

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

Parish	Site	App.No.	Schedule	Recommended
Damerham	CHANNEL HILL FARM, HIGH STREET, NORTH END, DAMERHAM SP6 3HA	14/11334	11	<b>Head of Planning Grant or Refuse</b>
Fawley	GEO SPECIALITY CHEMICALS, CHARLESTON ROAD, HARDLEY, FAWLEY SO45 3NX	14/10592	01	<b>Grant Subject to Conditions</b>
Fordingbridge	2 - 6 BRIDGE STREET, FORDINGBRIDGE SP6 1AH	14/11333	10	<b>Grant The Variation Of Condition</b>
Hythe and Dibden	4 BROCKS CLOSE, DIBDEN PURLIEU, HYTHE SO45 5ST	14/11098	02	<b>Grant The Variation Of Condition</b>
Lymington and Pennington	31 ELM AVENUE, PENNINGTON, LYMINGTON SO41 8BE	14/11286	06	<b>Refuse</b>
	31 NEW STREET, LYMINGTON SO41 9BP	14/11292	08	<b>Refuse</b>
New Milton	Site of THE OAK AND YAFFLE, ASHLEY COMMON ROAD, ASHLEY, NEW MILTON BH25 5AN	14/11158	04	<b>Head of Planning Grant or Refuse</b>

	40 STATION ROAD, NEW MILTON BH25 6JX	14/11289	07	<b>Head of Planning Grant or Refuse</b>
Sopley	FIELDWAY, NORTH RIPLEY ROAD, RIPLEY, SOPLEY BH23 8ES	14/10219	03	<b>Grant Subject to Conditions</b>
	MERRYFIELD PARK, DERRITT LANE, SOPLEY BH23 8AU	13/11408	05	<b>Head of Planning Grant or Refuse</b>
Totton and Eling	3-4 SOUTH PARADE, SALISBURY ROAD, TOTTON SO40 3PY	14/11332	09	<b>Grant Subject to Conditions</b>
	Land of 2 MALWOOD GARDENS, TOTTON SO40 8BX	14/11386	12	<b>Refuse</b>

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

## **STATUTORY TESTS**

### **Introduction**

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

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

### **The Development Plan**

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

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

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

### **Listed Buildings**

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

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

### **Conservation Areas**

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

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

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

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

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

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

## **Trees**

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

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

## **Biodiversity**

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

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

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

### Conservation of Habitats and Species Regulations 2010

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

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

## **Equality**

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

particular the Committee must pay due regard to the need to:

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

### **Financial Considerations in Planning**

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

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

**Application Number:** 14/10592 Full Planning Permission

**Site:** GEO SPECIALITY CHEMICALS, CHARLESTON ROAD,  
HARDLEY, FAWLEY SO45 3NX

**Development:** Industrial building; associated external works to include additional  
hardstanding and roadways, level changes and extension of  
boundary fencing

**Applicant:** GEO Specialty Chemicals UK Ltd

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

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## **1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Policy

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

Site Special Policies apply (in part) & countryside (in part)

## **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

CS1: Sustainable development principles  
CS2: Design quality  
CS4: Energy and resource use  
CS5: Safe and healthy communities  
CS10: The spatial strategy  
CS17: Employment and economic development  
CS24: Transport considerations  
CS25: Developers contributions

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

FAW1: Fawley Oil Refinery

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

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

**5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

None

**6 RELEVANT PLANNING HISTORY**

6.1 Expansion of existing petrochemical works (91/48774) - refused 12/2/92  
appeal allowed

6.2 Expansion of existing petrochemical works (95/58136) - granted 9/2/96

**7 PARISH / TOWN COUNCIL COMMENTS**

Fawley Parish Council:- Recommend permission

**8 COUNCILLOR COMMENTS**

None

**9 CONSULTEE COMMENTS**

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

9.2 Land Drainage Engineer:- No objection subject to condition

9.3 New Forest Access for All: - advises that the access should be flat, level  
and without steps.

9.4 Southern Water:- No objection

9.5 Environment Agency:- No objection

9.6 Hampshire County Council (Minerals & Waste Planning):- No objection

9.7 Environmental Health (contaminated land):- No objection subject to  
standard contaminated land conditions (14a - 14e).

9.8 Health and Safety Executive:- No objection

**10 REPRESENTATIONS RECEIVED**

One letter of objection from nearby resident:- Concerns about additional  
development in the Hazard Consultation Zone; concerns about noise levels;  
concerns about consultation; contrary to policy; scheme's employment benefits  
are not comparable with previous 1990s permission and questions whether this  
previous permission was lawfully implemented.

**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, additional information has been provided since the application was first registered and this has enabled a positive recommendation to be made.

### **14 ASSESSMENT**

14.1 The application site forms part of Geo Speciality Chemical's extensive premises at Charleston Road. This is an intensively developed industrial site, which is in an area where there are extensive petrochemical industries. However, the application site does lie on the edge of the developed industrial area. To the north of this developed area is a wide strip of open grassland and rough vegetation and beyond this is an area of mature deciduous woodland. The site slopes downwards from the site's south-western boundary with Charleston Road to its north-eastern boundary close towards Southampton Water.

14.2 The submitted application is for a new 1250 square metre portal frame building. The building would have some first floor accommodation and so would have a total floorspace of 1850 square metres. The proposed building is intended to be used for various small scale manufacturing processes. The building would be sited on the north-western boundary of



the application site. Previously there were 2 much smaller workshops and an open storage area in the position where the proposed new building would now be sited. The workshops have now, however, been removed and the land has been cleared in preparation for the development that is now proposed. In addition to the proposed building, a number of external works are proposed including new access roads and paths, and a regrading of land to accommodate the new building and associated new areas of hardstanding. To accommodate the proposed development the fence line of the site would be moved in a north-westerly direction.

- 14.3 The majority of the application site forms part of an area of land that is subject to Policy FAW1 of the Local Plan Part 2. This is an area which policy specifically allows to be developed for uses directly related to the petrochemical industry, subject to there being no conflict with other policies. Therefore, the principle of most of the development is considered to be acceptable. However, the proposal would entail a limited encroachment of development into land that falls outside of the area that is subject to Policy FAW1. Specifically, the main part of the proposed building would extend marginally outside of the defined policy area (by no more than 1 metre). Some of the associated development features would extend somewhat further outside of the defined policy area, with new areas of roadway extending by 8-10 metres into areas of designated countryside, while the proposed new fence line would extend by approximately 20-25 metres into land that is designated as countryside. It should be noted that in clearing the land in preparation for this proposed development, some regrading of land outside of the original fence line boundary has already taken place.
- 14.4 The encroachment of development into land outside of that designated for petrochemical development under Policy FAW1 is considered to be contrary to policy. Therefore, this proposed encroachment would not be acceptable unless there are material considerations to justify a departure from policy.
- 14.5 The strip of land to the north-west side of the designated petrochemical area was the subject of an outline planning application in 1992. The application sought to extend the existing petrochemical works into this area. The application was refused by the Local Planning Authority as being contrary to policy. However, a subsequent appeal was allowed. The appeal inspector recognised that the proposed expansion of petrochemical development into this area would be harmful to the objectives of countryside protection policies. However, he also considered the advantages for the local area of potential new employment to be a matter of particular significance. In balancing the scheme's economic benefits against its environmental harm, the appeal inspector concluded that the balance of advantage was in favour of the proposal.
- 14.6 In February 1996, a reserved matters application for the expansion of the existing petrochemical works was approved by the Local Planning Authority. The only matter of detail that was sought for approval was landscaping. The remaining matters of detail were left for subsequent approval (i.e. the siting, design and external appearance of the buildings). Those matters were never approved. However, the applicants advise that they implemented the landscaping reserved matter by the

removal of trees from the development area and by clearing the site. It is claimed that these commencement works took place in early 1997. Immediately following the clearance of the site, the applicants advise that boundary levels were established and a secure chain link fence erected around the site. Other associated works were also carried out including the implementation of a woodland management scheme, the painting of tanks and the provision of additional parking spaces.

- 14.7 Following a site inspection in November 2001, the Council wrote to the then owners in December 2001 to confirm that the outline planning permission and reserved matters permissions had been implemented. The effect of implementing these permissions means that the lawful use of the affected land would now appear to have changed to a petro-chemical works, even though no more development could actually be built pursuant to these permissions, in view of the fact that 3 of the reserved matters were never approved and could no longer be approved.
- 14.8 The change of the land's status to a petro-chemical works arising from the implementation of the previous planning permissions is considered to provide an overriding justification for supporting this proposed development. As the land now has a lawful status as a petro-chemical works, it is considered that new development related to that use would be reasonable. The encroachment that is proposed would in any event have limited impact on the character and appearance of the countryside. Furthermore, the scheme would result in economic benefits that would weigh in favour of the scheme. The applicants have indicated that the new facility, which is for the manufacture of high value speciality chemicals for the personal care industry, will result in the creation of 7-12 additional jobs. The applicants anticipate that further jobs will be created as the market for their product range develops in future.
- 14.9 The site is currently permitted under Environmental Permitting Regulations. The Environment Agency have raised no objection to the application, but have advised that existing Environmental Permit will need to be varied to accommodate the proposed new manufacturing facilities.
- 14.10 The development would fit in acceptably into its industrial context and would not be intrusive from any public viewpoints. The application site is remote from residential properties, and the proposed development is not one that would be likely to have a material impact on the levels of noise generated from the site. It is not considered that the amenities of local residents and nearby industrial premises would be adversely affected by the development that is proposed.
- 14.11 The Highway Authority is satisfied that the proposed development would have no adverse implications for highway safety. However, as the proposal would result in an increase in multi-modal trips, the proposal is one that would generate a need to secure a transportation contribution. Based on the Council's adopted guidance and policies, a contribution of £21,562.50p has been sought, and indeed, this contribution has been secured through a completed Section 106 legal agreement.
- 14.12 The application does involve additional development within a Hazard Consultation Zone. However, this is in part because the site itself is a Hazardous facility with its own hazard consultation zone. The Health and

Safety Executive have no objection to the application.

14.13 Because the proposed development exceeds 1000 square metres, there is a requirement under Core Strategy Policy CS4 for the building to meet a BREEAM 'excellent' standard.

14.14 Overall, the proposed development is not considered to be fully consistent with the Council's adopted policies and Core Strategy objectives due to the encroachment of a small part of the development onto land that is outside of the Policy FAW1 designated area. However, in view of the planning history of the land, the scheme's economic benefits and a lack of material environmental harm, the proposed development is considered to be appropriate and justified. As such, the application is recommended for permission.

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

## Developers' Contributions Summary Table

<b>Proposal:</b>			
<b>Type of Contribution</b>	<b>NFDC Policy Requirement</b>	<b>Developer Proposed Provision</b>	<b>Difference</b>
<b>Affordable Housing</b>			
No. of Affordable dwellings	0	0	0
Financial Contribution	0	0	0
<b>Public Open Space</b>			
On site provision by area	0	0	0
Financial Contribution	0	0	0
<b>Transport Infrastructure</b>			
Financial Contribution	£21,562.50p	£21,562.50p	0
<b>Habitats Mitigation</b>			
Financial Contribution	0	0	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. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions relating to contamination nos 3 to 5 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 6 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.

3. 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.

4. 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.

5. 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.

6. 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 3, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 4, 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 5.

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

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

8. The building shall achieve a BREEAM 'excellent' standard. No development should commence on site until an interim certificate has been submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until a final BREEAM certificate has been submitted to and approved in writing by the Local Planning Authority certifying that the building has achieved a BREEAM 'excellent' standard.

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

#### **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 additional information has been provided since the application was first registered and this has enabled a positive recommendation to be made.

#### **Further Information:**

Major Team  
Telephone: 023 8028 5345 (Option 1)



# New Forest

DISTRICT COUNCIL

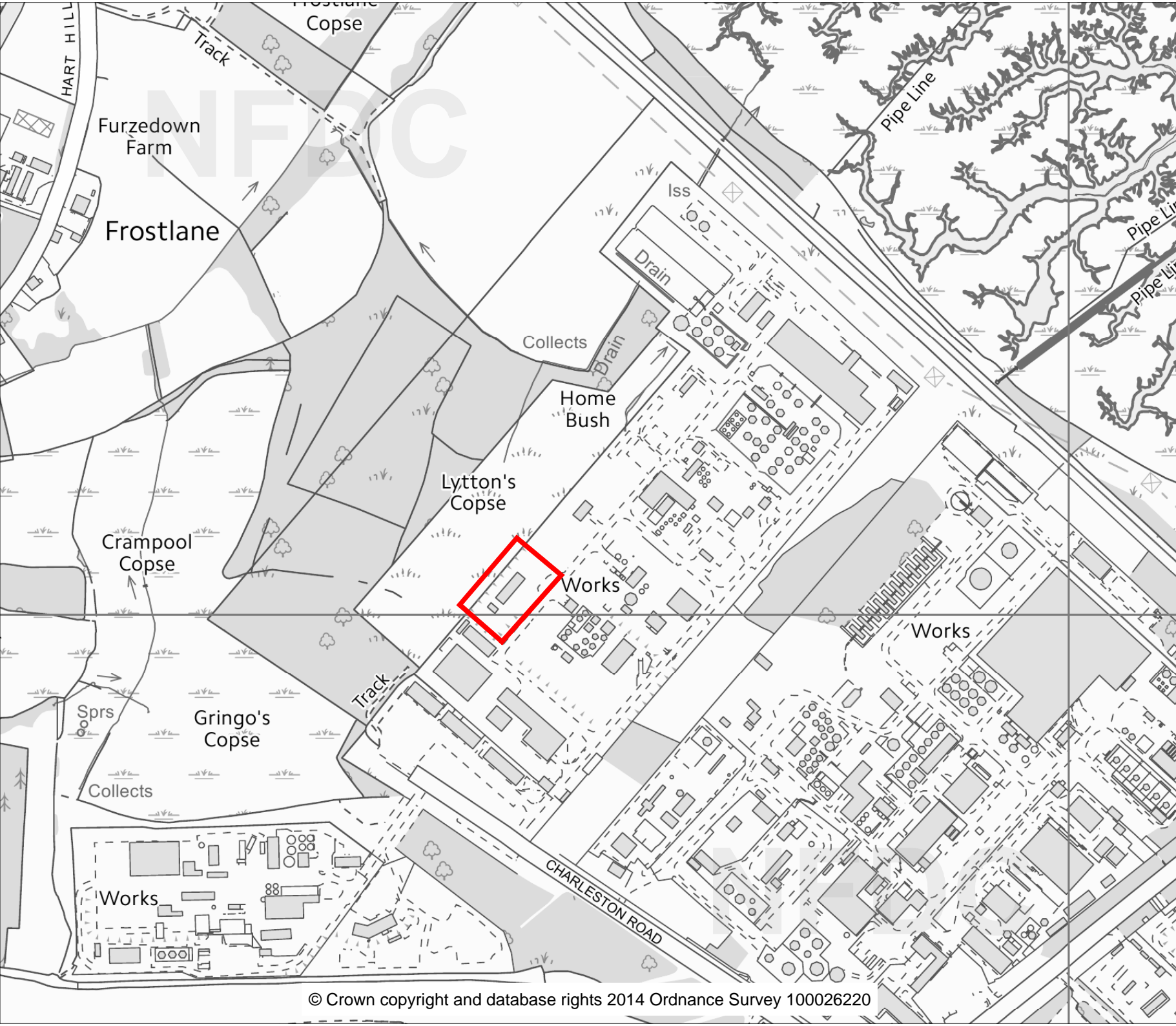
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Chris Elliott  
Head of Development Control  
New Forest District Council  
Appletree Court  
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**Planning Development  
Control Committee**  
**December 2014**

**Item No: A1**  
Geo Specialty Chemicals  
Charleston Road  
Hardley Fawley  
App No 14/10592  
SU4306

Scale 1:5000  
N.B. If printing this plan from  
the internet, it will not be to  
scale.



**Application Number:** 14/11098 Variation / Removal of Condition

**Site:** 4 BROCKS CLOSE, DIBDEN PURLIEU, HYTHE SO45 5ST

**Development:** Variation/removal of Condition 5 of Planning Permission 90/45571  
to allow the use of existing garage as ancillary living  
accommodation (retrospective)

**Applicant:** Mr & Mrs Lane

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

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**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Parish Council view.

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Built up area

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Core Strategy**

**Objectives**

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

**Policies**

CS2: Design quality

**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**

No relevant documents

**6 RELEVANT PLANNING HISTORY**



- 6.1 14/10793 Rear dormer; use of garage as ancillary living (Lawful Use Certificate for retaining an existing use or operation) Granted in part 24/07/2014
- 6.2 90/45571 Erect 70 houses and garages granted with conditions 16th January 1991

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

Hythe and Dibden Parish Council recommend refusal. Loss of street parking could affect the access to the adjacent properties in the case of an emergency.

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

- 9.1 Land Drainage - No comment
- 9.2 Hampshire County Council Highways: No objection.

## **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**

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

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

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

## 14 ASSESSMENT

- 14.1 The property is a mid-terrace two storey dwelling in a cul de sac of similar properties. An integral garage has been altered to provide living accommodation, replacing the garage door with a window. The front garden is partly enclosed with hedges and there is sufficient space for the parking of a car to the front of the property.
- 14.2 The original planning consent for the estate was subject to a condition stating that the garages should not be converted to living accommodation without the prior written consent of the local authority. The reason for the condition was to maintain adequate on site parking in the interests of highway safety. Therefore this application seeks the relief of that condition in respect of this property.
- 14.3 This form of development would not normally require consent. However, given the requirement of the planning condition for formal consideration, the loss of the garage as a parking space needs to be assessed in terms of highway safety. Therefore the main consideration when assessing this application is the impact the loss of one parking space would have upon highway safety.
- 14.4 The Highway Authority has been consulted. Initially it raised concern over the loss of the garage for parking. However parking standards are only a recommended average and the use of the garage to park a car is not always implemented. Furthermore, the planning condition was justified on the basis of the adopted parking standards at that time which required minimum on site provision. Those parking standards have been relaxed and parking provision is now assessed in terms of highway safety. Given one parking space would be retained in site, the Highway Authority raise no objection, as it could not justify refusal for highway safety reasons based on the loss of only one space.
- 14.5 As Brocks Close is a residential road if there are future concerns that on street parking obstructs access by larger vehicles i.e. emergency services/refuse then consideration could be given to the introduction of parking restrictions.
- 14.6 Hythe and Dibden Parish Council have recommended refusal because the loss of street parking could affect the access to the adjacent properties in the case of an emergency. There is a space to the front of

the property to park a car and also parking bays within the street for on road parking. There is no reason to believe that the parking of a car in these locations would affect the street parking to such a degree as to restrict access for emergency services, especially with the comments received from the Highway Authority. Furthermore, there have been no adverse comments from the neighbours. Accordingly, the relief of the planning condition to allow the continued use of the garage as living accommodation is considered acceptable and the application is recommended for approval.

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

## **15. RECOMMENDATION**

### **GRANT the VARIATION of CONDITION**

#### **Proposed Conditions:**

1. The development permitted shall be carried out in accordance with the following approved plans received with the application on 13th August 2014.

Reason: To ensure satisfactory provision of the development.

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

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

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

#### **Further Information:**

Householder Team  
Telephone: 023 8028 5345 (Option 1)



# New Forest

DISTRICT COUNCIL

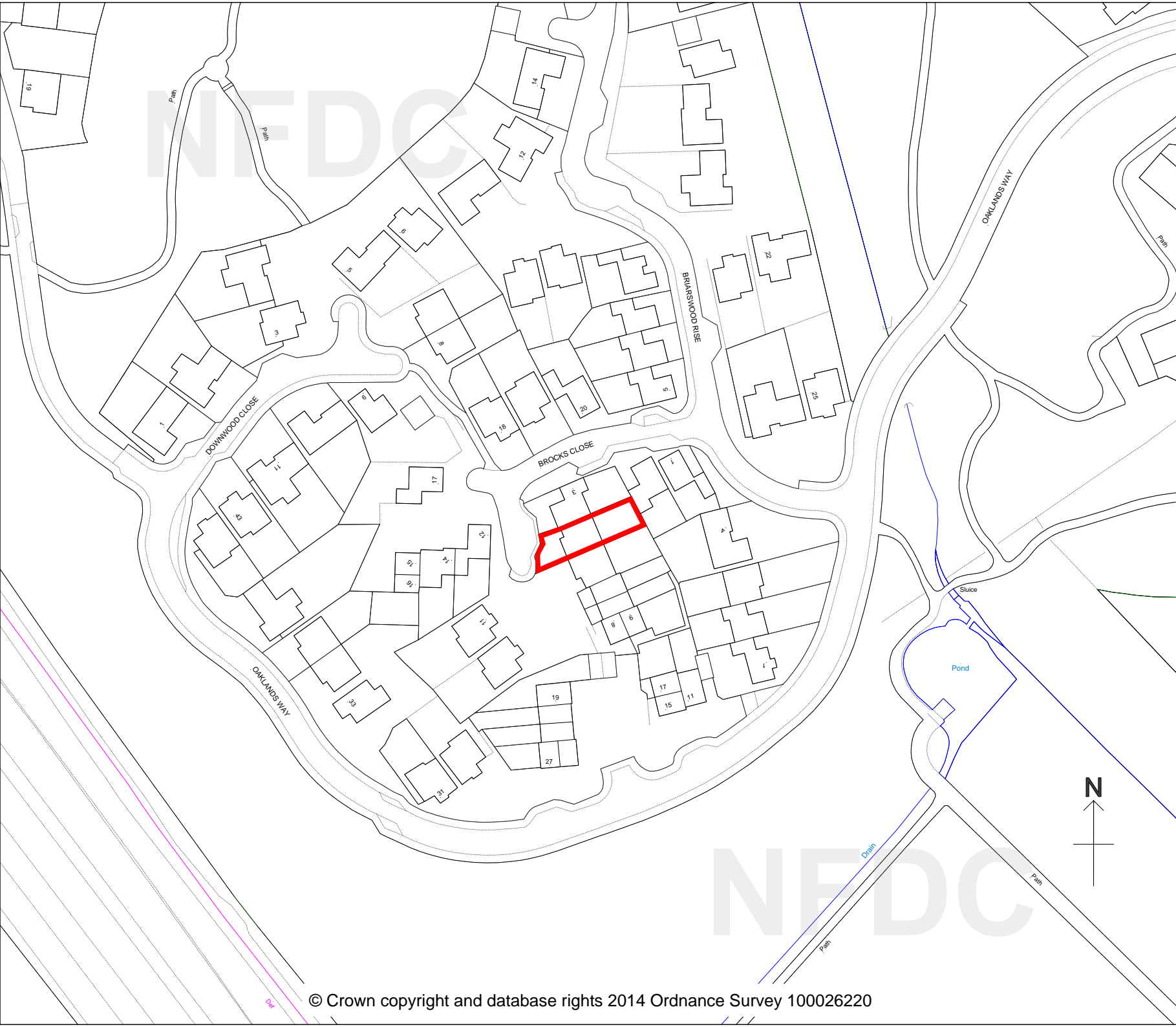
Tel: 023 8028 5000  
www.newforest.gov.uk

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

**Planning Development  
Control Committee**  
**December 2014**

**Item No: A2**  
4 Brocks Close  
Dibden Purlieu  
Hythe  
App No 14/11098  
SU

Scale 1:1250  
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the internet, it will not be to  
scale.



