

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

Parish	Site	App.No.	Schedule	Recommended
Damerham	Land rear of COMPASS PUBLIC HOUSE, HIGH STREET, EAST END, DAMERHAM SP6 3HQ	14/11111	07	<b>Grant Subject to Conditions</b>
Fawley	25 CHURCH LANE, FAWLEY SO45 1DL	14/10913	04	<b>Refuse</b>
Fordingbridge	SEQUOIA FARM, PUDDLESLOSH LANE, TINKERS CROSS, FORDINGBRIDGE SP6 1NH	14/11262	11	<b>Head of Planning Authorised to Grant</b>
Hordle	54 EVERTON ROAD, HORDLE, LYMINGTON SO41 0FD	14/10075	01	<b>Head of Planning Grant or Refuse</b>
Lymington and Pennington	TRAVIS PERKINS, GROVE ROAD, LYMINGTON SO41 3RF	14/10749	02	<b>Grant The Variation Of Condition</b>
	30 PENNINGTON OVAL, PENNINGTON, LYMINGTON SO41 8BU	14/11104	05	<b>Refuse</b>
New Milton	34 HENGISTBURY ROAD, BARTON-ON-SEA, NEW MILTON BH25 7LU	14/11107	06	<b>REFUSE the VARIATION of CONDITION</b>

	30 BARTON COURT AVENUE, BARTON-ON-SEA, NEW MILTON BH25 7HF	14/11221	09	<b>Grant Subject to Conditions</b>
Ringwood	1 EMBANKMENT WAY, RINGWOOD BH24 1EU	14/11188	08	<b>Grant Advertisement Consent</b>
	Land of 5 OLD BARN CLOSE, RINGWOOD BH24 1XF	14/11228	10	<b>Head of Planning Grant or Refuse</b>
Totton and Eling	Land of LOPERWOOD FARM, LOPERWOOD, TATCHBURY MOUNT, CALMORE, TOTTON SO40 2RT	14/10857	03	<b>Grant Subject to Conditions</b>

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

## **STATUTORY TESTS**

### **Introduction**

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

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

### **The Development Plan**

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

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

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

### **Listed Buildings**

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

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

### **Conservation Areas**

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

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

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

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

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

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

## **Trees**

Section 197. Trees  
Town and Country Planning Act 1990

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

## **Biodiversity**

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

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

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

Conservation of Habitats and Species Regulations 2010

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

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

## **Equality**

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

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

### **Financial Considerations in Planning**

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

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

**Application Number:** 14/10075 Full Planning Permission

**Site:** 54 EVERTON ROAD, HORDLE, LYMINGTON SO41 0FD

**Development:** Two-storey rear extension; single-storey side extension;  
conversion into two dwellings

**Applicant:** Almansa Construction Ltd

**Target Date:** 31/07/2014

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## **1 REASON FOR COMMITTEE CONSIDERATION**

Contrary Parish Council view

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

Built up area

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

### **Core Strategy**

#### **Objectives**

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

#### **Policies**

- 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
- 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
- HOR3: Transport schemes

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

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

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

SPD - Housing Design, Density and Character

## **6 RELEVANT PLANNING HISTORY**

95628 - one and 2-storey extensions & alterations to create one pair of semi-detached houses, detached double garage. Refused 6.9.10.

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

Hordle Parish Council - recommend refusal and would not accept a delegated decision. Concerns over cramped over-development, lack of detail re: access, concerns over large tree shading second unit.

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

9.1 Tree Officer- no objection subject to condition

9.2 Hampshire County Council Highways Engineer - no objection subject to conditions

## **10 REPRESENTATIONS RECEIVED**

None

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission and the dwellings built, the Council will receive £1,152 in each of the following six years from the dwellings' completion, and as a result, a total of £6,912 in government grant under the New Homes Bonus will be received. New Forest District Council 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 the applicant was happy to submit additional information to support their case with regard to the tree and highways issues resulting in these objections being overcome.

## **14 ASSESSMENT**

- 14.1 The site lies within the built up area of Hordle and was formed from a larger plot which has been subdivided and permission granted for a two storey detached dwelling on the sub-divided plot although this has yet to be commenced. The application follows several previous submissions for the redevelopment of the site as a whole with that referenced above being the most relevant to this scheme. There are tree preservation orders protecting trees within this site and the adjoining plot.
- 14.2 The proposal entails the provision of a two storey rear extension and single storey side extension to enable the conversion of the original part of the dwelling into a three bedroom house comprising living room, dining room, kitchen, utility, study, WC and attached garage at ground floor level and three bedrooms (two ensuite) and a family bathroom at first floor level. The existing garages and unlawful separate residential accommodation above would be converted into a three bed house comprising integral garage, WC, living room and kitchen at ground floor level with three bedrooms (one ensuite) and a family bathroom at first floor level. The differences between this scheme and the previously refused scheme are minimal but include the retention of the original front door to no.54 and the replacement of a detached double garage for the attached single garage.
- 14.3 The previous application was refused for five reasons as follows:
1. A poor level of residential amenity for future occupants of the proposed dwellings due to the limited amount of amenity space for unit 2 which would be overshadowed by a protected Oak tree and the provision of a turning head which would be forwarded to the residential amenity of occupiers of unit 1.
  2. Threat to the protected Ash tree as a result of the limited garden area to unit 2 which would result in pressure to prune this tree.
  3. The proposed access/hardstanding and poorly related garage would



create a harsh form of development.

4. Lack of visibility from the private drives.
5. Lack of contributions towards transportation improvements and off site public open space.

- 14.4 The first reason for refusal was split into two sections relating to residential amenity. Firstly, that there would be limited amenity space for unit 2, much of which would be shadowed by the protected ash tree and secondly, unit 2's turning head would impact on unit 1. The only difference to the proposal having regard to this reason is the removal of the proposed fence between the two properties at the front. Given the Arboriculturist has withdrawn previous objections with regard to the impact of the proposal on the protected tree, it would be difficult to sustain the first part of the reason for refusal. Similarly, the existing access point at present does not benefit from turning space and, although the area shown as hard surfacing for this unit would be increased through the removal of a small single storey addition, it has not been demonstrated, nor requested by the Highway Authority, that turning is possible for this property.
- 14.5 The second reason for refusal related to the impact of the proposal on the protected ash tree. In order to address this concern, a shading plan has been submitted which demonstrates that the element of the proposal most affected by the tree is an area already (unlawfully) in separate residential use. On this basis, there is no objection from the Arboriculturist and it would therefore be difficult to substantiate a reason for refusal on this basis.
- 14.6 The third concern was that from a visual point of view, the site would be quite harsh given the loss of the hedgerow and the provision of large areas of hard surfacing and poorly sited garage. Now that the hedge has gone and a post and rail fence forms the current front boundary, the scheme suggests that there is scope to provide a new hedge between the existing and proposed accesses, in addition to the section of hedge approved under the scheme or the new dwelling adjacent. This breaks up the impact of the hard surfacing and, while the new access would be directly in front of the drive, this is a common feature and one which would not be out of context. It is considered that this reason for refusal has been satisfactorily addressed.
- 14.7 The fourth reason related to the lack of appropriate visibility splays for the new access, given the front boundary hedge. As this hedge has now been completely removed, there are no problems with the visibility and the Highway Authority has not raised any objection. The plan demonstrates that adequate turning can be provided for unit 1 and, although not demonstrated for unit 2, this is an existing access and it would be unreasonable to refuse permission for lack of turning for this unit.
- 14.8 The final reason related to the non-provision of public open space and transportation contributions. These contributions, together with those towards affordable housing and habitat mitigation, as set out in the table below, are to be secured through a Section 106 Agreement which is in progress.

14.9 In conclusion, although the site no longer includes the vacant plot adjacent, the conversion and additions are broadly similar to the previously refused scheme. However, given the additional information relating to shadowing from the large ash tree in the garden, the provision of adequate visibility splays and the drafting of a S.106 Agreement to secure appropriate contributions, the previous reasons for refusal have been satisfactorily addressed and it is not considered reasonable to refuse the scheme.

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

### Developers' Contributions Summary Table

<b>Proposal:</b>			
<b>Type of Contribution</b>	<b>NFDC Policy Requirement</b>	<b>Developer Proposed Provision</b>	<b>Difference</b>
<b>Affordable Housing</b>			
No. of Affordable dwellings	0	0	0
Financial Contribution	£91,800	£91,800	0
<b>Public Open Space</b>			
On site provision by area			
Financial Contribution	£1,168.30	£1,168.30	0
<b>Transport Infrastructure</b>			
Financial Contribution	£2,033	£2,033	0
<b>Habitats Mitigation</b>			
Financial Contribution	£4,250	£4,250	0

### 15. RECOMMENDATION

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

i) the completion, by 31<sup>st</sup> December 2014, of a planning obligation entered into by way of an Agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure affordable housing, public open space, transportation and habitat mitigation

ii) the imposition of the conditions set out below.

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

**Reason(s) for Refusal:**

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

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The 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. 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 soakaways,
- Tree work specification,
- Position of tree protective fencing/ground protection.

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

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

5. No development shall take place until details for the provision of cycle storage within the site have been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure adequate provision within the site and in accordance with policy CS1 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 parking and turning within its curtilage have been implemented. These areas shall be kept available for their intended purposes at all times.

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

7. The development permitted shall be carried out in accordance with the following approved plans: ASP.14.006.001A, ASP.14.006.002E, ASP.14.006.003C, ASP.14.006.004D, ASP.14.006.005D, ASP.14.006.006F, ASP.14.006.007E, TSP-54everton/002 rev.A.

Reason: To ensure satisfactory provision of the development.

**Notes for inclusion on certificate:**

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

In this case the applicant was happy to submit additional information to support their case with regard to the tree and highways issues resulting in these objections being overcome.

**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

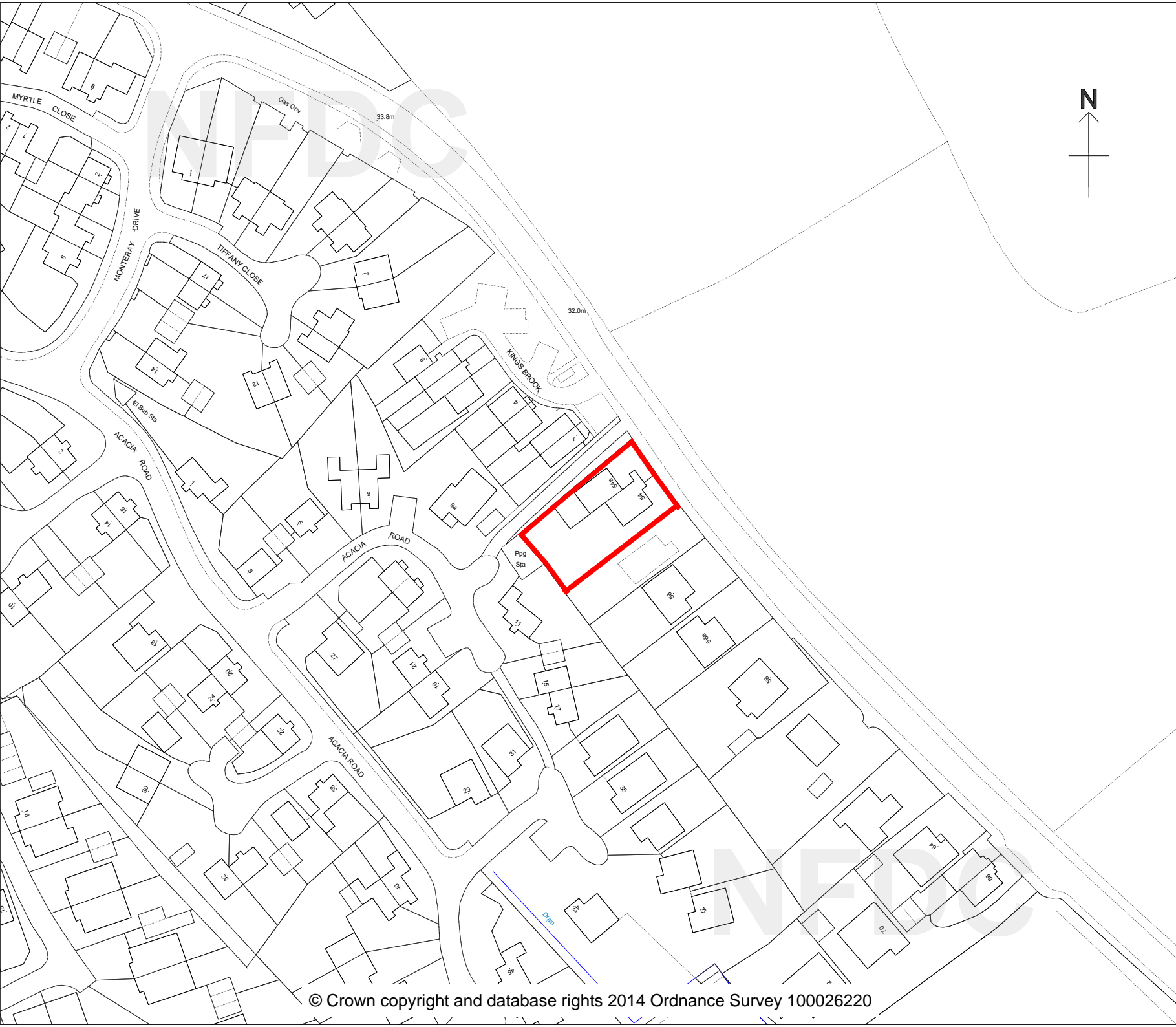
**Planning Development  
Control Committee**  
**November 2014**

**Item No: A1**

54  
Everton Road  
Hordle  
App No 14/10075  
SZ2795

Scale 1:1250

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



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

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

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

**Applicant:** Pennyfarthing Homes Ltd

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

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## 1 REASON FOR COMMITTEE CONSIDERATION

Previous Committee Consideration (Item A8 at the meeting on 13 August 2014)

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up area

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

#### Objectives

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

#### Policies

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

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

- LYM3: Land at Queen Katherine's Road/Grove Road
- DM3: Mitigation of impacts on European nature conservation sites

## 4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

## 5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPG - Lymington - A Conservation Area Appraisal  
SPD - Lymington Local Distinctiveness  
SPD – Mitigation Strategy for European Sites  
SPD – Housing Design Density and Character

## **6 RELEVANT PLANNING HISTORY**

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

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

Lymington & Pennington Town Council:- Recommend permission

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

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

## **10 REPRESENTATIONS RECEIVED**

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

## **11 CRIME & DISORDER IMPLICATIONS**

No relevant considerations

## **12 LOCAL FINANCE CONSIDERATIONS**

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



and as a result, a total of £158,976 in government grant under the New Homes Bonus will be received. New Forest District Council adopted a CIL charging schedule on 14 April 2014. However, the implementation date for the charging schedule is 6 April 2015 so no CIL payments are currently due.

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

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.
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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**

#### Introduction

This application was originally considered at your meeting on 13 August 2014 Development Control Committee. The August Committee report is set out in the following paragraphs 14.1 to 14.9.

#### Update

At the meeting in August, members accepted the recommendation and resolved that the Head of Planning and Transportation should be authorised to grant planning permission up until 1st September 2014, but if permission had not been

completed by that time, the Head of Planning and Transportation was authorised to refuse consent. Unfortunately, the required Section 106 legal agreement was not completed by 1st September 2014, meaning that it has not been possible to grant permission for this proposed development under delegated powers. The required Section 106 legal agreement has, however, now been granted. It would not be appropriate to refuse this application and therefore this application is being brought back to Committee so that a final decision to grant planning permission, subject to conditions, can be made. There are no changes to the proposals since Members considered the application in August, as a result there is no reason to come to a different view at this time.

