

SCHEDULE OF PLANNING APPLICATIONS FOR COMMITTEE DECISION - INDEX

Parish	Site	App.No.	Schedule	Recommended
Fawley	23 SOUTHBOURNE AVENUE, HOLBURY, FAWLEY SO45 2NW	14/11398	06	Refuse
	Land at FAWLEY BYPASS, FAWLEY SO45 1DW	14/11613	12	Refuse
Fordingbridge	SEQUOIA FARM, PUDDLESLOSH LANE, TINKERS CROSS, FORDINGBRIDGE SP6 1NH	14/11161	02	Refuse
	FORDINGBRIDGE BUSINESS PARK, ASHFORD ROAD, FORDINGBRIDGE SP6 1BD	14/11562	10	Grant The Variation Of Condition
Hordle	EVERTON GARAGE LTD, 5 OLD CHRISTCHURCH ROAD, EVERTON, HORDLE SO41 0JJ	14/10769	01	Grant Subject to Conditions
Lymington and Pennington	NELSON HOUSE, NELSON PLACE, LYMINGTON SO41 3RT	14/11321	04	Refuse
	NELSON HOUSE, NELSON PLACE, LYMINGTON SO41 3RT	14/11322	05	Refuse Listed Building Consent

	9 LOWER BUCKLAND ROAD, LYMINGTON SO41 9DN	14/11481	08	Grant Subject to Conditions
Milford-On-Sea	OLD MILFORD MEADOW, LYMINGTON ROAD, MILFORD-ON-SEA SO41 0QL	14/11229	03	Refuse
New Milton	60 - 62 WHITEFIELD ROAD, NEW MILTON BH25 6DG	14/11405	07	Head of Planning Grant or Refuse
	16 ROSEWOOD GARDENS, NEW MILTON BH25 5NA	14/11500	09	Grant Subject to Conditions
Ringwood	Land at SALISBURY ROAD BUS STOP, SALISBURY ROAD, BLASHFORD, RINGWOOD	14/11612	11	Details not required to be approved

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: 14/10769 Full Planning Permission

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

Development: Extension to workshop (demolish existing flats)

Applicant: Everton Garage Ltd

Target Date: 18/07/2014

1 REASON FOR COMMITTEE CONSIDERATION

Amended proposals following previous Committee deferral.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

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

Local Plan Part 2

None relevant

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

None

6 RELEVANT PLANNING HISTORY

6.1 Change of use of a single dwelling unit to use as two self contained flats at Pennycroft (5332) Granted with conditions on the 13th July 1976.

6.2 Numerous applications in relation to proposals for Everton Garage

7 PARISH / TOWN COUNCIL COMMENTS

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

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

9.1 Land Drainage Engineer: No objection subject to condition

9.2 Hampshire County Council Highway Engineer: No objection subject to condition and S106

9.3 Tree Officer: Acceptable subject to condition

9.4 Environmental Health Officer: No objection subject to condition

10 REPRESENTATIONS RECEIVED

10.1 3 letters of objection concerned that the proposed extension would have an unacceptable impact on the living conditions of the adjoining residents by reason of loss of outlook, light and visual harm and the noise and disturbance associated with its use. The proposed extension is too close to the boundary of the properties. The existing workshop and garage can be heard from the garden areas of the residential properties and a further increase in noise would be unacceptable. There are noise concerns relating to the cleaning bay, pressure washer, noise from the workshop on a daily basis. The loss of the residential property would only amplify the noise to the residential properties.

10.2 There are concerns about the loss of the dwelling, which positively contributes to the rural character of the area and would be replaced by more industrial looking buildings and structures. There are concerns with the loss of dwellings, given the housing shortage in the area.

10.3 The garage is already overdeveloped with buildings and vehicles parking and there are also problems regarding the impact on public highway safety.

10.4 The submitted application is lacking in detail. The proposed extension will need an emergency door which would be likely to be on the rear elevation of the building. Air conditioning units would be required which are not shown. There are concerns with light pollution and no details have been provided as to whether new light columns and floodlights, and security lights would be installed. Concerns over the impact on trees.

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

Following deferral by the Planning Development Control Committee in August 2014, amended plans have been submitted which address the concerns raised in relation to implications for trees, enabling a positive recommendation to be made.

14 ASSESSMENT

Introduction

14.1 Members will recall considering this application at their meeting in August 2014 when they deferred the application to allow the applicant to submit additional evidence or revised proposals that overcome concerns about

the potential harm to the protected trees along the boundary of the site. Officers had recommended that the application should be refused because the extension would be within the root protection area of an ash, sycamore and yew trees, which are all protected by a Tree Preservation Order, and it was reasonably foreseeable that the proposed extension would threaten the retention of these trees.

- 14.2 Following deferral, the applicants have employed a tree consultant and meetings have been held with the Council's tree officer on the site to find a solution. In response, the applicants tree consultant has submitted an arboricultural report which sets out the method statement and tree protection measures, the foundation design of the proposed extension and the planting of two new Maple trees to the front of the site. It is not proposed to move or re-position the extension and accordingly the proposed extension which remains in the same position as originally submitted.
- 14.3 The Council's tree officer considers that the proximity of the proposed extension to the crown of the yew tree is not desirable. However, based upon the detailed information submitted for the tree protection measures, foundation design and more importantly the planting of two trees on the front boundary of the site, this would help mitigate any potential future harm to the existing trees. Indeed, the two new trees on the front boundary would be clearly visible from the main road and would be a sensible solution to help soften the new development on the site. Accordingly, officers recommend that permission be granted subject to conditions. No other concerns were raised by the Committee when they considered the application previously, as a result permission is recommended.

The Consideration section of the Officers report as previously considered attached as an appendix.

Previous committee report

(Paragraph 14.8 changed to reflect recommendation).

- 14.1 The site comprises an established car business known as Everton Garage and contains a car sales room, ancillary offices, and workshop area where cars can be repaired and serviced. The site contains a two storey building set back from the road, and large single storey buildings that wrap around the two storey element. The buildings are constructed from render and glass cladding under a pitched slate roof, which has a flat roofed element. The majority of the building that is sited close to the road comprises the car showrooms. Also located on the site is a residential building known as Pennycroft, which contains two flats. This is an attractive red brick building lying to the south of the garage building. This residential building is in the same ownership as the garage. The rest of the site, between the buildings and the road, is taken up with the cars displayed for sale and car parking spaces for visitors.
- 14.2 The character of the area is predominantly residential, but there is a public house and social club located nearby. There are residential properties located immediately to the rear of the site and property types and styles vary.

- 14.3 This planning application proposes to demolish the existing residential building, containing two flats, on the site and to replace it with a single storey extension. The proposed extension would be used as a workshop in association with the existing garage, and is required due to the need to expand the existing business and to essentially provide a modern facility. The proposed footprint of the extension would equate to some 192 square metres.
- 14.4 The proposed extension would be single storey and located broadly in the same position as the existing residential building but would be sited close to and run further along the common boundary with the adjoining residential property, Forest Edge. Visually, the proposed extension would have a mono pitched roof but the majority of the roof would be flat. The proposed extension would be constructed from white painted blockwork to match the existing building under a flat felt roof with slates and corrugated cement.
- 14.5 In support of the application, it is stated that Everton Garage has expanded over the years with the servicing facility dating back to 1976 and its showroom dating from 2001. More recently the car sales area expanded into the garden area of the residential property. It is stated that, to help support the business and to enable it to continue to expand, three additional service bays are needed on top of the existing three service bays (one of the existing bays is sub standard) on the site. The proposal would create two additional full time jobs.
- 14.6 In assessing this proposal against local and national planning policies, it is clear that there is general support for economic growth and for expansion of existing business premises. Everton Garage is an established business which has been operating on this site for many years and provides local employment, and accordingly, in principle, an extension to the building would accord with policy.
- 14.7 While the proposal would result in the loss of an existing residential building, there are no policies in the local plan which seeks to retain residential uses. The existing residential building is an attractive building, and its loss from a visual point of view is unfortunate, however, there is no policy objection to its removal. The existing residential building on this site is slightly unusual as it is surrounded by a commercial business with car sales areas, workshops and a car showroom which generate quite a lot of activity. The overall relationship between the two uses is not compatible.
- 14.8 Visually, the proposed extension would not be of the highest quality design, but would have a simple design and appearance that would match the appearance of the existing building. It would be a functional building that would not unacceptably detract from the character and appearance of the area. Indeed, the scale, materials and design would reflect that on the car showroom to the front and side of the building. The proposed extension would be set back from Lymington Road (approximately 35 metres) and some 27 metres back from Old Christchurch Road. Accordingly, whilst the loss of the existing dwelling is unfortunate, the proposed extension would be in keeping with the setting and appearance of the existing building and would not have any adverse impact on the character and appearance of the area.