**Application Number:** 14/10219 Full Planning Permission

**Site:** FIELDWAY, NORTH RIPLEY ROAD, RIPLEY, SOPLEY BH23  
8ES

**Development:** Single-storey rear extension

**Applicant:** Mr & Mrs Rudd

**Target Date:** 04/12/2014

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## **1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Countryside protection policies

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

Green Belt  
River Valley

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

### **Core Strategy**

CS2: Design quality  
CS10: The Spatial Strategy

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

DM20: Residential development in the countryside

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

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

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

Residential Design Guide for Rural Areas of the New Forest

## **6 RELEVANT PLANNING HISTORY**

- 6.1 89/NFDC/43496 - Kitchen & utility room with bedroom & bathroom over - 06/12/1989 Refused Appeal Allowed
- 6.2 89/NFDC/42618 - Kitchen, garage & study with bedroom & bathroom over - 17/08/1989 Refused
- 6.3 86/NFDC/32031 - Addition of dining room with bedroom over, - 18/06/1986 Granted.

- 6.4 81/NFDC/19950 - 2 dwellings and garages, pedestrian/vehicular access (existing terrace to be demolished). - 07/07/1981 Granted Nos. 27, 28 & 29 Ripley, Sopley
- 6.5 80/NFDC/17253 - 2 dwellings and vehicular access (existing terrace to be demolished). - 09/09/1980 Granted Site of Nos 27/28/29, Ripley, Sopley

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

SOPLEY PARISH COUNCIL - Recommend permission by all Councillors Consulted.

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

- 9.1 Natural England – no objections
- 9.2 Environment Agency – no objections
- 9.3 Land Drainage – no objections

## **10 REPRESENTATIONS RECEIVED**

None

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

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

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

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

This is achieved by

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

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

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

## 14 ASSESSMENT

- 14.1 The proposal relates to a detached two storey dwelling adjoining Ripley Road, in the open countryside designated as Green Belt to the north of Ripley. The area has a rural feel, and is without any defined built-up area. Ripley itself has evolved as a linear group of buildings along Ripley Road. The dwelling to which the application relates was built in the early 1980's and has been extended in the past. It is constructed of red/brown brick and concrete tiles.
- 14.2 The proposal is for a modest single storey lean-to extension to the rear with a floor space 10 sq.m. The materials to be used for the extension would be brickwork and concrete tiles to match existing.
- 14.3 The application should be considered in the light of Policies CS2 and CS10 of the Core Strategy and Policy DM20 of the Local Plan Part 2, which require development to be well designed and to respect the character, identity and context of the area's countryside and Green Belt and the amenity of adjoining occupiers.
- 14.4 Policy DM20 of the Local Plan Part 2 is most pertinent to consideration of the proposal. It specifies that residential development in the countryside will only be permitted where it does not increase the floorspace of the existing dwelling by more than 30%. 'Existing dwelling' means the dwelling as it existed on 1st July 1982. In all cases, development should be of an appropriate design, scale and appearance, in keeping with the rural character of the area. In seeking to establish any increase in scale and impact on the openness of the countryside, the planning history of the site is pertinent.
- 14.5 The dwelling to which this application relates was approved by an outline permission in 1980. Approval was subsequently given in 1986 for a two storey extension to the rear and in 1989 (at appeal), a first floor extension to the side, resulting in a total increased floor space of 41 sq.m (34% of original floorspace). The current proposal is for an extension of 10 sq.m,

which combined with the 41 sq.m permitted in 1986 and 1989, exceeds the threshold applied by Policy DM20, constituting a 42% increase to the floor area of the original dwelling.

- 14.6 However, the proposed development is a very modest single storey extension and, considering its siting, nestled between two storey elements of the main dwelling to the front and side and presence of a single garage and vegetation to the rear, the porch would not cause any significant harm to the openness and appearance of the countryside and Green Belt. While the proposed development fails to comply with the floorspace provisions of Policy DM20 of the Local Plan Part 2, for the reasons outlined above it is considered acceptable in relation to its character and countryside impacts.
- 14.7 The proposal does not have any adverse impacts upon residential amenity, being of acceptable scale and well separated from the nearest dwelling (Southwinds), 5.75m away to the north.
- 14.8 While the Local Planning Authority considers it important to resist the cumulative impact of enlargements to rural dwellings, the modest scale and appropriate siting of the proposal would not result in a dwelling which would significantly impact upon adjoining amenity or the openness and long term future of the Countryside and Green Belt. However, given the previous enlargements to the dwelling it would be appropriate to control any future proposal for further extensions. Accordingly the proposal is recommended for approval, subject to conditions, including one removing permitted development rights in respect of extensions.
- 14.9 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

## **15. RECOMMENDATION**

### **Grant Subject to Conditions**

#### **Proposed Conditions:**

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

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



2. The development permitted shall be carried out in accordance with the following approved plans: Drawing nos. 1:2500 Location Plan, 1:500 Block Plan, R1/1 and R1/2

Reason: To ensure satisfactory provision of the development.

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

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

4. 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 and B of Part 1 of Schedule 2 to the Order, shall be erected or carried out without express planning permission first having been granted.

Reason: To ensure the dwelling remains of a size which is appropriate to its location within the countryside and that any future development proposals do not adversely affect the openness of the Green Belt or visual amenities of the area, contrary to Policies CS2 and DM20 of the Local Plan for the New Forest District outside the National Park.

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

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

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

#### **Further Information:**

Householder Team  
Telephone: 023 8028 5345 (Option 1)



# New Forest

DISTRICT COUNCIL

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

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

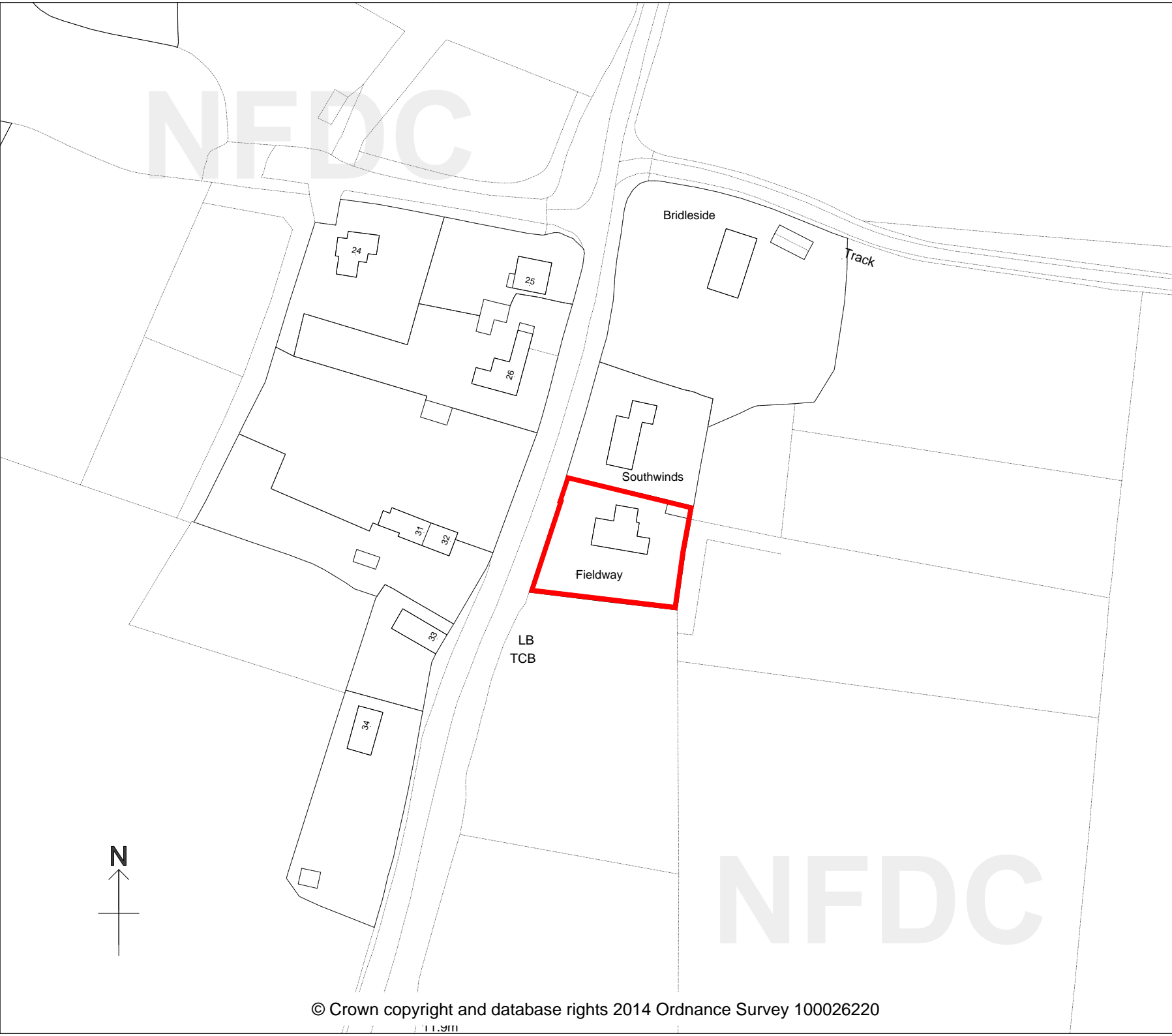
**Planning Development  
Control Committee**  
**December 2014**

**Item No: A3**

Fieldway  
North Ripley Road  
Ripley Sopley  
App No 14/10219  
SZ1698

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the internet, it will not be to  
scale.



**Application Number: 14/11158** Full Planning Permission

**Site:** Site of THE OAK AND YAFFLE, ASHLEY COMMON ROAD,  
ASHLEY, NEW MILTON BH25 5AN

**Development:** 5 detached houses; 1 pair of semi-detached houses; access;  
parking (AMENDED REASON TO ADVERTISE)

**Applicant:** Bayview Developments (South) Ltd

**Target Date:** 10/11/2014

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## **1 REASON FOR COMMITTEE CONSIDERATION**

Reduction in Affordable Housing contribution.

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

Built up area

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

### **Core Strategy**

#### **Objectives**

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

#### **Policies**

- CS1: Sustainable development principles
- CS2: Design quality
- CS4: Energy and resource use
- CS7: Open spaces, sport and recreation
- CS8: Community services and infrastructure
- 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**

- DM2: Nature conservation, biodiversity and geodiversity
- DM3: Mitigation of impacts on European nature conservation sites
- NMT14: Transport schemes

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

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

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

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

## **6 RELEVANT PLANNING HISTORY**

99395 - 8 houses, associated access, parking and amenity, demolition of existing public house. Refused 11.4.13

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

New Milton Town Council - recommend permission but would accept a delegated decision subject to the S.106 being agreed with the Council and a recommendation to consider traffic calming in the area.

## **8 COUNCILLOR COMMENTS**

- 8.1 Cllr J.G. Ward - fully supports application
- 8.2 Cllr Cleary - supports the application subject to requirements being adhered to.

## **9 CONSULTEE COMMENTS**

- 9.1 Drainage Engineer - request conditions and informative
- 9.2 Planning Policy - residential is an acceptable use subject to appropriate contributions
- 9.3 Trees - no objection subject to condition
- 9.4 Southern Gas Networks - offer advice
- 9.5 Hampshire County Council Highway Engineer - no objection subject to conditions
- 9.6 Estates and Valuation - the scheme is viable if the AH contribution is reduced to £27,294
- 9.7 Environmental Design (Urban Design) - no objection subject to conditions.

## **10 REPRESENTATIONS RECEIVED**

- 10.1 One response has been received in support of the proposal but raising concern with regard to the junction of Oakwood Avenue and Ashley Common Road. A further response in support has reservations in respect of residential amenity.

- 10.2 Support has been received from a further 4 local residents. They consider it would be a massive improvement to the area, an attractive development
- 10.3 A petition containing over 90 signatures in favour of the proposal has also been received.
- 10.4 An objection raises the following concerns:
- highway safety would be put in jeopardy due to accesses on Ashley Common Road
  - the developer should pay for a roundabout and table top at the junction of Ashley Common Road with Oakwood Avenue
  - covenant suggests the site should be used for good of community

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission and the dwellings built, the Council will receive £8,064 in each of the following six years from the dwellings' completion, and as a result, a total of £48,384 in government grant under the New Homes Bonus will be received. New Forest District Council adopted a CIL charging schedule on 14 April 2014, however the implementation date for the charging schedule is 6 April 2015 so no CIL payments are currently due.

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

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- Advising applicants/agents as soon as possible as to concerns that cannot be dealt with during the processing of an application allowing for

a timely withdrawal and re-submission or decision based on the scheme as originally submitted if this is what the applicant/agent requires.

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

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

## **14 ASSESSMENT**

- 14.1 The site lies within the built up area of New Milton close to the boundary with the National Park and open countryside. It previously contained a detached two storey public house with residential accommodation above although this has now been demolished. There are several statutorily protected trees within the site and it is bound by residential properties in Ashley Common Road and Oakwood Avenue. The proposal entails the provision of 5 detached houses and a pair of semi-detached houses, all two storey. Plot 5 would have an integral single garage with plots 1, 2, 6 and 7 having attached single garages. Plot 3 and 4 would have frontage parking spaces. Plots 6 and 7 would be accessed off Ashley Common Road with the others accessed from Oakwood Avenue. The existing pubs car park had access points onto each of these roads.
- 14.2 The application follows a previous scheme for 8 dwellings which was refused in April last year, the reasons for which included the cramped layout, impact on residential amenity and the loss of protected trees. Since that time, the proposal has been reduced by one dwelling and amendments made to the layout to improve the residential amenity for both existing and future occupiers and reduce the impact on trees. There were no objections to the principle of the loss of the pub as there are alternative facilities more centrally located in Ashley and also further out of town. In addition to this, local residents seem particularly pleased that the previous pub on this site has closed due to anti-social behaviour problems associated with its use.
- 14.3 In addition to the removal of unprotected trees, the proposal includes the removal of two protected oak trees close to the boundary with 84, Oakwood Avenue. The trees already require regular cutting to abate nuisance and it is noted that the adjacent property has a conservatory close to the shared boundary too. It would be difficult to reasonably require long term retention of these trees and their loss is considered acceptable, subject to suitable alternative landscaping being provided.
- 14.4 T1 is a particularly large oak tree which has a significant amenity value. The proposal addresses previous concerns in respect of the root protection zone for this and the other remaining protected trees on site and demonstrates that there is adequate space for proper protection during construction. However, while the tree shadow and light report demonstrates that the proposed buildings would enjoy sufficient daylight in line with BRE guidelines, there is no analysis of the shade and dominance of the amenity spaces. Plot 7 would have T1 within its rear garden and would be severely affected through large parts of the garden being in the shade of this tree for much of the day. Although this is a

concern, it has to be considered in light of the fact that TPO controls could reasonably resist future pressure to lop or fell as the tree has such a significant public benefit. Further, future owners would be aware of the tree on purchase of the property.

- 14.5 The proposal involves significant alterations with regard to existing surfacing across the site, much of which is within root protection areas of the trees. Subject to an appropriate method of removal, there are no concerns in this respect.
- 14.6 The Highway Authority has not raised any objections to the proposed scheme, subject to the retention of parking spaces and provision for cycles. This is in line with comments made during the course of the previous application. Given the previous use of the site and its associated trip generation, the proposal does not generate any additional trips which would result in a contribution for transportation improvements.
- 14.7 Comments made by local residents and the Town Council in respect of traffic calming in this area have been noted although Ashley Common Road to the south of this site, has undergone significant traffic calming measures in recent years. The Highway Authority has not suggested that additional features are a requirement due to this application would generate an additional requirement for traffic calming and, given the reduction in trip generation between the previous and proposed uses, it would be difficult to justify further traffic calming.
- 14.8 In design terms, the proposal has evolved through pre-application discussion and, while it would be a relatively intense form of development at the edge of Ashley, the roof forms and individual designs of the dwellings minimise this impact. Consideration has been given to the existing bungalow on Oakwood Avenue, in order to ensure the proposed dwelling adjacent to this does not appear out of context. The two dwellings fronting Ashley Common Road are similar in design to each other, as are the two houses adjacent. Care has also been taken to ensure that the corner plot (1) addresses both street frontages.
- 14.9 The proposed layout indicates hedges to the front of plots 1, 2, 5, 6 and 7. As the proposed parking for plots 3 and 4 is to the frontage, there is insufficient space to provide planting to the front boundary of these plots, which is unfortunate. However, the site layout indicates the provision of trees which could make a worthwhile contribution to the street scene if implemented appropriately. The overall impact of how the frontages are dealt with is important, including side boundaries which could be visible from certain angles and the openness at the northern corner of the site. Permitted development rights for outbuildings would need to be restricted for plot 1 in order to maintain this.
- 14.10 The application was supported with a viability assessment to demonstrate that the proposal would not be viable with the full amount of affordable housing contribution (see table below for relevant figures). The Council's Valuer is of the view that the development value of the land is below the current benchmark site value, as a result it is accepted that a lower financial contribution can be made and an appropriately worded Section 106 Agreement is being drafted to secure this amount, together with public open space contributions and habitats mitigation. As stated above, there is no transportation contribution requested for this proposal.

14.11 Although there are still some reservations in respect of the future residential amenity for plot 7, the potential harsh impact of the parking forecourt for plots 3 and 4 and the reduced level of affordable housing contributions, it should be noted that there appears to be overwhelming support for this scheme from local residents given the anti-social behaviour issues experienced with the previous use. The proposal would represent an improvement on both the visual and residential amenities of the area while maintaining several trees that offer public benefit. As with the refused application, the Highway Authority do not have any objections to the proposal and approval is therefore recommended for permission.

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	2		-2
Financial Contribution	£73,440	£27,294	-£46,146
<b>Public Open Space</b>			
On site provision by area			
Financial Contribution	£22,197.70	£22,197.70	0
<b>Transport Infrastructure</b>			
Financial Contribution	0	0	0
<b>Habitats Mitigation</b>			
Financial Contribution	£26,600	£26,600	0

## 15. RECOMMENDATION

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

i) the completion, by 31 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 contributions towards affordable housing, public open space and habitat mitigation.



ii) the imposition of the conditions set out below.

BUT, in the event that the Agreement is not completed by 31 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 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: letter dated 4.6.14, Design and Access Statement, Community Engagement and Consultation Report, Arboricultural Impact Assessment and Method Statement, Tree Shadow and Light Report, site location plans, site layout plan, plot 1 elevations and floor plans, plot 2 elevations and floor plans, plots 3/4 elevations and floor plans, plot 5 elevations and floor plans, plot 6 elevations and floor plans, plot 7 elevations and floor plans, proposed street scenes, Tree protection plan.  
  
Reason: To ensure satisfactory provision of the development.

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

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

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

5. No development shall take place until full details of the treatment of the front boundary of the site together with all proposed side boundaries between the new dwellings and highway have been submitted to, for approval in writing by, the Local Planning Authority. The development shall be undertaken in accordance with the approved details prior to the occupation of the first dwelling.

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.

6. The works hereby approved shall be undertaken in full accordance with the provisions set out within the MJ Scott Arboricultural Impact Appraisal and Method Statement revision A dated 21st June 2014 and associated Tree protection plan or as may otherwise be agreed in writing with the Local Planning Authority.

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

7. No development shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority:
1. the method and timing of the removal of existing hard surfacing in root protection areas and its reinstatement
  2. the location of service runs and soakaways

The surfacing works shall be undertaken under the supervision of an arboricultural consultant and the Local Authority given at least three working days notice of the commencement of such works.

Reason: To protect the trees in the interests of the visual amenities and character of the locality, in accordance with Policy CS2 of the New Forest District Council Core Strategy.

8. 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.

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

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

10. Before development commences details of the means of the future maintenance of the watercourse within or on the boundary of the site and / or proposed drainage assets, sustainable urban drainage system etc. shall be submitted to and approved in writing by the Local Planning Authority. The maintenance arrangements must be confirmed to planning by the applicant prior to occupation of the penultimate dwelling / building.

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.

11. The development hereby permitted shall not be occupied until the arrangements for parking for all plots and turning for plots 1, 6 and 7 have

been implemented. These areas shall be kept available for their intended purposes at all times.

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

12. No development shall take place until details of the proposed cycle parking facilities have been submitted to, for approval by, the Local Planning Authority. The development shall be undertaken in accordance with the approved details prior to the occupation of the first dwelling.

Reason: In the interests of highway safety and in accordance with policy CS2 of the New Forest District Council Core Strategy.

13. The dwelling(s) 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(s) 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.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent re-enactment thereof, the existing accesses to the site from Ashley Common Road and Oakwood Avenue shall be stopped up and abandoned. The footway crossings 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 new accesses and prior to occupation of the buildings.

Reason: In the interest of highway safety and in accordance with policy CS2 of the New Forest District Council Core Strategy

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any re-enactment of that Order) no 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 on land between Ashley Common Road and plot 1 without express planning permission first having been granted.

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

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

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

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

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

2. You are advised that a close boarded fence to the east side of the rear garden to plot 1 would not be considered an acceptable solution.