#### August 2014 Committee Report

- 14.1 The application site extends to 0.52 hectares and is the site of a long-established builders' yard / merchants (Travis Perkins) at the junction of Grove Road with Queen Katharine Road in Lymington. The site has a long frontage onto Queen Katharine Road, which aside from the application site is of a domestic residential character. To the south of the site is a run of 2-storey semi-detached houses set back from the road in long garden plots. Opposite the site are 2-storey detached or semi-detached units, which are again set back from the road in reasonably generous sized garden plots. The north-eastern corner of the site is bounded by 2 residential dwellings, one of which is a Grade II Listed building known as Alma House, and the other a more modest 2-storey property built within the past 10 years known as The Coach House. To the north of the site, in Captains Row and Nelson Place, are older, traditional terraced town houses set close to the back edge of the pavement, which are 2-3 storeys in height. Opposite the site in Grove Road are 2-storey mews style dwellings, while the western side of the site is bounded by a landscape feature with many mature trees and a single residential garden at South Grove. There is one main building on the site at present which is surrounded by areas of hardstanding used for vehicular circulation and open storage. Limited use is currently being made of the southernmost part of the site, where rough vegetation is breaking through. The site is bounded by the Lymington Conservation Area on its northern and western sides.
- 14.2 There have been a number of recent applications to redevelop the site which culminated in a scheme for 23 dwellings being approved by the Local Planning Authority in November 2013 (ref. 13/10710).
- 14.3 The application that has now been submitted seeks to amend the development for 23 dwellings that was approved last year. Specifically, it is proposed to amend the design of the 10 affordable housing units (units 14-23) to meet the recommendations of the housing association who will take on these units. The units would be about 0.8 metres deeper and about 0.3-0.4 metres higher than the equivalent units on the approved scheme. Their designs would be very similar to before, although additional rooflights would be provided within the front elevations. There would also be some changes to the internal layouts.
- 14.4 The increased depth and height of the buildings would have some impact on the character of the street in terms of greenery and in terms of views of the site's green tree-lined backdrop. The visual relationship of the development to the neighbouring dwelling at 94 Queen Katherine Road would also change slightly. However, it is not felt that the proposed amendments to the affordable housing units would compromise the design quality of the development unduly. It is felt that the development

would remain one that would have an acceptable impact on the character and appearance of the area, and an acceptable impact on the adjacent Lymington Conservation Area.

- 14.5 Units 19-23 may have a slightly greater impact on the outlook and amenities of the neighbouring dwelling at 94 Queen Katherine Road than the previously approved scheme, but the impact would remain within acceptable limits.
- 14.6 Concerns have been raised about the access and parking arrangements for Unit 1. However, this arrangement would be no different from the scheme that has already been approved, and is considered acceptable from both highway safety, and neighbour amenity perspectives. The development, generally, would have no greater impact on highway safety than the approved scheme.
- 14.7 There is a need to reapply the conditions that were imposed on the previous planning permission (with condition 2 varied to reflect the plans that have now been submitted). There is also a need for a new Section 106 legal agreement to secure the same affordable housing and public open space contributions that were secured under the previous planning permission. At the time of writing, this Section 106 legal agreement has not been completed.
- 14.8 The original planning permission for this site was granted in November 2013, before the Council had adopted its Local Plan Part 2 (and in particular Policy DM3: Mitigation of impacts on European nature conservation sites), and the Mitigation Strategy for European Sites Supplementary Planning Document. Accordingly this developer has not previously been required to provide for the necessary mitigation measures that are required to address the recreational impacts of their proposed development on the New Forest and Solent European nature conservation sites. The adopted Mitigation Strategy SPD ensures that appropriate mitigation measures for developments permitted prior to adoption of policy DM3 are in place and funded. In principle, there is now a policy requirement for this revised scheme to provide the necessary funding to mitigate the impact of the development on European sites, this would amount to a sum of £91,650. However, the change to the affordable housing units, to meet the required minimum standards, in this instance constitutes a relatively limited design change. There would be no increase in unit numbers or bedroom numbers. Given the development's overall similarity to a recently approved extant scheme it is felt that in this particular case the previous assumptions about how the mitigation measures for this particular development will be funded should not be reviewed. Accordingly, the Habitat Mitigation contribution required under Policy DM3 can, in this instance, be waived.
- 14.9 Overall, the proposed development is considered to be consistent with Core Strategy policies and objectives. The proposed development would remain a well-designed development that would be sympathetic to its context, including the adjacent Lymington Conservation Area. The development would not cause material harm to the amenities of adjacent properties or have adverse implications for highway safety. Therefore subject to conditions and subject to completion of the outstanding Section 106 legal agreement, the application is recommended for permission.

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

### Developers' Contributions Summary Table

<b>Proposal:</b>			
<b>Type of Contribution</b>	<b>NFDC Policy Requirement</b>	<b>Developer Proposed Provision</b>	<b>Difference</b>
<b>Affordable Housing</b>			
No. of Affordable dwellings	11	10	-1
Financial Contribution	£17,187.50p	0	-£17,187.50p
<b>Public Open Space</b>			
On site provision by area	0	0	0
Financial Contribution	£79,444.40p	£79,444.40p	0
<b>Transport Infrastructure</b>			
Financial Contribution	0	0	0

## 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 development permitted shall be carried out in accordance with the following approved plans: 4567-PL-012 rev A, 4567-PL-001 rev C, 4567-PL-002 rev E, 4567-PL-011 rev B, 4567-PL-03 rev C, 4567-PL-04 rev B, 4567-PL-05 rev C, 4567-PL-06 rev A, 4567-PL-07 rev B, 4567-PL-08, 4567-PL-009 rev B, 4567-PL-010 rev B.

Reason: To ensure satisfactory provision of the development.

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

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

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

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

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

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

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

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

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

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

(ii) an assessment of the potential risks to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

National Park.

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

20. The first floor bathroom window on the east side elevation of the approved building on Plot 1 shall at all times be glazed with obscure glass, and shall be permanently fitted with an opening restrictor so as not to open more than 100mm. The first floor bathroom and stairwell windows on the south elevation of Units 19-23 shall also be permanently fitted with obscure glass.

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

21. Notwithstanding the submitted Arboricultural Impact Appraisal and Method Statement, before development commences (including site clearance, demolition and any other preparatory works) an amended scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a method statement detailing timing of events, all changes of existing surfaces and plans showing the protective fencing or other measures required for the avoidance of damage to retained trees all in accordance with BS 5837 (2012) "Trees in Relation to Design, Demolition and Construction - Recommendations". The scheme shall in particular include additional details of the construction methodology associated with the development of Plots 4-7. All tree protective fencing shall be erected prior to any other site operation and at least 3 days notice shall be given to the Local Planning Authority that it has been erected. The tree protection measures installed shall be maintained and retained for the full duration of the works or until such time as agreed in writing with the Local Planning Authority. No activities, nor material storage, nor placement of site huts or other equipment whatsoever shall take place within the fencing without the prior written agreement with the Local Planning Authority.

Reason: To ensure the retention of existing trees and natural features and avoidance of damage during the construction phase in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park and Reason and Policy DW-E8 of the New Forest District Local Plan First Alteration.

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

Reason: To comply with Policy CS2 of the Core Strategy for New Forest District outside the National Park and Policy LYM3 of the Local Plan Part 2: Sites and Development Management.

**Notes for inclusion on certificate:**

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

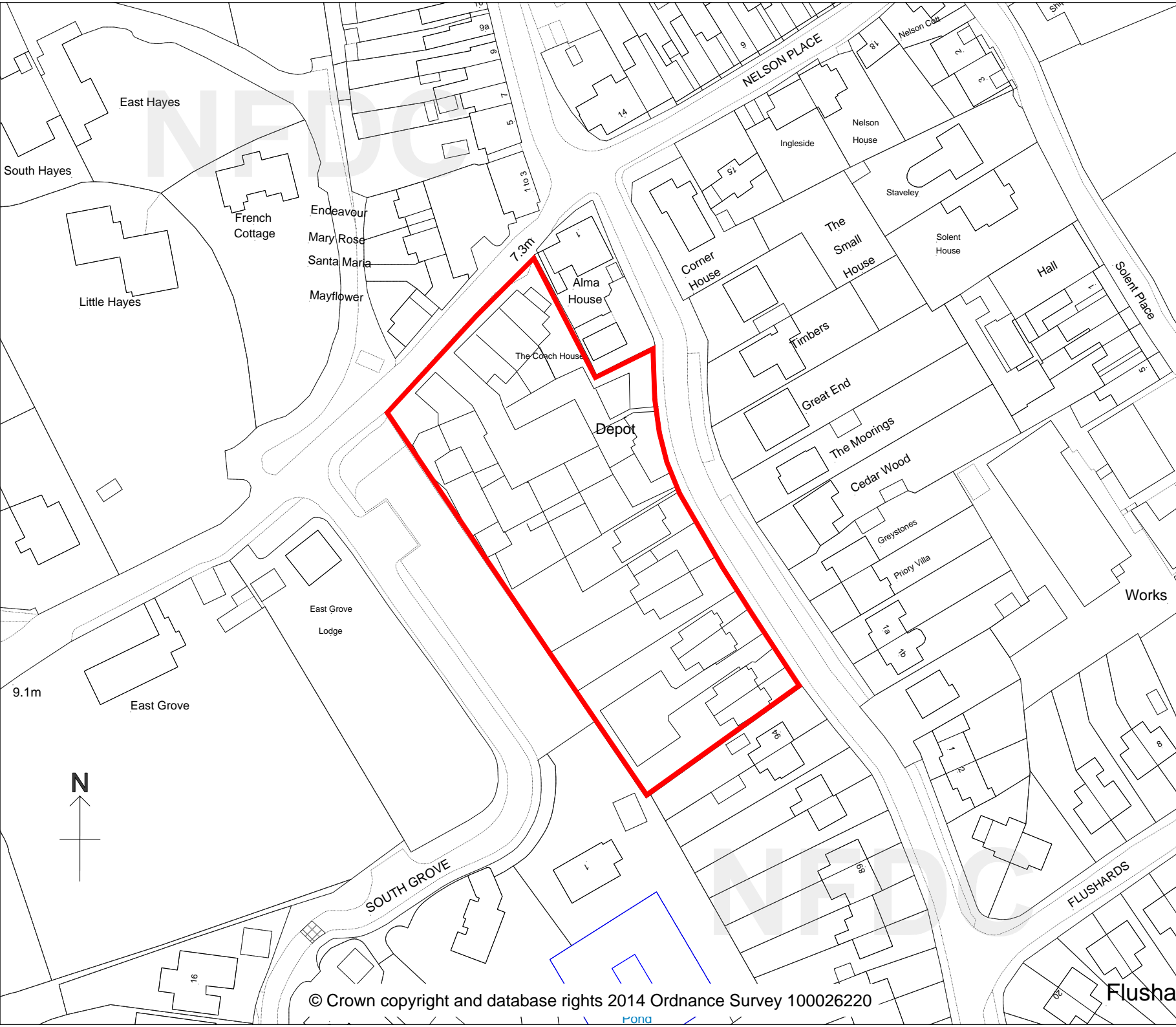
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Chris Elliott  
Head of Development Control  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

**Planning Development  
Control Committee**  
**November 2014**

**Item No: A2**  
Travis Perkins  
Grove Road  
Lymington  
App No 14/10749  
SZ3295

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



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

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

**Development:** Development of 24 dwellings comprised 8 detached houses; 4 pairs semi-detached houses; 1 terrace of 3 houses; 1 block of 5 flats; detached garages; bin & cycle store; substation; access; open space & landscaping

**Applicant:** Persimmon Homes South Coast

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

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## **1 REASON FOR COMMITTEE CONSIDERATION**

Previous Committee consideration.

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

Built-up area

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

### **Core Strategy**

#### Objectives

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

#### Policies

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

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

- DM3: Mitigation of impacts on European nature conservation sites
- TOT2: Land at Loperwood Farm

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

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

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

## **6 RELEVANT PLANNING HISTORY**

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

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

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

## **8 COUNCILLOR COMMENTS**

Councillor Dart:- Requests Committee consideration

## **9 CONSULTEE COMMENTS**

- 9.1 Hampshire County Council Highways Engineer:- No objection subject to conditions and subject to securing transportation contribution
- 9.2 Environment Agency:- No comment
- 9.3 Land Drainage Engineer:- No objection subject to conditions
- 9.4 Hampshire County Council Education:- No objection, but requests an education contribution
- 9.5 Southern Water:- No objection subject to conditions and informatives
- 9.6 Tree Officer:- No objection subject to conditions
- 9.7 Housing Development Manager:- Supports subject to 50% of units being affordable
- 9.8 Ecologist:- No objection subject to conditions
- 9.9 Environmental Health (contaminated land):- No objection subject to conditions
- 9.10 Environmental Design (Open Space):- Advise that the scale and location of the on-site open space is appropriate. The design of the space will require careful design; maintenance contributions will be required.
- 9.11 Environmental Design (Urban Design):- No objection to amended plans subject to conditions. - The proposal is more intense than might be expected in the context of the rural edge, but considers that the proposal would have a reasonable quality of design and would be a reasonable design response to the local context.

9.12 Hampshire County Council Archaeologist:- No objection

## **10 REPRESENTATIONS RECEIVED**

10.1 28 letters of objection from local residents to original plans & 7 further letters of objection to amendments :- access would be dangerous; overdevelopment of the site; flats at entrance would be out of keeping in a village environment; development would be too cramped and too urban in character; poor design; adverse impact on semi-rural character of Old Calmore; increased traffic and congestion to detriment of highway safety; inadequate on-site parking; increased highway safety risk at adjacent road junction; noise disturbance; adverse impact on adjacent playground; increased surface water runoff leading to increased risk of flooding; adverse impact on local wildlife; adverse impact on the functioning of the adjacent church; farmhouse building should be considered for listing; concerns about impact on archaeology; increased pressures on local infrastructure; adverse impact on trees; lack of need; landscaping would be inadequate.

10.2 1 letter of support from local resident.

## **11 CRIME & DISORDER IMPLICATIONS**

See Assessment report below

## **12 LOCAL FINANCE CONSIDERATIONS**

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

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

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

This is achieved by

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

application process to allow an opportunity to negotiate and accept amendments on applications (particularly those that best support the Core Strategy Objectives) when this can be done without compromising government performance requirements.

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

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

## 14 ASSESSMENT

### Introduction

- 14.0 This application was considered at the September 2014 Development Control Committee. That Committee report is set out in the following paragraphs 14.1 to 14.20.

### Update

At the meeting in September, members were advised that condition 2 should be updated to take account of amended plans and that the application description should also be amended. Members were also advised that an informative should be attached to any consent in respect of the design of the culvert and the retention of the hedge along the Calmore Road frontage of the site. Accordingly, members resolved that the Head of Planning and Transportation should be authorised to grant planning permission until 30th September 2014 with the aforesaid changes, but if consent has not been granted by that time, the Head of Planning and Transportation should be authorised to refuse consent. The required Section 106 legal agreement has now been satisfactorily completed, but unfortunately, it was not completed until 1st October 2014, by which time the Head of Planning and Transportation no longer had authority to grant planning permission for the proposed development. It is not felt appropriate to refuse the application given the S106 legal agreement has been satisfactorily completed, and as such, the application is being brought back to Committee so that the application can be approved. There are no changes to the proposals since Members considered the application in September, as a result there is no reason to come to a different view at this time.

### September 2014 Committee Report

- 14.1 The application site is a 0.92 hectare plot of land located on the corner of Calmore Road with Loperwood. The original 2-storey farmhouse on the site is no longer occupied and is now in a derelict condition. The site is otherwise open, mainly rough grassland. Around the boundaries of the site are some mature hedgerows, and along the site's southern and



western boundaries, in particular, there are some more significant mature trees. The site is bounded on its southern side by the King George's Recreation Ground and its associated children's play area, whilst to the west of the site are open fields. The nearby residential properties to the south and east are mainly detached dwellings set within fairly generous sized garden plots. The site has a gentle slope with the western edge of the site being 3-4 metres higher than the eastern edge.

- 14.2 The submitted application seeks to develop the site with 24 dwellings. These would be comprised of 10 detached houses, 3 pairs of semi-detached houses, 1 terrace of 3 houses and a block of 5 flats. All buildings would be 2-storeys high. The proposed development would also include detached garages, bin and cycle stores, an electricity substation, new areas of public open space and areas of hard and soft landscaping. The development would be served by a new access onto Calmore Road.
- 14.3 Policy TOT2 of the Local Plan Part 2 specifically allocates the site for residential development, including affordable homes, in accordance with Policy CS15(a) of the Core Strategy. Policy requires the provision of safe vehicular, pedestrian and cycle access, and appropriate landscape treatment to the boundaries of the site, in particular to enhance the Loperwood and Calmore Road frontages and the setting of St Anne's Church (which is situated opposite the site). The policy also requires the provision of public open space in accordance with Policy CS7 to include natural space for young children. The supporting text to the policy suggests that the site can accommodate up to around 20 dwellings.
- 14.4 Given the site's allocation, there can be no objection to the principle of residential development. Core Strategy Policy CS15 indicates that 50% of units in this situation should be affordable housing units. More specifically, it is indicated that 35% of the total dwellings should be for social rented housing and 15% of the total dwellings should be intermediate housing. It is indicated that at least 50% of the affordable dwellings provided should be family housing. The applicants are actually proposing that 12 units be dedicated affordable housing units (units 1-12). This would meet the 50% requirement sought under policy. The applicants have also indicated that 8 units would be made available for social rented housing and 4 would be provided as shared ownership, which again would meet policy requirements.
- 14.5 The new on-site area of public open space that is proposed would be situated in the south-eastern corner of the site and would measure approximately 0.15 hectares. The quantum of on-site public open space would comply with policy requirements. In addition, the location of the on-site public open space, which would be adjacent to existing public open space, is considered to be both logical and appropriate. The public open space would be a positive and attractive feature at the entrance to the development, although the precise design detail of this open space will still need to be agreed through conditions and a Section 106 legal agreement. As part of the S106 legal agreement, the applicant would also be expected to secure a public open space maintenance contribution (£26,600), and a contribution to formal public open space (£26,704)
- 14.6 Although the proposed development is for slightly more dwellings than the 20 dwellings suggested by policy, the proposal would still be appropriate if the layout and design is of a sufficiently high quality that

sufficiently respects its rural edge context.

