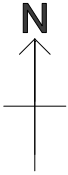
In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

**Further Information:**

Householder Team  
Telephone: 023 8028 5345 (Option 1)

Recreation Ground

# NFDC



## New Forest

DISTRICT COUNCIL

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

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

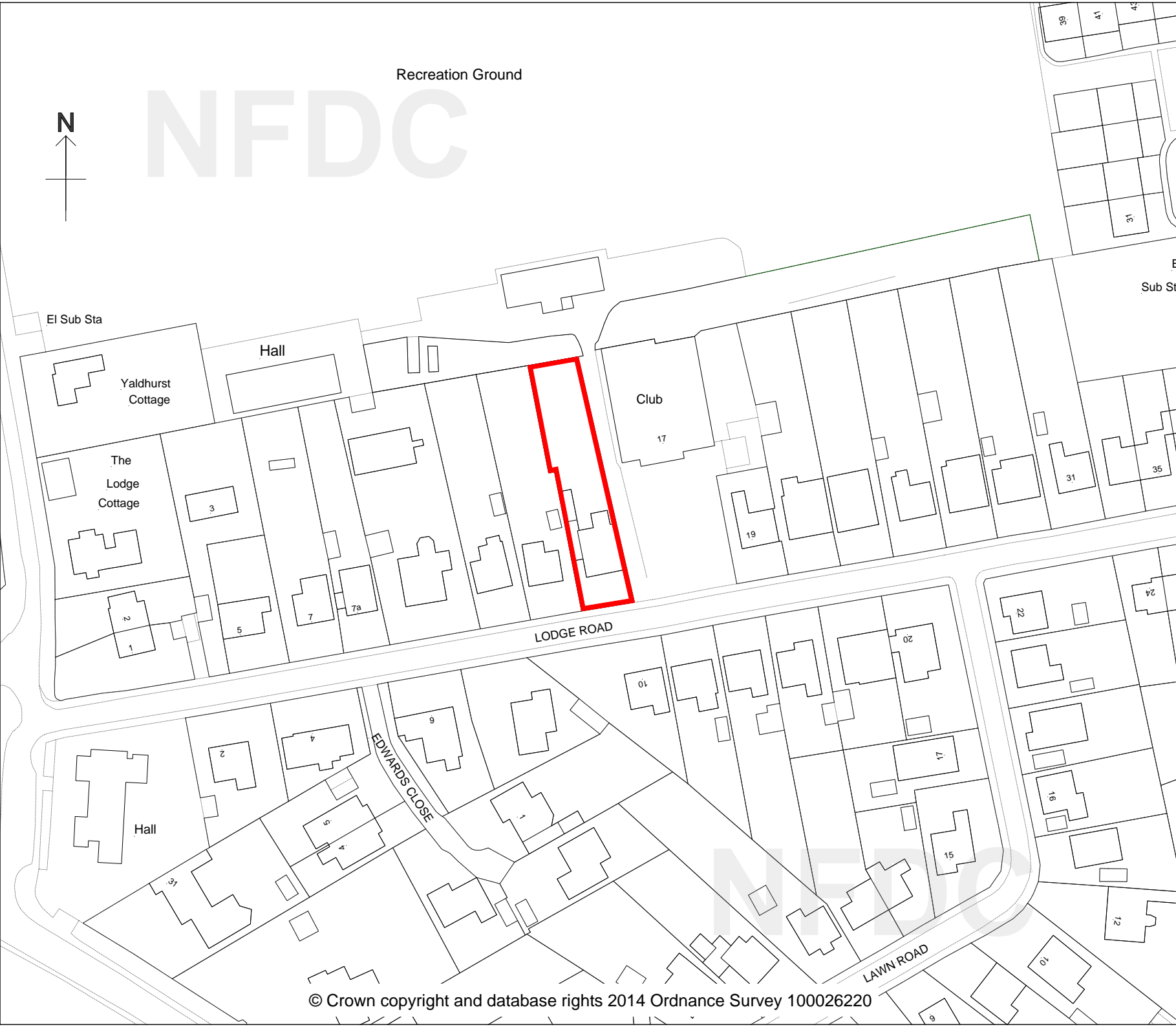
**Planning Development  
Control Committee**  
**October 2014**

**Item No: A12**

15  
Lodge Road  
Pennington Lymington  
App No 14/11120  
SZ3095

Scale 1:1250

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



**Application Number:** 14/11138 Full Planning Permission

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

**Development:** 5 detached houses; garages; convert building to garage/workshop;  
parking; access; landscaping

**Applicant:** Pennyfarthing Homes Ltd.

**Target Date:** 06/10/2014

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## 1 REASON FOR COMMITTEE CONSIDERATION

To agree no affordable housing provision

## 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
- CS7: Open spaces, sport and recreation
- CS10: The spatial strategy
- CS15: Affordable housing contribution requirements from developments
- CS24: Transport considerations
- CS25: Developers contributions

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

- DM3: Mitigation of impacts on European nature conservation sites
- LYM1: Pinetops Nurseries

## 4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

## 5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Lymington Local Distinctiveness

## **6 RELEVANT PLANNING HISTORY**

- 6.1 Residential development of up to 6 dwellings; garages; access; parking; demolition of existing (13/11560) - withdrawn 6/2/14
- 6.2 Residential development of 45 dwellings on adjacent site; access roads; footpaths; open space; landscaping; demolition of existing (13/11561) - granted 15/7/14

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

Lymington & Pennington Town Council:- no comments received to date

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

- 9.1 Hampshire County Council Highways Engineer:- No objection subject to conditions on parking and visibility and subject to securing transportation contribution.
- 9.2 Land Drainage Engineer:- No objection subject to condition
- 9.3 Environmental Design (Urban Design):- No objection subject to conditions - the proposal would support local distinctiveness provided that the materials used and the detailing remains traditional.
- 9.4 Estates & Valuation:- It would not be viable for the proposed scheme to contribute towards affordable housing either by way of on-site provision or by financial contributions
- 9.5 Tree Officer:- No objection subject to conditions
- 9.6 Environmental Health (contaminated land):- No objection subject to standard contaminated land conditions
- 9.7 Ecologist:- no objection subject to conditions.

## **10 REPRESENTATIONS RECEIVED**

- 10.1 1 letter of support from neighbouring dwelling.
- 10.2 1 letter from local resident querying lack of Design & Access Statement

## **11 CRIME & DISORDER IMPLICATIONS**

No relevant considerations

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission and the dwellings built, the Council will receive £4608 in each of the following six years from the dwellings' completion, and as a result, a total of £27,648 in government grant under the New Homes



Bonus will be received. New Forest District Council adopted a CIL charging schedule on 14 April 2014. However, the implementation date for the charging schedule is 6 April 2015 so no CIL payments are currently due.

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

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

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

### **14 ASSESSMENT**

14.1 The application site comprises the westernmost part of the Pinetops Nurseries site. The northern half of the site includes a collection of buildings associated with the Nursery Business including a single-storey office building adjacent to Ramley Road that is specifically recognised in the Lymington Local Distinctiveness Supplementary Planning Document. The southern half of the application site is occupied by a 2-storey residential property and its associated garden area. There is an existing site access onto Ramley Road.

14.2 The extensive area of glasshouses to the east side of the application site is an allocated development site. Planning permission was recently granted for the redevelopment of this site with 45 dwellings of which approximately 70% of the approved units are to be affordable in line with

the requirements of Local Plan Part 2 Policy LYM1.