**Further Information:**

Major Team

Telephone: 023 8028 5345 (Option 1)



# New Forest DISTRICT COUNCIL

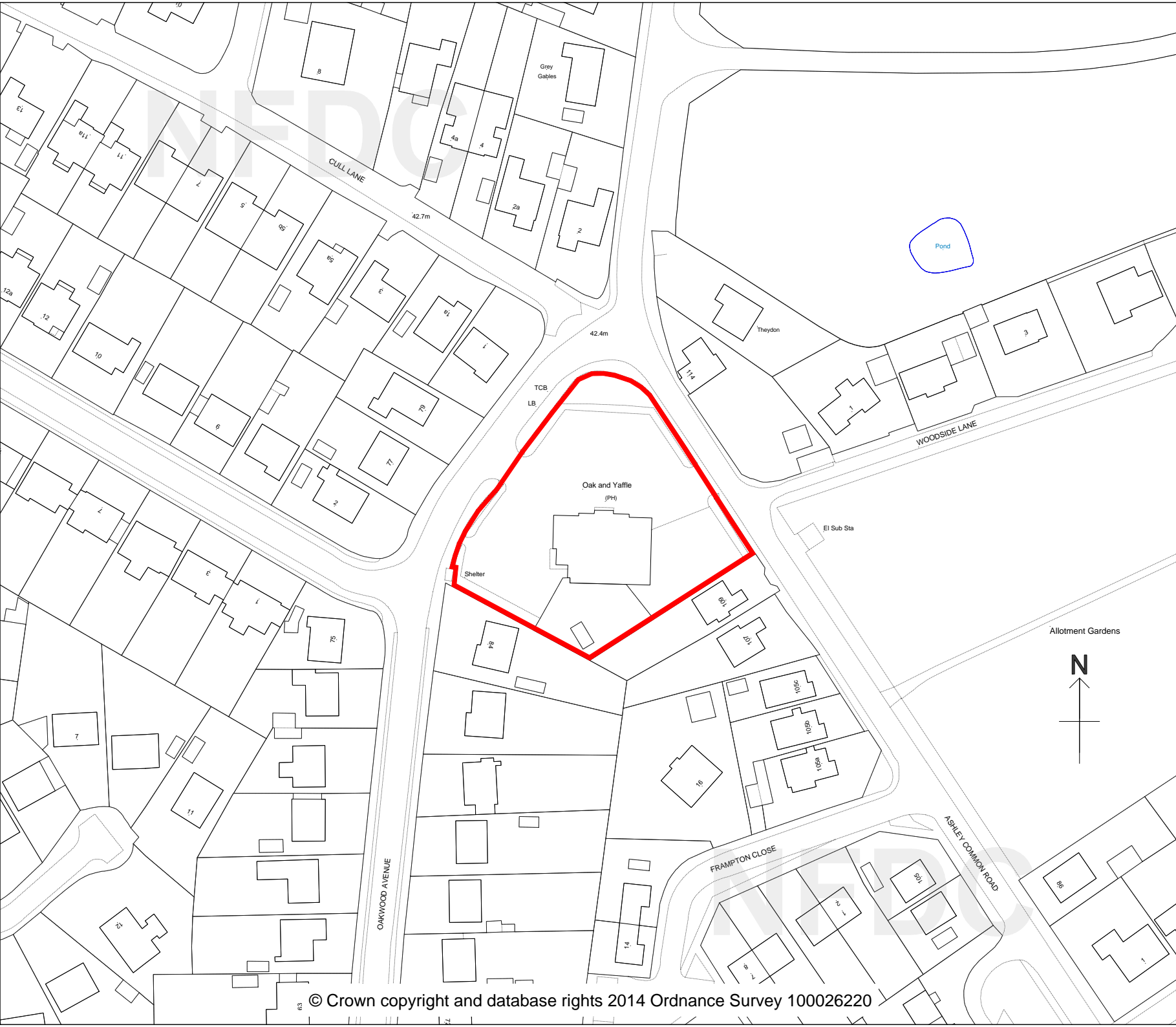
Tel: 023 8028 5000  
www.newforest.gov.uk

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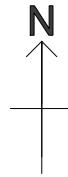
**Planning Development  
Control Committee  
December 2014**

**Item No: A4**

Site of the Oak & Yaffle  
Ashley Common Road  
Ashley New Milton  
App No 14/11158  
SZ2596



Allotment Gardens



Scale 1:1250

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

**Application Number:** 13/11408 Outline Planning Permission

**Site:** MERRYFIELD PARK, DERRITT LANE, SOPLEY BH23 8AU

**Development:** The erection of up to 80 dwellings with the retention of up to 11 existing buildings with a total floor area of no more than 1,309 sqm for B1 uses and a museum all with associated access point, the provision of SANGS and open space, the provision of a footpath along Derritt Lane and the demolition of all buildings and structures on the site with the exception of those retained for the B1 or museum uses (Outline application with all matters reserved)

**Applicant:** Merryfield Park

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

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## **1 REASON FOR COMMITTEE CONSIDERATION**

Previous Committee consideration. The report is the same as previously considered with an update in Paragraph 14. The reason why it is being brought back to committee is because the previous deadline for completion of the S106 was not met. However all the principle issues have now been agreed and it is expected that the S106 agreement will be completed shortly.

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

Green Belt  
Countryside outside the New Forest  
River Valley  
Site Special Policies Apply  
Archaeological Site  
Flood Zone 1, adjacent to Flood zone 2 and 3  
HSE Pipeline Cons Zones  
Adjacent to New Forest National Park

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

### **Core Strategy**

#### Objectives

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

#### Policies

## Core Strategy

CS1: Sustainable development principles  
CS2: Design quality  
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)  
CS4: Energy and resource use  
CS7: Open spaces, sport and recreation  
CS10: The spatial strategy  
CS12: Possible additional housing development to meet a local housing need  
CS13: Housing types, sizes and tenure  
CS14: Affordable housing provision  
CS15: Affordable housing contribution requirements from developments  
CS17: Employment and economic development  
CS24: Transport considerations  
CS25: Developers contributions

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

DM3: Mitigation of impacts on European nature conservation sites  
DM2: Nature conservation, biodiversity and geodiversity  
DM4: Contaminated land  
DM21: Residential development in the countryside  
DM23: 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 (Paragraph 89 Green Belt)

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

SPG - Access for Disabled People  
SPD - The Delivery of Affordable Housing (on Development Sites) through the Planning Process  
SPG - Design for Community Safety  
SPD - Design of Waste Management Facilities in New Development  
SPD - Parking Standards  
SPD - Housing Design, Density and Character

## **6 RELEVANT PLANNING HISTORY**

- 6.1 There is considerable enforcement history relating to the site together with many Lawful Development Certificates.
- 6.2 Use of land for 'war games; -Lawful Development Certificate for retaining an existing use (77249) Granted on the 11th June 2003
- 6.3 Use of the land as a training and rest camp on an occasional basis including day and residential training, educational; activity courses; ancillary uses- Lawful Development Certificate for retaining an existing use(82940) Granted on the 7th April 2005.



- 6.4 Residential development including amenity open space - existing buildings to be demolished (30714) Refused on the 9th January 1986. Appeal dismissed.

## 7 PARISH / TOWN COUNCIL COMMENTS

**Sopley Parish Council:** These comments do not relate to the amended application and if the Parish make further/ revised comments in light of the amended application, they will be updated accordingly.

1) Sopley Parish Council's policy remains to support a partial redevelopment of the Merryfield site (Sopley Camp) conditional on the remainder of the site being restored to a natural condition in order to address the current dereliction and ad hoc use of the buildings and to provide much needed affordable housing for local families. The outline application for planning permission goes some way to address these objectives but also raises a number of concerns.

2) The potential size and scale of the proposed development is a matter of concern. The site remains in the Green Belt, close to the New Forest National Park. The proposed scale of the development seems likely to have a significantly greater impact on the openness of the Green Belt and the surrounding environment (in terms of disturbance from human activity, vehicle movements, appearance etc.) than was the case when the site was in military use or is currently the case with the lawful activities on site.

3) Sopley Parish Council therefore suggest that it would be appropriate for there to be finite cap on the number of dwellings (including an appropriate percentage of social housing) and business units to be permitted rather than using the total volume of the existing buildings as a maximum yardstick.

4) The current proposal compresses the total volume of the existing buildings (many of which never had a residential element) in the part of the site. As noted above this intensification seems likely to have a greater adverse impact on the openness of the Green Belt than the existing development.

5) Sopley Parish Council is also concerned about the suitability of the existing highway infrastructure to cope with the development of the proposed scale. Particular points of concern include:

- 5.1) the narrow bridge to the west of the site on Derritt Lane;
- 5.2) the junction of Derritt Lane with the C49 Ringwood Road;
- 5.3) the lack of a pedestrian footpath along Derritt Lane linking the site to the centre of Bransgore Village;
- 5.4) the lack of provision of safe crossing points for pedestrians across Derritt Lane; and
- 5.5) the lack of a safe route for cyclists along Derritt Lane.

6) Although part of the site is to be designated as a Suitable Alternative Natural Green space, the section of the Design and Access Statement relating to habitat mitigation lacks detail and there is no mention of any mitigation to prevent/restrict encroachment onto the natural habitats and farmland surrounding the proposed redevelopment.

7) Finally Sopley Parish Council supports the provision of affordable housing on the site and would wish to have some form of representation in the housing allocation/nomination process. Sopley Parish Council has come to the above

conclusions regarding the proposed development at Merryfield Park after a meeting with the Sopley Parish Council Planning committee offsite and also a Sopley Parish Council Meeting with the owners of Merryfield Park onsite on 16th December 2013.

**Bransgore Parish Council:** It is considered that this proposal is an appropriate compromise for this site and would support the scheme subject to the density and number of dwellings and the retained existing buildings for B1 use within the application not being exceeded. The Parish Council is also pleased to see the proposed improvements to Derritt Lane included in the application which is pivotal to the decision to support this application.

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

- 9.1 Hampshire County Council Highway Engineer: No objection subject to conditions
- 9.2 Tree Officer: No objection in principle, however, careful consideration would need to be given to the impact of the proposed development on the trees within and around the site in any submitted reserved matters application.
- 9.3 Ecologist: The further survey work which has been provided is acceptable.
- 9.4 Land Drainage: Refer to Environment Agency.
- 9.5 Environment Agency: No objection subject to condition requiring details of surface water drainage and sustainable drainage systems.
- 9.6 Wessex Water: No objection and considers that the existing sewer system in Wiltshire Gardens Pumping Station can accommodate the proposed level of development. A condition would be required for further details to be provided.
- 9.7 Planning Policy: The proposal now appropriately identifies the quantum of housing (including affordable housing) and employment and demolition of existing buildings on the site. The level of SANGS provision appears to be appropriate.
- 9.8 Environmental Design (Open space): There is a requirement for SANG, informal open space, formal open space and play area provision relating to this development. The minimum areas of each of these will be as agreed and stated in the Section 106 document. All areas will require the appropriate maintenance contributions. The designed play element will require a separate maintenance contribution which will also be as stated and agreed in the Section 106.
- 9.9 Urban Design Officer: Concerns over status of the design concept plans, the land immediately to the west and the status of the allotment proposal have been addressed in the report and in the proposed

conditions. The concept layout plan and design concept guidance notes have appropriate regard to the sites rural- edge context. If the basic principles set out in the concept layout plan and design concept guidance notes are followed, there is no reason why a high quality development should not be the result.

- 9.10 Strategic Housing Officer: The current proposals would meet the requirements of Policy CS15 of the Core Strategy for the overall percentage of affordable housing and the provision of family housing. Although the policy seeks 70% of the affordable dwellings to be social rented and 30% intermediate the tenure split proposed of 60% rented and 40% shared ownership would be acceptable.
- 9.11 Hampshire County Council Archaeologist: No objection subject to condition
- 9.12 Environmental Health Officer (historic land use): No objection subject to condition
- 9.13 Natural England: No objection subject to condition
- 9.14 Hampshire County Council Education Authority: No comment made on the proposals for the application
- 9.15 Hampshire County Council Rights of Way Officer: No objections, the proposals are welcomed to create new footpaths linking onto the existing rights of ways.
- 9.16 Southern Gas: No objection given the main gas pipeline runs to the north of the site and would be a sufficient distance away from the proposed residential development.
- 9.17 Health and Safety Executive: No objection on the basis that the proposed housing is outside the outer and middle safeguarding zones.
- 9.18 New Forest National Park Authority: Objection- the scale of the proposed development would be well above any allocation in this area. There would be impacts on the National Park SPA. The Council must assess the Green Belt impact. The site is located within an unsustainable location.

## **10 REPRESENTATIONS RECEIVED**

### **10.1 37 letters of support:**

The site has many derelict and unattractive buildings and a redevelopment of the site for housing and business uses would be a considerable improvement. The site is an eyesore. The site has caused noise problems at weekends and the redevelopment is welcomed and would be a visual enhancement. The proposal would create a large area of open space, which would be a benefit for the area. There is a lack of affordable housing in the area and this would meet this need.

### **10.2 3 letters of observation:**

There is no objection relating to 80 new houses although there are some issues regarding the units to be used for B1 uses. The site has been allowed to descend into disrepair and the likelihood of it returning to agricultural land does not appear to exist so modest development serving the community appears a suitable answer. A substantial green area should be created. Any commercial use should be low level and high quality. Comments prior to the application being amended felt that Bransgore cannot sustain another 130 houses and a much lower level of development would be more appropriate.

### 10.3 **16 letters of objection**

- 10.3.1 The proposed development would be an overdevelopment and would have a significant impact on the environment, infrastructure, schools, country lanes doctors surgeries etc. The site is in an unsustainable location. Impacts on the landscape character and the potential impacts on the internationally protected New Forest SPA which lies within 3km of the site. There is no mention of landscape character assessment and no decision can be reached and/ or appropriate assessment of its impact in the absence of a landscape and visual assessment. There is generally a lack of information on the application to make a proper assessment on the overall impact including the effect on the green belt. There are some discrepancies on the plans and drawings and they do not correlate together. There are land ownership issues relating to some of the existing residential units on the site.
- 10.3.2 The site has a distinct character with its single use site with low buildings distinctly outside the village. The proposal would cause a sprawl of the village beyond its boundary into a rural area. The site should remain distinct from the village. Any development of the site which is prepared for housing should be of a character fitting to being outside the village boundary.
- 10.3.3 Prior to the application being amended, concerns were raised that the proposed development which would create in excess of 130 dwelling is totally inappropriate in the Green Belt and will have an extremely adverse effect on the New Forest National Park. Following the amendments to up to 80 dwellings and 11 business units, the same concerns still raised and are applicable. The existing buildings are single storey and low profile and the proposals for two and three storey would have a greater impact on the Green Belt and nearby National Park.
- 10.3.4 The proposal for 80 houses still far outweighs any allocation proposed for the local area in the Council's statutory development plan. The proposed development has not addressed the ecological value and wildlife of the site in relation to protected species. The site has potential contamination in particular the buildings potentially have Asbestos and this needs to be fully investigated.
- 10.3.5 Road safety is a concern and a comprehensive survey by the Highway Authority would determine the suitability of the access onto this road. Derritt Lane is not capable of accommodating more traffic. Comments made prior to the amended application raised concern over the fact that there are no footpaths and the lane is very narrow and a country lane.

Bransgore does not have any road crossings and there seems to be limited footpath access to the village from the site to encourage walking. Car parking in the village is already a problem and the proposed number of housing would worsen the situation. Concerns over the access and right of access through the site to the adjacent landowner.

10.3.6 The case made about the level of traffic generation is based on assumptions that all the buildings on the proposed site are or could be used and therefore the redevelopment would be of equivalent built volume. However, there are only a few buildings with current certificates and the majority of the remaining buildings are in a state of dereliction and certainly not in current use. Accordingly the level of traffic into and out of the site is nowhere near the proposed.

10.3.7 The site should remain as it is as servicing the needs for business or returned to farmland. There would be an impact on the existing sewage system and drainage. The proposed development would lead to a greater impact on the National Park with additional walking and dog walkers which leads to further damage on flora and fauna. There has been significant flooding along Merritt Lane close to the bridge, which is a concern. There is uncertainty as to whether the unit used for residential purposes at No 92 would be retained and used for business purposes. Both units 92 and 93 should form part of the proposed dwellings.

10.3.8 The site has not addressed the Nature Conservation issues for protected species in relation to the legislations and national planning guidance. The application cannot be determined until the issues of protected species and nature conservation has been investigated and this needs to cover the whole of the site. This is all set out in the Section 40 of the Natural Environment and Rural Communities Act 2006. The extent of the survey work does not cover the whole of the site.

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission and the 80 dwellings built, the Council will receive £92,160 in each of the following six years from the dwellings' completion, and as a result, a total of £552, 960 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 the Town and Country Planning (Development Management Procedure) (England) Order 2010, New Forest District Council take a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome.

This is achieved by

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

In this case, amended plans, additional information, amended description were all requested and provided. Accordingly, following the changes, the application was subsequently considered acceptable.

## **14 ASSESSMENT**

### Introduction

- 14.1 This application was considered by the Committee in May 2014. The Assessment contained in the report at that time is attached as Appendix 1 to this report.
- 14.2 Despite detailed discussions and negotiations with the applicants regarding the Section 106 Agreement, it was not completed by 1st October 2014 which was the deadline imposed by the Committee in May. Accordingly, the authorisation to the Head of Planning & Transportation to grant permission has now lapsed. Therefore the application is now being brought back to Committee and this section of the report will explain some proposed slight changes to the Section 106 Agreement. All these issues have now been agreed with the landowners and there should not be any reason why the Section 106 cannot be completed shortly.
- 14.3 The following numbered paragraphs correspond with those numbered paragraphs contained in the previous Assessment to Committee which is attached at Appendix 1 (the "May Assessment"). Unless mentioned below, the Heads of Terms referred to in the May Assessment remain unaltered and will form part of the Section 106 Agreement requirements for this application. The new changes are as follows:-
3. New Forest District Council now to purchase 24 completed units

for social rent from the developer or as a fall back, the developer is to provide free serviced affordable housing land to NFDC.

8. The latest Section 106 draft has been updated to ensure that the SANGS footpaths are provided within certain timescales for example, the footpaths on the SANGS land have to be completed before occupation and the footpaths across the remainder of the site (which will connect with those on the SANGS land) will be completed before 90% occupation of the Open Market Dwellings
14. The Section 106 has been updated with deadlines for the transfer of POS and SANGS land which is to take place no later than 90% of occupation of the Open Market Dwellings together with payment of the POS Maintenance Contribution, the Play Area Maintenance Contribution, The SANGS Maintenance Contribution and the SANGS Monitoring Contribution.
17. All Allotment land to be transferred to public ownership prior to occupation of 90% of the Open Market Dwellings.
19. Commercial floorspace to be provided and ready for use prior to occupation of the 40th dwelling.

In addition, the Council's Ecological Consultant had requested further survey work so that Officers have a full understanding about the protected species present on the site, in particular any bats within the buildings, and the mitigation required. The applicants have provided further survey work, which concludes that bats are not roosting in the buildings considered to have the highest potential from the initial surveys. The survey also details mitigation works such as bat boxes in trees and on the housing. The full details will be provided in the reserved matters application. The Councils Ecologist considers that the further survey work is acceptable and that subject to conditions there is no reason to withhold consent on ecological grounds.

Other than the changes to the Section 106 Agreement listed above there have been no changes to the proposals since Members considered the application in May and as a result, there is no reason to come to a different view at this time.

## 15. RECOMMENDATION

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

- i) the completion to his satisfaction, by no later than 10 January 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 reflect the matters referred to in section 14 of this report; AND
- ii) the imposition of the conditions set out below.

BUT, in the event that the Agreement is not completed by 10 January 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.

### **Proposed Conditions:**

1. Approval of the details of the layout, Scale, appearance, access, landscaping ("the reserved matters") shall be obtained from the Local Planning Authority before any of the development is commenced. The development shall only be carried out in accordance with the details which have been approved.  
  
Reason: To comply with Section 92 of the Town and Country Planning Act 1990.
2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.  
  
Reason: To comply with Section 92 of the Town and Country Planning Act 1990.
3. The development hereby permitted shall be begun before the expiration of



two years from the date of approval of the last of the 'reserved matters' to be approved.

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

4. The details submitted in accordance with Conditions 1) and 2) shall reflect the design concepts and principles contained in the illustrative concept layout plan and design concept guidance notes.

Reason: To ensure that any pursuant reserved matters applications follow the key design principles and concepts which are set out in the illustrative drawings which is important to achieve a high quality development for the site in this sensitive rural local and to protect the openness of the site lying within the Green Belt in accordance with Policies CS2 and CS10 of the Core Strategy for the New Forest District outside the National Park.

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

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

6. No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development in accordance with the Preliminary Flood Risk Assessment has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be subsequently implemented in accordance with the approved details before the development is completed. The scheme shall also include the details of how the scheme will be maintained and managed after completion.

Reason: To prevent the increased risk of flooding and ensure future maintenance of the surface water drainage system in accordance with Policy CS6 of the Core Strategy for the New Forest outside the National Park.

7. 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. No surface water shall be discharged into the foul sewer.

Reason: In order to ensure that the sewerage arrangements are appropriate and to achieve the satisfactory discharge of

surface water from the site in the interests of not increasing the potential of foul water flooding in the area and in accordance with Policies CS2 and CS6 of the

8. No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. This shall include a Level 2 building recording comprising a descriptive and photographic record of the buildings, along with a representative plan of each type of building.

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

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

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

10. No residential development hereby permitted shall be occupied until the footpath link is provided along Derritt Lane between the application site and the existing pedestrian facilities at the junction of Derritt Lane and West Road as shown in principle on drawing 020.0127.100 Rev P4 has been constructed and made available for public use at all times in accordance with the approved design that has been submitted to and approved by the Local Planning Authority. The footway link must remain available for use at all times.

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

11. The development permitted shall be carried out in accordance with the following approved plans: Drawing No 2228-121E, 2228-123, 020.0127.100 Rev P3, Design concept and concept layout.

Reason: To ensure satisfactory provision of the development.

12. In any submitted reserved matters application, there shall be no residential or business uses or development sited in the land coloured and set as open area/ amenity land as shown under drawing No 2228-121E.

Reason: The site lies within the designated Green Belt where strict planning policies apply to protect the openness of the area in accordance with Paragraph 89 of the National Planning Policy Framework. The proposed development to remove all the buildings on the site and to create large areas of open space by concentrating the residential and business development in a smaller area would provide large open areas throughout the site which would both benefit and protect the openness and character of the Green Belt. If new residential or business development was proposed within these areas, this would affect the openness of the Green Belt and fail to comply with Paragraph 89 of the National Planning Policy Framework.

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

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

14. 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 15 to 17 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 18 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.

15. 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.

16. 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.

17. 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.

18. 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 14, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 15, 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 16.

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.

19. A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of years as stated in the remediation scheme, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. 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.

20. 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: To ensure that further extensions, outbuildings and other enclosures do not lead to a greater impact on the openness of the Green Belt, in accordance with Policy CS10 of the Core Strategy for the New Forest outside the New Forest National Park.

21. Apart from the retention of the 11 existing buildings with a total floor area of no more than 1,309 square metres for Class B1 use and the building identified as a 'Heritage' Building to be used as a museum, and before development commences on the first residential dwelling hereby approved, all other remaining buildings, enclosures and structures on the site shall be removed and the land cleared to the satisfaction of the Local Planning Authority

Reason: To ensure that the proposed development of the site accordance with the strict policies within the designated Green Belt in accordance with Paragraph 89 of the National Planning Policy Framework.

22. Prior to the occupation of the first residential unit to be constructed on the site, details of the clearance, renovation and landscaping works to include its timing and implementation to be carried out in the land outlined in blue on the approved plan shall be submitted to and approved by the Local Planning Authority. Development shall only take place in accordance with the details hereby approved.

Reason: The extent of the area of land outlined in blue is untidy, overgrown and in a poor condition and given the sensitive nature of the site and the overall works to the site to remove the existing buildings as part of a redevelopment at the site, the details are required as to how this area will be enhanced in accordance with Core Strategy Policy CS2 and CS10 of the New Forest outside the National Park.

23. No development hereby permitted shall be occupied until plans and particulars showing the detailed proposals for give-way road markings at the site access junction with Derritt Lane has been submitted to and approved in writing by the Local Planning Authority.

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

**Notes for inclusion on certificate:**

This decision relates to amended / additional plans received by the Local Planning Authority on 4th April 2014.