- 14.9 With regard to residential amenity, the proposed extension would be located close to the boundaries to two residential properties, namely, Forest Edge and No 2 Westfield. The neighbouring resident at Forest Edge is likely to be most affected given that a large element of the proposed building would be sited along their side boundary. The proposed extension would be single storey which would help reduce the impact on the outlook of this property and there is also a relatively dense landscaping screen.
- 14.10 In assessing the impact on the light and outlook of the adjoining resident at Forest Edge, there would be a gap of just less than 1 metre from the proposed extension to the common boundary and the proposed extension would rise to 4.6 metres in height, with part of the building dropping down to 3 metres. The extent of the proposed building running adjacent to that neighbour measures just over 18 metres in length. The property at Forest Edge is situated over 12 metres from the boundary of the application site. There is a garden area which is immediately adjacent, but the garden does not extend down to Milford Road. Given the distances involved, its siting, due north east, and the height of the extension, the proposal would not unacceptably compromise the available light or outlook of that resident.
- 14.11 In terms of impact on No 2 Westfield Gardens, only part of the extension would be sited close to that neighbouring resident, as adjacent to the far corner of the garden to that property. Given that only glimpses of the building would be seen by the neighbour, it is considered that the proposed extension would not unacceptably compromise the available light and outlook of No 2.
- 14.12 The other issue in relation to residential amenity is any noise and disturbance associated with the use as a workshop. The main opening doors to the proposed workshop are onto the forecourt area and there are no windows or openings facing the neighbour to the west at Forest Edge. The application states that the workshop would operate between the hours of 8:00 and 17:30 Monday to Friday and between the hours of 8:00 and 13:00 on Saturdays. It is accepted that the use of the workshop carrying out servicing and repairs to vehicles would give rise to an increase in noise levels, however, the Environmental Health Officer does not raise any objections.
- 14.13 Given that the openings to the building would face the car parking courtyard and onto both Lymington Road and Old Christchurch Road, which is a busy main road and noise outbreak would not be directly onto or face the neighbouring resident at Forest Edge or the bungalows in Westfield Gardens, the impact is considered to be acceptable. Accordingly, given that the hours of use can be restricted to daytime hours, and on the basis of its design and relationship to the adjoining residents, the proposal would not result in an adverse impact that would substantiate a reason for refusal.
- 14.14 Concerns have been expressed regarding the lack of detail on the submitted application, namely no details of air conditioning units or compressors and that a new escape door may be installed on the rear elevation of the building. However, the plans simply do not propose air conditioning units, compressors or an emergency door. In addition,

flood lighting would require planning permission and a condition can be imposed which prohibits security lighting from being installed on the building. These are matters that would require a new planning application and a condition can be imposed for no new openings to be created on the building without the written consent of the local planning authority.

- 14.15 In terms of tree matters, the proposed extension would be sited close to three trees, (Ash, Sycamore and Yew) which are situated along the western boundary of the site. These trees provide a good level of public amenity particularly as softening and screening in a built up environment and the trees have now been protected by a Tree Preservation Order. The Tree Officer considers that the proposed extension would be within the root protection area of all three of the trees and it is therefore reasonably foreseeable that this proposal would adversely affect the health and safe retention of these trees and is therefore not considered acceptable. Accordingly it is considered that the proposed scheme threatens the retention of these important mature trees that contribute to local amenity and is therefore contrary to policy CS2 of the Core Strategy for the New Forest outside the National Park.
- 14.16 Concerning highway safety matters, the proposal would increase the floor area of the workshop by 192 square metres and result in the loss of 2 two-bedroom dwellings. Two extra staff would be employed. Three parking bays are proposed. Given the loss of the existing flats, the actual increase in traffic generation would not be significant. The Highway Authority does not raise any objections in relation to car parking spaces or impact on public highway safety, but, they have advised that the proposal may require a transport contribution. However, your Officers consider although the proposed floor space of 192 square metres, is above the threshold over which a transport contribution is sought (proposals for less than 100 square metres in floor space do not generate a need for a transport contribution) and that two dwellings are to be removed, a transport contribution would not be justifiable in this case.
- 14.17 In conclusion, it is considered that while strong reservations have been raised about the impact on the character and appearance of the area, the loss of the dwelling and the impact on residential amenity, Officers consider there is only one objection and this relates to the close proximity of the proposed building to three trees which are protected by a Tree Preservation Order.
- 14.18 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party..

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development permitted shall be carried out in accordance with the following approved plans: 1, 2, 5b, , 5c, , 3b, 4 , 5a, 3a.

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. No activity shall take place within the extension hereby approved in connection with the approved use other than between the hours of 8:00am to 18:00pm Monday to Friday and between 8:00am and 13:00pm on Saturday, not including Sundays and recognised public holidays.

Reason: To safeguard the amenities of nearby residential properties in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.
5. Prior to commencement of works (including site clearance and any other preparatory works) the scheme for the protection of trees in accordance with the submitted Barrell Tree Consultancy Arboricultural Impact Appraisal and Method Statement ref 14338-AIA-DC and Plan Ref: 14338-BT1 dated 5/12/14 shall be implemented and at least 3 working days notice shall be given to the Local Planning Authority that development is due to commence. Tree planting as per the submitted Barrell Tree Consultancy Arboricultural Method Statement ref 14338-AIA-DC and Plan Ref: 14338-BT1 dated 5/12/14 shall be completed before the end of the planting season following completion of the development. Any such trees that are removed, die or become, in the opinion of the Local Planning Authority seriously damaged or defective within five years of planting shall be replaced with specimens of similar size and species as originally planted.

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

Park.

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.

Following deferral by the Planning control Committee in August 2014, amended plans have been submitted which address the concerns raised in relation to implications for trees, enabling a positive recommendation to be made.

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



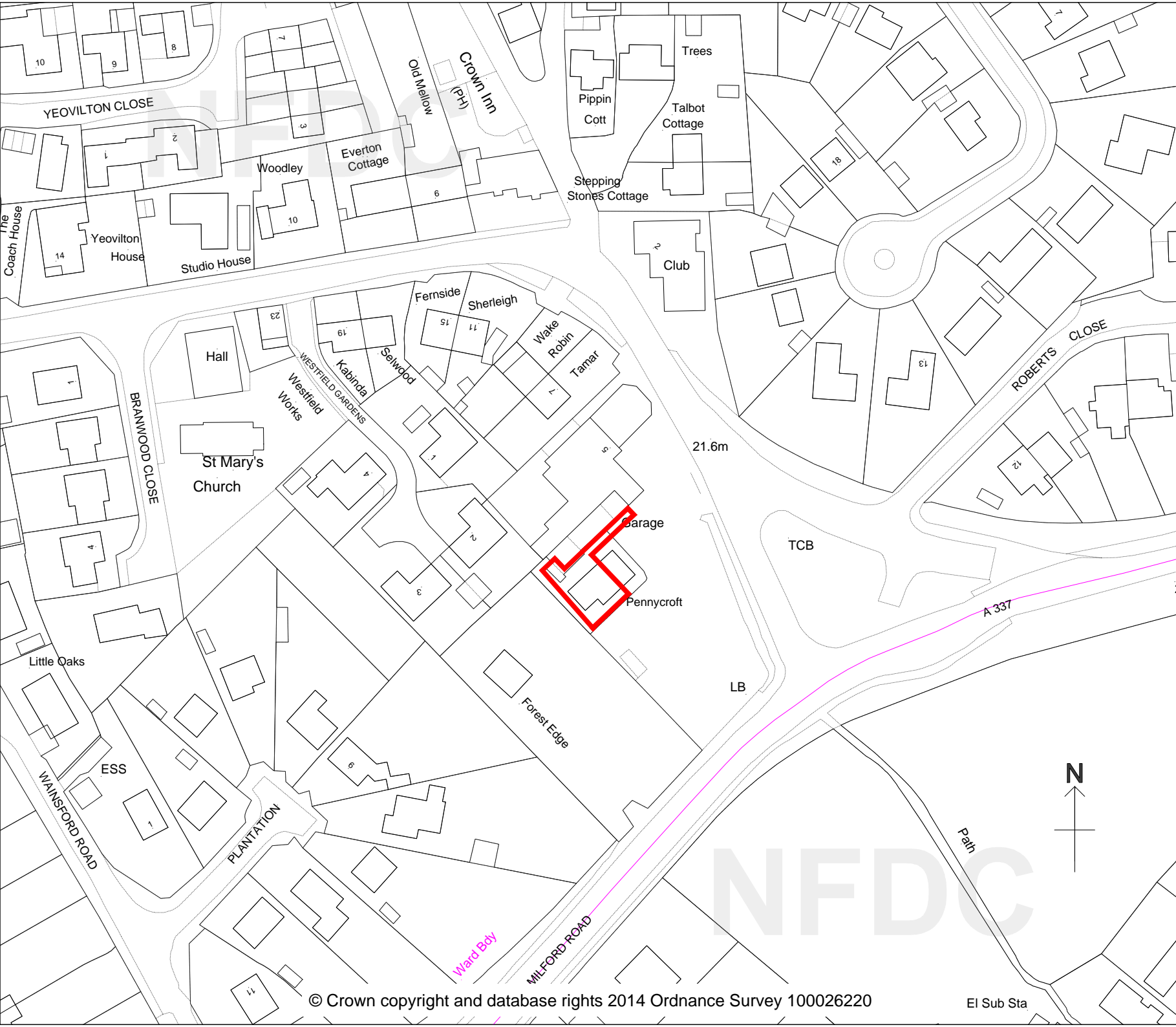
New Forest DISTRICT COUNCIL

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**Planning Development
Control Committee**
January 2015

Item No: A1
Everton Garage
Old Christchurch Road
Everton Hordle
App No 14/10769
SZ2994



Application Number: 14/11161 Full Planning Permission

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

Development: Continued siting of mobile home for temporary period of three
years for an agricultural worker

Applicant: Ms Fletcher

Target Date: 14/11/2014

1 REASON FOR COMMITTEE CONSIDERATION

- 1.1 Discretion of the Head of Planning and Transportation
- 1.2 This application is now the subject of appeal for non-determination so is not before the Committee for decision. This report is therefore seeking to confirm the Council's position on this proposal, had it been able to reach a decision.
- 1.3 The appeal seeks a 1 year temporary permission which differs to the planning application. It will be up to the Planning Inspectorate whether they accept this appeal but the Council will write to the Planning Inspectorate on this issue once the views of the Council's solicitor has been sought.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS10: The spatial strategy

CS21: Rural economy

Local Plan Part 2 Sites and Development Management Development Plan Document

DM20: Residential Development in the Countryside

DM21: Agricultural or forestry workers dwellings

DM22: Employment development in the countryside

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

4.1 Paragraph 7 of the National Planning Policy Framework (NPPF) details the three dimensions to sustainable development; economic, social and environmental. These dimensions give rise to the need for the planning system to perform 3 roles:

- Economic: contributing to a strong, responsive and competitive economy;
- Social: supporting strong, vibrant and healthy communities in part, by creating a high quality built environment reflective of a community's needs and which support its health, social and cultural well-being;
- Environmental: contributing to protecting and enhancing the natural, built and historic environment

4.2 Paragraph 10 requires decisions to take local circumstances into account so that they respond to the different opportunities for achieving sustainable development in different areas.