- 14.3 The site is bounded on its northern side by a Grade II Listed dwelling at 73 Ramley Road (also known as Myrtle Farm Cottage). Nearby residential areas are typically of a fairly low density and have a notable semi-rural character reflecting the area's edge of settlement location.
- 14.4 The submitted application seeks to redevelop the site, but retain the existing single-storey office building adjacent to Ramley Road. 5 new 2-storey detached dwellings are proposed, whilst the retained office building would be converted to incidental residential accommodation for Unit 1. Units 1-3 would be served by the site's existing access onto Ramley Road, whilst Units 4-5 would be served by a new vehicular access onto Ramley Road.
- 14.5 The application site is within the built-up area of Lymington where the principle of residential development is considered to be acceptable. The proposal would result in the partial loss of a commercial horticultural use. This loss is considered justified as the site is an integral part of the overall Pinetops Nurseries site, which will be relocating to another site to the west side of Lymington. The eastern edge of the southern half of the site actually falls within the land that is allocated for residential development under Policy LYM1. Because all of the dwellings and the majority of their garden areas are outside of the allocated policy area, it is not considered necessary to apply the specific affordable housing requirements of this policy.
- 14.6 The proposal would constitute a relatively intensive redevelopment in this rural edge context, and Units 4 and 5 in particular would be prominently sited, close to the site's frontage with Ramley Road. This would not be altogether reflective of the character of the wider area, where the majority of dwellings are set back from the road behind a strong green margin. However, some of the older, more traditional properties lining Ramley Road (including 73 Ramley Road) are set closer to the road. Therefore, providing a traditional rural design philosophy is followed it is considered that there is a reasonable justification to permit dwellings that are closer to the road than is generally typical. The development that is proposed does indeed follow a fairly traditional rural design philosophy. The dwellings would have a traditional narrow plan form and the proportions and detailing of the dwellings would generally follow the established principles of traditional rural architecture. Garden sizes for the proposed dwellings would be adequate, and notwithstanding the proximity of units 4 and 5 to the road, it is felt that a satisfactory green margin would be retained alongside Ramley Road. Overall, it is considered that the group of new buildings that is proposed would support local distinctiveness, provided that the materials, detailing and landscaping is of a high quality, and faithful to a traditional rural design philosophy. As such, subject to appropriate conditions, it is considered that the development would be sympathetic to the character and appearance of the area.
- 14.7 The development has been designed to work in conjunction with the recently approved development to the east of the site. Importantly, the access way to the front of Units 1 and 2 would link to a footpath that runs through the proposed public open space that has been approved to the east of the site, thereby ensuring good connectivity and appropriate pedestrian and cycle access between the adjacent site and Ramley Road as required under Policy LYM1 of the Local Plan Part 2. Public access would need to be secured by condition.

- 14.8 The removal of existing buildings, which are situated right on the boundary with 73 Ramley Road would actually help to improve the overall spatial setting of this adjacent Listed Building. The proposed adjacent Units 1 and 2 would not appear too dominant relative to the adjacent Listed Building.
- 14.9 The outlook of the neighbouring dwelling at 73 Ramley Road would be improved by the proposed demolition of existing buildings on the site's northern boundary. Plot 1 has been designed so that on its rear elevation there would only be first floor rooflights. These would be sufficiently high level to ensure that there would be no material overlooking of 73 Ramley Road from this rear elevation. A first floor side window would give oblique views towards 73 Ramley Road and a small part of its rear garden, but as these views would be oblique, it is not considered the privacy of the occupants of 73 Ramley Road would be unacceptably compromised. Overall, it is considered that the development would have an acceptable impact on the amenities of the occupants of 73 Ramley Road. It is also considered the proposed development would have a negligible impact on the amenities of other nearby properties.
- 14.10 The Highway Authority have confirmed that the proposed access arrangements are acceptable. They also consider the proposed level of on-site parking to be acceptable. As such, it is not felt the proposal would have any adverse implications for highway safety.
- 14.11 The proposed development is one that would be expected to secure contributions to public open space (£16,356.20p) and transportation improvements (£18,404) in line with Core Strategy policies. It is considered that the scale of these contributions would be fairly and reasonably related to the impact of the development. The applicant is agreeable to entering into a Section 106 legal agreement to secure these contributions. However, at the time of writing the required Section 106 legal agreement remains to be completed.
- 14.12 The proposed development is also one where potential impacts on designated European sites need to be mitigated. Based on the Council's adopted policies and Supplementary Planning Documents, it is considered that a contribution of £19,200 would provide satisfactory mitigation. The applicants are agreeable to securing this contribution, although again at the time of writing the required Section 106 legal agreement to secure this contribution remains to be completed.
- 14.13 The proposed development is one that would be expected to secure contributions towards affordable housing in line with Core Strategy Policy CS15. The target contribution would be 2.5 units, which in practice should equate to 2 on-site units and a separate financial contribution of £47,287.50p. The applicants have submitted a viability appraisal to support their view that any form of affordable housing contribution would make their scheme unviable. This viability appraisal has been considered by the Council's Estates and Valuation Team and the conclusions on viability are accepted. Accordingly, it is felt that there would, in this instance, be reasonable justification to permit this proposal without any affordable housing contributions being provided.
- 14.14 In line with Core Strategy Policy CS4, the proposed dwellings would be required to comply with Level 4 of the Code for Sustainable Homes.

- 14.15 Based on the submitted ecological report, there is evidence of occasional bat presence in one of the buildings to be demolished. The Ecologist is satisfied that subject to mitigation the proposal will not harm the conservation status of the affected bat species. Given this and given the small scale / occasional nature of the bat roost, it is considered that the scheme's benefits would outweigh the impact on a European Protected Species. Conditions will, however be necessary to ensure the development's impact on all protected species is adequately mitigated.
- 14.16 Overall, the proposed development is considered to be consistent with Core Strategy policies and objectives. The development would be well designed and sympathetic to its context. The development would have an acceptable relationship to neighbouring properties, and could be implemented without having an adverse impact on the amenities of the surrounding area. As such, the application is recommended for permission.
- 14.17 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	2	0	-2
Financial Contribution	£47,287.50	0	-£47,287.50
<b>Public Open Space</b>			
On site provision by area	0	0	0
Financial Contribution	£16,356.20p	£16,356.20p	0
<b>Transport Infrastructure</b>			
Financial Contribution	£18,404	£18,404	0
<b>Habitats Mitigation</b>			
Financial Contribution	£19,200	£19,200	0

## 15. RECOMMENDATION

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

- i) the completion, by 31st October 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 contributions towards public open space and transportation improvements and to ensure the development's impact on designated European sites is adequately mitigated.
- ii) the imposition of the conditions set out below.

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

**Reason(s) for Refusal:**

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

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development permitted shall be carried out in accordance with the following approved plans: 5079/PL/010, 5079-PL-011, 5079/PL/003, 5079/PL/002 rev A, 5079/PL/004, 5079/PL/005, 5079/PL/006, 5079/PL/007, 5079/PL/008, 5079/PL/001, 13277-BT2.

Reason: To ensure satisfactory provision of the development.

3. The dwellings shall achieve Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been submitted to and approved in writing by the Local Planning Authority certifying that the 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 is first occupied details of the future maintenance of the drainage system to be approved under condition 4 shall be submitted to and approved in writing by the Local Planning Authority. The drainage system shall thereafter be maintained in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

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

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

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

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

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

(ii) an assessment of the potential risks to:

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

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

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

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

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

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

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

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

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

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

11. 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.