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

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)

### May 2014 Committee Report

#### 14.1 Introduction

- 14.1.1 Merryfield Park, or Sopley Park as it was previously known was a former RAF base first developed in the immediate post war period as a residential camp for radar personnel and comprises a large group of buildings within a site of about 10.5 hectares located close to the western edge of the village of Bransgore within the Green Belt, abutting the New Forest National Park to the east. The Park contains some 91 buildings of various sizes which are laid out in rows of regimented huts to the east with more diverse forms of buildings scattered around the remainder of the site.
- 14.1.2 The site is heavily tree'd around its boundaries and within the site with large grassed areas and hedgerows defining its boundaries. A number of trees are protected by individual and group Tree Preservation orders. The Park is accessed via a single vehicular entrance midway along the Derritt Lane frontage, which then splits into a number of internal spur roads serving the units. Derritt Lane is a dual width road lined by trees and hedgerows with a rural character with no footpaths or pavements near the site. The site lies within a rural context where there is a spread of rural houses with large gardens or small paddocks and gravel lanes. The site is predominately bounded by large open land used as meadows, grazing and arable fields with native hedgerows and Oak trees.
- 14.1.3 This planning application seeks consent for the erection of up to 80 dwellings with the retention of up to 11 existing buildings with a total floor area of no more than 1,309 square metres for Class B1 use and a museum together with associated access point, the provision of Site of Alternative Natural Green Space (SANGS) and open space and the provision of a footpath along Derritt Lane. This planning application seeks to demolish and clear the existing structures and buildings on the site with the exception of those to be retained for Class B1 use and the museum use. The application submitted is in outline with all matters reserved. The application has been supported by a plan of the site and a concept layout plan and design concept guidance notes which defines the proposed site coverage, uses and layout. It is also not intended to develop or change the use of the land within the rectangular area of land to the west of the site outlined in blue and this will remain as agricultural land, but the applicant is seeking to tidy and improve the condition of this piece of land. An area of allotment is shown on the submitted drawings.
- 14.1.4 The site has a complex planning history and has been subject to enforcement action over the years. Its *'lawful use has been established to be a 'training or rest camp on an occasional basis including day and residential training, education and activity courses and ancillary uses'*. The lawful use also includes war games and some of the existing buildings have been granted lawful development certificates for office and storage uses. There have been previous applications to redevelop the site for residential purposes. These have been refused planning permission, primarily on account of the site's green belt location, the developments being deemed to constitute inappropriate development in



the Green Belt in the light of the government's guidance that was applied at that time.

## 14.2 Policy Context

- 14.2.1 For the purposes of planning policy, the site lies outside the built up area boundary and within the designated Green Belt. In terms of national policy, the application site is located within the Green Belt and therefore the proposal must also be assessed against Green Belt policies. Paragraph 89 of the National Planning Policy Framework (NPPF) suggests that the construction of new buildings in the Green Belt is inappropriate other than for specific exceptions. One of these exceptions is the partial or complete redevelopment of previously developed sites (brownfield land), which would not have a greater impact on the openness of the Green Belt.
- 14.2.2 The application site is evidently previously developed land (brownfield site) and in the light of the NPPF a judgement needs to be made on whether the proposed redevelopment would have a greater impact on the openness of the Green Belt. If it is concluded that the proposal would have a greater impact on the openness of the Green Belt then the proposal must be deemed to be inappropriate development. The NPPF makes it clear that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.
- 14.2.3 As the application is in outline, the specific layout of the site, volume and height of the buildings, boundary walls, enclosures and garaging would be a matter to be considered at the reserved matters stage. Accordingly, if outline consent was granted, the Council would still have the ability to assess the impact on the openness of the Green Belt in any reserved matters application when the more detailed proposals are submitted for consideration.
- 14.2.4 In assessing the impact on the openness of the Green Belt, there are some 91 buildings on the site together with internal access roads, large areas of hardstanding, some of which are used for car parking, and boundary walls. The height of the buildings range from approximately 3 metres to the tallest building which is 12 metres, but predominately, the buildings are single storey ranging from 4-6 metres in height. The buildings are scattered across the whole of the site and can be viewed from Derritt Lane, the surrounding fields and the rights of way running west and north of the site. The applicant's surveyor carried out a survey which calculates the total volume of the buildings equates to 50,404 cubic metres and this has been verified as broadly acceptable. Other than the buildings and the internal road network, the land is relatively open in that there are considerable open grassed areas and very few boundary walls, fencing or enclosures dividing the individual buildings.
- 14.2.5 This outline application proposes to remove all of the existing buildings on the site excluding the eleven buildings to be retained for employment purposes and the existing tower building to be used as a museum. The proposed number of dwellings is up to 80 and taking into account the existing buildings to be retained, this would be nearly equivalent to the existing number of buildings on the site (the only other building to be retained is the tall tower building). Accordingly, there would be an

increase of one additional building on the site compared to that existing. The actual footprints of the existing buildings vary considerably in size, but there are a number of buildings with very large floor areas, which are likely to be greater than standard dwelling sizes.

- 14.2.6 On the basis that the number of buildings proposed is nearly identical to the number of existing buildings, and details have been provided as to the volume of the buildings, this would give assurances that the development on this site can be achieved without having a greater impact on the openness of the green belt, however further assessment of this would still need to be made at reserved matters stage. Any reserved matters application, would be expected to provide details of the volume of the proposed buildings which would need to reflect that set out in the report submitted with this application.
- 14.2.7 Notwithstanding the fact that the Council would need to assess building volumes, heights, sizes, and other structures at the detailed stage, the submitted concept layout plan show that all the built development would be concentrated in the southern area of the site close to Derritt Lane and it is proposed to create a single large area of open space to the west and north of the site equating to over a third of the site. Indeed minimum of 4 hectares of land would be used as a SANG and at least 0.7 hectares for open space. There would also be significant changes of the views from the public rights of way running across the field to the west and north of the site in that the existing buildings which currently can be seen would be removed and replaced with a large open area. Accordingly, it is considered that the proposal to concentrate built development in part of the site would be a benefit to the openness and overall function of the green belt.
- 14.2.8 While it is accepted that by concentrating built development in a smaller but more dense and compact area which is likely to be surrounded by additional structures boundary walls and roads there would be fewer gaps and open views this part of the site, it is considered that there would be a significant benefit by creating a larger area of open land with no buildings or structure but with access for recreation and walking which would be an additional benefit.
- 14.2.9 Overall, whilst the full details would need to be assessed at reserved matters stage, it is considered that this outline application demonstrates the potential for a form of redevelopment that would not have a greater impact on the openness of the green belt than the existing buildings, and the increased opportunities for community and recreation uses of the land that the development would give substantial benefits to the character and appearance of the green belt and accordingly it is considered that the proposal would be in accordance with paragraph 89 of the National Planning Policy Framework.
- 14.2.10 There were specific local planning policies relating to Merryfield Park, notably Policy SOP1 of the adopted New Forest District Local Plan First Alteration, however, this has not been saved in the Local Plan Part 2 Sites and Development Management Document. Accordingly, whilst there are now no site specific policies or policies for the comprehensive development of Merryfield Park, the Council will rely on the National Planning Policy Framework and the non-site specific policies of the Local

Development Plan in assessing the development of the site.

14.2.11 In terms of the local plan policies, Policy DM20 of Local Plan Part 2 relates to new residential development in the countryside and states that additional residential development should only be permitted for affordable housing or agricultural workers dwellings. Core Strategy Policies CS12, CS14, CS15 and CS22 relate to new residential development and in particular allocated affordable housing schemes for local needs in both rural areas on exception sites or on the edge of towns and villages across the District. In assessing the proposal against these policies, the proposed redevelopment of Merryfield Park is not supported by one particular policy given the proposal is for both open market dwellings and affordable housing and the site is fairly unique in that it is a large brownfield site located just outside the built up area.

14.2.12 It is accepted that the proposed number of dwellings exceeds any allocation proposed in this area as set out in the development plan, and the Council has a 5 year land supply, however, the proposal does provide up to 40 dwellings to be affordable and the site does not comprise open countryside, but contains many derelict buildings, which do not positively contribute to the character of the area, where there is an opportunity to make positive enhancements. Moreover, the Core Strategy requires around 55 new dwellings in Bransgore between 2006 -2026 and this proposal for 80 dwellings would not be significantly higher than this figure. Nevertheless, it is for the District Council to determine whether a proposal for new housing in their area is acceptable in planning terms and for the proposal to be assessed against Paragraph 89 of the National Planning Policy Framework.

14.2.13 Policy DM23 of Local Plan Part 2 and Policies CS17 and CS21 of the Core Strategy both relate to employment uses and the aims of the policies seek to support local business and employment uses in rural areas through redevelopment of existing employment sites and re-use of existing buildings. The proposal for Merryfield Park to retain some of the existing business units would broadly accord with the aims of the policy to provide employment uses in the countryside and rural areas.

### 14.3 Layout and Design

14.3.1 The application submitted is in outline with all matters reserved and although the actual design and layout of the site would be a matter to be considered at reserved matters stage, a certain level of detail is expected to be provided at this stage. According to paragraphs 10 and 13 of the Town and Country Planning (Development Management Procedure) 2013, outline applications should provide information on the proposed use, a plan identifying the land to which it relates and showing the situation of the land in relation to the locality and in particular in relation to neighbouring land and where access to the site is to be taken directly from a road, and by a description of the location of the access points to the proposed development. The Design and Access Statement should also be a written statement about the design principles and concepts that have been applied to the development.

14.3.2 It is considered that the submitted proposals for Merryfield Park do all of

this. The application is submitted with a plan showing the site and a concept plan illustrating a more detailed layout for the site together with the design parameters and principles that should be considered in any future detailed application on the site. The site plan also details that the existing access point into the site would be used as the main access.

- 14.3.3 The number of dwellings being proposed and the density of the development would accord with expectations and the extent of land to form the areas of public open space would be in excess of the policy requirements, which would also create a spacious setting with native trees and planting in the form of a woodland. The concept layout plan and design concept guidance notes that are proposed is considered to have appropriate regard to the site's rural-edge context. The key elements to come out from the concept plan is the provision of the village green located close to the main entry point into the site which has the potential for an attractive feature with a landmark building in the backdrop backing onto the area of open space, the provision of perimeter block housing connecting onto all footpaths, roads and areas of open space to achieve a permeable development, the arrangement of built development against the rural edge and the protection and establishment of the tree and hedgerow corridor along Derritt Lane.
- 14.3.4 Accordingly, if the basic principles are followed in the concept layout plan, there is no reason why a high quality development should not be the result, and if planning permission were to be granted, there should be a condition which ensures that the developments should reflect the design principles shown on the concept layout plan.
- 14.3.5 It is noted that the site is surrounded by open fields and dwellings set in a rural location including the Landscape Character Area 19 - Bransgore Woods and Pastures. The proposed development would be in a smaller confined area removing all other structures and buildings and would create a better open feel to the site to the west and north provided a high quality appropriate design is brought forward at the reserved matters stage, there is no reason why the surrounding areas and landscapes should not be adequately protected. Whilst there is no landscape and visual assessment, this is not a statutory requirement to be submitted.

#### 14.4 Highway and Transportation Issues

- 14.4.1 In terms of highway safety and transportation issues, there are two separate matters for consideration.

##### Footpath link

- 14.4.2 An important issue is how the proposed development on the site is connected to the built up area of Bransgore in terms of a pedestrian link to enable any future residents of Merryfield Park to walk safely to the shops, schools and amenities in the village. In addition, it would be important that people living in Bransgore have good pedestrian access to the site to use the areas of open space and designated SANGS. In the absence of such a link, it is considered that the site is not adequately connected to Bransgore in a sustainable and safe manner, which would result in an over reliance on private cars and public highway safety concerns. The existing right of way across the field opposite the site

would not provide an acceptable link given the lack of natural surveillance onto the path and because the surfacing is poor.

14.4.3 The application has addressed this issue by the provision of a pedestrian foot way on Derritt Lane between the eastern boundary of Merryfield Park and the existing foot way which currently terminates at the eastern side of West Road. The proposals incorporate a footpath on the northern side of Derritt Lane for approximately half the length between the site boundary and West Road, then a dropped kerb crossing to continue the footway link on the southern side of Derritt Lane up to the junction with West Road. The proposed footway width is achieved through a combination of existing verge use minor realignment of Derritt Lane and localised carriageway narrowing where necessary.

14.4.4 Hampshire County Council considers that whilst the detailed design of the footway can be agreed after the planning permission is granted, the Highway Authority must be confident that the provision of a footway in this location can be achieved. The Highway Authority has stated in principle that the link is acceptable, however there are still some outstanding matters that need to be resolved to determine that this link is deliverable, in particular to satisfy parameters of the Ordinary Watercourse Application, which includes the drainage and ecological parameters. The proposed footpath has been safety audited. The Council will expect the Section 106 Agreement to secure an acceptable 278 Agreement with Hampshire County Council and for the footpath link to be created and laid out in accordance with the approved details prior to the occupation of the first dwelling on the site. The footpath link would significantly alter the rural character of this part of Derritt Lane, however, the effects on the character of the lane has to be balanced against the need to provide a footpath link to Bransgore.

#### Access and traffic generation

14.4.5 The second issue is whether there is an acceptable access into the site and whether the existing highway network along Derritt Lane and the surrounding road networks within the vicinity of the site can accommodate the proposed development.

14.4.5 The application has been accompanied by a Transport Assessment which considers in detail the existing site conditions, site accessibility, accident history on this section of Derritt Lane, access assessment and, Trip rate comparison of the existing and proposed land uses. Derritt Lane is subject to a 40 mph speed limit across the site frontage. The intention is to retain the existing site access arrangement for the proposed development. The review of the Personal Injury Accidents does not identify any accidents in the last 5 years at this entrance. Analysis of Personal Injury accident data over the last three years revealed only one incident in the vicinity of Merryfield Park, which was recorded as a serious injury accident involving a young male driver losing control on a wet morning whilst travelling past the site access. There are bus stops located within 750 metres either side of the site access, offering access to a weekday bus service between Ringwood and Christchurch and bus services for local school and college commuting.

14.5.6 In terms of the existing site conditions, based upon the current lawful

uses of the site and the separate lawful uses of some of the buildings for storage and residential uses, it is accepted that the site currently generates a considerable level of traffic. In order to quantify the exact level of existing traffic generation, an independent traffic count has been undertaken and the average total traffic movements from the site on a weekday equated to 347 with 297 weekend movements. The transport assessment also stated that the potential traffic movements, if the entire site was fully utilised in accordance with the Lawful use certificates, would equate to a much greater traffic generation with a daily movement of 1218 and 1042 movements at weekends. The traffic survey also indicated that traffic flows recorded as 1647 westbound and 1476 eastbound.

14.5.7 In assessing the proposed development, whilst the number of dwellings and business units are set out in the proposal, as the application is in outline, the actual detail of housing mix and layout cannot be determined at this stage. On this basis, a worst case scenario has been presented which states that the proposed weekday traffic movements would equate to 603 (which include the proposed 80 dwellings, 11 commercial units and museum). Based on the traffic survey, this would lead to an increase in traffic generation, but at peak times, the increase would be relatively modest. It has been argued that if the potential of the whole site was fully utilised, the level of traffic generation for the proposed development would be significantly less. The traffic assessment sets out how the traffic would be distributed onto the surrounding road networks and in particular the junctions with Salisbury Road (Sopley) and Ringwood Road (Bransgore).

14.5.8 The Highway Authority assessment of the proposed development concludes that the existing access and surrounding road network can acceptably accommodate the modest increase in traffic generation and accordingly raises no objection. The Highway Authority considers that the site would be served by a retained access with adequate visibility splays in both directions and that the proposal would only generate a modest increase in traffic. It is also considered that the access arrangements would be sufficient to accommodate the two way traffic movement of cars at the bellmouth as well as the turning requirements for refuse vehicles. In terms of car parking provision, this would be a matter for any submitted reserved matters application when the full details of the layout and design are presented, and the proposals would need to accord with the Councils adopted Car Parking Standards Supplementary Planning Document. Concerns have been expressed that the village centre of Bransgore suffers from congestion, and the proposed development would put greater pressure on this situation. Whilst it is likely that there would be additional pressure, there is a public car park in the centre and the proposed footpath link would provide safe access for people to walk or cycle to the shops and other facilities in the centre.

#### 14.6 Nature Conservation and ecology

14.6.1 In support of the planning application, an ecological report and bio diversity statement has been submitted. It should be noted that the impact of recreational pressure on the New Forest SAC and habitats mitigation has been addressed below, and this section assesses the impact on protected species and biodiversity within and around the site. The site contains a variety of building types and styles, most of which are

derelict with a mixture of mown amenity grass and coarse grassland together with a number of mature trees.

- 14.6.2 The submitted ecological report examined each building for bats and other protected species, and only one unit contained evidence of bats, however, a further three units had good habitat potential for bats. The report states that numerous trees on the site are suitable for bats, but these trees are being retained. In terms of breeding birds, swallows were found using one of the units and there were signs found in other units. There were abundant signs of Barn Owls across the site and within some of the buildings. In terms of reptiles, there is a high likelihood that reptiles are present on site given the long grass.
- 14.6.3 The applicants Ecological Consultant report states that further work to include a full data search, barn owl survey, reptile survey and a detailed mitigation plan will be required when the full details are submitted and there would be provision for reptiles within the recreation area and features incorporated on the retained buildings for bats and barn owls.
- 14.6.4 However, in response to the submitted information, the Councils Ecologist considers that further survey work will be required prior to any positive decision being made on the application to ensure that there is a full understanding of the protected species is present on the site and the mitigation required. The Councils Ecologist has stated that the applicant would need to follow up on the survey and mitigation work already undertaken by the applicant and these details have been requested to be provided and the outcome of the findings and recommendations from the Ecologist will be updated before committee. The Ecologist does consider that given the size of the site and the provision of a large area of open space, there is plenty of opportunity for the protected species to be relocated on the site or through bat boxes in existing or new buildings. Accordingly, the Councils Ecologist considers that it is feasible to mitigate against the impact however, it is important that the level of survey work and mitigation provided at this outline stage accords the legislative framework.

#### 14.7 Habitats Mitigation and impact on the New Forest National Park

- 14.7.1 The site is within approximately 1km of the New Forest Site of Special Scientific Interest which is part of the New Forest Special Area of Conservation. The site is also within 2.5 km of the New Forest Special Protection Area (SPA/RAMSAR). The eastern boundary of the application site borders the New Forest National Park. The proposed dwellings would be in close proximity to the New Forest SPA and delivery of effective mitigation is required to ensure adverse effects are avoided and this is set out in Policy DM3. The Council have assessed the proposal against the impact on the New Forest National Park in accordance with Section 62 of the Environment Act 1995.
- 14.7.2 Policy DM3 of the Local Plan Part 2 requires the recreational impacts of new developments on the New Forest European Nature Conservation Sites and the Solent Coast European Nature Conservation Sites to be adequately mitigated. For residential development, the required suite of mitigation measures includes the provision of SANG, access and visitor management measures and monitoring. To achieve these mitigation measures it is considered that, as well as securing on-site public open

space (based on a formula of 8 ha per 1000 population), the application proposal should secure financial contributions towards maintenance and monitoring.

14.7.3 In this case, the proposal would provide the provision of a minimum of 4 hectares of on-site SANG, which would be located on the northern part of the site. Based upon the number of proposed dwellings, the plan of the site and concept plans show a large area of open space on the site in the form of a SANG which would be well in excess of the policy requirement. The full details of the layout and design of the SANG would need to form part of any submitted reserved matters application, however, the Section 106 Agreement would need to ensure that the SANG is laid out and ready for use in accordance with the approved scheme prior to the occupation of the first dwelling and then the land subsequently transferred to the District Council for ownership and management of this area.

14.7.4 There would also be a financial contribution towards monitoring at £50 per dwelling and maintenance for onsite SANG. The level of mitigation being offered is also acceptable to Natural England and the Ecologist. As such, subject to the completion of a Section 106 legal agreement to secure the onsite SANG, it is considered that the potential recreational impacts of the proposed development on designated European sites would be adequately mitigated.

14.7.5 Whilst concerns have been expressed regarding the impact on the landscape, character and recreational pressures of the National Park, both the Ecologist and Natural England does not raise any objections and considers that the proposal is not likely to have a significant effect on the interest features of the SSSI/SAC/SPA/Ramsar site designation but this is providing that the SANG provision is secured in line with Policy DM3 of the Local Plan Part 2. In addition, the level of SANG to be provided would ensure that there would be no additional recreational pressures on the National Park and the provision of a new footpath linking Bransgore to the application site would enable people already living in Bransgore to use the SANG at the site and this is likely to take more pressure of the National Park than the existing situation.

14.7.6 Moreover, it is considered that the development's impact on the National Park would be very limited and the proposal would not harm the landscape importance and qualities of the National Park. The increase in traffic generation compared to the existing situation would be modest, and any traffic generated would be into Bransgore or towards Sopley and not through the local forest roads. The existing buildings along the eastern end of the site would be retained for employment purposes and accordingly, it is not anticipated that further development would encroach close to the National Park. The removal of the buildings to the north of the site would improve any views from the National Park from the north.

#### 14.8 Affordable Housing provision

14.8.1 In accordance with Core Strategy Policy CS15, the proposed development would need to make an Affordable Housing contribution of 50% of the total number of units proposed. In addition, 35% of the total dwellings should be social rented and 15% of the total dwellings intermediate housing. At least 50% of the affordable housing provided



should be family housing.

14.8.2 Of the 80 dwellings that are proposed, 40 dwellings would be specifically for affordable housing. This would equate to 50% of the total number of units. Out of the 40 dwellings, 24 units (60%) would be for social rented and 16 units (40%) for intermediate housing. This would include a mixture of 1, 2 and 3 bedroom houses, flats and maisonettes.

14.8.3 The current proposals would meet the requirement of Policy CS15 of the Core Strategy for the overall percentage of affordable housing and the provision of family housing. Although Policy CS15 seeks 70% of the affordable dwellings to be social rented and 30% intermediate the tenure split proposed of 60% affordable rented and 40% shared ownership would be acceptable and is supported by the Councils Strategic Housing Officer.

14.8.4 The affordable housing would have to be delivered as part of a Section 106 Agreement and this would need to include the transfer of clean serviced land to a Registered Provider at nil cost to take place prior to the occupation of the first open market dwelling on the site.

#### 14.9 Public Open Space provision

14.9.1 The application proposes areas of on-site public open space, which in terms of their combined size would meet the requirements of Core Strategy Policy CS7. The public open space has been shown to be provided on the concept layout plan to the west and north part of the site, with two smaller areas set amongst the housing. The main area for formal public open space would be to the west of the site and the concept layout plan and design concept guidance identifies this as an area to accommodate games such as a small football pitch and natural play area. The village green would be in the central part of the site located close to the main access and it is intended that this will be an open grass space with a few trees planted. To the east of the site, set amongst the existing housing there will be children plays area and incidental green playspace to offer amenity as part of an overall green environment.