- 14.7 Units 1-5 are located within a flatted building that would be the development's most prominent and significant building. The building would be a focal building that would front onto both Calmore Road and the new access road and it would also to some extent address the adjacent crossroads junction. It is felt that a larger flatted building would be contextually appropriate on this corner. The massing of the building would be reasonably articulated, and as the section of building that would be closest to the site's Loperwood (northern) boundary would be only single-storey, this would help to ensure that the building is not too intrusive from viewpoints to the north and north-east. The building would be reasonably well detailed and would have appropriate visual interest. There would be an appropriate green margin to the front of the building to provide it with an acceptable setting. It would have perhaps been preferable if the building had chimneys, but nonetheless, subject to the use of good quality materials and detailing, it is felt that the building would be a sympathetic feature that would not appear out of place within its wider context. Indeed, it is felt the building would satisfactorily compliment St Anne's church, thereby adequately safeguarding the setting of that existing building.
- 14.8 Units 8-10 would also be a reasonably prominent building group that would have a relatively traditional character. The units would address the street in an appropriate manner and the units (as amended) would have acceptable sized rear gardens. Units 23 and 24 would also be of a relatively traditional appearance and would address the public open space in a positive manner. Further into the site, amendments have been made to the application to address some initial design concerns. Based on the amended plans that have been submitted, the dwellings would be generally well proportioned and their designs are considered to be appropriate to their rural edge context. Window details and materials will be critical to securing a well-designed development, but these are matters that can reasonably be conditioned.
- 14.9 The proposed dwellings would typically have limited front gardens. However, the application is accompanied by a detailed landscape scheme, which indicates that narrow, but acceptable margins of greenery would be provided to the fronts of dwellings, whilst parking would typically be set to the sides of dwellings, which should help to ensure that the new street is not too car-dominated. In addition, the visual impact of the new street would be satisfactorily broken up by suggested changes of surface material, whilst the parking court between Plots 1-5 and Units 6-8 should also be a fairly good quality space. The gaps between dwellings would be generally reasonable, and dwellings would have acceptable sized rear gardens. The proposed electricity sub-station in the south-east corner of the site would be set close to Calmore Road, but it would be well designed (to resemble a reasonable quality outhouse) and its impact is therefore considered to be acceptable. Some aspects of the landscaping proposals need to be improved upon, such as the hedgerow planting adjacent to the site's Loperwood boundary, whilst other aspects of the landscaping need more detail, such as the landscape details to the public open space and the link to the existing adjacent public open space. It is felt that amended landscape details to address these concerns could be reasonably secured by condition.
- 14.10 Overall, the design is considered to be of a good quality and one that would respond positively to local distinctiveness. The buildings would be

of a design that would adequately respect the site's rural edge context, and the development would have an acceptably green setting. There would also be good natural surveillance of public spaces. Given the scheme's design qualities, it is felt that the small number of dwellings over and above what policy had anticipated would be entirely acceptable. The success of the scheme will to some extent depend on securing good quality materials, landscaping and detailing, but it is felt that these matters could reasonably be left to condition.

- 14.11 As the site is not adjacent to any other residential properties, the development would not have a material impact on the light, outlook or privacy of other nearby properties. Nor is it considered the development would give rise to unreasonable noise or disturbance.
- 14.12 The Highway Authority have advised that the layout would be acceptable from a highway safety perspective. The levels of on-site parking would be in accordance with adopted parking standards, and based on a traffic speed survey, they are satisfied that the site's access onto Calmore Road would have adequate visibility. Indeed, the required visibility splays would be contained fully within the existing highway boundary. The level of traffic generated by the development would also be acceptable. Therefore, whilst the concerns of local residents are noted, it is considered that the development would not have adverse implications for highway safety.
- 14.13 The proposed development would generate a need to secure a transportation contribution of £94,857. It is considered that this contribution amount would be fairly and reasonably related to the transport impact of the proposed development. This transportation contribution would need to be secured within a completed Section 106 legal agreement.
- 14.14 The Tree Officer is satisfied that the layout will not adversely affect protected trees and other important trees on or around the boundaries of the site. The proposal would result in the loss of a single silver birch tree. However, the loss of this tree could be satisfactorily mitigated by appropriate replacement planting and its loss would therefore be justified.
- 14.15 The application is accompanied by an ecological report. Survey work suggests the likelihood of protected species is low, and subject to conditions to secure appropriate biodiversity mitigation and enhancement, the Ecologist is satisfied that the proposal will not adversely affect ecological interests.
- 14.16 In line with Policy DM3, there is a need for the development's impact on designated European sites to be adequately mitigated. The applicants have agreed to secure a contribution of £92,400 as part of the required Section 106 legal agreement. This would be reasonable mitigation and could be put towards the implementation of a dog exercise area within the adjacent recreation ground, which is a particular project that has been identified in the Council's recently adopted Supplementary Planning Document addressing this specific matter.
- 14.17 The County Council have requested an education contribution of £106,197. They suggest that the development is within the Catchment area of Calmore Infant and Junior School. The Infant school is full and there is deemed to be considerable pressure on local schools. A contribution has been sought towards the strategic expansion strategy to

be developed in the Totton area and to provide additional primary school places. However, the justification for this contribution is not considered to meet all of the relevant tests as previously applied by Circular 5/05 and as re-applied under the CIL guidelines.

- 14.18 Local residents have raised a number of concerns. With respect to flooding the site is not in an area at risk of flooding and drainage concerns could be adequately dealt with by condition. With respect to archaeology, the site is not in an area identified as having any special archaeological interest. The existing farmhouse building on site is not considered to be of such special architectural or historic interest as to justify being listed.
- 14.19 Overall, the proposed development is considered to be consistent with Core Strategy policies and objectives. The proposed development would be an appropriate development of an allocated site. Although more intensive than other nearby residential development, what is proposed would be of a good design quality and sympathetic to its rural edge context. As such, it is felt the development would have an acceptable impact on the character and appearance of the area. The proposed development could be provided without detriment to highway safety and would secure appropriate levels of affordable housing and public open space. Potential impacts on designated European sites would be adequately mitigated. The development would not cause material harm to the amenities of the wider area. Therefore, subject to conditions and the completion of an appropriate Section 106 legal agreement the development is recommended for permission.
- 14.20 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

## Developers' Contributions Summary Table

<b>Proposal:</b>			
<b>Type of Contribution</b>	<b>NFDC Policy Requirement</b>	<b>Developer Proposed Provision</b>	<b>Difference</b>
<b>Affordable Housing</b>			
No. of Affordable dwellings	12	12	0
Financial Contribution	0	0	0
<b>Public Open Space</b>			
On site provision by area	0.15	0.15	0

Financial Contribution	£26,704	£26,704	0
<b>Transport Infrastructure</b>			
Financial Contribution	£94,857	£94,857	0
<b>Habitat Mitigation</b>			
Financial Contribution	£92,400	£92,400	0

## 15. RECOMMENDATION

### 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: HT.Ched-B.pe (Plots 17 & 18), HT.Ched-C.pe (Plot 24), HT.Ched.pe rev C (Plots 19 & 20), HT.CHEd-A.pe (Plot 23), HT.Clay-A.pe, P.6-7.e rev A, P.8-10.e rev B, P.8-10.p rev A, P.14-15.pe rev A, AHL.01 rev G, BML.01 rev G, DML.01 rev G, SL.01 rev H, CSa/2429/100 rev B, SE.01 rev E, LP.01, HT.Clay.pe rev A, P.6-7.p, P.11-12.e, P.11-12.pe, SS.01pe rev A, GAR.01.pe rev B, GAR.03.pe rev A, BCS.01.pe, P1-5.e rev A, P1-5.p rev A, GTS553.01A.  
  
Reason: To ensure satisfactory provision of the development.
  
3. The dwellings shall achieve Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been submitted to and approved in writing by the Local Planning Authority certifying that that dwelling has achieved Code Level 4.  
  
Reason: In the interests of resource use and energy consumption in accordance with policy CS4 of the Core Strategy for the New Forest District outside the National Park.
  
4. Before development commences, details of the means of disposal of surface water from the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved details.  
  
Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

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

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

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

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

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

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

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

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

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

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

10. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions relating to contamination no 11 to 13 have been complied with.

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 14 relating to the reporting of unexpected contamination has been complied with in relation to that contamination.

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

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

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

(ii) an assessment of the potential risks to:

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

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

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

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

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

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

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

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

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

14. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 11, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 12, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 13.

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



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

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

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

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

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

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

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

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

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

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

Reason: To ensure that the development takes place in an appropriate way and to prevent inappropriate car parking to comply with

Policy CS2 of the Core Strategy for the New Forest District  
outside the National Park.

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

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

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

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

**Notes for inclusion on certificate:**

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

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

2. A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).
3. In complying with condition no. 18 the applicant is advised that the proposed culvert on the southern edge of the public open space will need careful consideration in terms of the detailed design of the feature; and also that the hedge along the Calmore Road frontage of the site should be retained where not affected by visibility splays.

**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

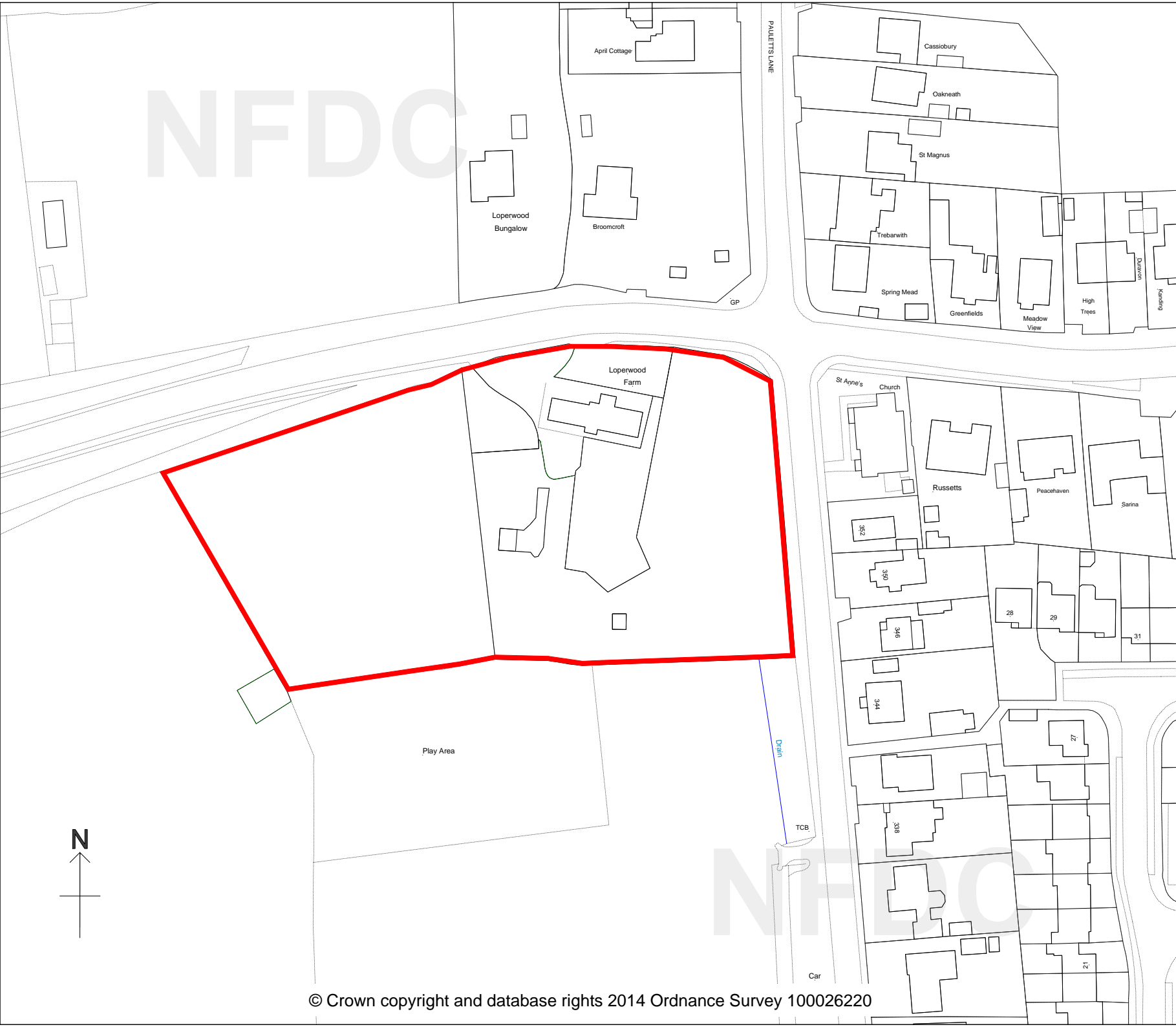
**Planning Development  
Control Committee  
November 2014**

**Item No: A3**

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

Scale 1:1250

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



NFDC

NFDC

**Application Number:** 14/10913 Full Planning Permission  
**Site:** 25 CHURCH LANE, FAWLEY SO45 1DL  
**Development:** Dropped kerb; hardstanding  
**Applicant:** Mr Stubbs  
**Target Date:** 22/09/2014

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**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Parish Council View

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Built up area

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Core Strategy**

Objectives

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

Policies

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

**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**

None

**6 RELEVANT PLANNING HISTORY**

None of direct relevance

**7 PARISH / TOWN COUNCIL COMMENTS**

Fawley Parish Council: Recommend permission

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

9.1 Hampshire County Council Highways Engineer: Recommend refusal

9.2 Land Drainage: No objection subject to informative note

## **10 REPRESENTATIONS RECEIVED**

None

## **11 CRIME & DISORDER IMPLICATIONS**

No relevant considerations

## **12 LOCAL FINANCE CONSIDERATIONS**

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

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

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

This is achieved by

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

The applicant has been advised that the application will be recommended for refusal because of the likely impact on highway safety. The matters cannot be addressed by the submission of amended plans as there are concerns with the principle of creating a new access in this location without an adequate turning facility on the site.

## 14 ASSESSMENT

- 14.1 The site comprises a two storey dwelling situated in the middle of a terrace of six residential properties. The terraces are set well back from the road and benefit from long open front garden areas. Car parking is currently provided to the rear of the properties in a garage courtyard and there are spaces available within a shared car parking layby to the front of the houses adjacent to Church Lane. For the most part, the front garden areas are laid to lawn with some grass, plants and footpaths, but two of the dwellings along this terrace have their car parking provided within the front gardens.
- 14.2 This application proposes to create a new access in the form of a dropped kerb, with an area of hardstanding in the existing front garden to be used for car parking space. The proposed car parking space would be provided within part of the front garden and the remainder of the garden would be retained with grass and plants. The car parking area would be constructed from a concrete pattern imprint measuring 4.5 metres long by 5 metres wide.
- 14.3 In assessing the impact on public highway safety, it is noted that two of the properties along the terrace already have car parking areas within their front curtilage, number 29 and number 31. Although the property at Number 31 has the benefit of planning permission for the access and car parking spaces, it is the end terrace and has a slightly wider and deeper plot compared to the other properties in the terrace, with adequate space to turn on site. Number 29 does not have planning consent but has not constructed a dropped kerb and the surface appears to be permeable.
- 14.4 Church Lane is a Classified Road, which serves several residential properties and it also serves the Esso Oil Refinery which is less than a mile north of the site at the end of Marsh Lane. Close to the site, Church Lane turns south east into the village centre of Fawley.
- 14.5 The Highway Authority states that in cases where a new vehicular access is proposed onto a Classified Road, the proposal requires a turning area to enable vehicles to leave the site in a forward gear. The current proposals do not show the provision of a turning area within the site and given the limited width of the front garden, it is considered that such an area cannot be achieved. Accordingly, the site cannot accommodate adequate facilities to enable vehicles to turn within it and so enter and leave the highway in a forward gear, which is considered essential in the interests of highway safety.
- 14.6 A number of cars currently park in the lay by in front of the dwellings and, given the space to manoeuvre on the road, these cars are able to reverse

into the space and so enter Church Lane in a forward gear. However the creation of a new access to the front of the property would lead to cars having to reverse across the existing footpath and lay by where cars are already parked and then onto Church Lane. The visibility looking south west is particularly poor given the bend in the road. The introduction of a further access and off street car parking space with no turning facility would be unacceptable due to its impact on highway safety.