4.3 Paragraph 14 of the (NPPF) advises that '*At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision taking*'. In respect of decision taking, it is advised that '*where the development plan is absent, silent or relevant policies are out-of-date, (Local Planning Authorities should be) granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework as a whole...*'

(underlining added for emphasis)

4.4 Paragraph 17 requires amongst other things, that the intrinsic character and beauty of the countryside is taken into account in decision making.

4.5 Paragraph 28 advises that '*Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas... (and) promote the development and diversification of agricultural and other land-based rural businesses...*'

4.6 Paragraph 55 advises that '*Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside...*'

4.7 Policy CS1 of the New Forest Core Strategy details that all new development will be expected to make a positive contribution towards the sustainability of communities by protecting, and where possible

enhancing, the environment within the Plan Area.

Policy CS2 relates to design quality and advises that:
'New development will be required to be well designed to respect the character, identity, and context of the area's towns, villages and countryside. All new development will be required to contribute positively to local distinctiveness and sense of place, being appropriate and sympathetic to its setting in terms of scale, height, density, layout, appearance, materials, and its relationship to adjoining buildings and landscape features and shall not cause unacceptable effects by reason of visual intrusion, overlooking, shading, noise, light pollution or other adverse impact on local character and amenities...'

(underlining added for emphasis)

- 4.8 The Local Plan Part 2 (Sites and Development Management) document does not provide any specific policy provision for temporary dwellings to enable a new agricultural enterprise to be developed. However, it is not considered that this prevents the grant of a temporary planning permission if considered to be appropriate (i.e. if an essential need is demonstrated), and if the proposal is acceptable in all other aspects.

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

Fordingbridge Village Design Statement

6 RELEVANT PLANNING HISTORY

Planning Applications

- 6.1 14/10290 Continued siting of mobile home for temporary period of three years for an agricultural worker

Refused: 10 July 2014

Appeal Pending

Refusal Reasons:

The application comprises inappropriate residential development within the open countryside which is contrary to Planning Policies DM20 and DM21 of the New Forest District Local Plan Part 2: Sites and Development Management (Adopted) April 2014, Planning Policy CS10 of the New Forest District outside the National Park Core Strategy (October 2009) and the provisions of the National Planning Policy Framework (2012).

The mobile home would appear an incongruous feature within this open rural landscape to the detriment of visual amenity and the rural character of the area. The proposal is therefore considered to be contrary to Planning Policies DM20 and DM22 of the New Forest District Local Plan Part 2: Sites and Development Management (Adopted) April 2014, Planning Policies CS1, CS2 and CS21 of the New Forest District outside the National Park Core Strategy (2009) and the provisions of the National Planning Policy Framework (2012).

The development as proposed would have an adverse impact on the character of the proposed Tinkers Cross / Puddleslosh Lane Walking

Routes mitigation project of the New Forest District Council Mitigation Strategy for European Sites – June 2014.

Inadequate information has been submitted to adequately demonstrate an essential need for the mobile home because the details received fail to demonstrate the ability to develop the proposed rural enterprise on a sound financial basis. The proposal is therefore contrary to the provisions of the National Planning Policy Framework (2012).

6.2 14/10589 Retention of access, hardstanding and turning area.

Permitted: 10 July 2014

6.3 14/11262 Retention of Quail House

Refused: 19 November 2014

Appeal Pending

Refusal reasons:

The building, which has already been constructed, does not respect the character, identity and context of this area of open countryside. By reason of its relationship to the local landscape, the building is not sympathetic to its setting on the fringe of Fordingbridge as required by Policy CS2 of the Core Strategy. It does not contribute positively to the sense of place and this is exacerbated by the cluttered appearance of the agricultural holding resulting in significant visual intrusion in this accessible area of open countryside which otherwise provides an attractive setting to the town of Fordingbridge. Moreover, the development does not accord with the objectives of Policies CS21 of the Core Strategy as it serves an agricultural enterprise which does not maintain, protect or enhance the environment or contribute to local distinctiveness. Overall, the development brings little economic benefit and this is significantly outweighed by the harm to the environment.

Instructions have been sent to the Council's Solicitor to issue an enforcement notice to require the removal of the quail house, with a draft enforcement notice having been prepared.

Enforcement

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

6.5 **D6/1/1967**

Temporary Stop Notice: Relating to the use of and for the siting of a touring caravan and a mobile home for residential purposes

Effective: 25 February 2014 - 25 March 2014

Full Stop Notice: D6/1967/STOP

Without planning permission, the unauthorised change of use of land from agricultural to a mixed use of agricultural and for the siting of a

touring caravan and mobile home

Dated: 7 March 2014

Date Effective: 25 March 2014

Enforcement Notice: D6/1/1967

Without planning permission, the unauthorised creation of an area of hard standing and the erection of a fence over 1m in height.

Dated: 7 March 2014

Effective: 12 April 2014

Withdrawn: 23 July 2014

Enforcement Notice: D6/1/1967

Without planning permission, change of use of land from agricultural, to a mixed use for agricultural and for the siting of a mobile home and a touring caravan

Dated: 7 March 2014

Effective: 12 April 2014

6.6 Metal Shipping Containers

Two metal shipping containers have been installed on the land at Sequoia Farm which, at the time of an Officer site visit on 12 June 2014, were empty and sited on wooden bearers. In an email of 10 June 2014, the agent stated: "The containers are capable of being moved about the site so, in our contention, planning permission would not be required for their continued presence". This view is based on the argument that the containers are an agricultural use (i.e. use of land for the siting of agricultural containers) which is not considered to require planning permission given that the use of land for agriculture is not taken to involve development under S.55 (2) (e) of the Town and Country Planning Act 1990.

The Officers initial view is that operational development has occurred (installation of an agricultural structure). On agricultural holdings over 5 ha in size, this might comprise permitted development (the installation or construction of agricultural buildings or structures may be permitted development under Part 6 of Schedule 2 of the GPD Order 1995). However, in this instance Sequoia Farm is 3.3 ha and so does not benefit from permitted development rights.

For the avoidance of doubt, the shipping containers do not form a part of this planning application (albeit with the essential need for the mobile home in part resting on mushroom production). Instructions have been sent to the Council's Solicitor to issue an enforcement notice to require the removal of these containers.

Article 4 Direction

- 6.7 An Article 4 Direction was served in October 2014 withdrawing permitted development rights in respect of the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure affecting land adjoining Marl and Puddleslosh Lanes (approx 26 Hectares).

7 PARISH / TOWN COUNCIL COMMENTS

Initial comments:

Fordingbridge Parish Town Council: Recommend REFUSAL - As a comprehensive Business Plan has not been submitted and the Agricultural Appraisal requires updating there is a lack of evidence to support an essential need for a residential dwelling on this small holding. Contrary to Policy for residential development in the Open Countryside.

Further comments submitted: Post Agricultural and Rural Business Appraisal.

Recommend Refusal as there are insufficient grounds to support the need for a residential mobile home on the site

NFDC should take into consideration the number of sites within the area which have been restricted to Agricultural Ties, only for the restriction to be removed after a short period of time.

Further to receipt of the Business Plan, the following additional comments have been received:

The previous recommendation of Refusal remains and there is still insufficient evidence to support the need for a mobile home on site

8 COUNCILLOR COMMENTS

8.1 No comments received

9 CONSULTEE COMMENTS

9.1 Environment Agency: no objection

9.2 Land Drainage Officer: no comment

9.3 Tree Officer: No objection

9.4 Ecology Officer: No objection

9.5 Landscape Officer: Objection

9.6 Southern Water: not located within Southern Water's statutory area

9.7 Southern Gas Networks: Statutory Comments

9.8 Hampshire County Council Rights of Way: No Objection

10 REPRESENTATIONS RECEIVED

10.1 6 letters in support of the proposal raising the following points (summary):

- No special designations on land;
- Was allocated for a major housing development 5 years ago;
- Farming enterprise conserves arable land and preferable to housing

estate;

- Business has support of local restaurants/ shops;
- Is definition of supporting/ encouraging local rural economy.
- Fordingbridge Town acknowledges that agricultural needs will change;
- Government recognises and promotes need to encourage/ support local rural economy and this is reflected by the NPPF;
- Should be given opportunity to fulfil essential need as highlighted by agricultural appraisal;
- Supporting modest agricultural development will protect countryside;
- If not here, where?
- A small scale enterprise that will benefit the local community;
- Firm agreements with local businesses are in place;
- By allowing a 3 year temporary permission the Council have the opportunity to see how successful the enterprise is likely to be.

10.2 88 letters (a handful of writers have written more than once) expressing the following concerns (summary):

- The illegally placed mobile home should be removed prior to any decision;
- It is detrimental to visual amenity and alien to the open countryside;
- Application details contain a large number of anomalies/ false details;
- Stables on the adjoining land support the purpose of area for grazing;
- Shipping containers are an eyesore;
- Has been no attempt by applicant to be a part of the community;
- Does not offer rural growth or jobs;
- The business model is constantly changing and is not well planned;
- The business is said to be running successfully without owner living on site;
- There is evidence of more appropriate accommodation being available;
- Embleton case not directly applicable;
- Applicant unable to afford local rent but can afford large outlay for business;
- Expressions of interest add no viability or commercial commitment;
- No amount of planting will soften visual impact;
- A deceitful ploy to gain dwelling in lovely surroundings;
- If temporary planning permission is granted it will never be moved;
- Will set a precedent for further similar development;
- Application provides no material change and should be refused;
- Frequent commercial traffic will further degrade fragile lane;
- Potential water pollution of Sweatford Water and Allenbrook;
- Comments support agricultural use of land but without dwelling;
- Price paid for land reflects agricultural use;
- Application is retrospective;
- There are residential small holdings/ small farms for sale in the area;
- This is an area of land valued by the local community;
- Previous support for applicants has now been withdrawn owing to actions;
- If approved, new buildings will be required to replace storage space;
- More akin to a hobby farm than a serious agricultural enterprise;
- An EIA and Safety Risk Assessment should have been submitted;
- No consideration has been given to the weight limit of the old railway bridges at Marl Lane and Puddleslosh Lane;
- The owners have now been on site for nearly a year;

- Mobile home detracts from the enjoyment of footpaths;
- There have been animals here for a long time without a farmer on site;
- Keeping 'exotic' animals does not give anyone the right to live here;
- The legitimacy of the expressions of interest is questioned;
- Quail and quail eggs are available from Waitrose and Lidl;
- The Business Plan would not be fit for purpose if shown to a bank;
- There is minimal livestock on the farm at present.