14.9.2 Whilst the actual details of how this would be laid out and used would be set out in any reserved matters application, the concept plan identifies how the open space will be dealt with on the site. The areas of open space that are proposed are well located and would have good natural surveillance. The spaces would be of an appropriate design quality and would be positive features that would both enhance the setting of the development as well as providing an important amenity for the residents of the proposed development.

14.9.3 The applicant is agreeable to entering into a Section 106 legal agreement to secure the on-site public open space, to secure an appropriate maintenance contribution towards the future maintenance of the on-site open space (informal and formal) and children's play area. It is intended that all open space would be transferred to the District Council for ownership and management.

#### 14.10 Neighbour Amenity Issues

14.10.1 Such a large development as that proposed would inevitably have some impact on the amenities of neighbouring properties. There would, however, be a reasonably generous degree of separation between the proposed dwellings and existing residential property, so as not to result in any adverse impact on privacy, light and outlook. The most likely impact would be as a result of additional noise and disturbance resulting from the proposed use, however, all vehicular traffic would be onto Derritt Lane, which is already a busy road and taking into consideration how the site could be used in accordance with the Lawful uses of the site, the level of additional activity would not be significant.

14.10.2 Comments have been made that it would be inappropriate for employment uses to be located adjacent to residential properties given that the road leading to the employment uses would pass through the residential units. However, a Class B1 use is defined as a use which does not generate noise or fumes and accordingly, there is no issue in locating these types of employment uses adjacent to residential development. Traffic would obviously need to run through parts of the proposed residential development, however, there are only 11 units to be retained and given the size of the buildings and their uses, it is not anticipated that the types of vehicles would be large.

#### 14.11 Other Issues

14.11.1 Concerns have been expressed that the application site is located in an unsustainable location being some distance from the settlement of Bransgore to the east and the smaller settlement of Sopley to the West. It is accepted that the application site has no local amenities and there are few facilities located nearby. There are very few facilities in Sopley, however, Bransgore is located much closer to the site being within 1 mile of the village centre. Indeed, the application site is only separated from the edge of the built up area of Bransgore by a single field and the proposed footpath link along Derritt Lane would provide an important connection to the local amenities in the village centre.

14.11.2 Accordingly, whilst the site is not highly sustainable, it is not a significant distance to the village centre of Bransgore, and subject to the implementation of the footpath link to connect the site to Bransgore, this will reduce over reliance on the private motor car. It should also be noted that the site will provide large areas of open space which would be a benefit to the local residents. Overall, subject to securing the footpath, a reason for refusal on these grounds would not be substantiated.

14.11.3 The Tree Officer does not raise any objections and considers that development can be achieved on the site without harming the important trees. However, this would need to be assessed as part of any reserved matters application when the full details of the layout of the site are proposed.

14.11.4 In terms of drainage, it is proposed that the foul drainage would be directed into the existing foul sewer system in the Wiltshire Gardens pumping station which is operated by Wessex Water. Wessex Water states that the preliminary assessment of this pumping station confirms

that subject to agreement of flow rates the pumping station and rising main has available capacity to accommodate additional foul flows from the proposed development. In addition, there must be no surface water connections to the public foul sewerage systems and surface water should be drained via Sustainable Urban Drainage Systems.

- 14.11.5 In terms of flooding, the site lies outside the areas at risk from flooding (Flood zones 2 and 3). The Environment Agency does not raise any objections in principle to the proposed development however; they will require a planning condition to be imposed to require details of surface water drainage to be submitted based on sustainable drainage principles.
- 14.11.6 To the north of the site, and just outside the boundary of the application site, there is a high pressure gas pipeline which runs east to west. The proposed housing would be sited to the south of the gas pipeline and located outside the protective safeguarding zones (middle and outer zones). Both Southern Gas and the Health and Safety Executive raise no objection to the proposed development on the grounds that the housing is located far sufficiently far away from these zones.
- 14.11.7 The Rights of Way Officer does not raise any objections to the proposal as Sopley Footpath No. 18 runs through the site and is currently obstructed at two locations by part of one of the existing buildings. The Rights of Way Officer welcomes the proposed new paths through the site that will link with the existing rights of way network.
- 14.11.8 In terms of Archaeological matters, an Archaeological desk based assessment report was submitted for the site focusing on the known archaeological and built heritage assets. The report states that the potential for as yet to be discovered heritage assets dating to the prehistoric period within the site is considered to be high, while the potential for as yet to be discovered heritage assets dating to the Saxon and Early Medieval periods is considered to medium to low. The County Archaeologist recommends that a planning condition should require an analysis of the merits or otherwise of the buildings and, the potential for archaeological survival.
- 14.11.9 Comments have been received regarding the cultural heritage of the site and buildings. In response, it is apparent that the site has a past history being developed after World War 2; however, the majority of the buildings are in a really poor state of repair and have a utilitarian appearance. The most important building is the former radio tower to the west of the site which is proposed to be retained and used as a museum. Moreover, there will be 11 existing buildings that would be retained and used for business uses which shows the intention to retain some of the site history, but more importantly, the proposal to create a large area of open space in the form of a woodland to go some way in reflecting the origins of the site before the camp was built which incorporated a large woodland copse in this location.
- 14.11.10 Concerns have been expressed that the proposed development would put greater pressure on the amenities in the area such as schools and doctors. It is accepted that the provision of additional houses will put pressure on the local amenities in the area, however, the creation 80 additional dwellings is not considered to be an excessive scale of

development to result in significant pressure on these facilities and equally, there could be wider benefits to local shops and businesses in the area which are likely to receive additional customers.

14.11.11 In terms of contamination, the site previously had an armoury, fire station, fuel store and compound, central heating station, sub-station and sewage plant located on it. The Environmental Health Officer considers that a site investigation is required to characterise the site regarding potential contamination to ensure that the site is suitable for the proposed use. Also many of the buildings are derelict and are thought to have Asbestos Containing Material (ACM) incorporated in them. In order to prevent contamination of the site, surrounding highways and to prevent harm to surrounding residents, receptors and future site users, we will require submission of information relating to asbestos identification, management and/or safe certified removal, depending on the nature, type and condition of the ACM's on the site will be required. The main regulatory interest is in ensuring that all licensed and notifiable non-licensed work with asbestos is carried out with the appropriate controls and training in place, to protect the environment and others in the area from the risks to health that exposure to asbestos causes. Accordingly, the Environmental Health Officer raises no objection to the principle of the proposed development subject to the imposition of contaminated land conditions.

14.11.12 Comments have been expressed that the plans do not correlate with each other and there are several discrepancies. It is noted that drawing No C J Associates AB0607 has been submitted with the environment statement and there are various plans showing the site, however, these are historic plans and maps to support the environmental statement and therefore do not provide the plans and drawings for proposed development of the site. Comments have also been raised that the submitted concept layout plan does not correlate with the submitted plan of the site in terms of the coloured areas for open space and residential/ business development. However, in response, whilst the plans are not completely identical, it is very clear that both the plan of the site and the concept plan show a clear indication of where development should be concentrated and the areas of open space and a further point to mention is the fact that development to the north of the site is heavily treed which would limit development potential in this area.

## 14.12 Summary & Conclusions

14.12.1 Overall the proposed development would significantly alter the character of the area from a range of 91 former run down military buildings to a residential and business development as well as providing a significant area of open space to be used as a SANG. The main issues are the impact on the green belt, impact on the New Forest SPA and the highway related matters. The proposed development of this site for this number of dwellings and in accordance that the design and layout proposals set out in the concept layout plan and the design guidance notes are followed in the reserved matters application, it has been demonstrated that it accords with Paragraph 89 of the National Planning Policy Framework. The development would secure appropriate new areas of public open space and the impact of the development on designated European sites would be satisfactorily

mitigated.

- 14.12.2 Subject to conditions and subject to the satisfactory completion of a Section 106 legal agreement to secure necessary contributions, and further ecological survey work in relation to protected species, it is considered the development's impact would be acceptable, and accordingly, the application is recommended for permission
- 14.12.3 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.
- 14.13 Heads of Terms

### **AFFORDABLE HOUSING**

1. 50% of total number of Dwellings (40 of 80) to be constructed on the land to be Affordable Housing Units of which 24 shall be social rent and 16 intermediate rent/shared ownership.
2. Prior to the commencement of the development a scheme shall be submitted to NFDC and agreed by them identifying exactly how provision is being made for the delivery of all the market and social housing units approved.
3. NFDC to have the right (in priority to any other RP), for the Serviced (Clean) Affordable Housing Land equating to land for 24 social rent Affordable Houses, to be transferred to it, free of charge.
- 3a. Include a mediation clause in the event that agreement cannot be reached between the Affordable Housing provider and the developer in respect of the costs of provision, i.e. construction costs.
4. The affordable housing dwellings must meet the Design and Quality Standards set by the Homes and Community Agency.
5. The affordable housing dwellings must meet at least 4 of the Code for Sustainable Homes.

### **HIGHWAYS WORKS**

6. A Grampian type obligation "NOT" to commence any works on the adopted public highway until a S278 Agreement for the works in question is entered into with HCC for highway works.
7. The Derritt Lane footpath

The construction of a footpath along Derritt Lane between the application site and the existing pedestrian facilities at the junction of Derritt Lane and West Road as shown in principle on drawing 00.0127 Rev P4 to be provided prior to first occupation of any residential dwelling.

8. Footpath within the application site to provide pedestrian/cycle access to the SANGS from existing public rights of Way/ new footpath along Derritt Lane.

The construction of footpaths through the application site that are provided between the SANGS provision and the existing public rights of way (namely footpath 16, 18 and 19) and the proposed footpath to be provided along Derritt Lane. The footpaths within the site shall be constructed to an adoptable standard up to the edge of the SANGS or other areas of public open space and made available in perpetuity for public use. The footpaths with the SANGS will be provided in accordance with details to be agreed as part of the detailed design of these areas.

#### **REMOVAL OF ALL BUILDINGS EXCEPT THOSE SHOWN AS RETAINED**

9. All buildings and slabs and roads, parking areas, parade grounds and pathways not shown as being retained to be demolished and all materials removed from the site and any contamination issues resolved within 6 months of the commencement of any of the development approved all in accordance with a scheme agreed with NFDC.

#### **PUBLIC OPEN SPACE/SANGS**

10. A minimum of 4 hectares of land to be used as SANGS to be provided within the identified area (to be shown as hatched on a plan) and details of its treatment and layout to be part of the Reserved Matters Application and approved before development commences on site. All of the SANGS must be transferred to New Forest District Council laid out in accordance with an agreed scheme submitted as part of the Reserved Matters Application. SANG maintenance contribution based on the calculation of £56,000 for every hectare up to a total of £168,000 will be required, the payments payable on the Transfer of land. The SANGS will have to be made available for use prior to first occupation of any Dwelling on the land.
11. SANGS monitoring sum - £50 per Dwelling to be payable to NFDC when the land is transferred.
12. A minimum of 0.7 hectares to be provided on site for POS (which includes, informal, formal open space and children's play area) to be located either in the area identified as 'open space or identified as 'residential' on the plan. The location of POS will be subject to the Council's Approval as part of each Reserved Matters Application.
13. The breakdown of the open space requirements would be based on the standard formula (informal open space to be 2 hectares per 1000 population, formal open space to be 1.25 hectares per 1000 population and children's play area to be 0.2 hectares per 1000 population).
14. All of the public open space must be transferred to New Forest District Council with the land being laid out in accordance with an agreed scheme submitted as part of the Reserved Matters Application with a Maintenance Contribution based on the calculation of £56,000 for every hectare of land for informal and formal open space or such other figure that has Approval at the time of a Reserved Matters Application. The payments will be payable on the Transfer of land.

15. A maintenance Contribution for a children’s play area would be based on £140.00 per square metres and this be set out in the Reserved Matters Application. For the purposes of calculating the contribution of the area of designed play is to be based on Core Strategy Policy CS7 which requires 0.2 hectares per 1000 population of designed play spaces. To be payable on transfer of the play area/ play facilities.

### **ALLOTMENTS**

16. The provision of Allotments land in broad accordance with that shown on the application plan to provide for allotments be identified as part of the first Reserved Matters Application and NFDC’s Approval sought for the details.
17. All Allotment Land to be transferred to the Parish Council prior to occupation of 50% of the Open Market Dwellings. If the Parish do not wish to receive the allotment land it may be transferred to Private Ownership.
18. Allotments to be transferred with adequate fencing, the provision of a right of access into the allotments from a public highway and an on-site car parking area to be agreed by the LPA with a ‘hard’ base and grave surface along with metered water supply (land to be transferred free from contamination and suitable for purpose).

### **PHASING OF DEVELOPMENT**

19. The phasing and the implementation of development shall be carried out in a manner that ensures 50% of the commercial floorspace is provided and ready for use prior to the occupation of the 10<sup>th</sup> dwelling.

## **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	40	40	0
Financial Contribution	0	0	0
<b>Public Open Space</b>			
On site provision by area			
Financial Contribution	As this is an outline application no details are available of the exact level of provision, however it has been demonstrated that all policy requirements can be met on site.		
<b>Transport Infrastructure</b>			
Financial Contribution	offsite footway to be provided by applicant	offsite footway to be provided by applicant	0

Habitats Mitigation	8 hectares per 1000 population	8 hectares per 1000 population	0
Financial Contribution	£50 per dwelling for monitoring £56,000 per hectare	£50 per dwelling for monitoring £56,000 per hectare	0





# New Forest DISTRICT COUNCIL

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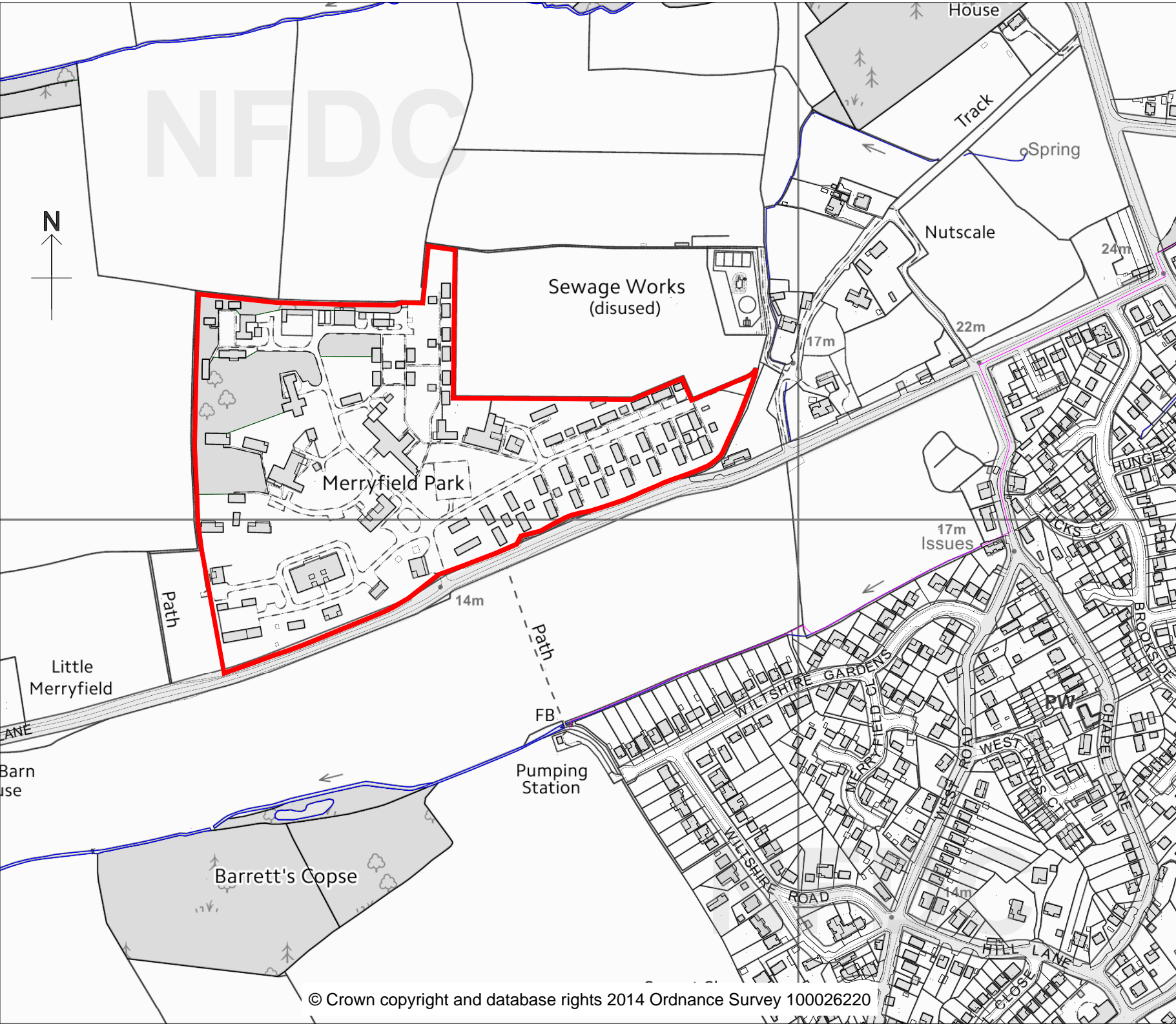
Chris Elliott  
Head of Development Control  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

**Planning Development  
Control Committee**  
**December 2014**

**Item No: A5**  
Merryfield Park  
Derritt Lane  
Sopley  
App No 14/11408  
SZ1797

Scale 1:5000

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



**Application Number:** 14/11286 Full Planning Permission

**Site:** 31 ELM AVENUE, PENNINGTON, LYMINGTON SO41 8BE

**Development:** Roof alterations and extension; rooflights in association with new first floor; fenestration alterations; solar panels

**Applicant:** Mr & Mrs Williams

**Target Date:** 13/11/2014

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## **1 REASON FOR COMMITTEE CONSIDERATION**

Contrary Town Council view

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

Built up area

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

### **Core Strategy**

#### Objectives

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

#### Policies

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 - Lymington Local Distinctiveness

## **6 RELEVANT PLANNING HISTORY**

11/97609 Roof alterations in association with new first floor, side dormer, 2 roof lights at **35 Elm Avenue** granted subject to conditions 15/11/2011

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

Lymington & Pennington Town Council: recommend permission

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

Land Drainage: no comment

New Forest Ecologist: no objection

## **10 REPRESENTATIONS RECEIVED**

One letter of objection

Raise objection to a complete new storey which would turn the existing bungalow into a house and would not only overshadow the bungalows on either side but be out of place in the area.

## **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.

No pre application advice was sought prior to the application being submitted. The level of harm this development would create to the street scene and general character of the area, would justify a refusal in this instance.

## 14 ASSESSMENT

- 14.1 The application site consists of a modest detached hipped roof bungalow on an unmade section of the road leading off Elm Avenue, with a pedestrian walkway to Fox Pond Lane. The site falls within the built-up area of Lymington, and the other properties served by the unmade road are predominantly detached hipped roof bungalows.
- 14.2 The dwelling has a flat roofed single storey extension on the rear elevation, which has increased the length of the footprint of the dwelling. The proposal is to extend at first floor over the existing footprint which would be achieved by increasing the overall height of the dwelling by approximately 1.3m, and also extending the length of the ridge line to be 14.7m, with the introduction of clad gables to the front and rear elevations. The eaves height would be retained as original. Solar panels would be sited across virtually the full expanse of the southern elevation, consisting of 9 full length panels and two half panels to accommodate proposed rooflights
- 14.3 The application site forms one of four dwellings (nos 29-35), which front the north east side of the unmade section of Elm Avenue. Three of these dwellings (29-33) are detached hipped roof bungalows, no 35 though was subject to alterations following consent in 2011 which introduced cropped gables to the front and rear elevations, but did not increase its ridge height.
- 14.4 The Lymington Local Distinctiveness Supplementary Planning Document places emphasis on consistent 'pockets' of housing which have their own distinctive characteristics and on retaining important similarities in built form.
- 14.5 The resulting development would have an overall height of 6.6m, increasing the height of the existing bungalow by 1.3 metres, and with the introduction of timber clad gable ends and glazing extending into the apex, the development would be overly dominant within the street scene. Furthermore when considered in relation to surrounding development, and in particular the lower profile hipped roof bungalows either side of the site, the proposed development would appear out of keeping and visually intrusive.
- 14.6 The increase in the length of the ridge (as a result of the first floor extending over the existing single storey rear extension), would result in an overbulky roof that would be out of scale with surrounding development, and would be contrary to the predominantly distinctive character of this part of Elm Avenue. This harm is further exacerbated

by the extensive coverage of solar panels proposed on the south facing roofslope and use of unsympathetic cladding and fenestration details.

- 14.7 No 35 Elm Avenue had extensions approved in 2011, which created a first floor and introduced tile hung cropped gables. The existing dwelling was higher than the neighbouring bungalows, and therefore the extensions did not involve an increase in ridge height, and furthermore it is viewed against the backdrop of properties in Fox Pond Lane, especially the neighbouring property Beechwood which has a linear roof form with gable ends and a dormer in the rear elevation. The proposed materials respected the original dwelling and surrounding dwellings.
- 14.8 The current proposal differs from the approved scheme at 35 Elm Avenue, in that it would be higher by 400mm, and the linear ridge would be 4.1m longer, with full gables to the end elevations. Furthermore, the dwelling on the application site has a different relationship with other properties making it more prominent and open in the street scene. As such it is not considered that the earlier consent for No.35 creates a precedent for the current proposal.
- 14.9 Although the dwelling would be increased in overall height, the eaves height would be retained and the roof would rake away from the neighbouring properties. As such, the proposal should not create issues of loss of light or overshadowing. Rooflights are proposed on the side elevations, serving a staircase and en-suites and due to their position within the roofslope, could potentially overlook the neighbouring properties rear gardens. However, the plans are annotated to demonstrate that the rooflights would be 1.7m above the floor level of the rooms they are serving, and at this height they would not achieve direct overlooking. If the proposals were otherwise acceptable, the neighbours amenity could therefore be safeguarded by the imposition of an appropriate condition.
- 14.10 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

## **15. RECOMMENDATION**

**Refuse**

**Reason(s) for Refusal:**

1. By reason of the proposed increase in the height and length of the roof involving the use of gable ends, the proposed development would result in an overly bulky roofscape that would appear out of scale and visually intrusive in the street scene. Additionally the use of unsympathetic cladding and fenestration details for the gables and the extensive coverage of solar panels on the southern roof slope would be visually incongruous and further detract from the character of the street and local distinctiveness of the area. For this reason, the proposed development is contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park, Chap 7 of the National Planning Policy Framework and the Lymington Local Distinctiveness Supplementary Planning Document

**Notes for inclusion on certificate:**

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

No pre application advice was sought prior to the application being submitted. The level of harm this development would create to the street scene and general character of the area, would justify a refusal in this instance.