- 14.7 The Highway Authority are also concerned that the actual depth of the car parking space is approximately 4.5 metres which is inadequate for larger cars to be parked clear of the highway thereby representing a potential obstruction of the adjacent footway. This would be detrimental to the safety and convenience of other users of the highway, specifically pedestrians.
- 14.8 On all other matters, the proposal is acceptable. The proposed car parking space and access would not have any adverse impact on the living conditions of the adjoining neighbouring properties. In terms of the effect on the character and appearance of the area, the proposal to replace some of the front garden with an area of hard standing is unfortunate, however, the majority of the front garden would be retained with grass and plants softening the stark appearance created by the car parking space.
- 14.9 In terms of surface water drainage, the applicant has confirmed that there would be a gully system installed within the area of hardsurfacing to ensure that the water run off from the driveway would not disperse onto the highway or neighbouring properties. If the application was otherwise acceptable, the full details of the surface water treatment could be approved by way of a suitably worded planning condition.
- 14.10 In conclusion, it is considered that the main issue in this case is that the size of the car parking area which is insufficient to enable a vehicle to both park and to provide enough space to turn in order to leave the site in a forward gear, which is considered essential on Church Lane which is a Classified Road. Consequently, the application is recommended for refusal.
- 14.11 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

## **15. RECOMMENDATION**



## **Refuse**

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

1. The site cannot accommodate adequate facilities to enable vehicles to turn within it and so enter and leave the highway in a forward gear, which is considered essential in the interests of highway safety. In addition, the proposal incorporates inadequate provision for the parking of vehicles clear of the highway to the detriment of highway safety and would cause inconvenience to other highway users. For this reason, the proposal is contrary to Policy CS24 of the Core Strategy for the New Forest District outside the National Park.

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

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

The applicant has been advised that the application will be recommended for refusal because of the likely impact on public highway safety. The matters cannot be addressed by the submission of amended plans as there are concerns with the principle of creating a new access onto the site without an adequate turning facility.

### **Further Information:**

Householder Team  
Telephone: 023 8028 5345 (Option 1)



# New Forest

DISTRICT COUNCIL

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

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

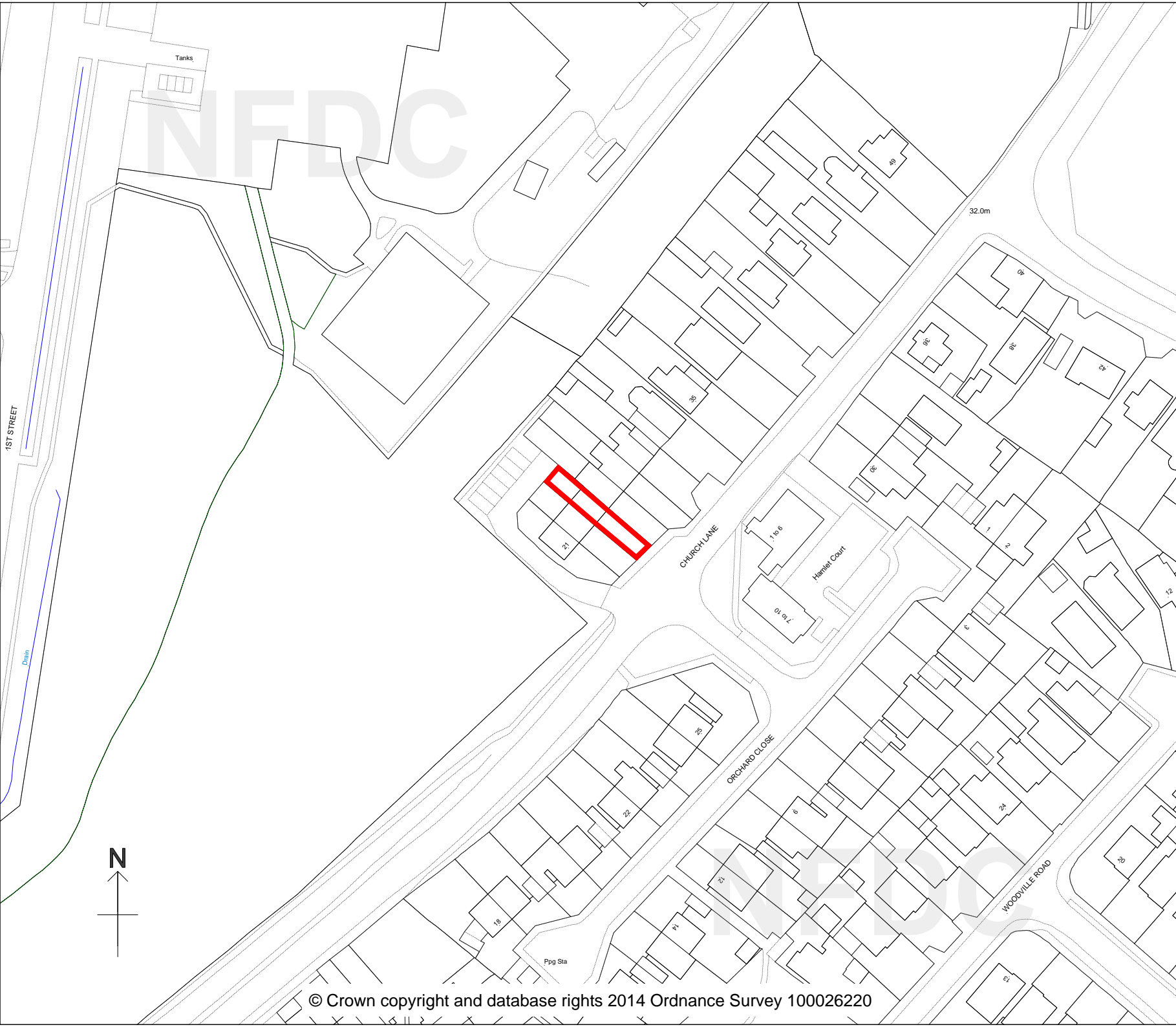
**Planning Development  
Control Committee**  
**November 2014**

**Item No: A4**

25  
Church Lane  
Fawley  
App No 14/10913  
SU4503

Scale 1:1250

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



**Application Number:** 14/11104 Full Planning Permission

**Site:** 30 PENNINGTON OVAL, PENNINGTON, LYMINGTON SO41  
8BU

**Development:** Two-storey side extension; detached double garage; rooflights

**Applicant:** Mr & Mrs Sims

**Target Date:** 23/10/2014

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## **1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Town Council view

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

Built up area

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

### **Core Strategy**

#### Objectives

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

#### Policies

CS2: Design quality

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

No relevant policies

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

Section 38 Development Plan  
Planning and Compulsory Purchase Act 2004

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

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

Lymington Local Distinctiveness Supplementary Planning Document

## **6 RELEVANT PLANNING HISTORY**

No relevant history

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

Lymington and Pennington Town Council recommend permission

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

Land Drainage - Recommend approval subject to a condition requiring details of disposal of surface water to be submitted and approved prior to work commencing

## **10 REPRESENTATIONS RECEIVED**

None received

## **11 CRIME & DISORDER IMPLICATIONS**

No relevant implications

## **12 LOCAL FINANCE CONSIDERATIONS**

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

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

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

The applicant did not use the pre-application advice service available from the Council. The Officer's initial briefing was published on the Council's website which indicated some of the Case Officer's concerns with the proposal. The agent was contacted and amended plans were suggested but none were received.

## **14 ASSESSMENT**

- 14.1 The property is a two storey semi detached dwelling on an estate of similar properties. The front garden is open plan. The long rear garden is enclosed with high fences. The level of the land drops down from the road to the house. To the rear of the property is a footpath and access to parking in Broomhill Close.
- 14.2 The main considerations when assessing this application are the loss of spatial characteristics of the area and the impact this has on the street scene; the affect on the balance of the pair of semi detached dwellings; along with amenity considerations.
- 14.3 The neighbour at number 28 has a detached garage to the rear, sited close to the shared boundary. A small single storey extension has been added to the side. The property is on slightly higher ground level than the application site. There are windows on the side elevation facing the application site; two small ground floor windows and one first floor window, but given the degree of separation between the properties the impact of the proposals would be acceptable.
- 14.4 The neighbour at number 32 is joined to the host property and would not be affected by the proposed alterations.
- 14.5 The proposed garage to the rear of the property would be sited at a sufficient distance from the neighbouring properties that there would not be a significant impact on their amenity. There is an area of amenity land between the parking for Broomhill Close and the application site and therefore the applicant would need permission from the owners to allow access for vehicles over their land. However, this is a civil issue.
- 14.6 There are already first floor windows on the front and rear of the property and therefore the proposed front and rear rooflights would not cause any additional loss of privacy for neighbouring properties.
- 14.7 While the proposed extension would unbalance the pair of semi detached dwelling it should be noted that planning permission has been granted for a two storey side extension to number 32. However the neighbour's extension was the subject of negotiation with officers to achieve a revised and acceptable solution. It is set back further from the front of the property and has a lower roof form, making it subservient to the main dwelling. A similar solution was suggested to the agent as an alternative approach for number 30, but negotiation was not opened and amended plans were not submitted.
- 14.8 The spatial characteristics of the site allow views between the properties and this is consistent along the road. The proposed two storey extension would infill the gap between the property and the side boundary. With only a very limited set back and slightly lower roof form there would be a loss of the important spatial gap between properties

and the identity and form of the existing dwelling would be compromised. Furthermore the proposed extension would not be sufficiently subservient to the main dwelling creating an unbalance to the pair of semis that would result in a detrimental impact upon and out of character with the established streetscene. Therefore the application is recommended for refusal.

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

## **15. RECOMMENDATION**

### **Refuse**

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

1. By reason of its excessive height, width, depth and siting, the proposed two storey side extension would not be sufficiently subservient to the existing building and create an imposing and intrusive form of development in this location which would not respect the existing scale and form of the pair of semi-detached houses and thereby erode the spatial characteristics of the established street scene. As such, the two storey side extension would have an adverse impact upon the local distinctiveness of the street scene and general character of the area, contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park and Lymington Local Distinctiveness Supplementary Planning Document.

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

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

The applicant did not use the Pre-application advice service available from the Council. The Officer's initial briefing was published on the Council's website which indicated some of the Case Officer's concerns with the proposal. The agent was contacted and amended plans were suggested but none were received.

**Further Information:**

Householder Team

Telephone: 023 8028 5345 (Option 1)



# New Forest

DISTRICT COUNCIL

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

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

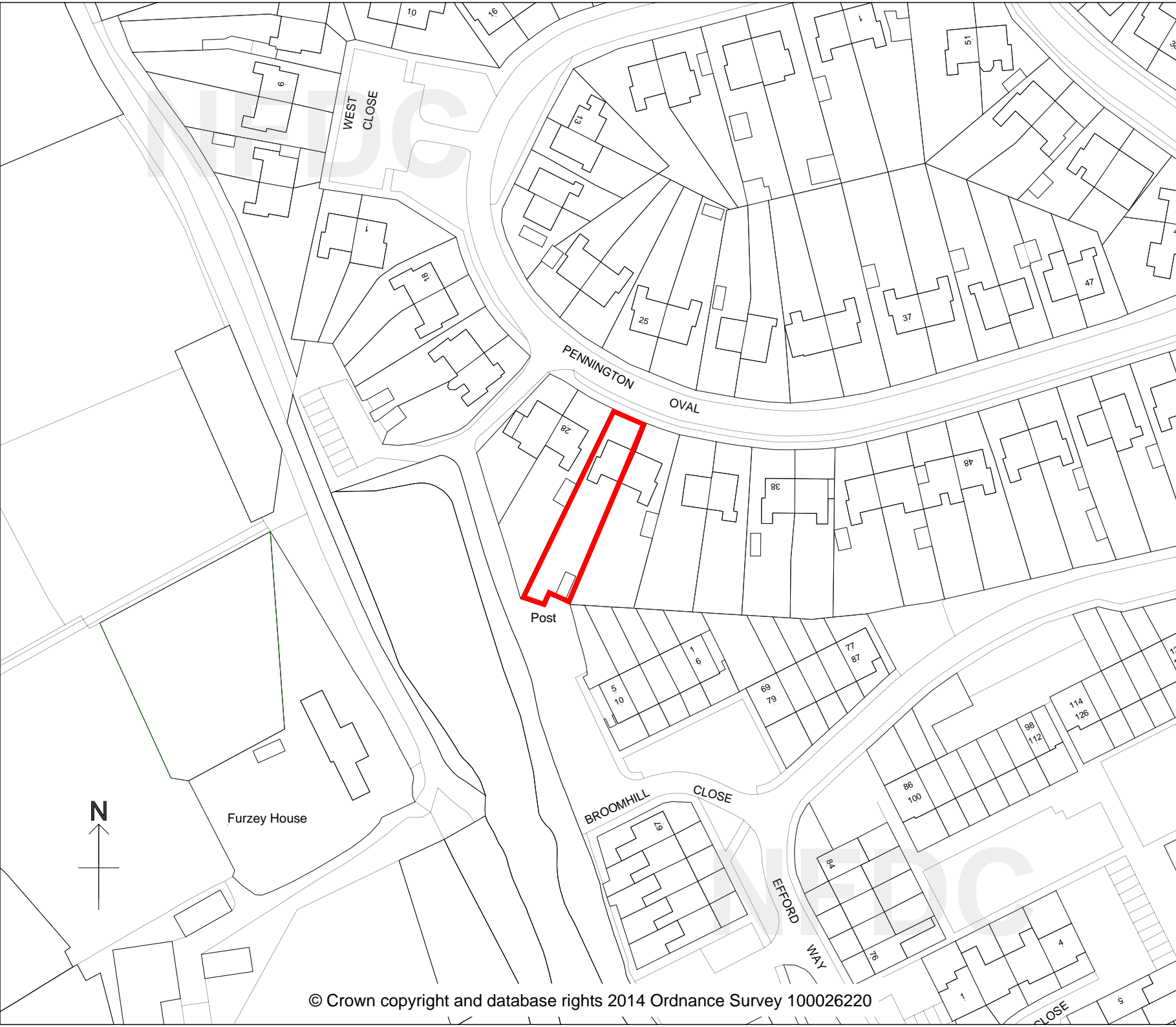
**Planning Development  
Control Committee**  
**November 2014**

**Item No: A5**

30  
Pennington Oval  
Pennington Lymington  
App No 14/11104  
SZ3094

Scale 1:1250

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scale.





**Application Number:** 14/11107 Variation / Removal of Condition

**Site:** 34 HENGISTBURY ROAD, BARTON-ON-SEA, NEW MILTON  
BH25 7LU

**Development:** Variation of Condition 1 of Planning Permission 11/97641 to allow one opening window to the east elevation

**Applicant:** Mr Durrant

**Target Date:** 08/10/2014

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**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Town Council view

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Built up area

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Core Strategy**

Objectives

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

Policies

CS2: Design quality

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

None relevant

**4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

Section 38 Development Plan  
Planning and Compulsory Purchase Act 2004  
National Planning Policy Framework NPPF Ch. 7 - Requiring good design  
Circular 11/95 Use of conditions in planning consents

**5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

SPD - New Milton Local Distinctiveness

**6 RELEVANT PLANNING HISTORY**

- 6.1 11/96857 Single storey rear extension (Lawful Development Certificate that permission is not required for proposal) was lawful 2/06/2011
- 6.2 11/97641 Retention of roof alterations in association with new first floor, 6

rooflights, single storey rear extension granted subject to conditions  
15/03/2012

6.3 12/98709 Retention of opening rooflights refused 28/08/2012

6.4 An enforcement notice was issued on 10/01/2013 to obscure glaze and permanently fix shut the existing roof lights in the east and west elevations of the roof of the property. The Enforcement Notice has been complied with.