11 CRIME & DISORDER IMPLICATIONS

Not applicable to this application

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

In this case, the agent and applicant are aware of the concerns/ objections raised in respect of this application which have been discussed.

14 ASSESSMENT

Introduction

- 14.1 The application relates to a parcel of land on the east side of Puddleslosh Lane, Tinkers Cross, Fordingbridge. The site lies within the countryside.
- 14.2 The application seeks retrospective planning permission for the stationing of a mobile home for an agricultural worker and seeks permission for its retention for a period of 3 years. The site operates under the name of 'Gourmet Farm Foods Ltd' and the mobile home has been in this position since February 22nd 2014. The mobile home has been painted green.
- 14.3 The application site as outlined in red extends to approx 1.2ha. The applicant and her partner also rent a further 2.04ha which is leased until April 2016, with an option to purchase sooner.
- 14.4 The application forms a resubmission of 14/10290 which was refused planning permission for those reasons outlined in paragraph 6.1. Application 14/10290 is currently the subject of an appeal. This application is supported by an updated Appraisal and Business Plan.
- 14.5 The accompanying Planning, Design and Access Statement advises that the applicant and her partner have no fixed address residing temporarily with family and friends or in bed and breakfast accommodation at Lyndhurst.

THE CASE ADVANCED IN SUPPORT OF THE PROPOSAL

Site Activities

- 14.6 The Planning, Design and Access Statement cites that the mobile home '*.....is presently used as an 'agricultural store' but would become a residence, if the application succeeds*'. Further, '*As at 14 August 2014, the livestock on the holding comprised two Golden Guernsey pedigree bucks and four Saanen Pedigree does (goats), fifty Japanese quail, two Silver Sussex hens, two Cream leg bar hens, two Old English Game Cock, an Old English game hen, a Chalk Hill Blue hen, three Pedigree Mangalitza boars and three sows (pigs), four Magalitzza gilts and a Gloucester Old Spot sow. Five hundred one-day chicks are due to be brought onto the holding next week. To enhance the viability of her smallholding yet further, Miss Fletcher intends to increase her quail flock to 600 birds this year, rising to 1200 in 2015 and 1800 in 2016*'
- 14.7 The Agricultural and Rural Business Appraisal advises that on the premise that planning permission is granted before the end of 2014, it is intended to build up the goat meat dairy cull rearing herd to a size above 30, between 100 to 120 during 2015 with up to 160 culls to be reared in 2016
- 14.8 The cultivated central part of the holding has been planted out for the production of Elephant Garlic. It is advised that approximately 7000 Elephant Garlic cloves were planted out at the farm in autumn 2013 at a tight density and will remain for two years until the land is allocated for

the Magalitzza pigs and goats. The next one third of an acre of cultivated land will then be placed under garlic production creating an eight year cycle rotating with the livestock enterprises.

- 14.9 In respect of the two shipping containers, the larger of the two is in use for the production of mushrooms. Mushroom production is based primarily on the King Oyster variety together with Shittake and Portobello. The mushrooms are picked, aired, and then chilled in a freezer container in the second, smaller former shipping container to stop further growth.
- 14.10 Officers visited the site at the time that this planning application was submitted. The applicant's partner provided a tour of the site and explained the activities undertaken and the processes involved. Officers observed that stock levels had been built up since the time of the first planning application and that the activities referred to above were underway.

The Essential Need to Live on Site

- 14.11 As per the previous application, the writer of the applicant's appraisal assumes an 'essential need' to mean the need of an agricultural/business worker to be physically present to carry out routine work such a business requires at any time, and to be available to deal with the anticipated but unexpected emergencies which arise to avoid the unnecessary loss of livestock through injury or illness, or other circumstances which could cause serious loss of crops of agricultural products. It is further advised that in the context of temporary dwellings, 'when an assessment is made within the first year of a business' commencement it is quite reasonable not to expect the measure of essential need to have become fully established'. Nonetheless, it is considered that there is a reasonable labour requirement for more than one full time person's annual labour provision which will increase as stock numbers rise.
- 14.12 With regards to the differing uses, the appraisal identifies the essential need as follows:

Dairy Cull (Meat) and Doe Goats:

Care is required to ensure that the several times daily bucket feed progresses and that individual buckling goats are not thwarted by other goats at feeding times. Receptacles for the provision of clean water are also to be kept clean requiring direct supervision. Livestock also requires close observation to establish any departure from normal behaviour and to maintain good health.

Mushrooms:

Monitoring of temperature and humidity requires close supervision and periodic checking is regularly required during a 24 hour period to ensure that the internal environment of the container is continuously at the desired temperature, relative humidity, and allied to the correct amount of light penetration which all requires the giving of necessary time during a 24 hour period.

Quail:

Where heat supply for the quail rearing fails, birds will huddle for warmth leading to suffocation. After two hours, substantial losses can be

expected to occur. Monitoring also required for rats/ other vermin and noise (losses occurred in August 2014 but had there been an on site presence, noise from distressed quail might have been heard).

Mangalitza Pigs:

Periodic checking required to ensure pigs have not escaped enclosures and to ensure no damage caused to water supply.

Garlic:

'There is little contribution to the matter of "essential need" in the case of the garlic crop.' However, taking account of the large number of garlic planted, it can take up to three hours to replace the protective fleece covers to the crop.

- 14.13 Requirements of the Welfare of Farmed Animals (England) Regulations 2007 under the Animal Welfare Act 2006 are also considered to warrant consideration whilst it is also considered that some material weight should be attributed to issues of security with crime references provided.
- 14.14 The writer of the appraisal is of the view that these considerations demonstrate an essential need to live on site. Furthermore, given that there is evidence for essential care being required at short notice for periods for the year during all four seasons, it is considered that the seasonal use of a caravan as permitted development is not a practical option for the business.

Suitability/ Availability of other Dwellings/ Alarm Systems

- 14.15 Consideration is given to the suitability of other dwellings, and in this regards, the report advises.... 'Taking into account the time sensitivity for attending emergencies at the farm particularly in regard to the needs of the goats and environmental controls for the production of mushrooms and the incubation of quail eggs, it is considered that there is not a reasonably sufficient amount of time to travel from a dwelling accessible from say Whitsbury Road or perhaps from Fryern Court Road (to the north) to reach Sequoia Farm adequately in time, particularly so in the early hours of the morning when time to get dressed also arises'. No available dwellings are cited.
- 14.16 The use of alarms is acknowledged by the appraisal but is not considered to be sufficient in this instance given that the site is susceptible to trespass, interference with equipment and theft. CCTV is not considered to be sufficient given that such equipment would have to be monitored for unacceptable periods which is 'unproductive'. Local radio signal/ communication problems would impede the use of long range microphones.

ASSESSMENT OF APPRAISAL

- 14.17 The Council has again appointed Reading Agricultural Consultants, to assess the application. In this regard, it is recalled that at the time of the previous submission, the Council's consultant accepted that to properly establish the business an on-site presence is required. However, he was not persuaded that sufficient evidence had been provided for the market and sale values of the products proposed, while considerable anomalies were identified within the business plan which were considered to cast doubt over the document. Overall, it was considered

that the application failed to demonstrate the applicant's ability to meet the forecast outputs. Application 10290 was refused, in part, on this basis.

- 14.18 The consultant advises that the revised business plan which has been provided makes it clear that 'Gourmet Farm Foods Ltd' intends to grow and/ or rear diverse, high quality farm produce for local restaurants, shops and other outlets inclusive of goats for meat, goats for milk, quail, garlic, mushrooms, Mangalitze pigs and rare breed chickens. On this issue, as has occurred to date, the consultant would anticipate that the range and scale of activities undertaken on site would vary as market forces dictate. The application is then considered under the following headings:

Is there clear evidence of a firm intention and ability to develop the enterprise?

Further documentation has been provided including those in respect of land acquisition, finance invested to date (indicating a commitment to the project), expressions of interest which are considered to provide 'sufficient' detail. For these reasons, overall it is considered that the evidence which has been presented is sufficient to demonstrate that the applicants have a clear intention and sufficient ability to develop the enterprise. The only question on this issue is if the shipping containers are considered to require planning permission (and therefore if they are not retained on site).

Is it essential for the proper functioning of the enterprise for a worker to be readily available most times?

There will be an essential need for close supervision of livestock if the planned business is developed.

Is there clear evidence that the proposed enterprise has been planned on a sound financial basis?

The revised Business Plan is considered comprehensive and to demonstrate the financial soundness of the plan although it is considered important to note the considerable differences between the original budgets and those presented now. For example, the mushroom gross margin has fallen from £13,000 to £5,000 in year 3, mangalitze pigs did not feature in earlier budgets but would now generate £17,000 in year 3 whilst quail numbers have increased significantly (e.g. previously 285 hens in year 3 but now 1,700). The consultant advises that although this demonstrates the fluid and dynamic nature of the enterprise, if the mix of livestock shifts significantly, then the need to live on site may alter. However, overall, it is considered that the data is sufficient to demonstrate that the operation is planned on a sufficiently sound basis to warrant the grant of a temporary planning permission.