12. 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.



13. Before development commences, the following details shall be submitted to, and approved in writing by the Local Planning Authority.
- a) Details of the external finishes of all windows/doors, together with more detailed drawings of the typical window, cill and header designs (including drawings showing typical depth of reveals).
  - b) Details of the precise design of the solar panels to be installed on the roofs of the approved development, including details of the degree to which the solar panels would project forward from the plane of the roof on which the panels would be positioned.
  - c) Details of eaves, bargeboards and chimneys.

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

Reason: To protect the character and appearance of the area and to ensure the development is appropriate to its semi-rural context, in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

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

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

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

15. 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.

16. The development hereby permitted shall not be occupied until the approved arrangements for the parking of both cars and cycles on the site (including spaces within garages) have been implemented. These areas shall be kept available for their intended purposes at all times.

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

17. Notwithstanding the Provisions of the Town and Country Planning (General Permitted Development) Order, nothing over 600mm in height shall be placed or permitted to remain within the visibility splays indicated on Williams Lester's drawing 5079/PL/002 rev A.

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.

18. No other first floor windows or rooflights other than those hereby approved shall be inserted into the north elevation of the approved dwelling on Plot 1 unless express planning permission has first been granted.

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

19. The studio / workshop proposed in connection with Unit 1 shall only be used for purposes incidental to that dwelling and shall not be used for any commercial purposes whatsoever.

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

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

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

21. No gates, fence, wall or other barrier shall be erected on the shared access route between Plots 1, 2 and 3 as defined on Plan (to be supplied by agent)

(unless otherwise approved under Condition 14), and this defined area shall be kept available for public pedestrian and cycle access at all times.

Reason: To ensure appropriate connectivity between Ramley Road to the west and the adjacent Public Open Space to the east in accordance with Policy CS2 of the Core Strategy for New Forest District outside of the National Park and Policy LYM1 of the Local Plan Part 2: Sites and Development Management.

22. Development shall only proceed in accordance with the Bat Mitigation Strategy, the reptile mitigation measures and the ecological enhancement measures set out in Section 5 of the Lindsay Carrington Ecological Services Ltd Ecological Appraisal dated July 2014.

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

**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 as the application was acceptable as submitted no specific further actions were required.

2. The applicant should be aware of the requirement to apply to the highway authority for the appropriate licence in respect of the works within the highway.

**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

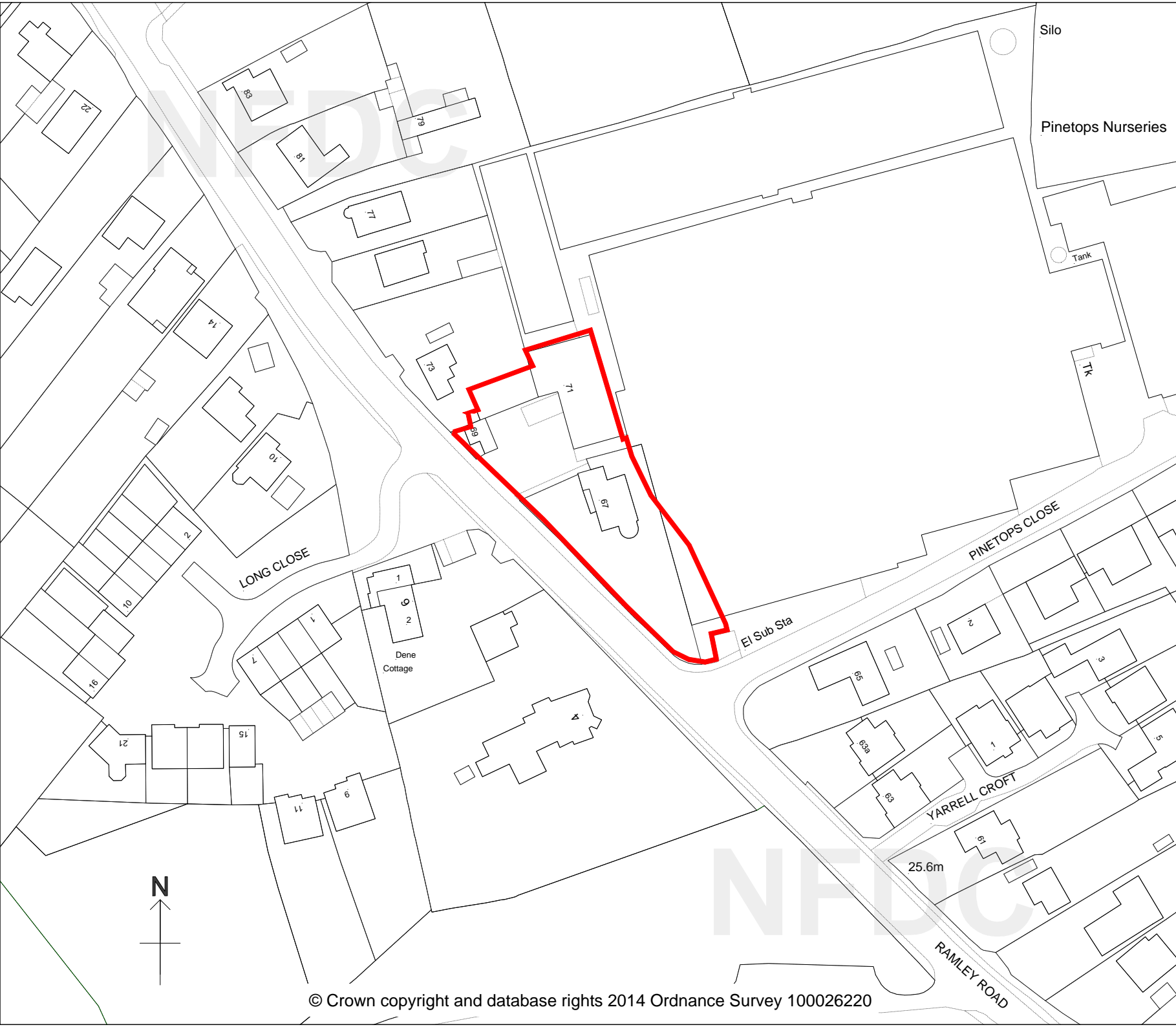
**Planning Development  
Control Committee**  
**October 2014**

**Item No: A13**

Pinetops House  
67-69 Ramley Road  
Pennington Lymington  
App No 14/11138  
SZ3095

Scale 1:1250

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



**Application Number:** 14/11160 Full Planning Permission

**Site:** Land adjacent 86 EVERTON ROAD, HORDLE SO41 0FD

**Development:** 2 detached houses; detached garage; parking; demolition of existing glasshouses

**Applicant:** Solent Projects (Southern) Ltd

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

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## 1 REASON FOR COMMITTEE CONSIDERATION

Reduced affordable housing contribution.