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

New Milton Town Council: recommend approval with a recommendation for a condition to limit the degree of opening to allow ventilation, but not a view, of the rear of no 36. This recommendation is made in view of the judgement that the degree of potential overlooking east towards no 36 is reduced compared to looking west toward no 32 and given the real need for increased ventilation in the attic bedroom.

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

Drainage: no comment

## **10 REPRESENTATIONS RECEIVED**

10.1 1 objection:  
- want to safeguard against further applications for other rooflights  
- original extension gained permission retrospectively but with condition on some of the roof lights  
- current owner would have been aware of overheating issues from planning history  
- no change has been made to overcome overlooking of no 36's amenity area

10.2 1 letter of support was submitted with the planning application

## **11 CRIME & DISORDER IMPLICATIONS**

Not applicable

## **12 LOCAL FINANCE CONSIDERATIONS**

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

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

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

There have been no changes in circumstances since the previous application was refused in 2012. Notwithstanding that the occupiers of 36 are actively supporting this application to relieve the condition, the amenities of future occupiers also need to be considered and it has been recognised in the past that there is an unacceptable level of harm to neighbour amenities if these windows are opening. An Enforcement Notice was served in 2013 to ensure that the rooflights in the east and west elevations were obscure glazed and fixed shut. This Notice was complied with.

## **14 ASSESSMENT**

- 14.1 The application site consists of a detached dwelling, which is located in an established residential road in the built up area of Barton on Sea.
- 14.2 The dwelling was subject to unauthorised alterations in 2011, which extended the length of the dwelling and creating a gable on the rear elevation. This extension created first floor accommodation and rooflights were installed on the side elevations. The development was granted retrospective consent but it was recognised that there was a serious issue of overlooking from the rooflights serving the bedroom on both the east and west elevations and a condition was therefore attached that required these windows must be obscurely glazed and fixed shut.
- 14.3 Subsequent to the retrospective application (97641) being granted, the condition relating to the windows was not implemented and another retrospective application was refused in 2012 (12/98709) to retain these rooflights as opening. Compliance with the condition was subsequently secured by the service of an Enforcement notice in 2013.
- 14.4 The current application is to vary the existing condition on planning permission 11/97641, to allow for the furthestmost rear window on the east elevation serving the bedroom to be openable to allow for ventilation. A letter of support from the neighbours at no 36

Hengistbury Road has been included with the application.

- 14.5 The relationship of the application site with no 36 Hengistbury Road has not altered since the previous applications, and as such views would be achievable over their private amenity space if this application is allowed. Notwithstanding that this proposal has the support of the current occupants of no 36, consideration needs to be given to the amenities of future occupiers of no 36 in accordance with the Core Planning Principles of the National Planning Policy Framework. Furthermore, the existing room does have other opening windows to the rear and the rooflights serving the landing are also opening which provide for ventilation.
- 14.6 This proposal has the support of New Milton Town Council, although they have added that the degree of opening should be restricted. Restrictors added to windows can be overridden, and this form of condition would be difficult to enforce and set an undesirable precedent that could make it difficult to resist further such applications. Furthermore, this restriction has not been suggested as part of the proposal by the applicant. No details have been provided of potential methods to restrict the window, to what degree this would limit the opening and how successfully it might therefore be in overcoming the potential loss of neighbour amenity. As such, this application cannot be supported.
- 14.7 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

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## **15. RECOMMENDATION**

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

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

1. The variation of condition 1 of planning permission 11/97641 to allow one opening window on the east elevation would result in an unacceptable level of overlooking to the rear amenity space of number 36 Hengistbury Road, to the detriment of the reasonable amenity of this property. The variation of the condition would, therefore, be contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park and the National Planning Policy Framework.

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

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

arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

There have been no changes in circumstances since the previous application was refused in 2012. Notwithstanding that the occupiers of 36 are actively supporting this application to relieve the condition, the amenities of future occupiers also need to be considered and it has been recognised in the past that there is an unacceptable level of harm to the neighbour's amenities if these windows are opening, to the extent that an Enforcement Notice was served in 2013 to ensure that these were obscure glazed and fixed shut

**Further Information:**

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

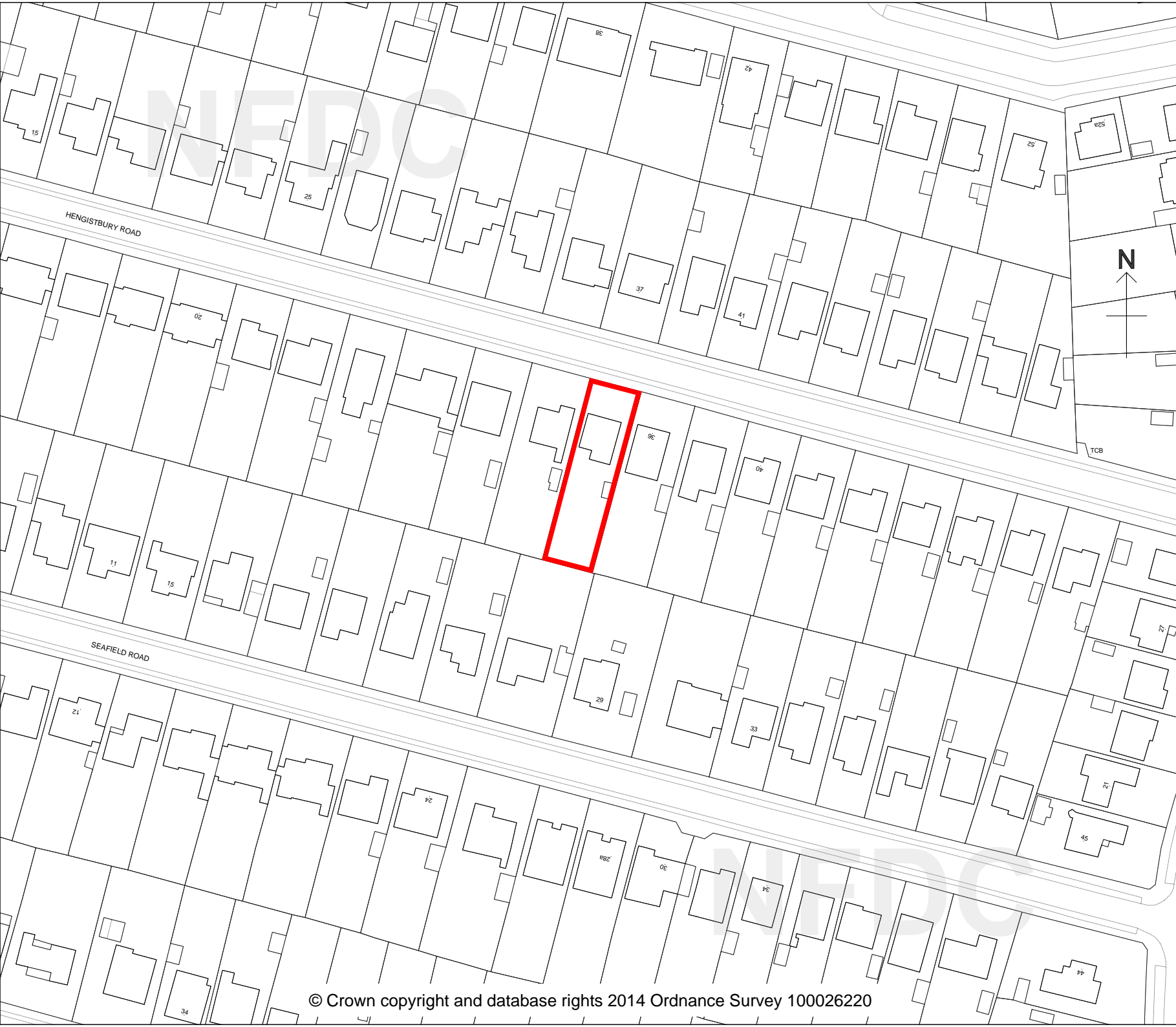
**Planning Development  
Control Committee**  
**November 2014**

**Item No: A6**

34  
Hengistbury Road  
Barton on Sea  
App No 14/11107  
SZ2393

Scale 1:1250

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**Application Number:** 14/11111 Full Planning Permission

**Site:** Land rear of COMPASS PUBLIC HOUSE, HIGH STREET, EAST  
END, DAMERHAM SP6 3HQ

**Development:** Conversion & use of agricultural barn as 1 live/work unit

**Applicant:** Mr Burton

**Target Date:** 01/10/2014

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## **1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to policy and negotiations on affordable housing, public open space and transportation contributions

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

Area of Outstanding Natural Beauty  
Conservation Area  
Countryside outside the New Forest

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

### **Core Strategy**

#### Objectives

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

#### Policies

### **Core Strategy**

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

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

DM1: Heritage and Conservation  
DM2: Nature conservation, biodiversity and geodiversity  
DM3: Mitigation of impacts on European nature conservation sites  
DM20: Residential development in the countryside  
DM22: Employment development in the countryside

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

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

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

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

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

None

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

Damerham Parish Council: Recommend Permission

The plans for this dis-used barn have been well thought out and would enhance the area once complete. This barn has been in a poor condition for more than 10 years and in need of attention. Drawings show that most of the current features will be retained and repaired. Suitable materials should be detailed to retain the existing character of the building when final materials are specified.

#### **8 COUNCILLOR COMMENTS**

None

#### **9 CONSULTEE COMMENTS**

9.1 Hampshire County Council Highways Engineer: No highway objections

9.2 Environmental Design (Conservation Officer): No objection subject to conditions

9.3 Ecologist: no objection subject to conditions.

9.4 Planning Policy: weighing in favour of this proposal are its location in Damerham and the acceptable use of a disused building.

9.5 Building Control: the building is in reasonable condition and there is no reason why significant alterations or rebuilding should be required.

9.6 Environmental Design (Conservation): no objection subject to conditions although have concerns about the need to sever part of the internal roof structure.

#### **10 REPRESENTATIONS RECEIVED**

1 letter of support

#### **11 CRIME & DISORDER IMPLICATIONS**

No relevant considerations



## **12 LOCAL FINANCE CONSIDERATIONS**

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

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

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

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

## **14 ASSESSMENT**

14.1 The site lies within an area of countryside which is also designated as Area of Outstanding Natural Beauty and forms part of the Damerham Conservation Area. There are two redundant buildings on the site, the timber barn building and the brick stable building, both of which make a positive contribution to the rural character of the surrounding area and designated Conservation Area.

14.2 This planning application only relates to the timber barn, which is a

long-disused former agricultural barn standing to the rear of the Compass Inn plot and overlooking the nearby cricket field. From the High Street, views of the barn are obscured by the former stable building, now in use as holiday lets. The barn is visible from Church Lane to the south, across the open fields. It is an attractive traditional 'landmark' building occupying a picturesque location, making a positive contribution to the character and appearance of the conservation area and therefore it should be conserved.

- 14.3 The site is set back from the road running through Damerham and is accessed across a car parking area used by the Compass Inn. The site forms a small yard area, which is partly enclosed by the existing buildings and boundary wall, with a rear area running adjacent to the recreation ground. The yard area is overgrown, with building materials stored within it, and is generally in an untidy state.
- 14.4 This planning application proposes to convert the barn into a live work unit with a workshop on the ground floor and residential accommodation above. It is proposed to carry out alterations to the building, with new window openings and the existing openings to be glazed. The external area would be used for car parking and the rear grassed area would be used as the rear garden. No proposals have been made in relation to the brick stable building.
- 14.5 From a policy point of view, Local Plan 2 Policy DM20 is applicable and relates to residential development in the countryside. The policy states that residential development in the countryside will only be permitted where it is for a replacement dwelling, affordable housing or agricultural workers dwellings. The policy goes on to state that in all cases, development should be of an appropriate design, scale and appearance in keeping with the rural character of the area, and should not be harmful to the rural character of the area by reason of traffic and other activity generated or other impacts.
- 14.6 In assessing this policy, there is nothing which specially relates to the conversion of existing buildings into residential uses other than for affordable housing or agricultural workers. Policy DM20 does not include the conversion of buildings to residential uses and, on this basis, the policy does not support the conversion of existing buildings to residential uses in the countryside, other than for affordable housing and agricultural workers dwellings. There is no reference to the residential use proposed being for affordable housing or for an agricultural workers dwelling.
- 14.7 Policy DM22 of the Local Plan Policy 2 is also applicable and relates to employment development in the countryside. It states that new employment uses in the countryside would be acceptable through re-use of existing permanent buildings which are structurally sound so that they can be re-occupied without major rebuilding or extension. In assessing this policy, the proposed workshop would provide employment in the area and give the opportunity for a live and work unit which would accord with this policy.
- 14.8 Policy DM1 of the Local Plan Policy Part 2 is also applicable and relates to heritage assets and conservation. The general objective of the policy is to ensure development proposals conserve and enhance the historic environment and heritage assets with regard to local character and setting. However, the policy also states that where appropriate and necessary to secure the long term future of a heritage asset, in particular

where it is in a poor condition or at risk, an exception may be made to other local plan policies. In this case, the building has been vacant for several years and the proposed use would secure its long term retention and provide some much needed investment to carry out general repair and maintenance work. As set out below, the Conservation Officer supports the principle of the proposal to convert the building into a live work unit.

- 14.9 In terms of central government guidance, it is clear that there is a general steer towards the conversion of vacant and former agricultural buildings into residential development. Paragraph 55 of the National Planning Policy Framework is applicable and seeks to promote sustainable development in rural areas, and housing should be located where it will enhance or maintain the vitality of rural communities. The guidance states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as where the development would re-use redundant or disused buildings and lead to an enhancement of the immediate setting;
- 14.10 A further consideration is the recent changes to government legislation as set out in the Town and Country (General Permitted Development) Order 2014, which permit the change of use of an agricultural building to residential use without requiring planning permission, but would be subject of a Prior Approval Application. In this case, the change of use requires planning permission because the building lies within a Conservation Area and Area of Outstanding Natural Beauty and in such cases the use cannot be changed. However, the General Permitted Development Order does highlight the government's stance to permit the change of use of such buildings to residential use.
- 14.11 Concerning the structural integrity of the existing buildings, these have been inspected by the Building Control Officer. The Building Control Officer advises that the timber barn is a timber frame and stud construction with weather board cladding on a brick plinth. The majority of the wall studs are oak and, given their age and the lack of recent maintenance, the studs and main frames appear in reasonable condition. The roof timbers appear to have been replaced in the not too distant past and seem sound. The roof would need to be re-slatted and a new floor provided. Accordingly, it is considered that the existing buildings could be converted without significant alterations
- 14.12 In assessing both local and national planning policies, it is clear that local plan policies are less supportive of residential uses in the countryside in comparison to national policies. However, given that there is support from the Conservation Officer and that a residential use is not likely to have any significant effect on the wider character of the Conservation Area as no significant external changes are required, an exception to local plan policy should be made in this case.
- 14.13 With regard to the parking and access, it is clear that the site could accommodate car parking for the dwelling, and the layout has been shown to only involve small changes which would retain its rustic appearance. The Highway Authority does not raise any objections in relation to car parking and access.
- 14.14 In terms of the effect on the character and appearance of the Conservation Area, although not listed, the barn is a good example of its type and is probably at least 100 years old. Its exterior consists of a brick

plinth of good-quality English bond brickwork. Above the plinth on the external walls are lap board timbers and some corrugated iron repair panels as cladding. There is a pitched roof with half-hips at each end and its slopes are clad in slate. Internally it has a spacious and dignified interior with well-preserved timber outer walls and two full height trusses with braces. Numerous good period features survive and their preservation is recommended.