Is there any other existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation?

The consultant advises that he is unaware of any other nearby dwelling that would be suitable and available.

Conclusion – Essential Need

- 14.19 In view of the above, the consultant concludes that 'Overall, I accept that to properly establish this proposed business plan requires an on-site presence, and sufficient evidence has been provided for the market and

sale values of the specialist products proposed'.

- 14.20 Further advice has been sought from Reading Agricultural Consultants as to whether an essential need will still be maintained in the absence of quail and mushrooms. The comments received advise that the identified need was for other elements of the plot which will persist even if the quail and mushroom are removed.
- 14.21 On the issue of financial soundness, it is further advised that if the mushrooms and quail are removed from the business, and all fixed costs remain unaltered, the forecast income in year 3 still exceeds the minimum wage and leaves a margin for a return on investment, and the build cost of a permanent dwelling in year 3. Whether it will actually be delivered, would only be determined over time.
- 14.22 Given this advice, it is clear that the Council's consultant accepts that there will be an essential need for an agricultural worker to live on the holding with or without the shipping containers for mushroom production and the quail house for quail production.

FURTHER ISSUES

Landscape/ Visual Amenity Considerations

- 14.23 The visual/ landscape impact of the proposal was raised as a concern at the time of the first application and these concerns culminated in the second and third (in part) refusal reasons. This revised application does not introduce any physical changes to the site layout or the amount of development proposed (i.e. a twin-unit mobile home in the same position) to overcome these objections.
- 14.24 By way of explanation, the area forms a large field structure, with woodlands and wide native hedgerows along roads and access tracks. Using historical maps it is possible to see the subdivision of fields over time and this has had a negative impact on landscape character. The Council has served an Article 4 direction, as outlined above, in an attempt to help safeguard the open character of this area, given the introduction of fencing both at Sequoia Farm and in the wider area (with land having been sold off into smaller parcels of separate ownership).
- 14.25 At the time of the first application, the Council's Landscape Officer advised that the proposal was considered to have a significant negative impact on landscape character with the mobile home not in any way in keeping with the character of local built form. Officers therefore concluded that the mobile home comprised an incongruous and alien feature within this previously open landscape which failed to be sympathetic to its setting on the fringe of Fordingbridge. In this way, the proposal fails to accord with the provisions of the NPPF because it does not comprise a form of sustainable development. This is because it fails in its role of contributing towards the protection and enhancement of the natural environment as required by the third dimension to sustainable development (i.e. the environmental role). Further, the proposal fails to accord with the requirements of Policy CS2 of the Core Strategy in that it fails to contribute positively to local distinctiveness and sense of place and is inappropriate in terms of its appearance within this rural landscape. Policy CS2 requires this of all new development.

14.26 Officers are mindful that this application relates only to the mobile home. It is however considered appropriate to draw attention to the further harmful impact caused to the landscape character of the area by the activities undertaken at Sequoia Farm and which would be supported by the retention of the mobile home. In this way, it is observed that these activities have resulted in the compartmentalisation of the land into a series of small fields divided by post and rail fencing and which accommodates a range of chattels which provide for the various animals, together with piles of hay under tarpaulins and animal feed apparatus. This provides a haphazard disorganised site appearance which is considered to be of significant detriment to this previously and otherwise open landscape.

14.27 Notwithstanding the above, Officers are also mindful that this area does not have any specific landscape designation and therefore, on the face of it, would appear suitable for the introduction of a new agricultural enterprise as encouraged at paragraph 28 of the NPPF. Accordingly, Officers acknowledge that there are some benefits associated with the scheme (i.e. new agricultural enterprise and the associated economic benefits to both the applicant and local business) and these considerations weigh in favour of the scheme. Such considerations must however be carefully balanced against other considerations and in this regard, it is not considered that the very limited economic benefits associated with this proposal would outweigh the significant harm that would be caused to landscape character. Accordingly, the proposal fails to overcome the associated objections attached to 14/10290, and thus it is recommended that planning permission be refused on this basis.

14.28 Paragraph 14 of the NPPF which advises that where the development plan is silent (there is no policy in respect of agricultural workers dwellings), planning permission should be granted unless the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. This is the case in this instance where the benefits are far more limited and in no way outweigh the harm caused to the landscape character of this area which occupies a countryside location on the fringes of Fordingbridge.

Residential Amenity

14.29 Issues of residential amenity did not provide a reason for refusal in respect of the previous submission. In this regard, it was noted that the application site is remote from any neighbouring property. Thus it was not considered that any significant adverse impact in residential amenity is caused.

Ecology

14.30 Ecological issues did not provide a reason for refusal in respect of the previous application. In this regard, it was noted that the application site does not comprise land previously identified as having special wildlife significance (e.g. it is not a local wildlife site, or SSSI etc) with the closest designated site being the nearby woodland to the north east, which has been designated a local wildlife site (SINC) due to its ancient woodland. Comments from the Ecologist advise that there are unlikely to be significant impacts on this designated site as a result of the development due to the separation distance.

Rights of Way

- 14.31 Issues associated with access to the site did not provide a refusal reason in respect of the first application. However, in this instance, Hampshire County Council have provided further comment advising that the applicant should satisfy themselves that they have the necessary authority to drive over the right of way and have drawn attention to a grampian style condition used to address this concern in a separate previous instance. This grampian condition was used to ensure that no development took place until details of established private vehicular rights over the public right of way were provided. Further, in this instance, in the event that permission is granted, informatives are requested requiring delivery vehicles etc to give way to the public uses of the right of way, any damage to the rights of way to be made good and no surface alterations be made to the rights of way without the permission of Hampshire County Council.
- 14.32 In the event that planning permission is granted, these informatives might be attached to the decision notice. Further, it is also noted that these issues are covered under separate legislation and action could be taken by Hampshire County Council if required.
- 14.33 On the issue of the third refusal reason attached to 14/10290, it is again noted that The Marl Lane/ Puddleslosh Lane area of Fordingbridge is an important local recreation area and is now the location of a proposed mitigation project, the 'Tinkers Cross/ Puddleslosh Lane Walking Routes, in the Council's Mitigation Strategy for European Sites SPD (adopted June 2014). As before, the proposal would be an adverse visual intrusion on these routes and thus there remains an objection to the proposal on this basis.

Human Rights

- 14.34 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.

Conclusion

- 14.35 There has to be a balanced view on this application. On the one hand, the advice given by our consultants view as that an essential need has been shown. This is the point in question by many of the comments received but is, with some reservation accepted by Officers.
- 14.36 On the other hand, the development causes significant harm to the countryside and the local environment. This harm is considered to outweigh the benefits of the proposal.

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The mobile home and the uses and structures which it would facilitate, would appear an incongruous feature within this open rural landscape to the detriment of visual amenity and the rural character of the area. Moreover, the development as proposed would have an adverse impact on the character of the proposed Tinkers Cross / Puddleslosh Lane Walking Routes mitigation project of the New Forest District Council Mitigation Strategy for European Sites (June 2014). The proposal is therefore considered to be contrary to Planning Policies DM20, DM22, CS1, CS2 and CS21 of the New Forest Local Plan and the provisions of the National Planning Policy Framework (2012).

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 agent and applicant are aware of the concerns/ objections raised in respect of this application, which have been discussed.

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)

APPENDIX 1**EMAIL FROM READING AGRICULTURAL CONSULTANTS 22 DECEMBER 2014**

Dear Sirs

I note that the Council has refused planning permission for the quail house/s and has determined that planning permission IS required for the shipping containers – though you do not tell me whether said permission would be granted.

Insofar, as the quail and mushroom enterprises form integral parts of the business plan, so it is necessary to consider whether the loss of these two enterprises would cause me to alter my conclusions on the essential need, or otherwise, to live on site.

On the issue of functional need I have previously reported (my initial response to the Council, 23 May 2014):

*28 This proposed agricultural small holding is to be comprised of a number of different enterprises, some of which are likely to require an on-site presence; some of which do not. Those that **do not** warrant on-site supervision include:*

- i) the garlic and Christmas trees - though the latter will be considerably at risk of theft around Christmas;*
- ii) if undertaken - the mushrooms - provided the ventilation equipment is working properly. Remote alarms systems are available that will warn of failure;*
- iii) adult quail and rare-breed poultry. Although all livestock benefit from close supervision these are small enterprises and the quail are housed year-round - so are not at risk of predation; the adult poultry are housed at night and are not at much risk.*

Thus, the need that I did identify was for other elements of the plan, and will persist even if these elements are removed.

The other element is the financial soundness of the plan.

The overall budget for the planned business is set out at Annex 10 of the Business Plan submitted with the application and identifies the following:

AS PROPOSED

Description	Year 1	Year 2	Year 3
Enterprise Gross Margins			
Mushrooms	2390	4781	4781
Quail Eggs and Meat Culls	8382	14945	14945
Garlic	4221	7035	16335
Goats (Meat)	1822	8860	14620
Managalitza Pigs Year 1/ 2 £1176/sow (6)	0	7056	0
Year 3 £1778/sow (10)			17780

Poultry/Rare Breeds	100	200	300
Sub Totals	16915	42877	68761
Fixed Costs			
Finance Costs (please see notes (a) and (b))	10,233	19,193	23,708
Net Farm Income	6,682	23,684	45,053

WITHOUT QUAIL OR MUSHROOMS

Description	Year 1	Year 2	Year 3
Enterprise Gross Margins			
Mushrooms			
Quail Eggs and Meat Culls			
Garlic	4221	7035	16335
Goats (Meat)	1822	8860	14620
Managalitza Pigs Year 1/ 2 £1176/sow (6)	0	7056	0
Year 3 £1778/sow (10)			17780
Poultry/Rare Breeds	100	200	300
Sub Totals	6143	23151	49035
Fixed Costs			
Finance Costs (please see notes (a) and (b))	10,233	19,193	23,708
Net Farm Income	-4,090	3,958	25,327

Even if the mushrooms and quail are removed from the budget – and all fixed costs remain unaltered - the forecast income in Year 3 still exceeds the minimum wage and leaves a margin for a return on investment, and the build cost of a permanent dwelling in Year 3.