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up area  
Green Belt

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy Policies

CS1: Sustainable development principles  
CS2: Design quality  
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)  
CS4: Energy and resource use  
CS7: Open spaces, sport and recreation  
CS10: The spatial strategy  
CS15: Affordable housing contribution requirements from developments  
CS24: Transport considerations  
CS25: Developers contributions

### Local Plan Part 2 Policies

DM3: Mitigation of impacts on European nature conservation sites

## 4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

## 5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

Housing Design, Density and Character  
Hampshire County Council's Transport Contributions Policy (Oct 2007)  
Advisory Note on the Implementation of Core Strategy Policy CS15 - Affordable Housing (Nov 2012)  
SPD - Mitigation of impacts on European nature conservation sites

## 6 RELEVANT PLANNING HISTORY

- 6.1 13/10747 - Single storey extension to rear and two storey extension to side of 86 Everton Road - approved August 2013
- 6.2 13/11235 – 2 detached houses, garages, parking and demolition of existing glasshouses – refused November 2013 on character, amenity and contribution grounds – appeal dismissed in July 2014 on grounds that the reduced contribution offered would unacceptably harm the supply of affordable housing in the District.

## 7 PARISH / TOWN COUNCIL COMMENTS

Hordle Parish Council: recommend permission, but would accept the decision reached by the Planning Officers under their delegated powers. With the following comments:-

1. Parish Council require assurance that the land at the bottom of the development remain as green belt open space,
2. No access will ever be given from properties onto Footpath / Cycleway.
3. The access gate to cycleway will be permanently closed

## 8 COUNCILLOR COMMENTS

None

## 9 CONSULTEE COMMENTS

9.1 Environmental Design (Conservation) - This application is subsequent to a previously dismissed appeal for a very similar scheme. The Inspector had no concerns that the scheme would harmfully impact the character and appearance of the area or the setting of the listed building. Taking this into account, the previous conservation consultee comments still apply: The proposal is for two new detached houses, one positioned alongside No 86 end on to the road frontage (Plot 2) and the other (Plot 1) behind the cottage. Both propose a simple traditional design approach aimed to sit comfortably within their context, Plot 1 in brick and a tile roof and Plot 2 with a thatched roof and rendered walls. If implemented with the care and attention to detail as shown by the presentation then the scheme will sit well on this site. There should be no detrimental effect upon the setting of the listed cottage opposite. The southern part of the site is to be left undeveloped. Recommend: Approval subject to conditions requiring samples and details of the external facing materials and joinery details

9.2 Estates and Valuation Section – The applicant originally produced a viability assessment dated 23<sup>rd</sup> September 2013 offering £10,338 for affordable homes, subsequently reduced to £500 upon the late introduction of a habitat mitigation sum of £10,700. The sums offered were considered inadequate by NFDC. A failure to agree an affordable housing sum formed the main reason for refusal of the previous planning application and the appeal being lodged. The Inspector endorsed the Council's stance on a profit rate of 15% and cut back the appellants selling costs forecast, although a number of other items remained in dispute, upon which the Inspector found in the appellant's favour. It appears that the Inspector's intention was to bring about a reduction in the affordable housing sum in order to facilitate progress of the development. The

applicant's current viability statement adjusts their calculations in accordance with the Inspector's decision and an affordable housing contribution of £36,700 is now offered in addition to full contributions for all other matters. In the circumstances, the sums now offered should be regarded as acceptable.

- 9.3 Ecologist – no objection subject to condition
- 9.4 Hampshire County Council Highway Engineer - no objection subject to conditions and a transportation contribution
- 9.5 Environmental Health (Contaminated Land) – No objections, but recommend that a contaminated land informative note is applied to any approval due to the sites former use as a nursery.
- 9.6 Drainage Section – No objections, subject to conditions requiring full details of how surface water will be disposed of and how the approved system would be maintained.
- 9.7 Tree Officer - Situated adjacent to the site's western boundary is a woodland protected by TPO:0034/08. The proposed development will not adversely affect the woodland.

## **10 REPRESENTATIONS RECEIVED**

One letter of support received on the basis that the proposals outlined in the latest documentation would enhance the site.

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

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

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

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

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
- Advising agents/applicants early on in the processing of an application

(through the release of a Parish Briefing Note) as to the key issues relevant to the application.

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

In this case all the above apply and as the application was acceptable as submitted no specific further actions were required with regard to the design and appearance of the proposal.

## **14 ASSESSMENT**

- 14.1 The site lies within the built up area of Hordle, on the south side of Everton Road. The area is characterised by a mix of house types ranging from thatched cottages, through to post war bungalows and dwellings, following an undulating building line along Everton Road. The existing dwelling has recently been extended in a sympathetic manner and is set towards the front of the site, close to Everton Road. It is set in generous grounds, much of which were formerly used for horticultural purposes. Mature trees adjoin the western boundary of the property, which are protected by a Woodland TPO. The Green Belt boundary also adjoins the western boundary of the site and washes over the southern portion of the site. A Public Right Of Way/cycle way runs to the south of the site.
- 14.2 The proposal entails subdivision of the plot to retain the existing cottage within a modest curtilage and to erect of 2 no. 4 bed dwellings within its curtilage and associated access, parking and turning arrangements. The dwellings would be of traditional design and materials, Plot 1 being of red brick and tile construction and Plot 2 of render and thatch. Both would be two storey units. The design, scale, siting and appearance of the proposed development is the same as that dismissed at appeal in July 2014.
- 14.3 Policy CS2 of the Core Strategy, stipulates that new development will be required to be well designed to respect the character, identity and context of the area's towns and countryside. The proposed development would be largely over the footprints of dilapidated glasshouses within the site which are of no visual merit. In dismissing the recent appeal on the site, the Inspector concluded that the proposed development would strike the right balance between optimising use of the site and respecting the character and appearance of the area. The development affects the setting of a listed building (no. 91 Everton Road) although the Conservation Team have raised no objections to the proposal in this respect. In light of the plans submitted and comments of the Inspector,



the design and appearance of the proposed development is considered to be acceptable and in accordance with Policy CS2.

- 14.4 Policy CS2 also requires the impact of development proposals upon adjoining amenity and the amenity of future occupiers of the development to be considered. The proposal is unlikely to impact upon adjoining amenity, being of reasonable scale, well separated from neighbouring properties, in terms of distance and screen planting and with no overlooking opportunities introduced. In dismissing the recent appeal, the Inspector concluded that the proposed development would provide acceptable living conditions for future occupiers, in relation to the outdoor space available to occupants. However, in light of the limited space available around the proposed dwellings, it is considered prudent to remove permitted development rights in the interests of preserving the visual amenities of the area (including Green Belt to the south) and amenity of future occupiers. No objections have been received by neighbouring occupiers to the form of development proposed. The proposal complies with the amenity related provisions of policy CS2
- 14.5 The proposal adjoins a Woodland TPO to the west and the Council's Tree Officer has raised no objections to the proposal.
- 14.6 Contributions in respect of public open space, transportation improvements, habitat mitigation and affordable housing would normally be required of the development proposed. The applicant makes full offers on all contributions, with the exception of affordable housing, for which an off-site contribution of £36,700 is offered. In determining the recent appeal, the Inspector considered that the reduced contribution offered would unacceptably harm the supply of affordable housing in the District, contrary to Policy CS15. The affordable housing contribution now offered is considerably higher than offered previously. In seeking to justify the reduced contribution the applicant has submitted a revised viability assessment, which the Council's Estates and Valuation Section has reviewed. It is noted that while the Inspector endorsed the Council's stance on a profit rate of 15% and cut back the appellant's selling costs forecast, he found in the appellant's favour in respect of a number of disputed items. It appears that the Inspector's intention was to bring about a reduction in the affordable housing sum in order to facilitate progress of the development. The applicant's current viability statement adjusts their calculations in accordance with the Inspector's decision and an affordable housing contribution of £36,700 is now offered in addition to full contributions for all other matters. The Estates and Valuation Section consider that in the circumstances, the sums now offered should be regarded as acceptable.
- 14.7 The Parish Council seek assurances that the land at the bottom of the development will remain as green belt open space, that no access will ever be given from properties onto footpath/cycleway and that the access gate to cycleway will be permanently closed. The proposal states that the land to which the Parish Council refer will be retained as a paddock area and maintained separately to the dwellings. There is already a gate from the bottom of the site linking onto the footpath and it would be unreasonable to stop this up, bearing in mind the land is to be retained as a separate parcel of land to the dwellings. The submitted plans show no direct link between the proposed houses and the land, although this would not preclude future applications for alternative uses of the land, which would be determined on their own merits.