- 14.15 The Conservation Officer considers that the principle of the future conversion of the barn to a live/work unit would be a suitable use for this redundant agricultural building, and is supportive. The drawings imply that the external features and most internal features would be retained. The stairs would rise full-height but the insertion of an upper floor would reduce the internal space to two separate levels, which is considered unfortunate as the large single volume open space of the barn would be lost and part of the internal roof structure would need to be severed. However, some kind of subdivision is unavoidable if a live/work unit is to be achieved. New fenestration openings are proposed in three elevations of the barn; in general these have been kept down to a reasonable number.
- 14.16 In summary, the Conservation Officer considers that, provided the external presentation and detailing is well handled and executed, the building should remain as a positive feature in the Conservation Area. To ensure that the building does remain a positive feature and the character of the Conservation Area is enhanced, a number of conditions should be imposed.
- 14.17 With regard to residential amenity, there is a dwelling house immediately adjacent to the site. However, on the basis that no first floor side windows are proposed that would face in the direction of that neighbour, and that the proposal is for a residential use with limited car parking movements, it is not considered that the proposal would result in any significant harm to that resident. The proposed glazing and windows on the front elevation would have views toward the neighbour at Parkside, but these would be oblique and the windows would face the car parking area. The proposed workshop would be contained on the ground floor and would be a small area and not likely to give rise to unacceptable noise concerns.
- 14.18 The proposed development requires contributions to be made towards public open space, affordable housing, transportation improvements and habitat mitigation. In assessing whether it would be acceptable to permit the change of use into a residential use without any contributions towards public open space, transportation improvements and affordable housing, consideration should be given to the recent changes in government legislation that permits the change of use from agriculture to residential without the need for contributions other than habitat mitigation.
- 14.19 Officers consider that although this proposal does not fully accord with the legislation because it lies within the Conservation Area and AONB, it would be reasonable to permit the change of use of the building from agriculture to a live work unit without any contributions. Officers take the view that the only reason it cannot be changed without requiring planning permission is its location in the Conservation Area and AONB and accordingly it would be unreasonable to seek such contributions in these circumstances for a development which would not otherwise require

planning permission. Officers consider that the application should make a contribution towards habitat mitigation and a section 106 Agreement has been completed to secure this.

14.20 In terms of ecology, the application has been accompanied by an ecological report which concludes that no protected species were found within the building or on the site. The Ecologist has been consulted and has raised no objection to the proposal subject to conditions.

14.21 In conclusion it is considered that the change of use of this building to a live work residential unit would be acceptable and would have little impact on the character of the Conservation Area and AONB or upon residential amenity. In addition given that under the new legislation the conversion of the building to residential would now not require planning permission, it is considered that no affordable housing, public open space or transportation improvement contributions should be required in this particular case.

14.22 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			
Financial Contribution	n/a	n/a	n/a
<b>Public Open Space</b>			
On site provision by area			
Financial Contribution	n/a	n/a	n/a
<b>Transport Infrastructure</b>			
Financial Contribution	n/a	n/a	n/a
<b>Habitats Mitigation</b>			
Financial Contribution	£3050	£3050	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: Drawing Jd/p/1-2b.

Reason: To ensure satisfactory provision of the development.

3. Before development commences, a schedule of works detailing the external and internal treatment of the barn shall be submitted to and approved in writing by the Council prior to the commencement of development. Development shall only take place in accordance with the details that have been approved.

Reason: To ensure that the development takes place in an appropriate way in this sensitive location lying within the countryside, Conservation Area and Area of Outstanding Natural Beauty to comply with Policy CS2 and CS3 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;
- (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 in this sensitive location lying within the countryside, Conservation Area and Area of Outstanding Natural Beauty to comply with Policy CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park.

5. 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.

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

- a) Details and samples of the external timber cladding and any new roof slates shall be submitted to and approved in writing by the Council prior to their installation.
- b) Joinery and finish details of the new windows and glazed screens shall be submitted to and approved in writing by the Council prior to their installation.

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 this sensitive location lying within the countryside, Conservation Area and Area of Outstanding Natural Beauty to comply with Policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park.

7. Before works commence on the brick boundary wall, the material samples of the brick and a sample panel of the brickwork for the new wall and the rebuilding of the existing boundary wall shall be provided on site for inspection, and approved in writing by the Council prior to the construction of the walls.

Reason: To ensure that the development takes place in an appropriate way in this sensitive location lying within the countryside, Conservation Area and Area of Outstanding Natural Beauty to comply with Policy CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park.

8. 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 sites location, the Local Planning Authority would wish to ensure that any future development proposals do not adversely affect the Conservation Area in accordance with Policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park and policy DM1 of Local Plan Part 2 Sites and Development Management Document.

9. The development hereby approved shall only take place in accordance with the mitigation measures and recommendations detailed in the David Leach Ecology Ltd Environmental Consultants dated September 2014 bat survey report and this shall be implemented in full, unless otherwise approved in writing by the Local Planning Authority. The development hereby approved shall also include bat enhancement measures which may include bat boxes, brick or tube access to suitable parts of the

building and the details shall be submitted to and approved by the local planning Authority. Development shall only take place in accordance with the approved details and shall be implemented prior to the occupation of the residential unit and remain in place at all times unless otherwise agreed 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.

**Notes for inclusion on certificate:**

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

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

This decision relates to amended / additional plans received by the Local Planning Authority on the 16th September 2014.

**Further Information:**

Major Team  
Telephone: 023 8028 5345 (Option 1)





# New Forest

DISTRICT COUNCIL

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

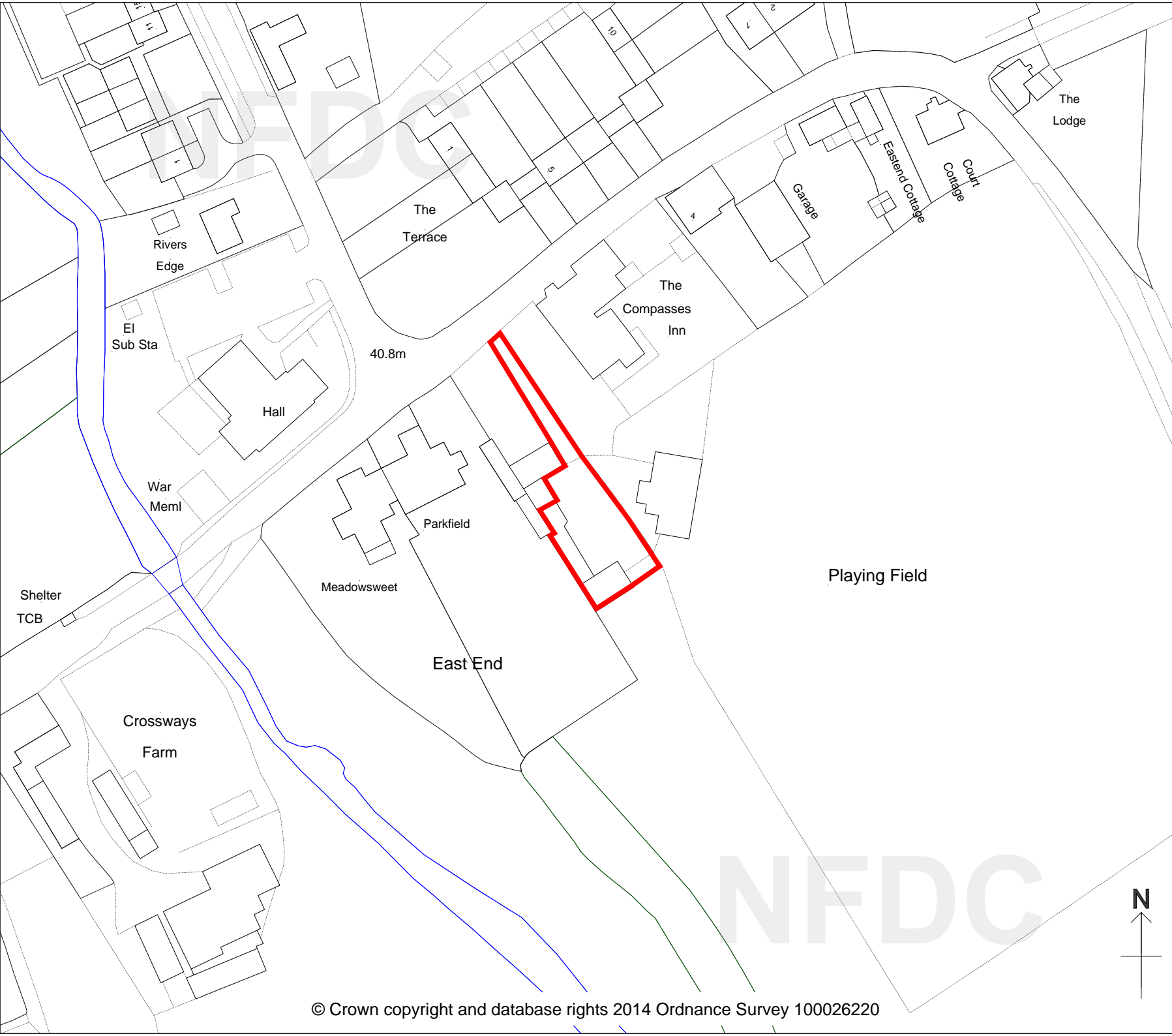
Chris Elliott  
Head of Development Control  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

**Planning Development  
Control Committee**  
**November 2014**

**Item No: A7**  
Land rear of  
Compass Public House  
East End Damerham  
App No 14/11111  
SU1016

Scale 1:1250

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



**Application Number:** 14/11188 Advertisement Consent

**Site:** 1 EMBANKMENT WAY, RINGWOOD BH24 1EU

**Development:** Display 5 flagpole signs; 5 post mounted signs (Application for Advertisement Consent)

**Applicant:** McCarthy and Stone Retirement Lifestyles Ltd

**Target Date:** 17/10/2014

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**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Town Council View

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Built-up area

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Core Strategy**

Objectives

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

Policies

CS2: Design quality

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

No relevant policies

**4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

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

**5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

SPD - Ringwood Local Distinctiveness

**6 RELEVANT PLANNING HISTORY**

None

**7 PARISH / TOWN COUNCIL COMMENTS**

Ringwood Town Council:- Recommend refusal - consider the proposals would be excessive and consider that the amount and positioning of the flags would cause a distraction to motorists.

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

9.1 Hampshire County Council Highways Engineer:- No objection. There would be no adverse impact on highway safety.

9.2 Land Drainage:- No comment.

9.3 Environmental Health:- No comment.

## **10 REPRESENTATIONS RECEIVED**

None

## **11 CRIME & DISORDER IMPLICATIONS**

No relevant considerations

## **12 LOCAL FINANCE CONSIDERATIONS**

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

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

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

This is achieved by

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

as originally submitted if this is what the applicant/agent requires.

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

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

## 14 ASSESSMENT

- 14.1 The application relates to a large 2-storey office/business unit, which is located in an area where there is a range of office, business and industrial units. The application site is surrounded by roads on 3 sides.
- 14.2 The application seeks to display a number of signs in 5 separate locations. Close to the site's main pedestrian entrance, to display 2 no. 5 metre high flag signs and a 2.5 metre high board sign. On the site's eastern corner, a non-illuminated 1.26 metre high car parking direction sign as well as a further flag sign. On the site's southern corner, another car park directional sign. At the site's main vehicular entrance, to display 2 further 5 metre high flag signs and another 2.5 metre high board sign. Finally, it is proposed to display a 1.26 metre high non-illuminated parking sign within the site.
- 14.3 As with any advertisement application there are 2 considerations, namely visual amenity and public safety. Although a number of signs are proposed, this is a large site with a long road frontage. The flag poles would be seen against the backdrop of the building. Furthermore, there are 4 flag signs which are currently being displayed at Bellway House, another nearby unit which is more prominently located, and another flag displayed at "Elliotts" site.
- 14.4 The car park directional signs and parking signs would be modest in size and would be reasonable within this context. The larger board signs would not be unduly dominant and are also considered to be visually appropriate in this particular industrial/commercial context. It is felt both the number and size of signs proposed would be visually acceptable.
- 14.5 The Highway Authority has raised no objection to the application. The roads past the site are not especially busy and indeed the road on the south-west side of the site, which provides access to the site's car park, is a cul-de-sac which serves just the site and one adjacent unit. It is not considered that there is any basis to object to this application on highway safety or public safety grounds.
- 14.6 Overall, the proposal is considered to be consistent with Core Strategy policies and objectives. It is not considered that the proposal would harm either the visual amenities of the area or public safety. As such, it is recommended that advertisement consent be granted.
- 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 ADVERTISEMENT CONSENT**

#### **Standard Conditions**

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

#### **Further Information:**

Householder Team  
Telephone: 023 8028 5345 (Option 1)



# New Forest

DISTRICT COUNCIL

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

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

**Planning Development  
Control Committee**  
**November 2014**

**Item No: A8**

1  
Embankment Way  
Ringwood  
App No 14/11188  
SU1504

Scale 1:1250

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



**Application Number:** 14/11221 Full Planning Permission

**Site:** 30 BARTON COURT AVENUE, BARTON-ON-SEA, NEW  
MILTON BH25 7HF

**Development:** Roof alterations in association with new first floor; side dormer;  
juliette balcony; rooflights; front porch

**Applicant:** Mr Tizzard

**Target Date:** 29/10/2014

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**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Town Council view

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Built up area

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Core Strategy**

**Objectives**

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

**Policies**

CS2: Design quality

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

None relevant

**4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

Section 38 Development Plan  
Planning and Compulsory Purchase Act 2004  
National Planning Policy Framework NPPF Ch. 7 - Requiring good design  
Circular 11/95 Use of conditions in planning consents

**5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

SPD - New Milton Local Distinctiveness

**6 RELEVANT PLANNING HISTORY**

79/14194 Extension to bay window, construction of car port and addition of garage granted subject to conditions granted subject to conditions 19/09/1979

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

New Milton Town Council: recommend refusal:

- 1 -The first floor dormer window and rear juliette balcony will create an unacceptable intrusion of privacy to the neighbours at 32 Barton Court Avenue given the proximity to their living space;
- 2- the extensive first floor, floor to ceiling window and juliette balcony will create a strong perception of intrusion of privacy to the living space of the rear neighbour at 64 Barton Drive, despite the distance between the properties, in view of the current open and private skyline and prominence of the hipped roof of the application bungalow within this.

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

Land Drainage: no comment

## **10 REPRESENTATIONS RECEIVED**

2 objections from neighbours:

32 Barton Court Avenue (2 letters and photographs)

- visual impact
- direct overlooking into internal accommodation, as well as garden and driveway, from proposed dormer window
- overlooking from juliette balcony to patio and garden area
- large roof would dominate outlook – intrusive impact

64 Barton Drive:

- overlooking and loss of privacy of rear garden and internal living accommodation from rear windows and juliette balcony, - lack of screening between this neighbour and application site
- perception of overlooking, consideration should be given to Right to Privacy Act 1998
- proposal conflicts with 6.5.1 of Core Strategy emphasises importance of health and well being of the local community and Policy CS2
- loss of smaller properties
- increase in accommodation combined with major developments within the area would put further stress on existing drainage and sewerage system.
- suggest alternative that balcony to front of dwelling, any first floor extension does not have windows, balconies or doors on side or rear elevation, or single storey extensions

## **11 CRIME & DISORDER IMPLICATIONS**

Not applicable

## **12 LOCAL FINANCE CONSIDERATIONS**

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

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

In accordance with paragraphs 186 and 187 of the National Planning Policy



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

This is achieved by

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

Additional information was sought relating to the relationship of the extended dwelling within the street scene, which was provided. Notwithstanding this, all the above apply and the application was acceptable as submitted.

## **14 ASSESSMENT**

- 14.1 The application site consists of a detached bungalow, situated along an established road in the built up area of Barton on Sea.
- 14.2 The existing bungalow currently has a hipped roof with an attached garage to side, resulting in the existing dwelling spanning the majority of the width of the plot. The overall form of the building would be changed from a hipped roof to gables on the front and rear elevations, which would increase the mass of the roof, but the overall ridge height of the dwelling would be retained as existing. The overall footprint of the dwelling would not increase and the proposed single storey projecting element to the front forms part of the existing floor area. The addition of the front porch would not be an intrusive element by reason of its overall form and would be appropriate in its context. The proposal includes the removal of the attached garage which would restore the gap between this and the neighbouring property, 28 Barton Court Avenue.
- 14.3 By reason of the resulting form and design of its roof, the dwelling would be more dominant within the street scene than the existing bungalow. The property is set within a group of hipped roof dwellings, but there are

examples of front gables in close proximity to the application site, as well as a 2 storey dwelling at No. 28. By reason of the variety of style of dwelling along the road it would not be harmful in this location. Moreover, the dwelling is not increasing in height and therefore would be read against the higher neighbouring property. The restoration of the spatial characteristics of the dwelling, with the loss of the attached garage, would be an improvement with regard to the setting of the building and this is considered as an important feature within the road as identified in the New Milton Local Distinctiveness Supplementary Planning Document. The introduction of a dormer on the side elevation, by reason of its set back from the front elevation and modest size would not be particularly dominant within the street scene, or detract from the skyline.