Whether it will actually be delivered can only be determined over time, but I consider my comments made in October 2014 are still apposite:

23 Overall, I consider the data are sufficient to demonstrate the operation is planned on a sufficiently sound financial basis to warrant a grant of permission for a temporary period.

24 In this regard I was involved with another appeal recently (for the appellant) where the Inspector determined:

"PPS 7 also requires a financial test to be applied so as to demonstrate the viability of the enterprise... The business plan forecasts a Gross Margin of something like £70,000 in year 3, but the Council does not accept the basis of this calculation and other calculations and disputes that a properly accounted and realistic forecast would demonstrate viability by year 3. This matter would need to be resolved in the light of

actual values should an application for a permanent dwelling be made at some future date.

For the time being and in the light of current projections, it would seem to be premature to reach a judgement that financial viability would be out of the question at the end of a trial period of 3 years. Accordingly, based on the size of the projected enterprise and the fact that it is currently up and running (at a more modest scale), there appears to be little reason to dismiss the enterprise as not having been planned on a sound financial basis before it has had the opportunity to prove itself during a trial period".

25 A similar approach may be considered appropriate in this instance.

I trust these comments assist the Council in its further deliberations.

Kind regards

Peter Williams

Reading Agricultural Consultants



New Forest

DISTRICT COUNCIL

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

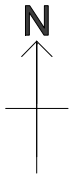
Chris Elliott
Head of Development Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee**
January 2015

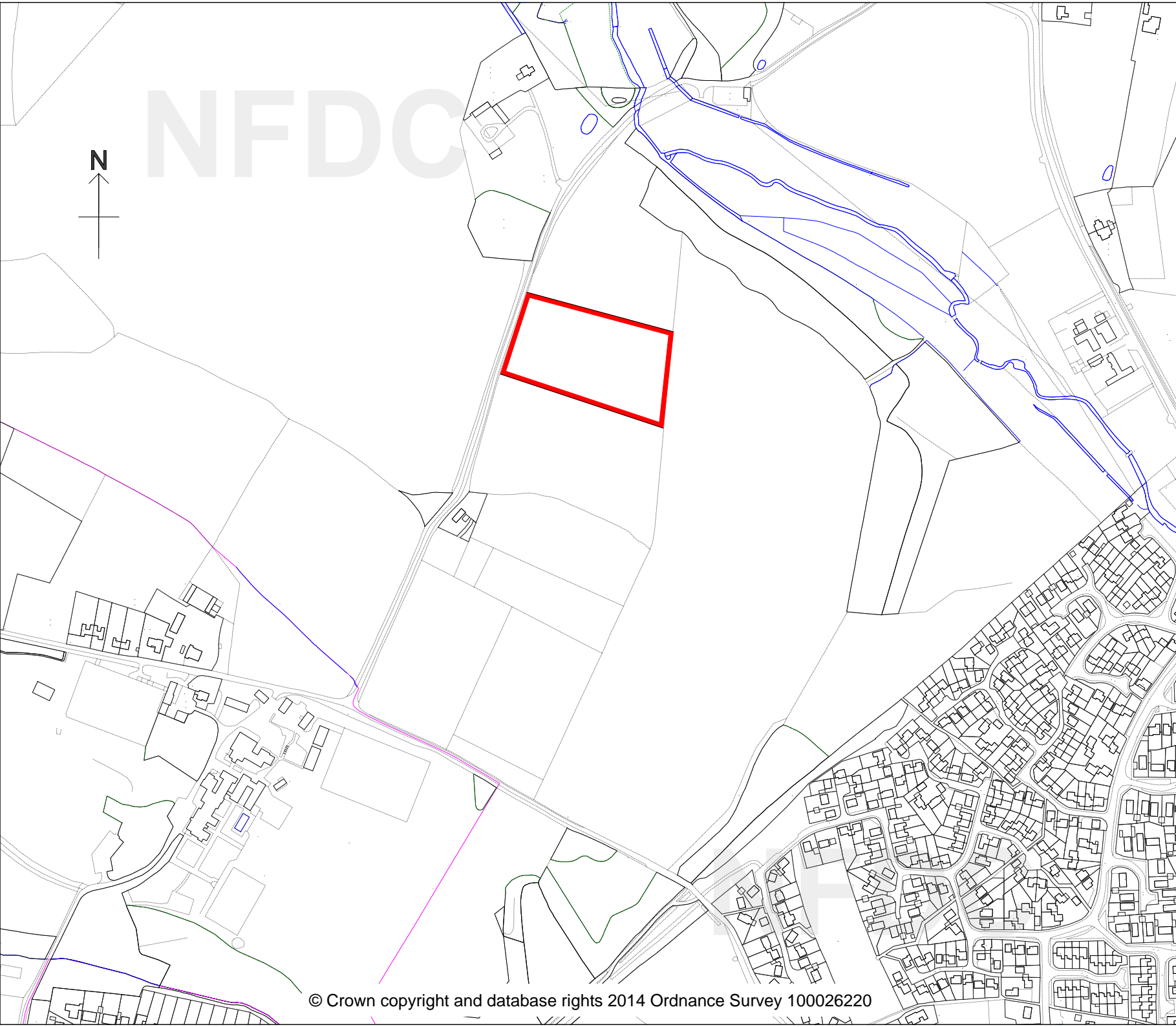
Item No: A2
Sequoia Farm
Puddleslosh Lane
Fordingbridge
App No 14/11161
SU1315

Scale 1:5000

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



NFDC



Application Number: 14/11229 Full Planning Permission

Site: OLD MILFORD MEADOW, LYMINGTON ROAD,
MILFORD-ON-SEA SO41 0QL

Development: 2 link attached bungalows; 2 detached garages; driveway; parking

Applicant: Miss Gillespie

Target Date: 12/11/2014

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council View in part.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area
Conservation Area
Adjacent listed buildings
Public Right of Way

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

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
- 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

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - The Delivery of Affordable Housing (on Development Sites) through the Planning Process

SPD - Design of Waste Management Facilities in New Development

SPD - Housing Design, Density and Character

SPG - Milford-on-Sea - A Conservation Area Appraisal

SPG - Milford-on-Sea Village Design Statement

SPD - Parking Standards

SPD - Mitigation Strategy for European Sites

6 RELEVANT PLANNING HISTORY

6.1 Erect single storey dwelling and attached garage (48037) Granted with conditions on the 18th September 1991

6.2 Erect 5 houses and garages with access (45023) Refused on the 15th April 1991

7 PARISH / TOWN COUNCIL COMMENTS

Milford On Sea Parish Council: Recommend refusal – Whilst recognising the application's merit in terms of its low density and the environmental sustainability of the build, the application was not supported due to access issues concerning the intersection with the well-used footpath and loss of parking. In addition, the Parish Council would like to see a plan for more affordable housing which Milford desperately requires or alternatively for the land to become a public amenity for residents, reflecting the site's importance for the village in terms of archaeology, open green space and a haven for wildlife.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

9.1 Hampshire County Council Highways Engineer: No highway objections subject to conditions

9.2 Ecologist: Awaiting comments on recently submitted Ecological report

9.3 Tree Officer: The proposed building should be re-sited a few metres away from southern boundary because of the close relationship between the trees and solar panels.

- 9.4 Hampshire County Council Rights of Way Officer: Objection - The application shows access to the development crossing over the existing footpath which is a right of way. No assessment has been made regarding the potential consequences for users of the right of way.
- 9.5 Land Drainage: No objection subject to condition.
- 9.6 Conservation Officer: Recommend refusal.

10 REPRESENTATIONS RECEIVED

15 letters of objection concerned that the site doesn't have an existing access. The access is not suitable and would need to cross a public footpath which is heavily used by people walking to the village centre. The proposed access would be dangerous to public highway safety. The end of Knowland Drive is currently used for car parking. The proposed access would result in the loss of existing car parking spaces. The site is a wildlife sanctuary and a green area close to the village centre which is very important for nature conservation. The proposal would adversely impact on the character and appearance of the Conservation Area. It lies in a sensitive location close to a number of very important listed buildings. There are potential impacts on protected trees. There are possible impacts on ecology. The site has archaeological importance. Impact on residents including dust and noise pollution. Concerns that if permission is granted this could open up the floodgates for more development or taller buildings.

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 £2304 in each of the following six years from the dwellings' completion, and as a result, a total of £13,824 in government grant under the New Homes Bonus will be received. New Forest District Council adopted a CIL charging schedule on 14 April 2014, however the implementation date for the charging schedule is 6 April 2015 so no CIL payments are currently due.

13 WORKING WITH THE APPLICANT/AGENT

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This is achieved by

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

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

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

The applicants agent has been advised of concerns of the Officers in relation to the effect on the character and appearance of the Conservation Area and setting of listed buildings. The applicants agent had sought pre application advice and Officers clearly set out how the site could be arranged to take into account the relationship to the surrounding buildings. However, the applicant wants to keep the layout as originally submitted.

14 ASSESSMENT

- 14.1 The proposal is to construct a single building comprising two dwellings and two detached garages on a site known as Old Milford Meadow, which is located due north of All Saints Church. The site is an 'L' shaped piece of land which is completely open grassland and is likely to have originally formed part of the land of an attractive grade 2 listed residential property known as the Old House and its curtilage buildings, which include the tithe barn and a relatively recently built single storey bungalow called Mylforde. The application site and the neighbouring buildings to the south and east all positively contribute to the character and appearance of the Conservation Area.
- 14.2 To the south of the site is the Church of All Saints, which is the principle ancient building in the area and is a Grade 1 Listed building. It has origins that go back to at least C1100 and contains examples of all periods of medieval architecture. The area that intervenes between the church and the boundaries of the site nearest to the church is occupied by countless burial sites and headstones in the burial ground of the church. The northern and eastern boundary of the application site equates with the outer boundary of the Conservation Area. Beyond this line is late 20th Century, modern residential properties, with their gardens and access roads, that are of no special architectural interest and thus have no special heritage value.
- 14.3 The proposed development would consist of a single storey building with associated garages with access gained from the head of Knowland Drive. The site is generally an inverted 'L' shaped flat site without significant trees but is bounded with hedges that effectively screen nearly all of the area they enclose. At head height the site is screened by these hedges from the churchyard. The site is located within a very sensitive location within the Conservation Area close to important listed buildings.