- 14.8 The proposal is now considered to be acceptable in relation to its character and amenity impacts and in light of the viability appraisal submitted a reduced affordable housing contribution is justified. The proposal is accordingly recommended for approval.
- 14.9 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

### Developers' Contributions Summary Table

<b>Proposal:</b>			
<b>Type of Contribution</b>	<b>NFDC Policy Requirement</b>	<b>Developer Proposed Provision</b>	<b>Difference</b>
<b>Affordable Housing</b>			
No. of Affordable dwellings	0	0	0
Financial Contribution	£97,350	£36,700	£60,650
<b>Public Open Space</b>			
On site provision by area	0	0	0
Financial Contribution	<b>£9,346</b>	<b>£9,346</b>	<b>0</b>
<b>Transport Infrastructure</b>			
Financial Contribution	£10,914	£10,914	0
<b>Habitats Mitigation</b>			
Financial Contribution	£10,700	£10,700	0

## 15. RECOMMENDATION

### Grant Subject to Conditions

#### Proposed Conditions:

- 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: 2013-04-03 Rev A , 2013-04-04 and 2013-04-05

Reason: To ensure satisfactory provision of the development.

3. Before development commences, details of the external facing materials and joinery details of the windows and doors 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 the development is constructed to a suitably high quality within the setting of the listed building in accordance with Policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park.

4. The development hereby permitted shall not be occupied until the arrangements for the provision of car parking facilities have been implemented in accordance with a scheme to be agreed by the local planning authority. These parking spaces shall be provided and, thereafter, be retained and kept available for their intended purpose at all times.

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

5. Any gates provided shall be set back a minimum of 10 metres from the edge of the adjoining carriageway and open inwards away from the highway.

Reason: In the interest of highway safety and to comply with Policies CS1 and CS10 of the Core Strategy for the New Forest District outside the National Park.

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

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

7. Before development commences details of the future maintenance of the drainage system approved under condition 06 above shall be submitted to the Local Planning Authority. The maintenance arrangements and full details of the responsible parties must be confirmed to the Local Planning Authority by the applicant prior to occupation of the penultimate dwelling.

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

8. The dwellings shall achieve Level 4 of the Code for Sustainable Homes and shall not be occupied until a final Code Certificate has been submitted to and approved in writing by the Local Planning Authority certifying that the dwellings have achieved Code Level 4.

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

9. Development shall only proceed in accordance with the recommendations of the Extended Phase 1 Habitat Survey prepared by Sedgemoor Ecology Services, dated August 2013.

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

10. Before development commences (including site clearance, demolition and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a method statement detailing timing of events, all changes of existing surfaces and plans showing the protective fencing or other measures required for the avoidance of damage to retained trees all in accordance with BS 5837 (2012) "Trees in Relation to Construction Recommendations". Such fencing shall be erected prior to any other site operation and at least 24 hours notice shall be given to the Local Planning Authority that it has been erected. The tree protection measures installed shall be maintained and retained for the full duration of the works or until such time as agreed in writing with the Local Planning Authority. No activities, nor material storage, nor placement of site huts or other equipment whatsoever shall take place within the fencing without the prior written agreement with the Local Planning Authority.

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

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

Reason: In view of the physical characteristics of the plots, the Local Planning Authority would wish to ensure that any future development proposals do not adversely affect the visual amenities of the area and amenities of the dwellings themselves, in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

**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. Land Drainage Informative - No additional, or increase in rate of runoff, of surface water is to be passed to any watercourse, ditch system and adjacent land for up to a 1 in 100 year storm + climate change. Any soakaways are to be designed in accordance with BRE365 (Building Research Establishment) (latest revision). Three soakage tests will need to be undertaken in accordance with this standard along with the soakaway design and be submitted to Planning for approval prior to construction. Any soakaway or sustainable urban drainage system is to be constructed and located so as not to affect adjacent property or the highway for events up to a 1 in 100 year storm event + climate change.

Complying with the parameters as stated in Category 4: Surface Water Run-off of the Code for Sustainable Homes Technical Guide 2010 is likely to be an acceptable standard for the discharge of the surface water drainage. In all cases where surface water is to be stored in a balancing pond, swale, shared soakaway system or any other kind of sustainable urban drainage system or surface water controlled discharge system then the Applicant must provide to Planning in writing the relevant information as to who will be the responsible party for this system when the Developer is no longer on site. This must be a viable solution such as a Management Company or Organisation etc.

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.

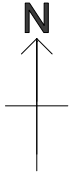
3. Environmental Health (Contaminated Land) informative – This site had past contaminative uses. It is possible that some contamination may have migrated through the ground and groundwater. Whilst the Authority has no evidence to suggest that this is the case, any observed presence of contamination during any ground invasive works should be reported to the Local Authority Environmental Health Officer and works halted whilst the matter is considered. It is advisable to obtain specialist advice concerning the potential for contamination and its recognition. Under the National Planning Policy Framework, where a site is affected by contamination,

responsibility for securing a safe development and/or new use, rests with the developer and/or landowner and as a minimum requirement the land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.