- 14.4 To the south of the site is no 32 Barton Court Avenue, which is a similar style bungalow set a drive width away from the boundary with the application site. With regard to neighbour amenity, the footprint of the dwelling would not be increasing and even though the increase in the mass of the roof would be more dominant than the existing dwelling on site, the low eaves are maintained with the roof hipping away from the side boundary, so this would mitigate the impact on the neighbouring bungalow. The proposed dormer would face the side elevation of no 32, which has ground floor windows on this elevation. The two windows are both proposed to serve bathrooms, so a condition to obscure these windows with fan light opening only would be reasonable in order to protect the amenities of the neighbour at no 32.
- 14.5 A rear rooflight would serve a bedroom, and further information has been received from the agent in regard to the level of the rooflight in regard to the floor levels of the room it is serving. The agent has stated that the centre point of the window is 1.8m which would negate overlooking, but the cill height of the window is approximately 1.3m and therefore a level of overlooking over the rear garden of no 32 would be still possible. However, this could also be overcome by an appropriate condition to obscure glaze and fix shut the window, particularly taking into account that the room is also served by full length opening doors within the rear elevation.
- 14.6 A large amount of glazing is proposed at first floor level on the rear elevation incorporating french doors and a juliette balcony. Objection has also been raised by the neighbour at No. 32. These rear windows would only allow for oblique views of no 32's garden, which is a typical relationship in an urban setting, and the introduction of the proposed juliette balcony would not exacerbate this situation.
- 14.7 To the rear of the application site are two storey dwellings fronting Barton Drive. The application site has a rear garden of 20m with fencing on the rear boundary, and due to the siting of the dwellings in Barton Drive the rear boundary abuts both 64 and 66 Barton Drive. The introduction of a gabled end first floor with french doors and juliette balcony on the rear elevation, would make the dwelling on the application site more visible from the rear. However, the fact that there is separation distance of approximately 45m between these dwellings and the properties are not directly aligned. This would mitigate, to an acceptable degree, any overlooking or views into the interior of these properties.
- 14.8 Furthermore, even though a first floor is being created at the application site, the overall height of the dwelling is not increasing, and the dwellings

to the rear are at a notably higher level thereby making it more likely to achieve views from first floor rear windows over the application site than vice versa. Photographs have been submitted by the occupants of 64 Barton Drive and these would appear to demonstrate that views into the rear garden of the application site are not currently achievable. Taking into account that the proposed first floor rear facing windows would be lower when compared to the two storey dwellings to the rear there should not be an unacceptable issue of overlooking to the adjacent rear garden. As there are already two storey dwellings within Barton Court Avenue, there is already an established relationship with neighbouring properties. It is accepted that due to the increase in glazing there could be a greater perception of overlooking, but having considered the information provided by this neighbour (at the rear) it does not alter the officer's assessment that by reason of the distances a refusal on these grounds would not be sustainable.

- 14.9 With reference to other comments made in the objections, the lack of screening between the application site and 64 Barton Drive has been highlighted. It is noted that there is a hedge to the rear boundary of no 64 which is within this neighbour's control. This is currently the height of the adjacent fence but could be maintained at a higher height to help mitigate any perceived impact.
- 14.10 Reference has been made to the Rights of Privacy Act 1998, but this would be civil legislation and as such is not a planning consideration.
- 14.11 The proposed application is considered to comply with Policy CS2 of the Core Strategy of the New Forest District outside the National Park, for the reasons given above. Reference has also been made to para 6.5.1 of this document, but this does not appear to be relevant to this application as this is more directed to ensuring that there is access to a range of health care facilities as well as open space, sport and recreation facilities.
- 14.12 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

## **15. RECOMMENDATION**

### **Grant 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: 8468/100ABC,8468/101ABC, 8468/102A

Reason: To ensure satisfactory provision of the development.

3. The first floor dormer windows on the south elevation of the approved building (extension) shall be obscurely glazed and other than fan light opening fixed shut at all times.

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

4. The first floor rooflight on the south elevation of the approved extension shall at all times be glazed with obscure glass (and fixed shut).

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

5. Before development commences, samples or exact details of the 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.

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

1. This decision also relates to amended plans received by the Local Planning Authority on 8 October 2014
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.

Additional information was sought in relation to the data submitted relating to the relationship of the extended dwelling within the street scene, which was duly provided. Notwithstanding this, all the above apply and the application was acceptable as submitted.

**Further Information:**

Householder Team

Telephone: 023 8028 5345 (Option 1)



# New Forest

DISTRICT COUNCIL

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

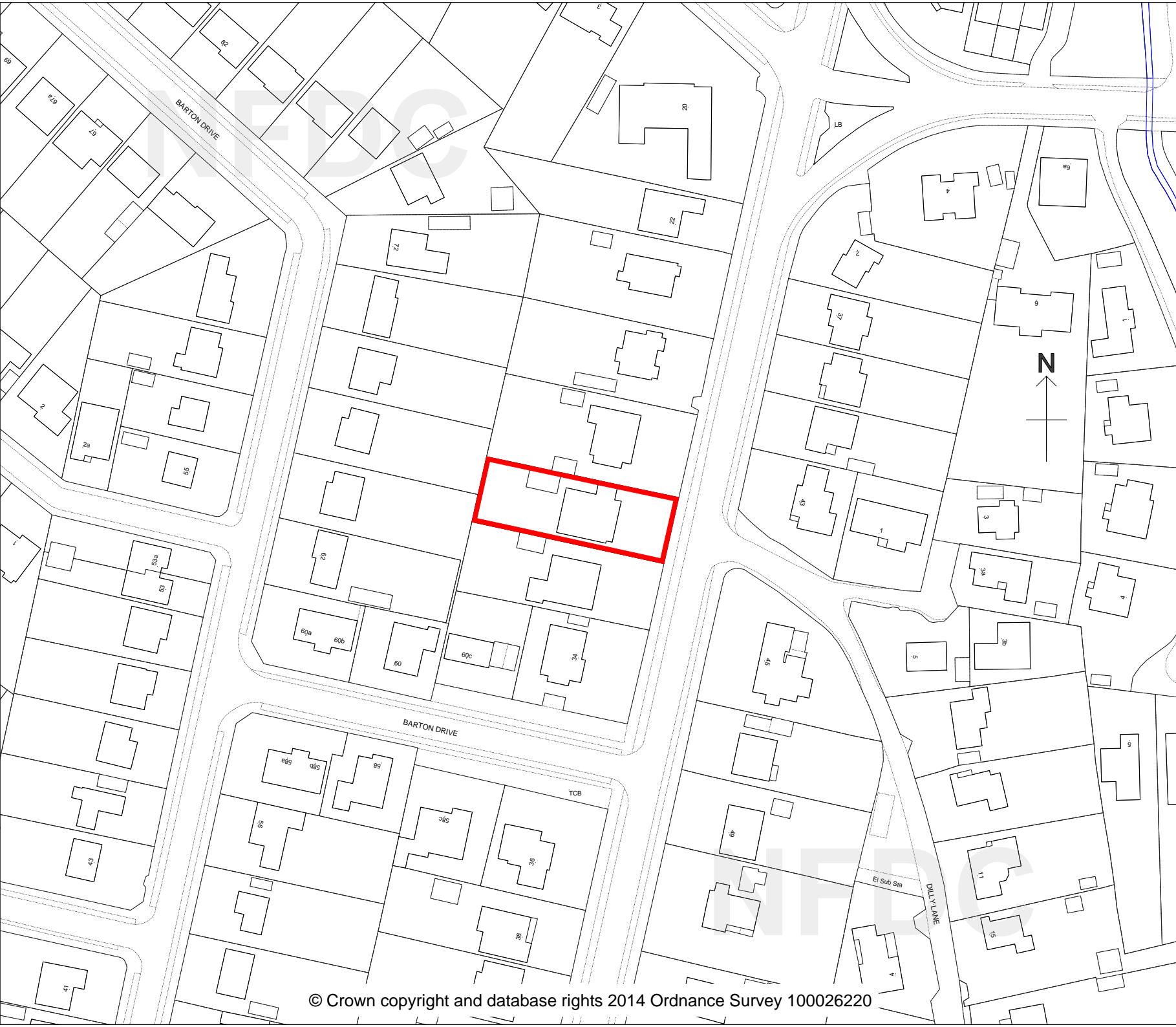
**Planning Development  
Control Committee**  
**November 2014**

**Item No: A9**

30  
Barton Court Avenue  
Barton on Sea  
App No 14/11221  
SZ2393

Scale 1:1250

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



**Application Number: 14/11228** Full Planning Permission

**Site:** Land of 5 OLD BARN CLOSE, RINGWOOD BH24 1XF

**Development:** House; parking; access; demolition of existing garages

**Applicant:** DS Land Ltd

**Target Date:** 31/10/2014

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**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Town Council comments and viability issue

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Built up area

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Core Strategy**

Objectives

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

Policies

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

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

DM3: Mitigation of impacts on European nature conservation sites

**4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

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

**5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

SPD - Ringwood Local Distinctiveness  
SPD – Housing Design Density and Character  
SPD - Parking Standards

## **6 RELEVANT PLANNING HISTORY**

None

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

Ringwood Town Council: Recommend refusal - It was felt that this would be an overdevelopment of the area and have a detrimental impact on the street scene.

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

9.1 Hampshire County Council Highways Engineer: No comment received to date

9.2 Land Drainage: No objection subject to condition

9.3 Valuer: The viability appraisal is acceptable.

## **10 REPRESENTATIONS RECEIVED**

Two letters of objection concerned that the proposal would reduce sunlight onto the garden and property and it would result in a poor outlook. The proposal would devalue the property. There would be excessive noise and disturbance. There are issues over matters of boundaries. Impact on car parking in the area.

## **11 CRIME & DISORDER IMPLICATIONS**

No relevant considerations

## **12 LOCAL FINANCE CONSIDERATIONS**

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

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

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

This is achieved by

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



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

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

## **14 ASSESSMENT**

- 14.1 The application site forms part of the residential curtilage of a two storey semi detached dwelling which is situated within a cul de sac in Ringwood. The site comprises an area to the side of the existing dwelling which contains a double garage and driveway and part of the garden area. The existing property is set back from the road and has a pitched roof running parallel to the road with a long front garden area laid to lawn with some soft landscaping.
- 14.2 The character of the area is residential and comprises predominantly two-storey pairs of houses in a relatively high density context. Property types and styles are very similar within the Close with car parking and gardens provided to the front and short rear garden areas. To the rear of the site, in Poplar Way, is a garage block.
- 14.3 The proposal is to construct a detached two storey dwelling to the side of the existing dwelling at No 5. The proposed dwelling would be sited in line with the existing dwelling, of a design which would broadly matches the properties in the street, which have their ridge lines running parallel to the road and are constructed of brick under tiled roofs. Both the proposed and existing dwellings would have small front and rear garden areas and two car parking spaces per dwelling.
- 14.4 In assessing the character and appearance of the area, the site lies within an area characterised by two storey semi-detached dwellings where plot sizes vary throughout in what is a relatively high density area. The site is one of the wider plots in the Close and the proposed development would allow for a front and rear garden. The plot width would be only slightly narrower than some of the others in the area. Generally, the plot size is adequate to acceptably accommodate a dwelling without appearing cramped or overdeveloped
- 14.5 Visually, the proposed dwelling has been designed to reflect the

character and form of the other properties in the Close, with its matching scale, materials and pitched roof design. While the proposed building would be detached, which differs from the rest of the properties in the Close which are semi-detached, it is not considered that the proposal would be harmful in the street scene. Indeed, the proposed dwelling would be set back from the road and only a small gap would exist between the proposed building and the 'host' dwelling at No 5. Overall, it is considered that the proposed development would not have an adverse impact on the character and appearance of the area.

- 14.6 With regard to residential amenity, there is a garage courtyard to the rear of the site which would ensure that there is no unacceptable overlooking to the rear. While there is a small area of land used as a garden area with a summer house immediately to the rear of the site, this is owned by the existing property at No 5 and it should be noted that this property would still retain a private rear garden area. The proposed first floor windows on the rear elevation would face the rear garden area of No 41 Poplar Way, however, the views would be oblique and not directly onto the back of that neighbouring property.
- 14.7 In terms of the neighbouring residential property at No 1 Old Barn Close, all of the side elevation of the proposed dwelling would be sited to the rear of this neighbour. This property is likely to be more affected than other properties. The proposed building would be sited to the east of No 1 and any loss of sunlight would only be in the early morning. For the rest of the day the proposed dwelling would not result in any adverse loss of light into the rear garden area of No 1. The proposed building would have an impact on the outlook from the rear of No 1. However, the distance from the rear elevation to the proposed dwelling measures approximately 15 metres which is an acceptable distance. It is noted that there is a conservatory on the rear of No 1 which brings the property closer to the proposed extension. However, even with this reduced distance, the proposal would not result in an adverse impact.
- 14.8 Concerning the neighbouring property at No 3 Old Barn Close, the proposed building would not be sited in direct view from the rear of this property. Accordingly, the outlook from this property would not be adversely affected by the proposal. No windows are proposed on the side elevation and the views from the proposed first floor windows on the front elevation would be oblique and would not directly face this resident.
- 14.9 Two car parking spaces are proposed for the proposed dwelling and two proposed for the existing dwelling, which would broadly accord with the recommended car parking provision for residential development. It is not anticipated that the proposal would result in any adverse effect on public highway safety.
- 14.10 The proposed development would require contributions towards public open space (£3504.90), habitat mitigation (£4250), transportation improvements (£3745) and affordable housing (£33,310), which are considered fair and reasonable. The application has been accompanied by a viability appraisal which states that they are prepared to make the full contributions towards transportation improvements, public open space and habitat mitigation but can only make a contribution of £3,188 towards affordable housing. The main contention is that by subdividing the existing plot, the garden area would be smaller and the garaging would be lost and accordingly, it is claimed that this would reduce the overall value of the existing property. The Council's Valuer has assessed

the viability appraisal and accepts that the reduced figure for affordable housing of £3,188 would be acceptable in that the development value and site value are in equilibrium.

- 14.11 In conclusion the proposed development would not have an adverse impact on the character and appearance of the area or on the living conditions of the adjoining neighbouring properties and would be acceptable.
- 14.12 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

## Developers' Contributions Summary Table

<b>Proposal:</b>			
<b>Type of Contribution</b>	<b>NFDC Policy Requirement</b>	<b>Developer Proposed Provision</b>	<b>Difference</b>
<b>Affordable Housing</b>			
No. of Affordable dwellings			
Financial Contribution	£33,310	£3188	-£30122
<b>Public Open Space</b>			
On site provision by area			
Financial Contribution	<b>£3504.90</b>	<b>£3504.90</b>	<b>0</b>
<b>Transport Infrastructure</b>			
Financial Contribution	£3745	£3745	0
<b>Habitats Mitigation</b>			
Financial Contribution	£4250	£4250	0

## 15. RECOMMENDATION

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

i) the completion, by 30th May 2015, of a planning obligation entered into by way of an Agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure contributions towards public open space, transportation improvements, affordable housing and habitat mitigation

ii) the imposition of the conditions set out below.

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

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

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

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development permitted shall be carried out in accordance with the following approved plans: 8456/100 Rev A, 8456/100.  
  
Reason: To ensure satisfactory provision of the development.
3. Before development commences, samples or exact details of the facing and

roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

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

4. The 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.

5. 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.