- 14.4 The proposal seeks to introduce a shallow 'S' shaped run of two bungalows across the site with two detached garages. The proposed layout of the site would entail the dwellings being situated off a single driveway running through the site. The proposed buildings would be sited in the northern part of the site and the southern section would remain open. All existing boundaries would be retained and the space around the buildings would be left open. It is also proposed to create an area of publicly accessible open space to the south of the site, with pedestrian access from the churchyard. Visually, the proposed building would consist of an array of pitched roofs with cropped gables constructed from brick cladding and plain tiled roofs. Between some of the pitched roofs, there would be two contemporary green flat roof elements and the central section would comprise the car port which would have a pitched roof with south facing solar panels. The proposed detached garages would have pitched roofs and cropped gable ends.
- 14.5 The main issues in this case are the effect on the character and appearance of the Conservation Area, the setting of the adjacent listed buildings; the effect on the living conditions of the adjoining residents; the effect on archaeological importance, the effect on public highway safety and implications for trees.. It is considered that the nearest and most relevant relationships are with the Old House with its associated curtilage buildings and walled garden, and All Saints Church.
- 14.6 In assessing the character of the Conservation Area, the church of All Saints is by far the most important building in the village. Much of it survives from the 13th century and it forms an important group with the old manor - Milford House. The major part of the Conservation Area around Church Hill is recognised as an area of archaeological importance and this includes the application site. This is the historic core of Milford, containing the church, the site of the manor (now Milford House), and the Old House which lies to the east of the site. The Councils adopted Conservation Area Appraisal states that the churchyard of All Saints Church, with the gardens and paddock of The Old House, is an important area close to the centre of the village. Despite a low level bungalow to the rear of The Old House, the ensemble of the Old House, the Church and the walls along Church Hill is a valuable composition of historic and protected buildings and structures. The Conservation Area Appraisal document indicates that 'further development that intrudes into the open area of the churchyard and the grounds of The Old House or that alters the visual relationship between the church and The Old House should be avoided' (set out in paragraph 4.20.2 Implications for Development).
- 14.7 Despite being visually screened from the churchyard and from most other listed buildings and other viewpoints within the Conservation Area, the proposed development would be sited to the north of the site leaving the southern part open which would be the correct design approach. How the site relates to the existing buildings to the east is important and a single storey development would be an appropriate solution for the site. Both the tithe barn and the dwelling at Mylforde are narrow rectangular single storey buildings with simple pitched roofs and cropped gables constructed from traditional materials and they are curtilage buildings to the main listed building known as the Old House.

- 14.8 The Conservation Officer considers that one of the key characteristics of the area and views across the meadow is the occasional glimpse of red tiled roof tops. The issue here should not be that the buildings are hidden, but that if visible, they respond positively to the significance and setting of the associated buildings around the site. However, the proposed development fails to respond to the neighbouring buildings. The Conservation Officer considers that the proposed long snake like platform and detached garages do not make a positive contribution to the character of the Conservation Area. The contrived layout is at odds and sets an incongruous element within the setting of the associated curtilage buildings. The sheer length of the building spanning and curving across the site dominates and poorly relates to the layout and scale of the surrounding buildings, which are smaller narrower rectangular buildings. It is also unclear as to how the mixed architectural styles and half hipped roofs pick up on local distinctiveness of the character of the area. And the linking element with solar panels would result in one long joined building rather than one that picked up on the more dispersed nature of building layout nearby.
- 14.9 The proposed garages are separated from the main building within the site and the appearance, form and proportions of the garages would appear as very domestic structures that poorly relate to the layout of the site which does lie within a sensitive historic context. The detached garage blocks add to this rather disjointed layout and form and they need to better respond to the site characteristics. Overall it is considered that the proposal would have an unacceptable impact on the character and appearance of the Conservation Area and the setting of the adjacent curtilage listed buildings and the scheme does not pick up on the local distinctiveness of this part of Milford On Sea as set out in the wider policy guidance.
- 14.10 An area of public open space is proposed to the south of the site which would be accessed from the churchyard. No details have been submitted as to whether the land would be transferred to another owner to manage and control or whether there is a right of way into the site, however, in principle, there would be no objection if part of the site was given public access.
- 14.11 In terms of other matters, the County Archaeologist has advised that the development plot lies within the historic village of Milford. The village was subject to an archaeological report and this area has been identified as having high archaeological potential. It is considered likely that development in this area will encounter archaeological remains that will shed light on the origins and development of the village. A report has been submitted with the application and it is considered that a carefully worded planning condition can be imposed to safeguard archaeological matters when ground works commence.
- 14.12 In terms of public highway safety and parking requirements, the proposal seeks to provide vehicular/pedestrian access onto Knowland Drive. Currently there is a five bar gate into the site but this is set behind dense vegetation. The access would cross a small verge and public footpath which is a Public Right of Way, before joining the end of the turning head and car parking area at the end of Knowland Drive. There is no dropped crossing onto Knowland Drive and while there is a gate, the Highway Authority state that this is not currently a right of vehicular access.

Concerns have been raised that the head of Knowland Drive is an established car parking area and the proposed access would result in the loss of a car parking space. In addition, concerns have been expressed that the access into the site would adversely effect the users of the public footpath.

- 14.13 In response, the proposed layout shows adequate car parking and turning for the two dwellings within the site and the layout will ensure that vehicles can enter and leave the site in a forward gear. The proposed access would cross a public footpath, however, in most cases, new dwellings and their associated access will have to cross a footpath used by the public. Whilst concerns have been expressed that the proposed access crossing over the footpath would compromise users of the footpath, it is considered that two dwellings would not amount to a significant traffic generation across the footpath and adequate visibility splays have been shown in both directions. In terms of the loss of car parking within the turning head at Knowland Drive, the Highway Authority state that given the lawful use for a highway is passing and repassing, with parking tolerated in certain locations, it is not considered that an objection based upon these grounds would be either appropriate or sustainable.
- 14.14 With regard to residential amenity, given that the proposed buildings would be single storey and the distances involved, the proposal would not have an adverse impact on the living conditions of the adjoining and nearby residential properties. The proposed buildings have good separation from the nearest residential property at Mylforde.
- 14.15 Concerning tree matters, the Tree Officer states that the trees on and adjacent to this site are protected by the Conservation Area designations. There are no significant or important amenity trees growing within the site and the proposed removal of a small Holm Oak (within G1) will have little or no impact on the area. The Tree Officers only concern is the proposed location of the solar panels which have a good specimen Lime tree (T11) to the southwest. This tree will have an impact on the sun light available to the panels and diminish their effectiveness. The Tree Officer suggests moving the building several meters to the north or relocating the panels would alleviate any potential issues.
- 14.16 In terms of ecological matters, the site does not contain any sites of statutory designated ecological value but has the potential for protected species. The application has been supported by an Ecological Report which has been referred to the Council's Ecologist. Comments are awaited and will be updated when available.
- 14.17 The proposed development is one which requires contributions towards public open space, transportation improvements, habitat mitigation and affordable housing. While the applicant has accepted these requirements, which are considered fair and reasonable, the Section 106 Agreement has not been completed and accordingly, the proposal fails to comply with policy.

On the 28th November 2014 National Planning Practice Guidance was updated with regard to the charging of contributions for affordable housing and other tariff style obligations such as highways and open

space contributions. The changes are not strictly new national policy but they are “material considerations” when determining a planning application. As such when determining an application they have to be weighed against all other material considerations notably locally adopted policies in the Development Plan. The changes do not apply to Habitat Mitigation measures or site-specific requirements eg: an improved access on highway land that will continue to be applied in full. This is a complex issue. However New Forest District Council’s evidence shows that small sites contributions are being varied when appropriate in response to site specific viability considerations (in accordance with our Local Plan policy). Loss of affordable housing provision from all small site developments would result in a reduced supply of affordable housing as small sites make major contributions to our housing supply in this area. Developers not wishing to make a financial contribution do have the option of making provision on site for affordable housing and public open space, to comply with the policies in the adopted Local Plan. In these circumstances, and with an up to date Local Plan, it will generally be appropriate to conclude that the ‘material consideration’ of the Government’s recent announcement does not outweigh the presumption in favour of following the Development Plan. This situation will be kept under review until it is changed by our adoption of a CIL charging scheme on 5th April 2015.

14.18 In conclusion, it is considered that the site lies within a sensitive location within the Conservation Area close to a number of very important listed buildings. The Conservation Area Appraisal recognises the importance of the openness of part of the site, in particular the southern area close to the church grounds and accordingly, any proposal on this site needs to be carefully handled. However, this current proposal fails to relate to the neighbouring buildings and would result in a development that would be at odds with and harmful to the character and appearance of the Conservation Area.

14.19 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

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings			

Financial Contribution	£91,800	0	-£91,800
Public Open Space			
On site provision by area			
Financial Contribution	£7,009	0	-£7,009
Transport Infrastructure			
Financial Contribution	£7490	0	-£7490
Habitats Mitigation			
Financial Contribution	£8500	0	-£8500

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. By virtue of its openness, landscape quality with hedgerows and trees defining the boundaries the application site forms a strong visual relationship to the surrounding development to the east including the listed Old House and its curtilage buildings and the wider land and Church of All Saints to the south. By reason of the cramped and contrived layout of the site, the excessively long and curved footprint of the building and its design with a mixture of architectural styles, together with the siting of the detached garages divorced from the main dwellings and their domestic design and appearance, it is considered that the proposed development would unacceptably encroach into this sensitive location and would poorly relate to and be harmful to the layout and scale of the surrounding heritage assets that would neither preserve or enhance the character and appearance of the Conservation Area. For this reason the proposed development would be contrary to Policies CS2 and CS3 of the Core Strategy for New Forest District outside the National Park and Policy DM1 of the Local Plan Part 2 Sites and Development Management Document, and Milford On Sea Conservation Area Appraisal Supplementary Planning Guidance.
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.