**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

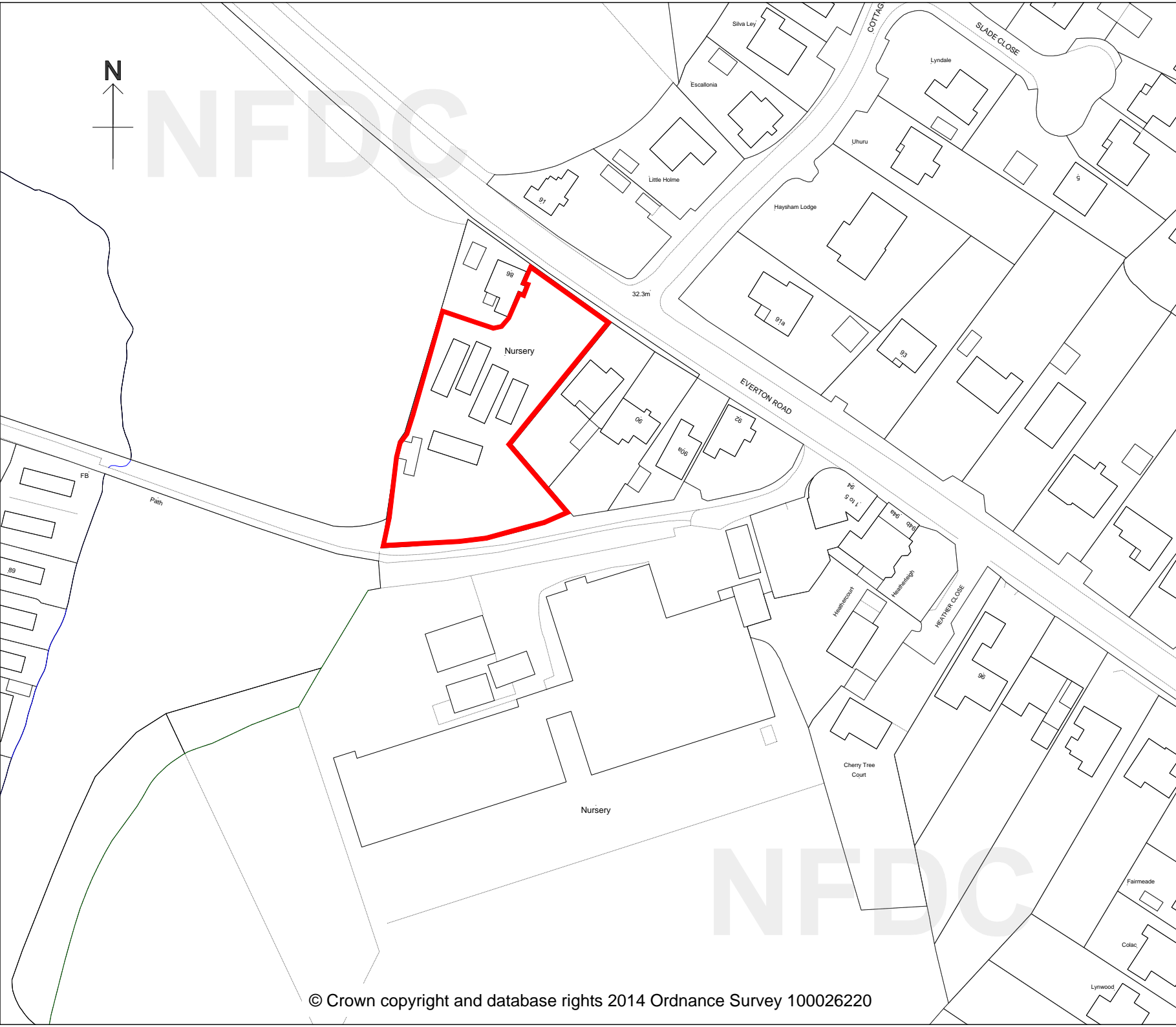
**Planning Development  
Control Committee**  
**October 2014**

**Item No: A14**

Land adj  
86 Everton Road  
Hordle  
App No 14/11160  
SZ2795

Scale 1:1250

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



**Application Number:** 14/11099 Full Planning Permission

**Site:** NORTH MILTON ESTATE, NEW MILTON BH25 5LD

**Development:** Development of 21 dwellings comprised: 1 terrace of 4 houses; 3 terraces of 3 houses; 2 pairs of semi-detached houses; 4 detached houses; motorcycle store; sheds; landscaping; carparking; open space; demolition of 2 garage blocks and provision of 3 entrance canopies to the west side of Mountbatten Court

**Applicant:** Leadbitter Construction

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

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## **1 REASON FOR COMMITTEE CONSIDERATION**

At the discretion of the Head of Planning

## **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
2. Climate change and environmental sustainability
3. Housing
6. Towns, villages and built environment quality
9. Leisure and recreation

#### **Policies**

- CS1: Sustainable development principles
- CS2: Design quality
- CS4: Energy and resource use
- CS7: Open spaces, sport and recreation
- CS10: The spatial strategy
- CS15: Affordable housing contribution requirements from developments
- CS24: Transport considerations
- CS25: Developers contributions

DW-E12: Protection of landscape features

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

- DM3: Mitigation of impacts on European nature conservation sites
- DM8: Protection of public open space, private playing fields and sports grounds and school playing fields
- NMT14: Transport schemes



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

Section 38 Development Plan  
Planning and Compulsory Purchase Act 2004  
National Planning Policy Framework  
Achieving Sustainable Development  
NPPF Ch. 6 - Delivering a wide choice of high quality homes  
NPPF Ch. 7 - Requiring good design  
NPPF Ch. 11 - Conserving and enhancing the natural environment  
Section 197 Trees  
Town and Country Planning Act 1990

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

SPD - Housing Design, Density and Character  
SPD - New Milton Local Distinctiveness  
SPD - Habitat Mitigation  
SPD – Mitigation Strategy for European Sites

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

None

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

New Milton Town Council - recommend permission but would accept a delegated decision. The scheme is well thought out and provides much needed social housing. Account should be taken of: screening plots 13-16 from existing properties, resolution of the flooding issue to the SE of Marryat Road and improvements to the parking in Drake Close. It is hoped new properties can be allocated to local people.

#### **8 COUNCILLOR COMMENTS**

None received

#### **9 CONSULTEE COMMENTS**

- 9.1 Environment Agency - request submission of a FRA demonstrating certain requirements, otherwise no objection
- 9.2 Drainage Engineer - recommend approval subject to condition
- 9.3 Hampshire County Council Education - request education contribution
- 9.4 Environmental Health (Pollution) - no objection subject to compliance with noise report
- 9.5 Planning Policy - proposal complies with DW-E12 and DM8
- 9.6 Southern Water - offer advice and request condition and informative
- 9.7 Tree Officer - no objections subject to condition
- 9.8 New Forest Access for All - all new buildings should have a level access and internal doors should enable wheelchair/scooter access.
- 9.9 NFDC Waste Management -

- 9.10 Crime Prevention Design Advisor - see below
- 9.11 Natural England - no objection
- 9.12 Hampshire County Council Highways Engineer - comments awaited
- 9.13 Environmental Design (Design and Open Space) – comments on the latest revised plans will be the subject of an update at Committee

## **10 REPRESENTATIONS RECEIVED**

Objections have been received from 18 local residents (mainly in Marryat Road) concerned with:

- potential building noise and disruption during and after construction
- where cars will park - not enough parking
- impact on children playing
- lack of turning space for emergency and service vehicles
- garages are all in use and there are no alternative solutions
- loss of privacy
- loss of property value
- oppressive impact on property
- reduced possibilities for extending existing dwellings
- overshadowing/loss of light
- drainage problems
- impact on swift colony
- protected trees are not all in good health and could be replaced to offer improved privacy and sunlight
- new fences should be installed prior to building works commencing
- traffic generation and reduction of parking spaces
- loss of pavements
- over crowding
- height of plots 13-16 is out of character
- loss of open space adjacent to occupants of flats
- loss of safe playing environment for children
- impact of on street parking on emergency/service vehicle access
- Drake Close parking is not large enough to accommodate trailers
- new secure garages are required
- design of houses is hideous
- adding more dwellings will not address parking problems, crime rate or anti-social behaviour
- open space is not underused at present
- the local school is already overcrowded
- loss of trees behind Vian Court
- alleyways will encourage more drug use/burglary
- there are lots of reptiles within the site
- it would result in overcrowding on the estate
- new houses would result in a loss to the sense of space

## **11 CRIME & DISORDER IMPLICATIONS**

Crime Prevention Design Advisor - The Police have been consulted over the design, layout and landscaping for this proposal and in general terms is happy that their comments and advice have been implemented, however there remains

one concern relating to the rear alleys created by the infill development, notably plots 1-4, 7-9 and 10-12. These spaces create an increased vulnerability to the rear of both new and existing properties by severely reducing surveillance opportunities. For the same reason they also create areas where anti social behaviour is more likely to occur e.g. fly tipping, street drinking and drug use.