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

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

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

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

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

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

**Notes for inclusion on certificate:**

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

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

**Further Information:**

Major Team

Telephone: 023 8028 5345 (Option 1)



# New Forest DISTRICT COUNCIL

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

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

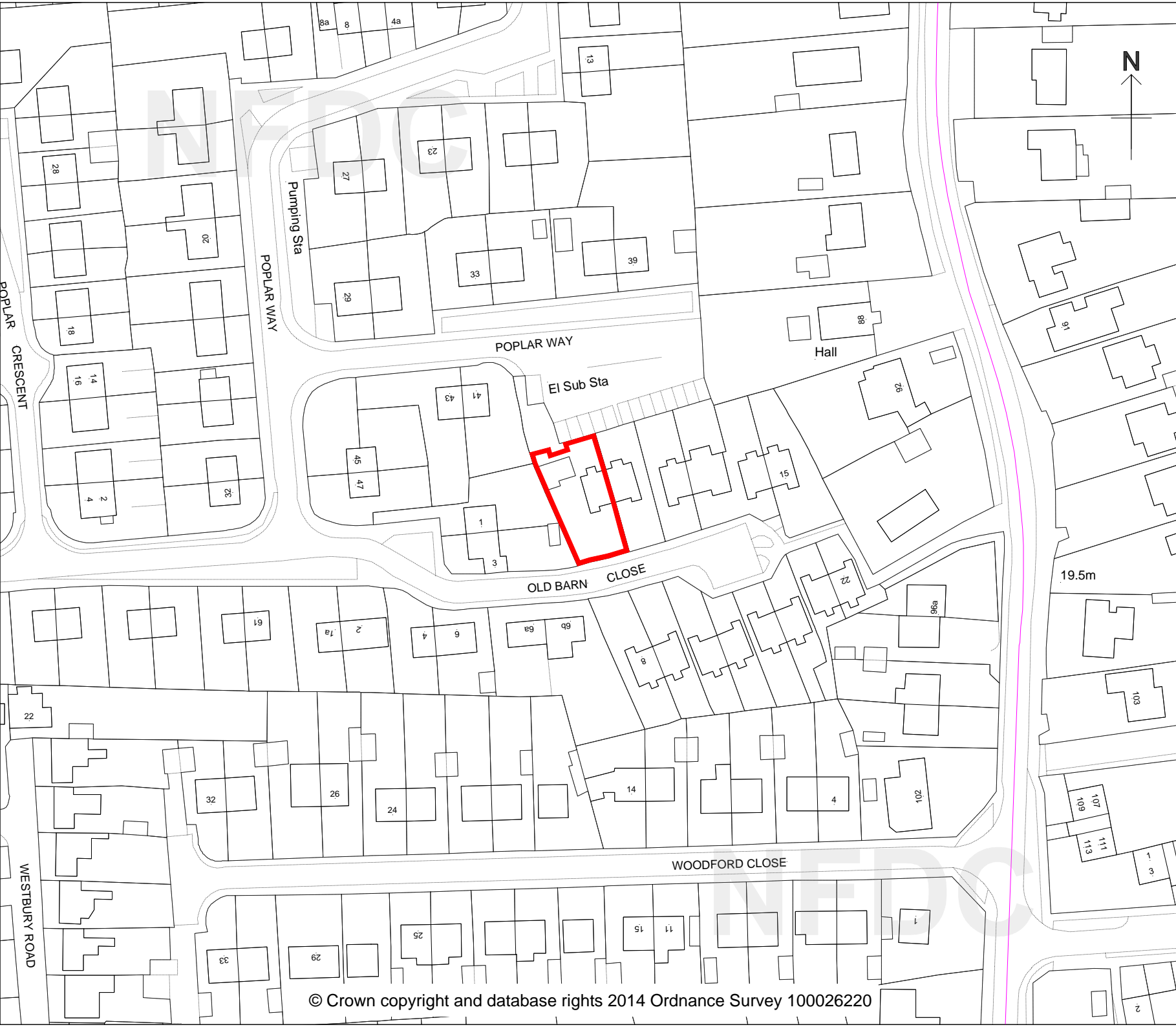
**Planning Development  
Control Committee**  
**November 2014**

**Item No: A10**

Land of 5  
Old Barn Close  
Ringwood  
App No 14/11228  
SU1605

Scale 1:1250

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



**Application Number:** 14/11262 Full Planning Permission

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

**Development:** Retention of quail house

**Applicant:** C & F Gourmet Farm Foods Ltd

**Target Date:** 07/11/2014

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**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary Town Council views and Member request

**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
7. The countryside
8. Biodiversity and landscape

Policies

CS1: Sustainable development principles  
CS2: Design quality  
CS21: Rural economy

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

Policies

Policy NPPF1 – National Planning Policy Framework – Presumption in favour of sustainable development

**4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

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

Paragraph 28: Supporting a prosperous rural economy

**5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**



## 6 RELEVANT PLANNING/ ENFORCEMENT HISTORY

### Planning:

14/10290	Continued siting of mobile home for temporary period of three years for an agricultural worker.	Refused: 10 July 2014  Appeal Pending
14/10589	Retention of access, hardstanding and turning area.	Permitted: 10 July 2014
14/11161	Continued siting of mobile home for temporary period of three years for an agricultural worker.	Decision Pending

### Enforcement:

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

	Temporary Stop Notice: Relating to the use of and for the siting of a touring caravan and a mobile home for residential purposes	Effective: 25 February 2014 - 25 March 2014
D6/1967/STOP	Without planning permission, the unauthorised change of use of land from agricultural to a mixed use of agricultural and for the siting of a touring caravan and mobile home	Dated: 7 March 2014  Date Effective: 25 March 2014
D6/1/1967	Without planning permission, the unauthorised creation of an area of hard standing and the erection of a fence over 1m in height	Dated: 7 March 2014  Effective: 12 April 2014  Withdrawn: 23 July 2014
D6/1/1967#	Without planning permission, change of use of land from agricultural, to a mixed use for agricultural and for the siting of a mobile home and a touring caravan	Dated: 7 March 2014  Effective: 12 April 2014

An appeal has been lodged against the outstanding enforcement notice and a decision on this is currently pending.

### Article 4 Direction

An Article 4 Direction was served in October 2014 withdrawing permitted

development rights in respect of the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure affecting land adjoining Marl and Puddleslosh Lanes (approx 26 Hectares).

## **7 FORDINGBRIDGE TOWN COUNCIL COMMENTS**

Object in the 'strongest possible terms' on the following grounds:

Summary of comments received from Fordingbridge Town Council:

- Concerned that applicants continue to ignore need for planning permission and delay enforcement action through submission of appeal;
- Fordingbridge is short of open space;
- Character and landscape of beautiful open field is being destroyed;
- Tree planting to screen activities is further destroying open character;
- Green mesh fencing is out of character and detrimental to visual amenity;
- There is a peculiar mix of animals - none of which are sufficient to indicate a viable and sustainable business;
- Business plan provides little evidence of good planning for sustainable growth;
- Quail house is attempt to prove necessity for temporary residence;
- Concerns raised regarding impact on byways;
- Barbed wire and threatening notices intimidates walkers.

## **8 COUNCILLOR COMMENTS**

Cllr Sevier: requests application be referred to Committee due to large number of comments from Fordingbridge residents

## **9 CONSULTEE COMMENTS**

- 9.1 Hampshire County Council Rights of Way: objection to application
- 9.2 Environmental Design: No objection
- 9.3 Tree Officer: No objection
- 9.4 Southern Gas Networks: restrictions on mechanical excavations near pipelines
- 9.5 Ecologist Officer: No objection
- 9.6 Land Drainage: Recommend Approval

## **10 REPRESENTATIONS RECEIVED**

66 letters received raising the following objections to the proposal (summary):

- Objection to the site being developed;
- Applicant continues to develop land without planning permission, regardless of the enforcement action taken and without consideration to local people;
- Destruction of valued open green space;
- The Quail house assumes residency on site which has been refused;
- Application details are vague - i.e. in respect of design/ materials;
- The land is not suited to quail which require a dry, wind free environment;
- The proposal is likely to adversely impact adjoining trees and hedgerows;
- Prior to Sequoia Farm, there were no other 'chattels' on the land;
- Business continues to evolve simply to ensure residency is achieved;

- Use of a year round commercial generator suggests such equipment on site;
- Bridle way is inadequate for intensive use and can not support further traffic;
- Applicant is abusing/ making mockery of the planning system;
- Likely to be the forerunner for many retrospective applications on this land;
- Application should be deferred until outcome of appeal;
- Applicants are professional workers with no agricultural experience;
- Drainage/ waste concerns raised;
- Order/ delivery of 1000 quail in time scale advised suggests building will be erected before outcome of application;
- Quail house strengthens the argument for a residential use on site;
- Quail house of this size would dominate plot and restrict views from the lane;
- Example of game farm rearing 120,000 birds with worker in rented house 1 mile away;
- Insufficient room for crop rotation/ slaughter of birds etc on this site;
- There is no need for a building of this size;
- Building cost cannot justify financial outlay with limited market for birds/eggs;
- A building of this size would need a concrete base;
- There is no guarantee that this building will be removed in two/ three years;
- The field is becoming a mess with various buildings and the unauthorised shipping containers and mobile home;
- If approved, it would be against the wishes of most Fordingbridge residents;
- The untidy site appearance is of gross disbenefit to the local community;
- The site is overdeveloped;
- The increase in traffic will endanger dog walkers, ramblers, horse riders etc;
- It has not been demonstrated that the quail business is viable;
- Animal welfare concerns raised;
- Concern raised as to the legality of using the Bridle ways for access;
- Planning Committee should visit site.

Of the above 1 letter primarily relates to planning application 14/11161 and 1 letter advises of no objections to growing produce and keeping animals on site.

3 further letters have been received post October 20th 2014 advising that the building has been erected.

1 letter received in support of the application:

- The building is needed to support the growth of the business;
- There is no special designation on this land;
- This is agricultural land being developed for an agricultural purpose;
- It is positive for the local economy.

## **11 CRIME & DISORDER IMPLICATIONS**

Not applicable

## **12 LOCAL FINANCE CONSIDERATIONS**

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

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

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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, an amended plan of the building elevations forms a part of this planning application correcting/ providing clarity on the previously submitted details.

A corrected layout plan has also been received with the annotation for the 'quail house' corrected (previously it stated 'quail shed' which was considered to be confusing). However, it is considered that only the site location plans, elevations and floor plan should be referred to on the decision notice given that the site layout plan and landscape plan relate to further works which do not form a part of this planning application and also show a different 'red edge'.

## **14 ASSESSMENT**

### The Proposal

- 14.1 The application relates to a parcel of land on the east side of Puddleslosh Lane, Tinkers Cross, Fordingbridge. The site lies within the open countryside and is the subject of a further current planning application for the continued siting of a mobile home for a temporary period of three years for an agricultural worker (reference 14/11161).
- 14.2 As submitted, this application seeks full planning permission for a quail house to form a part of Sequoia Farm. The amended plan received shows this building to measure 6m in width and 14.64m in length encompassed by a shallow pitched roof measuring 2.4m in height. The building is shown to be stained dark brown with a black corrugated sheet roof.
- 14.3 The building has now been erected (understood to be during the weekend of October 18th/ 19th) and thus this application is now

retrospective.

- 14.4 The application is supported by a Design and Access Statement which advises that the applicant has established a healthy demand for quail eggs at the local level. Nine declarations of interest for quail eggs from restaurants and pubs have been received while wholesalers are willing to buy the majority of stock for minimum orders of 150 dozen per week. It is also advised that a local bird of prey centre would like to take quail culls on a regular basis throughout the year.
- 14.5 The Design and Access Statement further advises that with the use of a year round commercial incubator, it is intended to increase the number of female quail to 600 birds within a year while 1000 purchased eggs were due for arrival in late September for onward rearing. This number is anticipated to increase further to potentially 2500 point-of-lay quail in 2016.

#### Principle of Development

- 14.6 The application seeks retrospective permission for an agricultural building in the countryside where agricultural development is considered to be acceptable in principle. Moreover, policy CS21 of the Core Strategy document advises that the strategy for the rural economy is to encourage agriculture, horticultural and forestry enterprises and farm diversification projects where this would be consistent with maintaining and enhancing the environment, and contribute to local distinctiveness.

#### Environmental Impact Assessment

- 14.7 Concern has been expressed that the application is not supported by an Environmental Impact Assessment. On this issue, Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 sets out the descriptions of development and the applicable thresholds and criteria. In respect of agriculture and aquaculture, the threshold for Intensive livestock installations (which appears most applicable to this building) is 500 square metres. The quail house has a floor area of 88 square metres and therefore falls below this threshold.

#### Other Structures/ Chattels

- 14.8 Sequoia Farm hosts a range of other structures/ chattels on the site some of which are moveable and do not require planning permission. The 'existing mobile home' as labelled is the subject of a current appeal (14/10290) and new planning application (14/11161) while the Council is considering enforcement action in respect of the containers for mushroom production. This planning application relates only to the quail house.

#### Design/ Landscape Impact

- 14.9 The quail house is considered to be appropriate in this rural landscape with the Council's Landscape Officer citing that the rural landscape around Fordingbridge is dotted with both small and large agricultural buildings. The location is also considered to be characteristic being set along the field boundary as opposed to a central position within the field. For these reasons, and having regard to the design of the building and the materials proposed, the proposal is considered to be consistent with

local landscape character.

- 14.10 The building is seen from the nearby Public Right of Way, but the potential visual impact is not considered to be harmful, while adjacent trees and hedgerows will also help soften the appearance of the building. Notwithstanding this, it should be acknowledged that agricultural buildings are not an uncommon sight when in the countryside.
- 14.11 For the above reasons, there is no objection to the quail house on design/ landscape grounds.
- 14.12 In response to concerns raised with regards to the Fordingbridge Town Design Statement, this does outline a number of views that are considered attractive, including that of pasture land towards Whitsbury which would take in Sequoia Farm. However, no further explanation/ guidance is given and it is not considered that the introduction of a comparatively small quail house (which would be typical of a building found within the open countryside) would have any significant adverse impact on this view or substantiate a refusal reason.
- 14.13 In response to some of the further issues raised by Fordingbridge Town Council, tree planting does not require planning permission; the same is true in respect of the fencing alterations described.

#### Trees

- 14.14 There are a number of protected trees on the western site boundary. The New Forest National Park tree officer has confirmed that the quail house would not adversely affect any of the protected trees along on this boundary and therefore has raised no objection to this planning application.

#### Residential Amenity

- 14.15 There are no residential properties within the immediate locality. On this basis, it is not considered that there would be any significant adverse impact on residential amenity.

#### Hampshire County Council Rights of Way

- 14.16 Hampshire County Council have responded to this application as the Highway Authority in respect of Public Rights of Way and advise that they are not aware of any public vehicular rights over this path. It is an offence under S34 of the Road Traffic Act 1988 to drive over a public footpath, bridle way or restricted byway without lawful authority. It is advised that the applicant should therefore satisfy themselves that they have this authority, either by owning the land over which the right of way runs, or alternatively having been granted permission by the landowner and that this permission extends to any additional development. It is not considered that planning permission could be reasonably withheld on this basis.
- 14.17 Notwithstanding the above, Hampshire County Council have raised further concerns in that no assessment has been made of the potential impact of this development on the public right of way, e.g. from delivery vehicles. In this regard, no transport assessment or other information has been provided and as a result Hampshire County Council have raised an objection to the proposal on the basis that it is not possible to

evaluate how it proposal would impinge upon the public use of this bridle way.

- 14.18 In response, the proposal seeks planning permission for an agricultural building in the countryside where the land can already be used for agricultural purposes (without the need for planning permission). On this basis, it is considered that any associated refusal reason would be difficult to sustain. Therefore, on balance, it is not considered to be appropriate to withhold planning permission on this basis.

#### Drainage

- 14.19 The Council's Drainage Officer has raised no objection to the application on the basis that soakaways will be used as per the planning application details.

#### Ecology

- 14.20 The Ecologist has advised that the site does not comprise land previously identified as having special wildlife significance (e.g. it is not a local wildlife site, SSSI etc). The closest designated site is the nearby woodland to the north-east which has been designated a local wildlife site (SINC) due to its ancient status. It is considered that there are unlikely to be significant impacts on the wildlife site as a result of this particular development due to the distance from the SINC. Further, due to the condition of the site it is considered that impacts on protected species are not likely to be significant.

#### Conclusion

- 14.21 The application seeks retrospective planning permission for an agricultural building in the countryside where the principle of agricultural development is considered to be acceptable. The building is considered to be acceptable having regard to its visual impact on the local landscape and in respect of the further issues raised and on this basis, it is recommended that retrospective planning permission be granted.
- 14.22 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 the receipt of no new material objections as a result of the additional consultation undertaken to Scottish and Southern Electric by 17th November 2014.

**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, an amended plan of the building elevations forms a part of this planning application correcting/ providing clarity on the previously submitted details.

2. This decision relates to amended / additional plans received by the Local Planning Authority on 10 October 2014.

**Further Information:**

Major Team

Telephone: 023 8028 5345 (Option 1)





# New Forest

DISTRICT COUNCIL

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

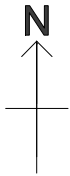
Chris Elliott  
Head of Development Control  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

**Planning Development  
Control Committee**  
**November 2014**

**Item No: A11**  
Sequoia Farm  
Puddleslosh Lane  
Fordingbridge  
App No 14/11262  
SU1315

Scale 1:5000

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



NFDC