**Further Information:**

Householder Team  
Telephone: 023 8028 5345 (Option 1)



# New Forest

DISTRICT COUNCIL

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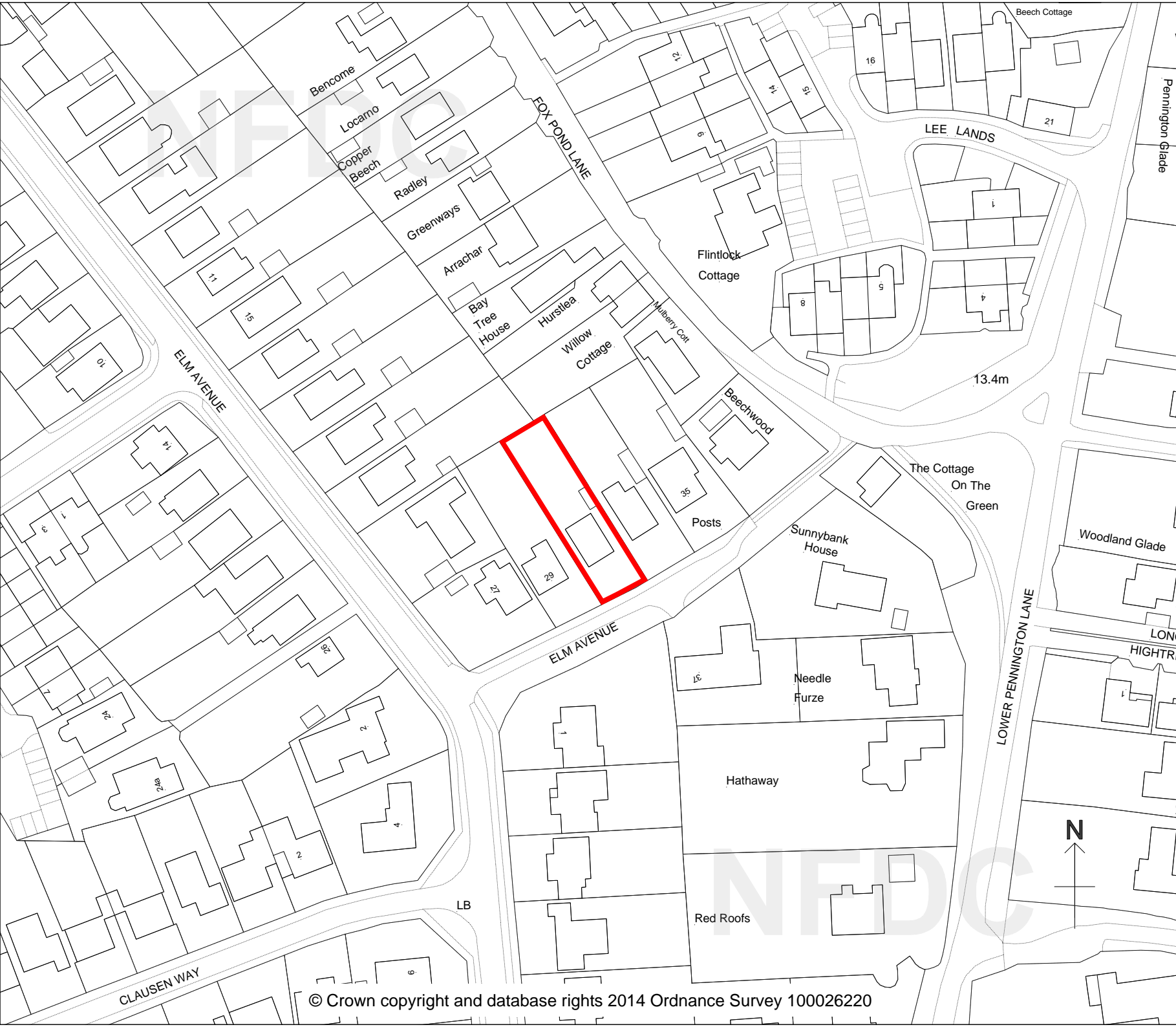
**Planning Development  
Control Committee**  
**December 2014**

**Item No: A6**

31  
Elm Avenue  
Pennington  
App No 14/11286  
SZ3194

Scale 1:1250

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



**Application Number:** 14/11289 Full Planning Permission

**Site:** 40 STATION ROAD, NEW MILTON BH25 6JX

**Development:** Use of first floor as residential dwelling; additional door to rear elevation

**Applicant:** Miss Burry

**Target Date:** 13/11/2014

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**1 REASON FOR COMMITTEE CONSIDERATION**

No affordable housing, transportation or public open space contributions sought.

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Built up area  
Town Centre  
Primary Shopping Frontage

**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
- CS7: Open spaces, sport and recreation
- CS10: The spatial strategy
- CS15: Affordable housing contribution requirements from developments
- CS20: Town, district, village and local centres
- CS24: Transport considerations
- CS25: Developers contributions

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

- DM3: Mitigation of impacts on European nature conservation sites
- DM14: Primary shopping frontages
- NMT14: Transport schemes

**4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

- Section 38 Development Plan
- Planning and Compulsory Purchase Act 2004
- National Planning Policy Framework
- Achieving Sustainable Development
- NPPF Ch.2 - Ensuring the vitality of town centres



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

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

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

## **6 RELEVANT PLANNING HISTORY**

18002 - alterations and change of use of first floor from flat to storage and staff room accommodation in connection with ground floor shop. Granted 18.11.80

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

New Milton Town Council - recommend permission

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

9.1 Drainage Engineer: no comment

9.2 Southern Gas Networks: offer advice

## **10 REPRESENTATIONS RECEIVED**

None

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

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

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

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

This is achieved by

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

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

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

## **14 ASSESSMENT**

- 14.1 The site lies within the built up area of New Milton in the Town Centre and Primary Shopping Area. It is a two storey property which consists of a ground floor shop with vacant office accommodation at first floor level. The proposal entails the conversion of the first floor into a self contained two bedroom flat. This would involve the closing up of a ground floor door between the shop and rear hallway and the provision of a new rear door to the shop.
- 14.2 In this location, it is common for flats to be above shops within the town centre and it is clear that the property was originally built with residential accommodation above. There would be no impact on residential amenity and the proposed physical changes to the rear elevation are minor and would not harm the character of the area which is the rear servicing and parking for the frontage shops and flats to the rear.
- 14.3 The proposal includes a use which is considered to be compatible with the ground floor retail use and the alterations included in the application enable the continued ability to service the ground floor off the street. The shop is of a size enabling it to function adequately without the need for additional storage space at first floor level. Policy DM14 of the Local Plan Par 2 supports residential use in these circumstances.
- 14.4 Both the change of use and alteration to the shop would be permitted development individually. In the light of this it is considered inappropriate to request contributions towards affordable housing, public open space and transportation. However, habitat mitigation would still be required as the proposal involves the provision of a new dwelling. This is being dealt with through the completion of a S.106 Agreement.

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

### 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			
<b>Public Open Space</b>			
On site provision by area	(0.007ha)		
Financial Contribution	£2,336.60	0	£2,336.60
<b>Transport Infrastructure</b>			
Financial Contribution	£3,745	0	-£3,745
<b>Habitats Mitigation</b>			
Financial Contribution	£3,050	£3,050	0

### 15. RECOMMENDATION

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

- i) the completion, by 31st 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 habitats mitigation contributions
- ii) the imposition of the conditions set out below.

BUT, in the event that the Agreement is not completed by 31st 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 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: 213-1-14, 213-2-14, 213-3-14, 213-4-14, 213-5-14, 213-6-14.

Reason: To ensure satisfactory provision of the development.

**Notes for inclusion on certificate:**

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

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

**Further Information:**

Major Team  
Telephone: 023 8028 5345 (Option 1)



**Application Number:** 14/11292 Full Planning Permission

**Site:** 31 NEW STREET, LYMINGTON SO41 9BP

**Development:** Use as 5 flats; second floor extension; extension to create new third floor; balconies; ground floor parking; cycle store & bin store; part use of ground floor as office

**Applicant:** Wilson Designer Homes

**Target Date:** 20/11/2014

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## **1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Town Council View; to agree a reduction in the affordable housing requirement

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

Built-up area, Conservation Area, Town Centre Boundary

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

### **Core Strategy**

#### Objectives

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

#### Policies

- 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
- CS17: Employment and economic development
- CS20: Town, district, village and local centres
- CS24: Transport considerations
- CS25: Developers contributions

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

- DM1: Heritage and Conservation
- DM3: Mitigation of impacts on European nature conservation sites
- DM16: Within town centres, outside Primary Shopping Areas and Secondary Shopping Frontages
- LYM8: Lyminster town centre opportunity sites

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

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

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

SPG - Lymington - A Conservation Area Appraisal  
SPD - Lymington Local Distinctiveness  
SPD - Mitigation of impacts on European Sites

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

None

#### **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 subject to conditions
- 9.2 Land Drainage Engineer:- No objection
- 9.3 Environmental Health (contaminated land):- No concerns
- 9.4 Policy:- The proposal would not comply with policy and it would not support the viability of a commercial use
- 9.5 Environmental Design (Conservation & Design):-Recommend refusal -the proposal would have an adverse impact on the significance of the building within the Lymington Conservation Area.
- 9.6 Southern Gas Networks:- advise of site's proximity to gas main
- 9.7 Ecologist:- No objection subject to condition
- 9.8 Estates & Valuation: - has considered 3 scenarios. - Considers that the provision of additional commercial floorspace at the expense of residential car parking would not be a viable option; considers that 2 on-site units and a contribution would be viable if 2 units could be sold to an RSL at a level that does not incur a loss on the costs of their provision, otherwise considers that the target financial contribution would be viable.

## **10 REPRESENTATIONS RECEIVED**

- 10.1 Two letters of objection from local residents:- loss of employment function would be harmful; ground floor parking would be unnecessary and wasteful; lack of need; concerns about parking; increased mass and scale of building would have a harmful impact on the Conservation Area; concerns about disturbance arising from construction works.
- 10.2 Five letters of support from local residents: - proposal would be a good use of the building; proposed designs are well thought out and sympathetic and would improve the appearance of the existing building; on-site parking is welcomed.
- 10.3 Lymington Society: - supports - the existing building is a local landmark that makes a positive contribution to the character and appearance of the town; - welcome the applicant's proposed solution, which would enable the retention of the existing building.

## **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 £5750 in each of the following six years from the dwellings' completion, and as a result, a total of £34,560 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 of the above apply. There were pre-application discussions before the application was submitted, and there have also been discussions with the applicant and agent since the application was submitted.

Unfortunately, these discussions and negotiations have not resulted in an acceptable design solution.

## 14 ASSESSMENT

- 14.1 31 New Street is a significant 3-storey building on the corner of New Street with Emsworth Road. The building, which is in use as a furniture depository, is believed to date from 1907. The building has a pebbledash finish and is flat-roofed. It sits at the back edge of the New Street pavement, but is set back slightly from the Emsworth Road street frontage. The element of building fronting Emsworth Road is only 2-storeys high. The building is relatively imposing in the streetscene, being prominent and visible from a wide range of viewpoints around the site. Immediately adjacent buildings are all of a more modest scale. To the north side of the site is a Grade II Listed residential terrace at 33-41 New Street, which is 2.5 storeys high. To the west side of the site is a more modern building, which is partly in commercial use, which again is 2.5 storeys high. The Grade II Listed 2-storey high Lyminster Community Centre buildings lie opposite the site's New Street frontage. The application site is within the Lyminster Conservation Area, and in this part of the Conservation Area buildings are typically 2-3 storeys in height.
- 14.2 The submitted application seeks to convert and extend the building to create 5 residential apartments. Part of the ground floor of the building is proposed as off-street parking for the proposed residential units, with the remaining part to be used as separate ground floor office accommodation. The proposed extensions would include a second floor extension on the building's south side and the addition of a third floor extension on the roof of the existing building, thereby creating a part 4-storey building. The application also proposes a range of external and fenestration alterations, including the complete rendering of the building.
- 14.3 Local Plan Part 2 Policy LYM8 identifies the application site as a Town Centre Opportunity site which should be developed primarily for office / community uses. The development that is proposed, which would be primarily a residential development, would not accord with this policy. The proposed development would also conflict with Local Plan Part 2 Policy DM16 and Core Strategy Policy CS17 as neither of these policies would support the loss of the site's employment function to a use that would be so significantly residential. Policy DM16, which relates to town centre developments, does allow for residential uses, but not where they

would result in the loss of employment or business uses or sites capable of being satisfactorily used for an alternative business or employment use, and also not where the residential development would be on the ground floor of a defined Town Centre Opportunity Site. Policy CS17 seeks to retain all existing employment sites for employment use. The proposal is also considered to conflict with Core Strategy Policy CS20 in that the provision of ground floor residential parking within the building would not secure an appropriate and active ground floor use.

- 14.4 Although the proposal is considered to be contrary to policy, it is felt that some residential use of the building would be appropriate and justified. Because the existing employment use is relatively low key, it is felt that if meaningful employment space were to be provided, particularly within the ground floor of the building, then provision of residential uses on the upper floors of the building would be justified. In this case, a significant proportion of the ground floor of the building would be given over to residential parking, and the amount of commercial floorspace that would be provided would be rather limited. It is felt that the amount of commercial floorspace being provided would not adequately meet the Council's economic and employment objectives.
- 14.5 The applicants recognise that their proposals do not accord fully with policy. However, their view is that conversion of the building to provide more employment floorspace than is actually proposed would make their proposals unviable. Their case is supported by a viability appraisal and a report that considers the current state of the office market in Lymington. This report by Hughes Ellard concludes that there is currently no obvious market for office or retail premises in this part of Lymington. The applicant's case has been considered by the Council's estates and valuation team who accept the conclusion that a more significant office or commercial conversion would not be viable. Given this economic context and the thrust of current government policy, which seeks to support additional residential development by allowing for offices to be converted to residential properties under permitted development rights, it is felt on balance that the limited level of employment floorspace being provided would be acceptable, notwithstanding that there would be a conflict with Local Plan policy.
- 14.6 One of the key considerations raised by this proposal is whether the proposed development would be appropriate to its historic context. The existing building is considered to be a fine specimen and a local landmark. Although not listed, it is a building of local heritage interest that is considered to make a valuable and positive contribution to the local area. The robust and utilitarian exterior and details are what make this building's contribution to the Conservation Area special and unique.
- 14.7 There are 3 main external changes proposed to the building, which are considered to be of concern. The first is the additional floor at the southern end of the building (fronting onto Emsworth Road). The existing stepped form of the building at this end of the site relates well to the scale of adjacent development in Emsworth Road, and ensures the building is not too dominant relative to these nearby properties. By contrast, the extension that is proposed would result in a building with an altogether less comfortable visual relationship to these adjacent properties. Specifically, the extension would result in a large flat elevation when viewed along Emsworth Road that would appear too dominant

relative to the more modest adjacent developments along this road. The extension's incongruous and discordant appearance would be compounded by the use of a combination of modern vertical metal cladding and traditional windows. Overall, it is felt this addition would be too large.

- 14.8 The building's increased dominance and incongruous scale within the Emsworth Road streetscene would be further compounded by the proposed third floor penthouse addition that would result in the formation a 4-storey building. Although this addition would be set back, it is not felt the degree of setback would be particularly meaningful. It is not felt the extension would be sufficiently recessive or lightweight to work successfully in this context. Instead, this extension, which would be visible from a wide range of viewpoints around the application site, would create a building that would dominate the plot and the buildings around it. From viewpoints in New Street to the north and south, from Emsworth Road, its public car park and School Lane to the south and from Cannon Street to the east, it is felt that the building's increased height and 4-storey scale and mass would be too discordant in this historic context and too much at odds with the scale of adjacent development. It is of note that the Lymington Conservation Area Appraisal Supplementary Planning Guidance (SPG) suggests that "Where new development is allowed, building in the Conservation Area should not exceed three full storeys in height". The SPG also suggests that "New development in any zone within the conservation area should be of a scale that is not damagingly at variance with the established scale of traditional building and development in that zone." The development that is proposed evidently does not conform with this adopted guidance.
- 14.9 A third area of concern is that significant changes are proposed to the original fenestration on the north-east elevation of the building. The existing central mullion and transom windows are an important part of the original design. The new windows on this elevation would have much larger proportions, which would appear awkward and clumsy. Some of the windows heights are also shown to be altered. It is felt that the level of alterations being proposed to the original window frames and openings would be too significant and would thereby adversely affect the significance of this important local building.
- 14.10 There are other aspects of the design that require a degree of clarification. Overall, however, it is considered that the development that is proposed would not be sympathetic or appropriate to its historic context. It is considered that the development would harm the character and appearance of the Lymington Conservation Area and would additionally detract from the setting of adjacent Listed Buildings to the north and east of the site.
- 14.11 The development would have a slight impact on the amenities of adjacent properties, with the residential properties to the north side of the site in New Street perhaps being most affected. The additional fourth floor would have a slight impact on the outlook of these neighbouring dwellings, but as the extension would be set back by approximately 2 metres from the existing building edge, it is felt on balance that the impact would not be unacceptably harmful to neighbours' amenities. The proposed new windows on the north elevation would not cause material harm to the privacy of neighbouring properties, taking into account the

rooms that they would serve, and the precise position of the windows serving habitable rooms.

- 14.12 The proposed development would secure 4 residential car parking spaces within the building, using the existing access into the building. The Highway Engineer has raised no objection to this level of provision in this town centre location subject to conditions. In addition, this proposal would not generate the need for a contribution towards transportation improvements as the proposals would result in a reduction in the multi-modal trips from the site.
- 14.13 The proposed development is one that would be expected to secure appropriate provision towards affordable housing. The target contribution in this case would be 2.5 affordable housing units, which would equate in practice to the provision of 2 on-site units and a financial contribution of £17,187.50p. The applicants have submitted a viability appraisal to support their view that the target on-site contribution is unviable. The viability of securing an affordable housing contribution has been considered by the Council's estates and valuation team. Their view is that it would be viable to secure an affordable housing contribution. Indeed, if it were possible to sell 2 on-site affordable housing units to a Registered Social Landlord (RSL) at a level that does not incur a loss on the costs of their provision, then on-site provision would be viable. However, if the provision of the units were to be loss making, it would still be viable for the developer to secure a contribution of £85,938 to affordable housing, which would be the target contribution in the event that no on-site affordable housing contribution is secured. The applicants would be willing to secure this financial contribution, but not the alternative of on-site provision. At the time of writing a Section 106 legal agreement has not been completed in respect of the affordable housing requirements.
- 14.14 The development that is proposed would also need to secure a contribution to public open space (£11,683) in line with Core Strategy policies. It is considered that this contribution would be fairly and reasonably related to the scale and impact of the proposed development. The development's impact on designated European sites would also need to be mitigated. A contribution of £15,520 would provide appropriate mitigation in this instance. At the time of writing a Section 106 legal agreement has not been completed to secure either of these contributions.
- 14.15 Overall, the proposed development is not considered to be consistent with the Council's policies and Core Strategy objectives. The proposed development would not secure the predominantly commercial development required under policy. However, some commercial floorspace would be provided and in the light of the lack of viability associated with a more significant commercial conversion of this building, it is felt, on balance that the mix of uses proposed within the development would be acceptable. What is not considered to be acceptable is the scheme's design. The development would result in a building which would have an excessive scale and discordant appearance within the Conservation Area. The proposal would thereby harm the character and appearance of the Conservation Area and the setting of adjacent Listed Buildings. At the time of writing, contributions required under policy have not been secured. For these reasons, the proposal is recommended for

refusal.

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

## Developers' Contributions Summary Table

<b>Proposal:</b>			
<b>Type of Contribution</b>	<b>NFDC Policy Requirement</b>	<b>Developer Proposed Provision</b>	<b>Difference</b>
<b>Affordable Housing</b>			
No. of Affordable dwellings	2	0	-2
Financial Contribution	£17,187.50p (or £85,938 if no on-site provision)	0	-£17,187.50 or £85,938
<b>Public Open Space</b>			
On site provision by area	0	0	0
Financial Contribution	£11,853	0	-£11,855
<b>Transport Infrastructure</b>			
Financial Contribution	0	0	
<b>Habitats Mitigation</b>			
Financial Contribution	£15,520	0	-£15,520

## 15. RECOMMENDATION

### Refuse

#### Reason(s) for Refusal:

1. The proposed development would be detrimental to the character and appearance of the Lymington Conservation Area, the setting of adjacent Grade II Listed Buildings in New Street immediately to the north and east sides of the site, and to the heritage interest of the host building itself because:-
  - a) The proposed second floor extension on the south side of the application site would result in a building with a scale and mass that would appear too dominant and discordant relative to that of adjacent and nearby buildings along Emsworth Road, and this adverse visual impact would be compounded by the extension's incongruous external appearance.

- b) The proposed third floor penthouse extension would be an uncomfortable addition on top of the host building that would result in a building that would appear too dominant and imposing within the streetscene, and too significantly at odds with the more modest scale of adjacent development within this historic context.
- c) The proposed external alterations to the north-east elevation of the building would be too extensive, and would thereby adversely affect the building's local heritage interest.

As such, the proposal would be contrary to policies CS2 and CS3 of the Core Strategy for New Forest District outside of the National Park, Policy DM1 of the Local Plan Part 2: Sites and Development Management, and the Council's Supplementary Planning Guidance "Lymington - A Conservation Area Appraisal"

- 2. The proposed development would fail to make any contribution toward addressing the substantial need for affordable housing in the District. The proposal would therefore conflict with an objective of the Core Strategy for the New Forest District outside the National Park 2009 and with the terms of Policies CS15 and CS25 of the Core Strategy.
- 3. The proposed development would fail to make any contribution to enhance or create off-site provision and management of public open space to meet the needs of the occupants of the development for public open space. The proposal would therefore be contrary to an objective of the Core Strategy for the New Forest District outside the National Park 2009 and with the terms of Policies CS7 and CS25 of the Core Strategy.
- 4. The recreational impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area, the New Forest Ramsar site, the Solent and Southampton Water Special Protection Area, the Solent and Southampton Water Ramsar site, and the Solent Maritime Special Area of Conservation would not be adequately mitigated and the proposed development would therefore be likely to unacceptably increase recreational pressures on these sensitive European nature conservation sites, contrary to Policy DM3 of the New Forest District Local Plan Part 2: Sites and Development Management.

**Notes for inclusion on certificate:**

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

In this case, there were pre-application discussions before the application was submitted, and there were also discussions with the applicant and agent after the application was submitted. Unfortunately, these discussions and negotiations did not result in an acceptable design solution.