The applicant refers in their Design and Access Statement to the following:-  
5.1 Boundary Treatment In some areas where rear alleyway conditions are created as a result of this development there is the opportunity to gate off these paths and restrict them to be used by the houses which back on to them if residents desire this to proceed.

The Police have previously strongly advised that these alleyways should be protected by lockable gates with access only for those residents they serve. This measure should be put in place as part of the proposed design and not left to residents to implement at their own cost at a later stage. The Police would seek that agreement to this is sought from the applicant or is conditioned accordingly.

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission and the dwellings built, the Council will receive £24,192 in each of the following six years from the dwellings' completion, and as a result, a total of £145,152 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.

Whilst the broad principles of the proposal were acceptable, additional information and clarification of issues such as boundaries, acoustic fencing and provision of additional entrance canopies to Mountbatten Court have been sought in order to enable proper consideration of the application.

## **14 ASSESSMENT**

### **Introduction**

- 14.1 The site lies within the built up area of New Milton in a residential area. It consists of the majority of the North Milton Estate which comprises bungalows, two-storey semi-detached and terraced houses, three-storey terraced houses and three-storey flats. The London-Weymouth mainline railway runs in a cutting to the south of the site adjacent to which is an area of public open space which continues to the west of the site south of the Neddarman Centre and the area south of Cunningham Court. Other areas of open space within the estate are designated as landscape features and are predominantly grassy areas with some trees. There are some protected trees to the south east corner of the site although they are outside of the applicant's ownership.
- 14.2 Refurbishment works have been recently undertaken to the Council's housing stock in the estate and at present, there are works being implemented to substantially improve the existing public open space to the south of the Nedderman Centre and provide an additional 19 parking spaces to the south west corner of Marryat Road. In addition to this, Marryat Road is proposed to be closed to through traffic (except for emergency and service vehicles) between Vian Court and Somerville Court.
- 14.3 The proposal entails the provision of 21 affordable dwellings with associated parking spaces, landscaping, sheds and motorcycle stores. In order to improve access to parking spaces, additional entrance points to the west side of Mountbatten Court will be provided through the provision of new canopies and associated keypads. The proposal would involve the loss of the garages at Raleigh Close and Marryat Road.

### **Principle of development**

- 14.4 The layout has been developed as a combined environmental improvement and housing provision project. The broad principles of the combined project are to:
- Provide dwellings;
  - Enhance the main routes through the estate while reducing the invitation to wander more generally through other areas;
  - Enhance the remaining green spaces to make them attractive and invite people to use them and take pride in their environment.
  - Several areas of underused or poor quality space and garages are proposed to be replaced by dwellings (and an improved environment). The applicant has carried out a number of consultations. This process highlighted concerns over car parking and over the loss of such green spaces and proposals have been amended over a long consultation process to take this into account where possible

- 14.5 New housing is acceptable within the built up area subject to no adverse impact on residential or visual amenity. The dwellings proposed to Raleigh Close, Vian Court and Hardy Close together with the proposed parking area at Drake Close would result in development on designated landscape features and the dwellings and associated parking on Marrayat Road would be on public open space. The loss of these areas has to be carefully weighed against the clear benefits arising from the provision of additional affordable housing.
- 14.6 At present, the landscape features offer relatively little amenity value, being flat grass with occasional small tree specimens. The proposal is to use parts of these to locate new dwellings with the remainder, where affected being considerably enhanced as attractive and useable landscapes.
- 14.7 The Public Open Space is also to be considerably enhanced. Whilst weighing the loss of green space against the benefit of housing provision, it is also important to weigh this against the accrued benefits of improvements to public amenity, play and the overall character of the estate through its landscape.

## **Design**

- 14.8 Buildings themselves are crisp simple designs with a contemporary arrangement of windows and feature front entrances which offer a sense of character. The existing estate has from time to time introduced similarly simple designs and the architect has taken the context into account
- 14.9 Good quality materials and detailing will be required, and this will be covered by condition.
- 14.10 Windows offer natural surveillance to parking courtyards and public realm
- 14.11 The opportunity is being taken to make rear paths wider, tidy the edges and resurface which will bring some security benefit. Boundary treatments of the new properties could add some informal natural surveillance as could the presence of rear garden gates. The proposal allows for these improvements but would be subject to detailed landscape conditions.
- 14.12 New canopies on the building which allow doors to be recognised as entry points where previously they had not been, allows a more efficient use of the car parking and garden areas and more activity where surveillance is needed.
- 14.13 The greens close to houses and flats will be redesigned to create simple garden areas which would be defined to offer a greater sense of ownership and responsibility for immediate neighbours. Enhanced play value for the very young and a far greater visual amenity for all will underpin these design features which are currently broadly illustrated but will be subject to landscape condition.
- 14.14 The plans show that the main public open spaces are to be linked up by the closure of Marrayat Road to allow pedestrian priority, by a much enhanced play facility, new footpaths both for dog walkers and for more convenient access generally. New trees across the estate and several

areas of shrub and bulb planting will add considerably to the colour and attractiveness of the neighbourhood. Again the detail of these will need to be resolved by condition.

- 14.15 On balance it is felt that the overall character and quality of the estate would be enhanced by the proposals.

### **Residential amenity**

- 14.16 One of the main concerns expressed locally is with regard to the impact of the proposal on residents' amenity. Whilst the concerns regarding noise and disturbance during construction and property value are not matters for consideration, issues such as loss of light, outlook and privacy/overlooking are.

- 14.17 With regard to privacy, where new 2-storey houses are proposed, the distance between existing and proposed rear elevations is a minimum of 23.6m which is considered an acceptable distance, allowing for the provision of a reasonable garden. The chalet style properties near Vian Court would be closer to properties in Marryat Road although they would be more low key and without windows to the rear at first floor level. Plots 13 and 14 would each have gardens of around 12m in length with the existing bungalow in Kennard Road being close to the boundary. However, in view of this, the property has no habitable windows which would be adversely affected by the proposal and no response has been received from the occupants of this property.

- 14.18 Residents have raised concern in respect of the overshadowing of their properties with the new houses. Where new dwellings are proposed to the south of existing properties where this issue is likely to be at its worst, the dwellings would be some 20m from existing rear elevations which is considered to be an adequate distance not to cause any adverse effect. Plot 6 would be 2.4m from the side elevation of the adjacent three storey house which has high level side windows to all three floors. Whilst there would be some impact on this property, the windows relate to halls or landings and the occupants would not be adversely affected by the new building. It would remove the existing situation whereby cars can park and manoeuvre outside these windows.

- 14.19 The proposed new canopies over existing doors to Mountbatten Court are in association with new keypad entry systems. This is to enable easier access into the flats from the associated parking area and away from parking to the east adjacent to the garage blocks which is often congested and not a designated parking area.

### **Highways/parking**

- 14.20 The site includes two groups of garage blocks (totalling 44 spaces) and 4 unmarked parking courtyards of varying sizes. Aside from the areas where existing parking courtyards are to be refurbished and those areas where housing is proposed, the proposal includes 3 additional spaces in Hardy Close, 16 in Howe Close, 3 in Nelson Close, 16 to the south of Fraser and Somerville Courts and 14 to the west of Vian and Harwood Courts. **A total of 62 extra spaces in addition to the 19 currently under construction.** The 2 parking courtyards in each of Howe Close and Nelson Close would be refurbished and spaces laid out in three of these areas. As stated above, provision would be made to enable easier access to parking for some of the flats within the estate which

should help with certain areas where parking is difficult.

- 14.21 Where the garages in Raleigh Close are to be demolished, 10 parking spaces would be provided, some of which would be for one of the four houses proposed in this location. There would also be a motorcycle store and each dwelling would have its own shed for secure cycle storage. The 3 dwellings in Hardy Close would have two spaces each, as would one of the new dwellings in Drake Close. The other would have a single parking space although behind these houses would be 16 additional parking spaces and a motorcycle store. The 3 dwellings adjacent to Vian Close would share 6 parking spaces and a further motorcycle store would be provided close by. Four of the houses to the south east corner would have two parking spaces each with the other 5 sharing a courtyard of 9 spaces.

### **Crime and Disorder Implications**

- 14.22 It has been recommended by the Crime Prevention Design Advisor that rear alleyways are secured through the provision of lockable gates. This would prove difficult to achieve in a satisfactory manner in view of the numbers of dwellings which currently have access to the paths and related legislative issues. To the east of Mountbatten Court, the path to the rear of the existing garages is already semi-enclosed by virtue of the garages. In Hardy Close, the layout has been informed by the existing alleyways and space has been provided to the north of the houses enabling greater pedestrian visibility. The paths of concern are all existing ones although most have open space to one side. The extent of their 'enclosure' is minimal when considering the estate as a whole and whilst lockable alleyways might be ideal, signage could also provide some deterrence.

### **Contributions**

- 14.23 The proposal generates a need for contributions towards public open space, transportation improvements, affordable housing and habitats mitigation. As the development proposal is on Council owned land, it is not considered necessary to complete a S.106 Agreement. The required Public Open Space (POS) provision will be delivered by the proposed on-site works. POS Maintenance provision has been made by NFDC Housing Services to secure the long-term maintenance of all the POS works. As can be seen from the table below, the proposal involves 100% affordable houses rather than the 40% usually required in New Milton. This is a big benefit to the area and should go some way to reducing the lengthy housing waiting list.
- 14.24 The scheme includes significant improvements to the existing designated public open space and although some of this area is proposed to be built on (to the SE corner of Marryat Road), other open parts of the estate (landscape features) would also have improvements undertaken to provide a more attractive place to walk and play. Outside of the site area, there are improvements underway to existing formal open space within the estate. As landowner, the Council has made new budget provision to secure the long term management and maintenance of all POS area.

- 14.25 With regard to transportation improvements, the proposal includes a formal road closure to the south part of Marryat Road where it lies between the two areas of public open space. Access to Vian Court parking will be from the east only and the new parking adjacent Somerville and Fraser Courts will be accessed from the west with a locked gate at the east end of this car park. The road between the gates would be reduced in width but would still allow access for emergency and service vehicles when necessary. The site contains footpaths which are adopted and the proposals include upgrades to these links through resurfacing and landscaping to provide a more attractive thoroughfare. Highways contributions are therefore provided in kind.
- 14.26 Habitats mitigation is now required for all housing developments in order to minimise pressure on the open forest from additional residents, particularly those with dogs. Whilst this can be dealt with financially, the proposal includes provision for mitigation through the improvements to access to public open space both within the site and nearby. The site is a few minutes walk to Ballard Lakes and the proposal also includes better signage for residents to walk their dogs rather than driving to the forest. Natural England have not raised any objections to the proposed measures. Monitoring for these areas is also required and this will be dealt with internally as a one off payment.
- 14.27 The Education Authority has requested a financial contribution per dwelling towards new school places/facilities in the local area. However, the information they have provided to date to justify this payment is not considered to meet the tests as they have not provided clear evidence with reference to a specified shortfall and scheme designed to meet it. Nor have they demonstrated that the contribution as requested is necessary to make the development acceptable, that any specific proposals are directly related to the development, and that they are fairly and reasonably related in scale, as a result no such contribution has been requested.
- 14.28 In conclusion, the proposals involve the provision of much needed social housing together with a welcome enhancement of the estate.
- 14.29 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	8	21	+13
Financial Contribution	£36,720	0	-£36,720
<b>Public Open Space (POS)</b>			
POS Provision and Habitat Mitigation Project Provision	On site provision of Formal POS, Informal POS and Designed Play areas  Habitat Mitigation project provision	Substantial environmental improvements to existing designated POS and other adjoining land. Formal and Informal POS and Play areas provided on site  Scheme will implement Project nm2 in the adopted Mitigation Strategy for European Sites SPD. Will also provide specific paths for dog walkers and signage to nearby areas of POS a few minutes from the site.	Formal and Informal POS Policy requirement met. Designed Play Space Provision greater than Policy requirement.  Policy requirement met
Habitat mitigation Monitoring costs	£1050	£1050	£0
<b>Transport Infrastructure</b>			
Financial Contribution	£80,357	improvements to parking facilities including motorcycles, provision of a road closure to reduce speeding traffic	Policy requirement met

## 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. Before development commences, samples or exact details of proposed facing and roofing materials, eaves, rainwater goods, fascias and windows shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason: To ensure an acceptable appearance of the building in

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

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

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

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

4. 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.

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

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

6. Prior to commencement of works (including site clearance and any other preparatory works) the scheme for the protection of trees in accordance with the submitted Bernie Harverson Arboricultural Consultancy Arboricultural Impact Appraisal and Method Statement ref 0686.bjh.Aug14 shall be implemented and at least 3 working days notice shall be given to the Local Planning Authority that it has been installed.

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

7. The development shall be implemented and thereafter maintained in accordance with the recommendations within Ian Sharland Ltd's Noise

Assessment dated 14.5.14 (M3055).

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

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

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

9. The dwellings hereby approved shall not be occupied until details of the proposed bird and bat boxes have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and thereafter maintained.

Reason: In the interests of the nature conservation of the area and in accordance with policy CS3 of the Core Strategy for the New Forest District outside the National Park.

10. The development permitted shall be carried out in accordance with the following approved plans: Design and Access Statement, Flood Risk Assessment and Drainage Statement, Code for Sustainable Homes - Pre-Assessment Report and Ecology Assessment, Car parking justification statement, Environmental Noise Assessment, Arboricultural Impact Assessment, SANGS Mitigation Statement, Draft Landscape Design Report, Plant Schedule, Surface finishes, 27954-PD100, 27954-PD101, 27954-PD102, 27954-PD103, 27954-PD104, 27954-PD105, 27954-PD106, 27954-PD107, 27954-PD108, 27954-PD110, 27954-PD121, 27954-PD122, 27954-PD123, 27954-PD124A, 27954-PD125, 27954-PD126, 27954-PD127, 27954-PD128A, 27954-PD129, 27954-PD131, 27954-PD132, 27954-PD133, 27954-PD134, 27954-PD135, 27954-PD140, 27954-PD141, 0117-5300, BJH04, BJH03, 0117-5301, 0117-5302, 0117-5303, 0117-5304, 0117-5305, 0117-5306.

Reason: To ensure satisfactory provision of the development.

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

1. A formal connection to the public sewerage system 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).
2. 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.

Whilst the broad principles of the proposal were acceptable, additional information and clarification of issues such as boundaries, acoustic fencing and provision of additional entrance canopies to Mountbatten Court have been sought in order to ensure enable proper consideration of the 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

October 2014

### Item No: A15

North Milton Estate  
New Milton  
BH25 5LD  
App No 14/11099  
SZ2395

Scale 1:2500

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