**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

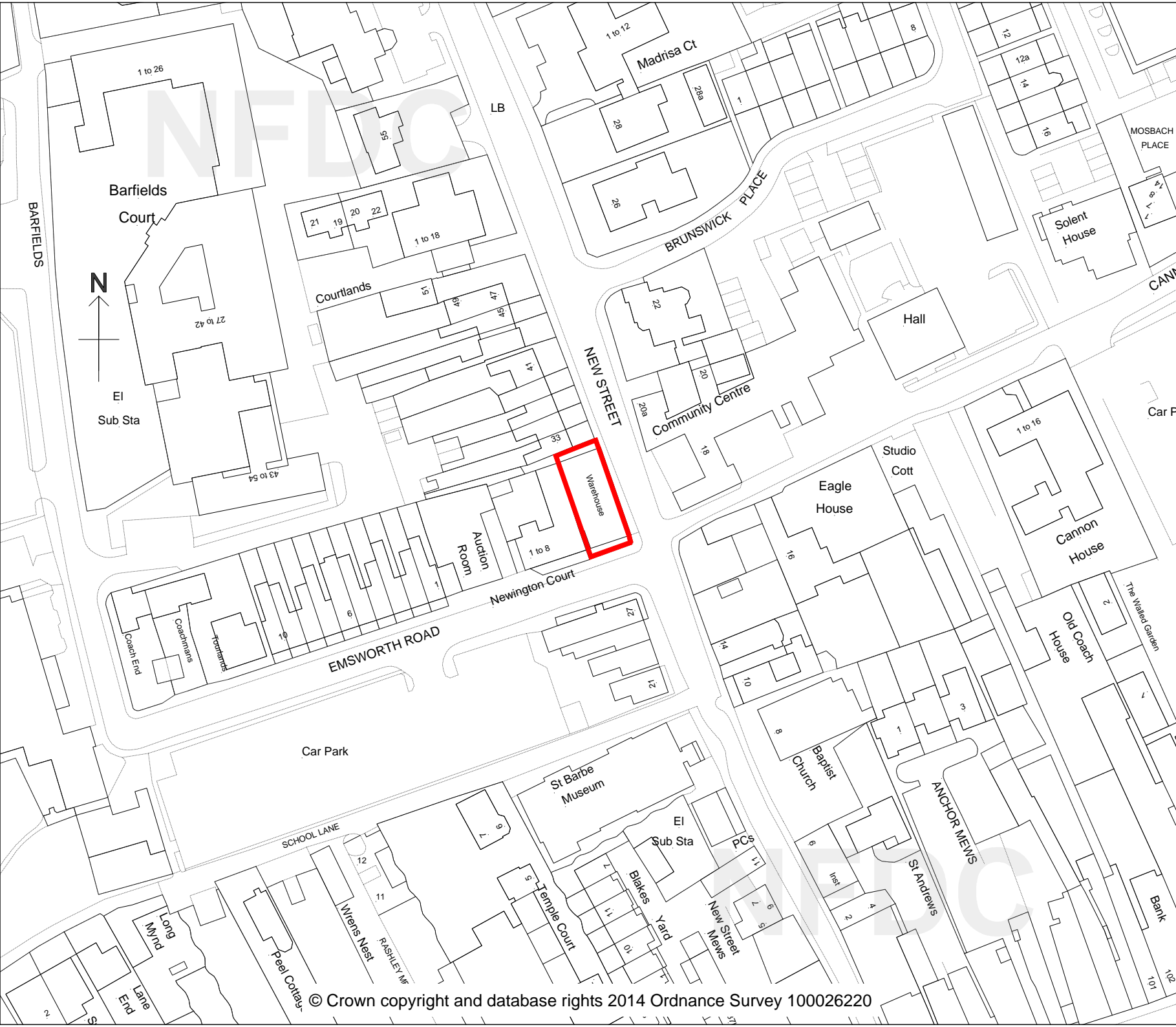
**Planning Development  
Control Committee**  
**December 2014**

**Item No: A8**

31  
New Street  
Lymington  
App No 14/11292  
SZ3295

Scale 1:1250

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





**Application Number:** 14/11332 Full Planning Permission

**Site:** 3-4 SOUTH PARADE, SALISBURY ROAD, TOTTON SO40 3PY

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

**Applicant:** Mr Bradshaw

**Target Date:** 01/12/2014

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**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Policy

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Town Centre  
Built up area  
Primary Shopping Area

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Core Strategy**

Objectives

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

Policies

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

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

DM14: Primary shopping frontages

**4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

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

**5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

None

**6 RELEVANT PLANNING HISTORY**

Use for food and drink purposes - use class A3 ( 79301) Refused on the 30th October 2003

**7 PARISH / TOWN COUNCIL COMMENTS**

Totton Town Council: Recommend permission. The Town Council can see no reason why this application should not be approved. This use is not out of keeping with the surrounding area

**8 COUNCILLOR COMMENTS**

None

**9 CONSULTEE COMMENTS**

Planning Policy: Comments in main body of report

**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 site comprises a vacant ground floor unit within a two storey building located in a prominent position in the town centre of Totton. On the upper floor of the building are offices. On one side of the unit is a hairdressers and on the other an estate agent, with Totton Conservative Club just beyond. The premises is set back from Salisbury Road in a lay-by. The site lies along the main road that runs through the town centre of Totton and for the purposes of policy, the site lies within the Primary Shopping Frontage.
- 14.2 This planning application seeks the change of use from retail (Class A1) to an estate agent (Class A2). The premises have been vacant since December 2013 and were previously used as a showroom for a 'household blinds' company. It is proposed to open the unit Monday to Saturday during normal daytime hours. A total of 4 people would be employed.
- 14.3 The site lies within the Primary Shopping Frontage where several policies apply. Policy CS20 of the Core Strategy seeks to protect the primary retailing role of primary shopping areas while providing for a range of appropriate town centre uses. There is a presumption against the loss of Class A1 retail uses except where an alternative use would complement the retail function and enhance overall vitality within a town centre.
- 14.4 Policy DM14 of the Local Plan Part 2: applies to this proposal. DM14 seeks to maintain retailing within the town centre and allows for non-retail uses provided the proportion of non-retail frontage is not greater than 30%. Non-retail uses are not appropriate in prominent locations. Exceptions can be justified where the proposal would add to the vitality of the primary shopping area and would generate customer activity levels similar to that of a retail unit.
- 14.5 In assessing this proposal, the current proportion of non-retail uses within the Primary Shopping Frontage in Totton currently stands at about 39%, so there is a presumption against the loss of A1 uses within Primary Shopping Frontages in line with Policies CS20 and DM14. The site is in a prominent location within the town centre and this application is for use of a double fronted shop. The unit adjoins a hairdressers but it is also next to another estate agent. Totton Conservative Club which is also located

in this block has a large frontage so there is already a large portion of frontage not in active retail use. Accordingly, it is considered that the use of this unit as an estate agent would further diminish the retail presence in this part of the Primary Shopping Area and therefore be contrary to policy. There are many estate agents in the town centre, occupying some of the most prominent positions in the Primary Shopping Area.

- 14.6 In terms of central government guidance, it is clear that there is a general steer towards greater flexibility of uses in town centres. Under the Town and Country Planning (General Permitted Development) Order 2013, Class D, it allows the change of use from Class A1 to A2 for a single continuous period of up to two years provided that the floor space is less than 150 square metres. In this case, the applicant could change the use of the premises to a Class A2 use for a temporary period of two years without requiring planning permission and the procedure would only require the applicant to notify the details to the Council.
- 14.7 It should also be noted that the government are seeking to change policy to widen the A1 Use Class so that it includes most of the uses which currently fall within the A2 Use Class. This means estate agents, banks and building societies would join shops, travel agents, sandwich bars etc. in one single use class. Accordingly planning permission would not be required to change between these uses. While this has not been formally adopted, the proposed changes have been subject to a consultation period has now expired and it is envisaged that this change will come into effect in early 2015.
- 14.8 It is considered that these factors are material planning considerations and clearly show the government's stance towards encouraging economic growth in town centres and providing a flexible mix of uses, bringing vacant units back into use. On the basis that the existing ground floor unit can be changed to a Class A2 use for up to two years without requiring planning permission, and the government's stance of supporting a mixture of uses in the town centre, an exception to policy can be made in this case. Indeed, a reason for refusal on the grounds that the proposed A2 use would affect the vitality and viability of the town centre would be unlikely to be substantiated on appeal.
- 14.9 In terms of other matters, the proposed use would have no impact on residential amenity and the location of the site in the centre of the town, with many car parking spaces available, would not lead to public highway safety issues.
- 14.10 In conclusion, while it is considered that the proposal would fail to comply with local plan policy, given the government's steer to encourage economic growth in town centres and the fall back position of the applicant to change the use of the building to a Class A2 use for a period of up to two years without requiring planning permission, an exception to policy is acceptable in this case.
- 14.11 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the

like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

## **15. RECOMMENDATION**

### **Grant Subject to Conditions**

#### **Proposed Conditions:**

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: Location Plan, Block Plan.

Reason: To ensure satisfactory provision of the development.

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

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

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

#### **Further Information:**

Major Team  
Telephone: 023 8028 5345 (Option 1)



# New Forest DISTRICT COUNCIL

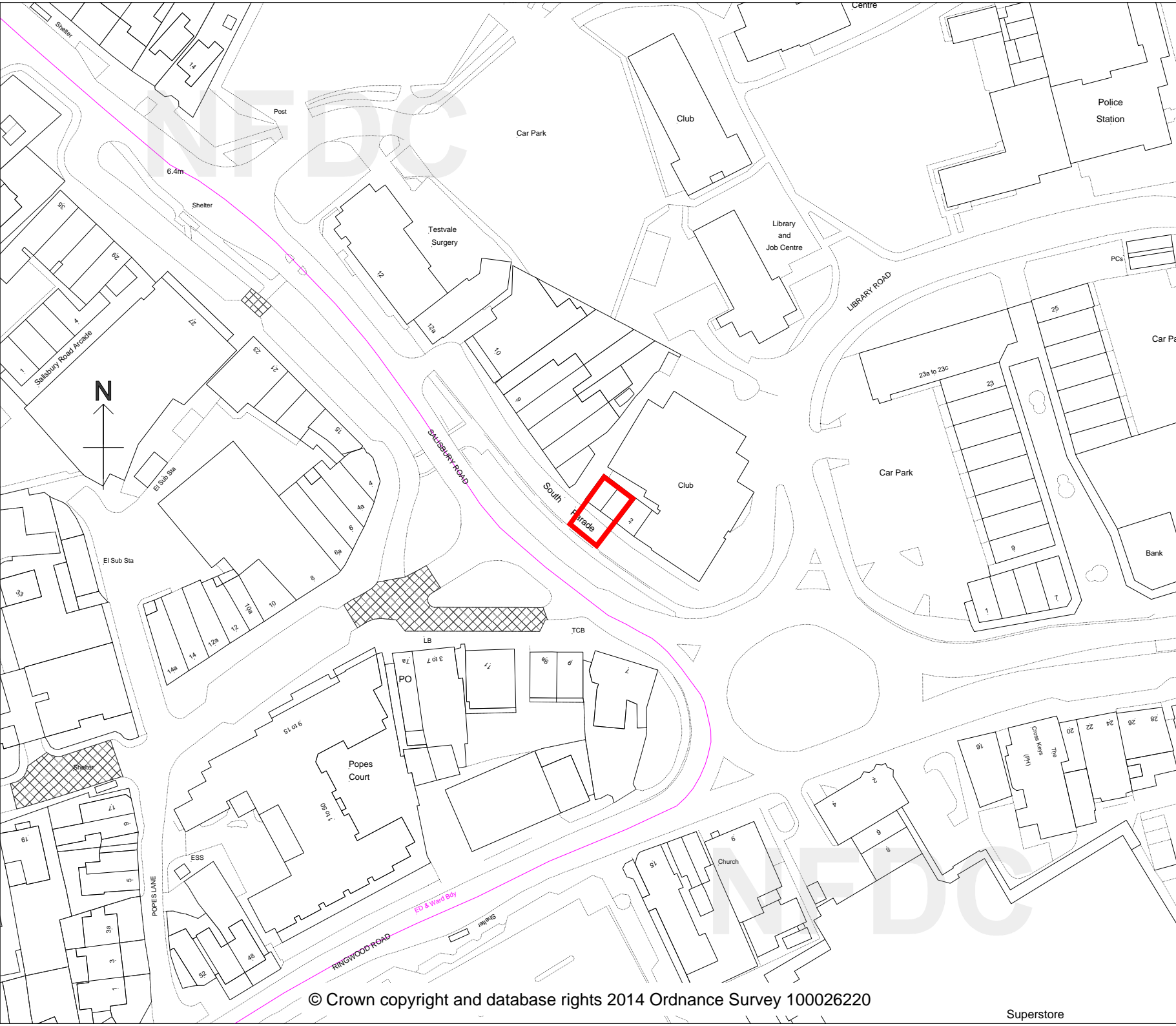
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Chris Elliott  
Head of Development Control  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

**Planning Development  
Control Committee**  
**December 2014**

**Item No: A9**  
3 - 4 South Parde  
Salisbury Road  
Totton  
App No 14/11332  
SU3513

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



**Application Number:** 14/11333 Variation / Removal of Condition

**Site:** 2 - 6 BRIDGE STREET, FORDINGBRIDGE SP6 1AH

**Development:** Variation of Condition 7 of Planning Permission 11/97536 to allow amended slab levels

**Applicant:** Sheerin Bettle Architecture

**Target Date:** 20/11/2014

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## **1 REASON FOR COMMITTEE CONSIDERATION**

No habitat mitigation contribution sought.

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

Built up area  
Conservation Area

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

### **Core Strategy**

#### **Objectives**

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

#### **Policies**

- CS1: Sustainable development principles
- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS6: Flood risk
- CS7: Open spaces, sport and recreation
- CS10: The spatial strategy
- CS15: Affordable housing contribution requirements from developments
- CS20: Town, district, village and local centres
- CS24: Transport considerations
- CS25: Developers contributions

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

- DM3: Mitigation of impacts on European nature conservation sites

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

- Section 38 Development Plan
- Planning and Compulsory Purchase Act 2004
- National Planning Policy Framework
- Achieving Sustainable Development
- NPPF Ch. 7 - Requiring good design
- NPPF Ch. 10 - Meeting the challenge of climate change, flooding and coastal change

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

SPD - Fordingbridge Town Design Statement  
SPG - Fordingbridge - A Conservation Area Appraisal  
SPD - Mitigation Strategy for European Sites

## **6 RELEVANT PLANNING HISTORY**

97536 - use of first floor over 2-6 Bridge Street as 3 flats, replacement building to rear to be used as 2 dwellings. Refused 15.12.11, appeal allowed.

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

Fordingbridge Town Council - happy to accept officer's recommendation

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

- 9.1 Drainage Engineer - to be dealt with by the Environment Agency
- 9.2 Environment Agency - no objection
- 9.3 Southern Gas Networks - offer advice

## **10 REPRESENTATIONS RECEIVED**

One local resident is concerned with the implications of reducing the floor level on home insurance.

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission and the dwellings built, the Council will receive £5760 in each of the following six years from the dwellings' completion, and as a result, a total of £34560 in government grant under the New Homes Bonus will be received. New Forest District Council adopted a CIL charging schedule on 14 April 2014, however the implementation date for the charging schedule is 6 April 2015 so no CIL payments are currently due.

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

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



This is achieved by

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

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

## **14 ASSESSMENT**

14.1 The site lies within the built up area of Fordingbridge in the Town Centre and Fordingbridge Conservation Area. It comprises the first floor of frontage buildings together with a store building to the rear. Permission was granted on appeal for the redevelopment of the site and this proposal is currently being implemented. This proposal entails the variation of a condition which conflicts with the Environment Agency's requirements in a separate condition.

14.2 In allowing the appeal, the Inspector included the following condition:

'The development hereby permitted shall be carried out in accordance with the submitted Flood Risk Assessment dated 18 July 2011, including the following requirements: (a) no development shall take place within 1.4 metres of the existing flood defence scheme; and (b) finished floor levels shall be set no lower than 26.14 metres Above Ordnance Datum for the new single storey dwelling hereby permitted and 26.31 metres Above Ordnance Datum for the new 2 storey house hereby permitted.'

14.3 It has been realised, on commencement of works, that this condition conflicts with the details stated in drawing SBA.3051-7-3A, this drawing being one with which the development should be in accordance. This drawing details the correct floor level for the two storey dwelling by exchanging 26.31m AOD with 26.06m AOD and as no objections have been received from the Environment Agency, is considered to be

acceptable.

- 14.4 Since the original permission was issued, policy changes have occurred requiring provision to be made towards habitats mitigation. On the basis that the previously agreed contributions have been provided, it would be unreasonable to request a further contribution for a proposal which doesn't involve any changes to the size or number of residential properties.
- 14.5 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

## 15. RECOMMENDATION

### GRANT the VARIATION of CONDITION

#### Proposed Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development permitted shall be carried out in accordance with the following approved plans: SBA.3051-1-8, SBA.3051-1-9, SBA.3051-7-3A, SBA.30517-4B.  
  
Reason: To ensure satisfactory provision of the development.
3. The materials shall be as agreed by the Council's decision letter dated 28.8.13 unless alternatives are previously agreed in writing.  
  
Reason: In the interest of the visual amenities of the area in accordance with policy CS2 of the New Forest District Council Core Strategy.
4. The development hereby permitted shall be carried out in accordance with the sample panel of brick work agreed by the Council's decision letter dated 23.6.14.  
  
Reason: In the interests of the visual amenities of the area and in accordance with policy CS2 of the New Forest District Council

## Core Strategy.

5. The joinery details shall be as agreed by the Council's decision letter dated 28.8.13 unless alternatives are previously agreed in writing.

Reason: To maintain the character and appearance of the Conservation Area and in accordance with policy CS3 of the New Forest District Council Core Strategy.

6. No part of the development hereby permitted shall be occupied until the cycle parking facilities shown on approved drawings No SBA.3051-7-3A and 7-4B have been provided. These facilities shall thereafter be retained available for the parking of bicycles at all times.

Reason: In the interests of maintaining an alternative means of travel in accordance with policy CS2 of the New Forest District Council Core Strategy.

7. The development hereby permitted shall be carried out in accordance with the submitted Flood Risk Assessment dated 18 July 2011, including the following requirements: (a) no development shall take place within 1.4 metres of the existing flood defence scheme; and (b) finished floor levels shall be set no lower than 26.14 metres Above Ordnance Datum for the new single storey dwelling hereby permitted and 26.06 metres Above Ordnance Datum for the new 2 storey house hereby permitted.

Reason: In the interests of flood prevention and in accordance with policy CS6 of the New Forest District Council Core Strategy.

8. The method statement, access to flood defences and contingency in the event the defences are damaged shall be in accordance with the details agreed by the Council's decision letter dated 28.11.13.

Reason: In the interests of flood prevention in accordance with policy CS6 of the New Forest District Council Core Strategy.

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

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

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

### **Further Information:**

Major Team  
Telephone: 023 8028 5345 (Option 1)



**Application Number:** 14/11334 Full Planning Permission

**Site:** CHANNEL HILL FARM, HIGH STREET, NORTH END,  
DAMERHAM SP6 3HA

**Development:** Use as residential dwelling (Use Class C3); external alterations to include new windows; rooflights; doors; cladding; slate roof; flue; parking; landscaping; change of use of land from agriculture to residential curtilage; demolition of barn

**Applicant:** Trustees of the Earl of Radnor (1989) Settlement

**Target Date:** 20/11/2014

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### **1 REASON FOR COMMITTEE CONSIDERATION**

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

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

Countryside outside the New Forest  
Adjacent listed building  
Area of Outstanding Natural Beauty  
Conservation Area

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

#### **Core Strategy**

#### **Objectives**

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

#### **Policies**

Explosives Safeguarding Zone  
Area of Outstanding Natural Beauty  
Plan Area  
Groundwater Protection Zone

#### **Core Strategy**

CS1: Sustainable development principles  
CS2: Design quality  
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)  
CS7: Open spaces, sport and recreation  
CS10: The spatial strategy

CS15: Affordable housing contribution requirements from developments  
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

#### **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 of impacts on European Sites.

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

Use as residential dwelling, external alterations to include new windows, doors roof lights, cladding, slate roof, parking and landscaping, demolition of barn, change of use of land to residential curtilage (10925) Withdrawn by applicant on the 11th April 2014.

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

Damerham Parish Council: Recommend permission but would accept the decision reached by the DC Officers under delegated powers. The Parish Council recommends permission but has the following reservations, the property's entrance is close to the junction with Little Mill Lane and if as suggested by Officers it is not necessary to heed to the Highway Authority's usual stance to have the gate some 5m from the edge of the highway access to and from the property would cause a further hazard to an already very poorly sighted junction. The access may be better suited in Little Mill Lane. The boundary with Old Channel Hill Farmhouse is better defined

#### **8 COUNCILLOR COMMENTS**

Councillor Edward Heron: - object on the grounds that no affordable housing contribution is secured.

#### **9 CONSULTEE COMMENTS**

- 9.1 Hampshire County Council Highway Engineer: No highway objections
- 9.2 Environmental Design (Conservation): No objection subject to conditions
- 9.3 Environmental Design (Landscape): No objections subject to conditions

9.4 Area of Outstanding Natural Beauty Planning Advisor: It is considered that the change of use to holiday use would provide more employment than a change to residential. The major concern is that given the number of agricultural buildings in the vicinity that approval of this scheme would set a precedent for more development therefore extending the development of the village.

9.5 Ecologist: No objection subject to conditions.

## **10 REPRESENTATIONS RECEIVED**

One letter concerned that the entrance in its current position is very close to the junction of Little Mill Lane which would be a hazard to the vehicles coming out of the lane and also out of the plot because of the poor sight lines. Also, the sight line leaving the property entrance to the left would not be as good as shown on the plans due to the boundary hedgerow at Old Channel Hill Farmhouse not being correctly shown. The Highway Authority have requested that a planning condition is imposed that no gates are installed within 5 metres of the edge of the adjacent carriage way. Any occupants or visitors to the conversion will have to park on the carriage way adjacent to the property to open the gate. This will obscure any vehicle wanting to turn either in or out of the junction with Little Mill Lane because of the close proximity of the gate to the junction. If the gates are set back by some distance, this will allow vehicles to park off the carriageway prior to opening the gate.

The plans show the position of a boiler in the utility room, but there is no indication on the plans as to where the oil tank would be sited. There is no mains gas in the village. The boundary between Old Channel Hill Farmhouse and the barns to be converted is currently a trellis fence covered in roses, which has limited privacy. A new boundary wall would address this concern.

There are no main drains in the area and therefore a septic tank would have to be used with a soakaway. This is not shown on the plans.

There is a window under the hayloft which is omitted from the plans, this balances the hayloft floor above it and is an original window and therefore should be retained.

The removal of the barn is welcomed but there are no details as to how the boundary would be re-defined.

## **11 CRIME & DISORDER IMPLICATIONS**

No relevant considerations

## **12 LOCAL FINANCE CONSIDERATIONS**

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

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

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

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

## **14 ASSESSMENT**

14.1 The site is located to the south of Old Channel Hill Farmhouse and comprises a mid 19th Century range of brick farm buildings, which back onto Little Mill Lane, and a modern metal clad barn set back from the main road, with a farmyard between the older buildings and the boundary with the farmhouse. Historically, the farm buildings were used in association with Channel Hill Farm. However, they have been vacant for a number of years and their condition is starting to deteriorate. The main one and a half storey building has a slate roof and metal windows with hopper opening typical of this period. The adjoining building to the north of the stable building is single storey and this was previously used as a 2 bay cart shed. The rear wall is of brick with flint banding and the farmyard side has a concrete block infill panel with corrugated iron door. It also has a slate roof with very attractive timber trusses. Beyond the brick cart shed is a long building with brick wall next to Little Mill Lane and part enclosed timber screen with timber posts and doors and three wider cart bays to the north-east end. The larger more modern barn building is a pre-fabricated building sited to the north of the brick



buildings and this building detracts from its surroundings.

- 14.2 The external areas, with low barriers enclosing the concrete areas form part of the buildings integrity and while concrete is not the most appropriate of surfacing, the rustic appearance does add to the traditional setting of a former farmstead. It is considered that the range of existing farm buildings is of some local historic interest and they contribute positively to the character and appearance of the Damerham Conservation Area. This is recognised in the Draft Conservation Area Character Appraisal. It should be noted that the application site does not relate to the adjoining residential property known as Old Channel Hill Farmhouse and this site is called Channel Hill Farm.
- 14.3 The context of the surrounding area is rural with scattered residential dwellings, set in large grounds and various outbuildings with open fields in the surroundings. The immediately adjacent property to the north at Old Channel Hill Farmhouse is a Grade 11 listed building. For the purposes of policy, the site lies within the countryside, Area of Outstanding Natural Beauty and Conservation Area.
- 14.4 The proposal is to convert the existing former agricultural buildings into a single residential unit. The large pre-fabricated cattle barn, which is the open sided modern structure adjacent to the existing farm buildings, would be demolished and the area of land to the east and the land where the barn would be demolished would form the garden area to the residential unit. Accordingly, the proposal also involves the change of use of land from agriculture to residential. It has been stated that the works would mainly involve refurbishment and repair, with the walls and roofing being retained and slates replaced where necessary. The proposed alterations to the main building involve new roof lights being added to the main one and a half storey building, and the existing larger openings on the west elevation would be fitted with conservation style glazing to maintain the openness of the buildings. The proposal would also involve hard and soft landscaping works.
- 14.5 From a policy point of view, Local Plan Part 2 Policy DM20 is applicable and relates to residential development in the countryside. The policy states that residential development in the countryside will only be permitted where it is 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 in the application to the residential use proposed being for affordable housing or for an agricultural workers.

- 14.7 Policy DM1 of the Local Plan 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 dwelling.
- 14.8 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.
- 14.9 A further consideration is the recent changes to government legislation as set out in the Town and Country (General Permitted Development) Order 2014, which permits the change of use of an agricultural building to residential use without requiring planning permission, subject to 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.
- 14.10 The applicants have also submitted a detailed viability assessment that demonstrates that due to the conversion costs of the buildings, the use as a dwelling would be unviable and that the site is not in an appropriate location to be used for other uses such as a community use, food and drink use or visitors attraction.
- 14.11 In assessing this proposal, it is considered that the existing buildings could be converted without significant alterations and extensions although the single storey end element may require additional structural works. It is essential that any works to this building retain the integral appearance of the group of farm buildings. In this case, the buildings are felt to be of an appropriately modest scale and their appearance is fairly typical of many such former agricultural buildings. Accordingly it is felt the buildings are of a scale and appearance that is appropriate for conversion.
- 14.12 In terms of the effect on the character and appearance of the area, the Conservation Officer considers that the principle of converting the barns into a residential dwelling would be acceptable. While there are concerns with certain aspects of the details, such as windows, these matters can

be dealt with by planning conditions. The treatment of the external areas would be acceptable and the Landscape Officer considers, that subject to further details, in principle, the proposal is acceptable in retaining a rural character. The removal of the existing pre-fabricated barn, which currently has a negative impact on the character of the area, is welcomed and there are no objections to using this area as part of the residential curtilage. Accordingly, while the change of use of agricultural land or paddocks into residential use would normally be resisted, in this case, there would be significant visual and environmental benefits.

- 14.13 In assessing both local and national planning policies, it is clear that local plan policies are less supportive of residential uses in the countryside than 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.
- 14.14 In terms of other matters, the Highway Authority have not raised an objection and consider that the parking and access would be acceptable. It is proposed to create a gravelled parking area to the front of the site and the existing access would remain unaltered. While the Highway Authority have requested that a planning condition is imposed for no gates to be installed within 5 metres of the edge of the adjacent carriageway, given that there are already entrance gates within this distance and the proposal would not increase activity into and out of the site, this condition is not considered reasonable or necessary. Indeed, the provision of a five bar gate and post and rail fence similar to that existing would retain the rural character of the area
- 14.15 With regard to residential amenity, the proposed alterations to the building and its use for residential purposes would not have any unacceptable impact on the living conditions of the adjacent residential properties. Three roof lights are proposed on the front elevation (north-west) and the distances from these windows to the side boundary with Old Channel Hill Farmhouse measures more than 13 metres and over 22 metres to the side elevation of that neighbour. It is considered that these distances are acceptable and taking into consideration the fact that the windows would be roof lights which are less intrusive compared to standard windows or dormer windows, on this basis it would not result in a level of overlooking that would justify a refusal of planning permission. It is accepted that there are several new window openings in the side elevation facing that neighbouring resident, however, the windows would be at ground level which would not give rise to any unacceptable impact on that neighbour. It is also considered that the use of the site and building as a single residential property would not give rise to any unacceptable impact on the living conditions of the adjoining residents and details of soft and hard landscaping could be provided to mitigate against any harm to residents.
- 14.16 With regard to ecological matters, it is considered that this development will affect bats, which receive strict legal protection. The application is supported by a bat survey report that includes results and conclusions of the full survey work, an assessment of the impacts on bats and the measures needed to ensure that any impacts to bats are avoided or compensated for. The Ecologist does not raise any objections provided

that the agreed mitigation proposals are implemented.

- 14.17 The proposed development requires contributions to be made towards public open space, affordable housing and habitat mitigation. The proposed development would not require contributions towards transport improvements as the proposal would not increase the level of traffic generation compared to the lawful use. In assessing whether it would be acceptable to permit the change of use into a residential use without any contributions towards public open space 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.
- 14.18 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 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.
- 14.19 It should be noted that in the previous application submitted in 2013, which is identical to this current application, Officers had requested the full contributions towards open space and affordable housing to be made but this was not acceptable to the applicant. In response the applicant submitted a viability appraisal, however the conclusion was not supported by the Councils Valuer. In order to reach a compromise on the level of affordable housing contribution, an independent valuation was instructed, however, the applicant was not content with the outcome and accordingly withdrew the application before the decision was made at committee in April 2014. While it may be questioned as to why Officers are now recommending that contributions should be waived, this is purely on the basis that the new legislation to allow agricultural buildings to be changed into dwellings came into force after the previous application was withdrawn. Accordingly, the circumstances have now changed and Members have already accepted the same approach on similar cases.
- 14.20 Concerns have been expressed relating to the discharge of foul drainage. The applicant has confirmed that, as there is no mains sewer in the village it is proposed to install a septic tank on the site and a condition can be imposed to secure the details of its siting and appearance.
- 14.21 In conclusion, it is considered that the proposed residential use as a single dwelling, for these buildings would be acceptable to ensure that appropriate works are undertaken to restore the buildings. Accordingly, it is considered that there are no policy objections relating to the loss of the agricultural uses. Any other alternate uses would be likely to generate a significant increase in traffic on the local road network and impact on the amenities of the area and on balance a single residential use would be acceptable.

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	£83,275	0	-£83,275
<b>Public Open Space</b>			
On site provision by area			
Financial Contribution	£3504	0	- £3504
<b>Transport Infrastructure</b>			
Financial Contribution	n/a	n/a	n/a
<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 31st March 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 a financial contribution towards habitat mitigation.

ii) the imposition of the conditions set out below.

BUT, in the event that the Agreement is not completed by 31st March 2015, the Head of Planning and Transportation be **AUTHORISED TO REFUSE PERMISSION** for the reasons set out below.

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

1. 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 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: 12670008/1, 1137-P-05 Rev A, 1137-P-01 Rev D, 1137-P-02.  
  
Reason: To ensure satisfactory provision of the development
3. Before development commences, the following details shall be submitted to, and approved in writing by the Local Planning Authority.
  - a) the external facing materials to include a sample panel of the brick and flint infill panels.
  - b) typical joinery details including windows, eaves, verge, rainwater goods, their materials and colour finish to be applied.
  - c) the details of the rooflights, and their siting shown in situ
  - d) the details of the doors including material and colour finish to be applied.
  - e) the details of the timber boarding and the colour finish to be applied
  - f) the details of the condition of the existing timber frame of the end barn following its assessment and inspection, and if deemed necessary as a result of its condition, details of its replacement.
  - g) the details of the mortar mix for the re-pointing of the brickwork and details of the cob repair works (all should be carried out using traditional materials and methods).
  - h) the details of the soakaways and septic tank and this shall include their siting, design and physical appearance.
  - i) the details and location of the oil tank which is to be provided in the utility room

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. and policy DM1 of Local Plan Part 2 Sites and Development Management Document.

4. 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, or domestic microgeneration equipment otherwise approved by Part 40 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.

5. The development hereby approved shall only take place in accordance with the mitigation measures and recommendations detailed in the Arbtech report dated July 2007 and this shall be implemented in full, unless otherwise approved in writing by the Local Planning Authority. Thereafter, unless otherwise agreed in writing by the Local Planning Authority, the mitigation measures shall be permanently maintained and retained in accordance with the approved details.

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

6. No works or development shall take place until full details of both hard and soft landscape proposals have been submitted to and approved by the Local Planning Authority. These details shall include, as appropriate:

- a) the details of the means of enclosure (walls, hedges, fences)
- b) the details of the post and rail fence and five bar gate to the front of the site
- c) the details of hard surfacing materials to the car parking and turning
- d) the details of the surfacing to the pedestrian paving access and circulation areas
- e) the details of the soft landscaping to include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, planting sizes and proposed numbers and / or densities and implementation timetables.

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 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.

7. All hard and soft landscape works shall be carried out in accordance with the approved details as set out in condition 6 and to a standard that accords with the relevant recommendations of appropriate British Standards and other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

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 and policy DM1 of Local Plan Part 2 Sites and Development Management Document.

**Notes for inclusion on certificate:**

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

In this case 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

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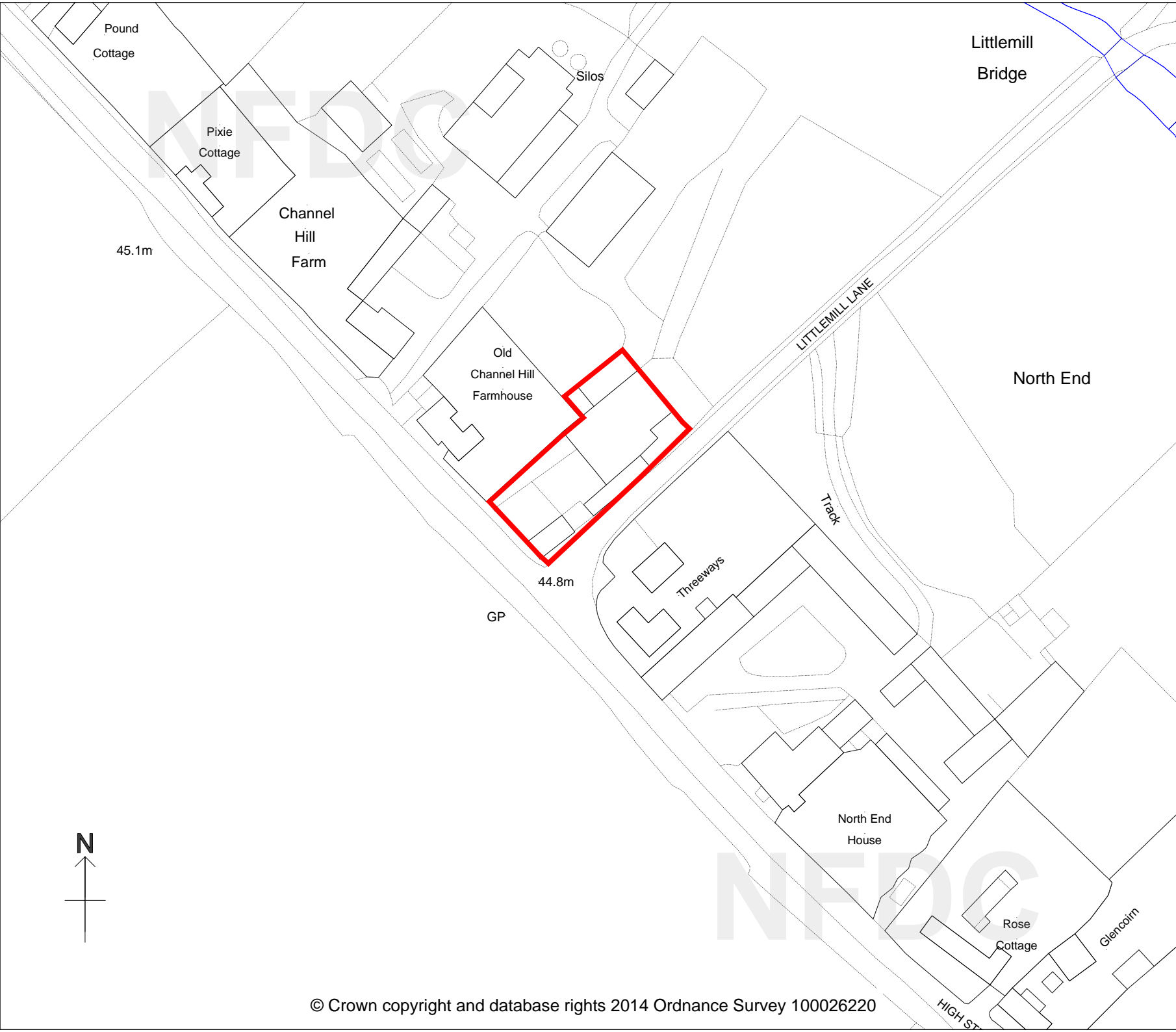
**Planning Development  
Control Committee**  
**December 2014**

**Item No: A11**

Channel Hill Farm  
High Street North End  
Damerham  
App No 14/11334  
SU 1016

Scale 1:1250

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



**Application Number: 14/11386** Full Planning Permission

**Site:** Land of 2 MALWOOD GARDENS, TOTTON SO40 8BX

**Development:** House; associated parking & access

**Applicant:** Ms I Pirault

**Target Date:** 02/12/2014

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## **1 REASON FOR COMMITTEE CONSIDERATION**

Contrary (in part) to Town Council View; to agree waiving the affordable housing contribution.

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

Built-up area

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

### **Core Strategy**

#### Objectives

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

#### Policies

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

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

DM3: Mitigation of impacts on European nature conservation sites

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

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

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

SPD - Housing Design, Density and Character

SPD - Mitigation of impacts on European Sites

## **6 RELEVANT PLANNING HISTORY**

None

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

Totton & Eling Town Council: - Recommend refusal - there are significant concerns over the impact on the streetscene and the surrounding area; the hardstanding would be too harsh and out of keeping; the drainage ditch on the site would pose a genuine problem to flooding in the area; the proposal would create a terraced section of housing that would have an unacceptable streetscene impact, which would be out of keeping.

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

9.1 Hampshire County Council Highway Engineer: No objection

9.2 Land Drainage: No objection subject to condition

9.3 Tree Officer: No objection subject to condition

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

9.5 Estates & Valuation: Considers that it would not be viable for development to secure an affordable housing contribution.

## **10 REPRESENTATIONS RECEIVED**

10.1 20 letters of objection from neighbouring dwellings:- proposal would result in increased parking pressures to the detriment of highway safety; loss of front boundary wall would be out of keeping; design of dwelling would be out of keeping with other properties; creating a terrace of 3 would be out of keeping with other semi-detached dwellings; dwelling would be too close to electricity substation; dwelling would be built over stream / ditch giving rise to potential flood risk issues; adverse impact on neighbours' light, outlook and living conditions; overlooking of neighbouring properties to the detriment of their privacy; increased noise and disturbance; adverse impact on property values.

10.2 One petition of objection with 29 signatories: - development would be out of keeping with other properties and will cause traffic congestion during construction resulting in highway dangers.

## **11 CRIME & DISORDER IMPLICATIONS**

No relevant considerations

## **12 LOCAL FINANCE CONSIDERATIONS**

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

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

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

This is achieved by

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

In this case, the application proposals were not the subject of pre-application advice. There have been discussions with the applicant's agent since the application was registered, but within the available timeframes, it has not been possible to negotiate on this application to secure a positive solution for this site, taking into account the representations that have been received.

### **14 ASSESSMENT**

14.1 2 Malwood Gardens is a 2-storey semi-detached dwelling that dates from the early 1960s. The property is one of a number of similar semi-detached dwellings fronting onto Malwood Gardens, which have fairly open front gardens set behind low front boundary walls. The property is set within a reasonably generous garden plot, with a fairly

wide area of garden on its south side. The property is bounded by a chalet bungalow at 84 Barnsfield Crescent and a single-storey bungalow at 82 Barnsfield Crescent on its south side. The front most part of the plot also bounds an electricity substation.

- 14.2 The submitted application seeks to build a new dwelling, which would be attached to the south side of the existing dwelling, thereby creating a terrace of 3. Additional areas of hardstanding would be provided to the front of the proposed house and to the front of the new dwelling, which would entail the formation of a new access that would cross over an area of grass highway verge.
- 14.3 The proposed dwelling would to a large extent reflect the design and appearance of the existing dwellings at 2-4 Malwood Gardens. Although there would be slight differences in the porch and window design, it is not felt these differences would appear incongruous or out of keeping. The proposal would result in a terrace of 3 dwellings in an area where most other properties are either detached or semi-detached. However, a reasonably generous gap would be retained between the proposed dwelling and the adjacent properties to the south, and the plot width, while narrower than some, would be comparable to a number of other nearby dwelling plots in Barnsfield Crescent and Fritham Close. As such, it is not felt the dwelling would appear cramped in its setting, and nor is it felt the terrace of 3 would appear unacceptably large or discordant in this setting. While the extension of built-form is considered to have an acceptable impact on the character and appearance of the area, the treatment of the external spaces to the front of the existing and proposed dwellings is considered to be altogether more harmful. The removal of most of the front boundary wall, the loss of grass verge outside of the site, and the proposal to cover most of the frontage of the site with hard surfacing for car parking would result in a development that would have an unduly harsh setting that would be materially at odds with the characteristic frontage character of the immediate area. Although a small planting bed is shown, this would be too small and would not be sufficient to provide an appropriately green and sympathetic frontage to the site. Accordingly, it is considered that the proposed development would not adequately respect its context or local distinctiveness.
- 14.4 The end gable wall of the proposed dwelling would be 15.5 to 16 metres away from the rear elevation of 84 Barnswood Crescent. This would be a reasonable degree of separation and would be sufficient to ensure that there would be no undue impact on that neighbouring property's light and outlook. There are no first floor side windows on the proposed dwelling and although rear facing windows might give oblique views into the rear garden of 82 Barnsfield Crescent, it is not felt this oblique overlooking would be unduly harmful to the privacy of neighbouring dwellings. Overall, it is considered the proposed development would not cause material harm to the occupants or the amenities of neighbouring dwellings.
- 14.5 There is a mature oak tree that overhangs the rear boundary of the site, which is now protected by a Tree Preservation Order. This would be set sufficiently away from the proposed dwelling as not to be adversely affected by the proposed development, subject to an appropriate tree protection condition.

- 14.6 The development's proximity to an electricity substation is not ideal, as it would not result in the best quality outlook for the proposed new dwelling. However, this relationship is not considered so poor as to justify refusal of planning permission.
- 14.7 The Highway Authority is satisfied that the level of on-site parking being provided would be acceptable from a highway safety perspective. The amended access alterations are also considered to be acceptable.
- 14.8 In compliance with Core Strategy Policy CS4, the proposed dwelling would be required to comply with level 4 of the Code for Sustainable Homes.
- 14.9 Concerns about building over a drainage ditch are noted. This drainage ditch does not appear to be an open ditch, and nor is the site at high risk of flooding. The council's drainage team are satisfied that technical solutions exist, and that subject to conditions, the proposed dwelling can be provided without being at risk of flooding and without giving rise to an increased risk of flooding elsewhere.
- 14.10 The proposed development would be expected to make provision towards affordable housing. The target contribution would be £25,070. The applicants have submitted a viability appraisal to support their view that this contribution would make the scheme unviable. Indeed, the applicants are of the view that any affordable housing contribution would make the scheme unviable. The applicant's arguments on viability have been considered by the Council's estates and valuation team who have accepted the applicant's position. On this basis, it is considered appropriate to completely waive the affordable housing contribution in this instance.
- 14.11 The proposed development would also be expected to secure contributions to public open space (£3504.90p), and transportation improvements (£3745). These contributions are considered to be fairly and reasonably related to the impact of the development. There would also be a need for the development's impact on designated European sites to be adequately mitigated. In this case, a mitigation contribution of £4250 would be appropriate. At the time of writing a Section 106 legal agreement remains to be completed in respect of all of these contributions.
- 14.12 Overall, the proposed development is not considered to be consistent with the council's policies and Core Strategy objectives. The proposed development would be inappropriate to its context and would detract from the appearance of the area, primarily due to the harsh treatment to the frontage of the site. As such, the application is recommended for refusal.
- 14.13 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public

interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

## Developers' Contributions Summary Table

<b>Proposal:</b>			
<b>Type of Contribution</b>	<b>NFDC Policy Requirement</b>	<b>Developer Proposed Provision</b>	<b>Difference</b>
<b>Affordable Housing</b>			
No. of Affordable dwellings	0	0	0
Financial Contribution	£25,070	0	-£25,070
<b>Public Open Space</b>			
On site provision by area	0	0	0
Financial Contribution	£3504.90p	0	-£3,504.90p
<b>Transport Infrastructure</b>			
Financial Contribution	£3745	0	-£3,745
<b>Habitats Mitigation</b>			
Financial Contribution	£4250	0	-£4,250

## 15. RECOMMENDATION

### Refuse

#### Reason(s) for Refusal:

1. The proposed development would appear unduly harsh within the streetscene and inappropriate to its wider context due to the proposed treatment of the external areas to the frontage of both the proposed dwelling and the existing dwelling at 2 Malwood Gardens, which would result in a large unenclosed area that would be too dominated by hardstanding and with inadequate greenery to soften the visual impact of the proposed new dwelling. As such, the proposed development would detract from the character and appearance of the area, contrary to Policy CS2 of the Core Strategy for New Forest District outside of the National Park.
2. The proposed development would fail to make any contribution 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.

**Notes for inclusion on certificate:**

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

In this case, the application proposals were not the subject of pre-application advice. There were discussions with the applicant's agent following the application being registered, but within the available timeframes, it was not been possible to negotiate on this application to secure a positive solution for this site, taking into account the representations that have been received.

**Further Information:**

Major Team  
Telephone: 023 8028 5345 (Option 1)





**New Forest**  
DISTRICT COUNCIL

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**Planning Development  
Control Committee**  
**December 2014**

**Item No: A12**

Land of  
2 Malwood Gardens  
Totton  
App No 14/11386  
SU3413

Scale 1:1250

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the internet, it will not be to  
scale.