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

Notes for inclusion on certificate:

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The applicants agent has been advised that the proposal is not viewed favourably because of the effect on the character and appearance of the Conservation Area and setting of listed buildings. The applicant's agent had sought pre application advice and Officers clearly set out how the site could be arranged to take into account the relationship to the surrounding buildings. However, the applicant wanted to keep the layout as originally submitted.

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



New Forest DISTRICT COUNCIL

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

**Planning Development
Control Committee
January 2015**

Item No: A3
Old Milford Meadow
Lymington Road
Milford on Sea
App No 14/11229
SZ2992

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



Application Number: 14/11321 Full Planning Permission

Site: NELSON HOUSE, NELSON PLACE, LYMINGTON SO41 3RT

Development: Single-storey side & rear extension; patio; replacement entrance gates

Applicant: Mr & Mrs Higgs

Target Date: 19/11/2014

1 REASON FOR COMMITTEE CONSIDERATION

Contrary view to Town Council

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Conservation Area

Grade II Listed Building

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

CS2: Design quality

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

Local Plan Part 2 Sites and Development Management Development Plan Document

DM1: Heritage and Conservation

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

NPPF Ch. 7 - Requiring good design

NPPF Ch. 12 - Conserving and enhancing the historic environment

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

Lymington Local Distinctiveness Supplementary Planning Document.

6 RELEVANT PLANNING HISTORY

04/82006	Replacement porch (Application for Listed Building Consent)	25/08/2004	Granted Subject to Conditions
90/44718	Install door surround and canopy LBC	04/06/1990	Granted
90/44566	Erection of a summer house	03/05/1990	Granted
90/44562	Install door surround & canopy	03/05/1990	Granted

7 PARISH / TOWN COUNCIL COMMENTS

Lymington and Pennington Town Council recommend permission.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

Land Drainage - No comments

Conservation Consultant: (Comments made in response to the pre-application submission):- The proposal to replace the modern conservatory is acceptable in principle. The new works are confined to "later work" with the new garden room spread across the width of the rear elevation. No historic fabric is affected other than the overall setting of the Listed Building. The reduction in height of the extension should help reduce the impact of the new works on the setting of the house. The fenestration to the new garden elevation will require a degree of subtlety to be successful.

Conservation Officer: (Comments made in response to the current application):- Objected to the proposal due to its impact upon the listed building and the failure to comply with Core Strategy Policies, as detailed below.

10 REPRESENTATIONS RECEIVED

Letter of support from occupants of "Nevis" received with the application who added that the original design has been set back by an additional wall depth and the wall facing them is proposed in light coloured render which was requested.

11 CRIME & DISORDER IMPLICATIONS

No relevant implications

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

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

Prior to submitting an application the applicant used the pre-application advice service provided by the Council and some amendments were made to the proposal in light of the comments provided. However the depth of the proposed extension was not reduced as suggested within this advice. The applicant and agent are aware of the concerns about the size of the extension but wish the application to be determined as submitted.

14 ASSESSMENT

- 14.1 The property is a semi detached Grade II Listed dwelling located within the town centre and Conservation Area. The fine late Georgian property has been extended to the side with a "modern" single storey extension and a conservatory to the rear. The property has three stories above ground and a basement. The front of the property is adjacent to the road with high gates giving access to the car parking and garden to the side of the property. The rear garden, which is enclosed with high walls and fences, contains a number of small trees. The level of the land drops down from the rear of the property to the rear boundary and there is also a considerable drop in the level to the north east.
- 14.2 The application seeks permission to replace the rear conservatory with a more substantial single storey extension and to join this to the existing

side extension with a lightweight element. The applicant and agent have used the pre-application advice service and attended several meetings to discuss the proposal. The Council used a Conservation Consultant to provide guidance on the proposed development. Post submission, once it became clear that the prior pre-application concerns had not been overcome, a further meeting was held to discuss a revised approach. After the meeting, the applicant requested that the application be determined as submitted.

- 14.3 The main considerations when assessing this application are neighbour amenity and the impact on the historic building. Consequently the Council's Conservation Officer was consulted for any further views.
- 14.4 The neighbour to the north east, number 18, is on significantly lower land and the first floor windows are at eye level when viewed from the garden of Nelson House. A high wall and trellis forms the shared boundary. One consideration is the impact the higher level of patio would have in terms of overlooking. However, the raised patio would be set away from the shared boundary by approximately 3 metres and therefore any loss of privacy would be limited to an acceptable level.
- 14.5 The neighbour to the south east, Nevis (formerly Ingleside), is attached to the host property and is a large Georgian Listed dwelling on an extensive plot. This property is on slightly higher level than Nelson House and has a high wall and trellis on the shared boundary. There are windows on the rear elevation adjacent to the shared boundary and therefore any extension to the rear of Nelson House needs to be considered in terms of potential for loss of light and visual intrusion on this neighbour. During pre-application discussions this neighbour requested that a lower wall is retained on the boundary and the proposed extension set slightly away from the shared boundary. This had been done on the wall shown as being rendered to the south west side and as such, given the size of this neighbour's garden, the proposed extension would only have a limited impact on this neighbour's outside space. While the proposed extension would have a depth of just over 5 metres it would have a fairly low overall height and therefore it would not have a considerable adverse impact on this neighbour's window.
- 14.6 The Conservation Officer has raised objection to the proposal due to its impact on the Listed Building. In summary, these comments are as follows:
- “The retention of the existing side extension has meant trying to adapt the new addition to fit and this has resulted in an awkwardly designed orangery setback which bears little architectural synergy with either the new addition or the original house. The proposed brickwork element extends 5 metres out to the rear, extends the full width of the original house and sits very high. This has the impact of creating an overly deep, wide and high box like extension which is further confused from the east by the orangery addition. The tall pyramid roof light only seeks to exacerbate the discordant nature of the overall proposal. The impact of the overall scale of the additions is exacerbated by the large patio proposal that has been set above the garden level and projects 3 metres to the side of the house. The scheme also removes a set of small stone access steps to the lower basement level. No real detail is provided of this element of the work and there is little justification for its loss. The heritage statement has no historical or visual analysis of the significance of the building and therefore no detailed analysis of the impact of the works upon that significance. There are no details for the front sliding

gate design or the internal service impact for the kitchen such as pipework and electrical installations and drainage. The proposal as submitted fails to respect the character and appearance of the conservation area and seeks an overly deep and visually discordant set of additions to the main house. Therefore the proposed extension adds a dominant rear and side extension to the original building and the confusing mix of architectural styles that already exist”.

- 14.7 During the pre-application process the Council used a Conservation Consultant who considered that the principle of the extension was acceptable and during negotiation amendments to the details of the proposals were made following the advice given. However, the depth of the proposed extension was still considered excessive in terms of scale and mass, resulting in an adverse impact on the historic dwelling and the applicant was advised as such in writing. While a raised platform to the rear of the proposed extension has been removed following the pre-application advice, the depth of the extension still remains the same. However, as set out above, in response to the application the Conservation Officer has raised a number of further issues with the proposed extensions but accepts that his position is compromised by the previous advice given. Therefore the only issue of concern being raised is that the proposed extension will be excessive in depth and create a large bulky development which would be harmful to the Listed Building.
- 14.8 The existing conservatory is "modern" and therefore there would not be any issues with removing this structure. While the single storey side extensions are also fairly modern it has been decided to retain these and extend beyond them, joining the existing kitchen with a more substantial extension to the rear. The link between this existing side extension and the new element to the rear has been given consideration in terms of design and it was suggested during the pre-application process that this was kept as lightweight and glazed as possible so that it would not appear as a solid "wrap around" to the existing dwelling. While the proposed roof pyramid does sit proud of the main roof it would be mostly glazed and therefore it is not considered that it would be visually intrusive in this location.
- 14.9 Information about the proposed front gates to replace the existing gates, and further detail regarding materials and construction would be required prior to work commencing. A condition could be applied for this information to be provided.
- 14.10 The main element to the rear which would replace the conservatory has been given a roof height which would be appropriate to the property. However the depth of the proposed rear extension in comparison to the depth of the existing dwelling is excessive, making it appear out of scale with the property. The agent has noted that the property is tall, consisting of four floors, and that overall the proposal is subservient. However, despite this, the addition of an extension with a depth of 5 metres is still considered excessive in both scale and mass.
- 14.11 In conclusion the sole concern being raised by Officers, as specifically advised to the applicant by letter pre-application, is the depth of the extension. It is felt that the quality of the proposal could be enhanced with further revisions and more correct detailing and the applicant indicated he was willing to do this if a favourable recommendation could be made. This is not however the case in the light of the overall concern regarding the depth, so refusal is recommended.
- 14.12 In coming to this recommendation, consideration has been given to the

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

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. By reason of their inappropriate depth, the proposed extensions and alterations would have an adverse impact upon the present scale, form and proportions of the existing building to the detriment of its historic and architectural character and appearance. As such, the proposed development would be contrary to Policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park and Policy DM1 of the Local Plan Part 2 Sites and Development Management Development Plan 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.

Prior to submitting an application the applicant used the pre-application advice service provided by the Council and some amendments were made to the proposal in light of the comments provided. However, the depth of the proposed extension was not reduced as suggested within this advice. The applicant and agent are aware of the concerns with reference to the size of the extension but wish the application to be determined as submitted.

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
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Appletree Court
Lyndhurst
SO43 7PA

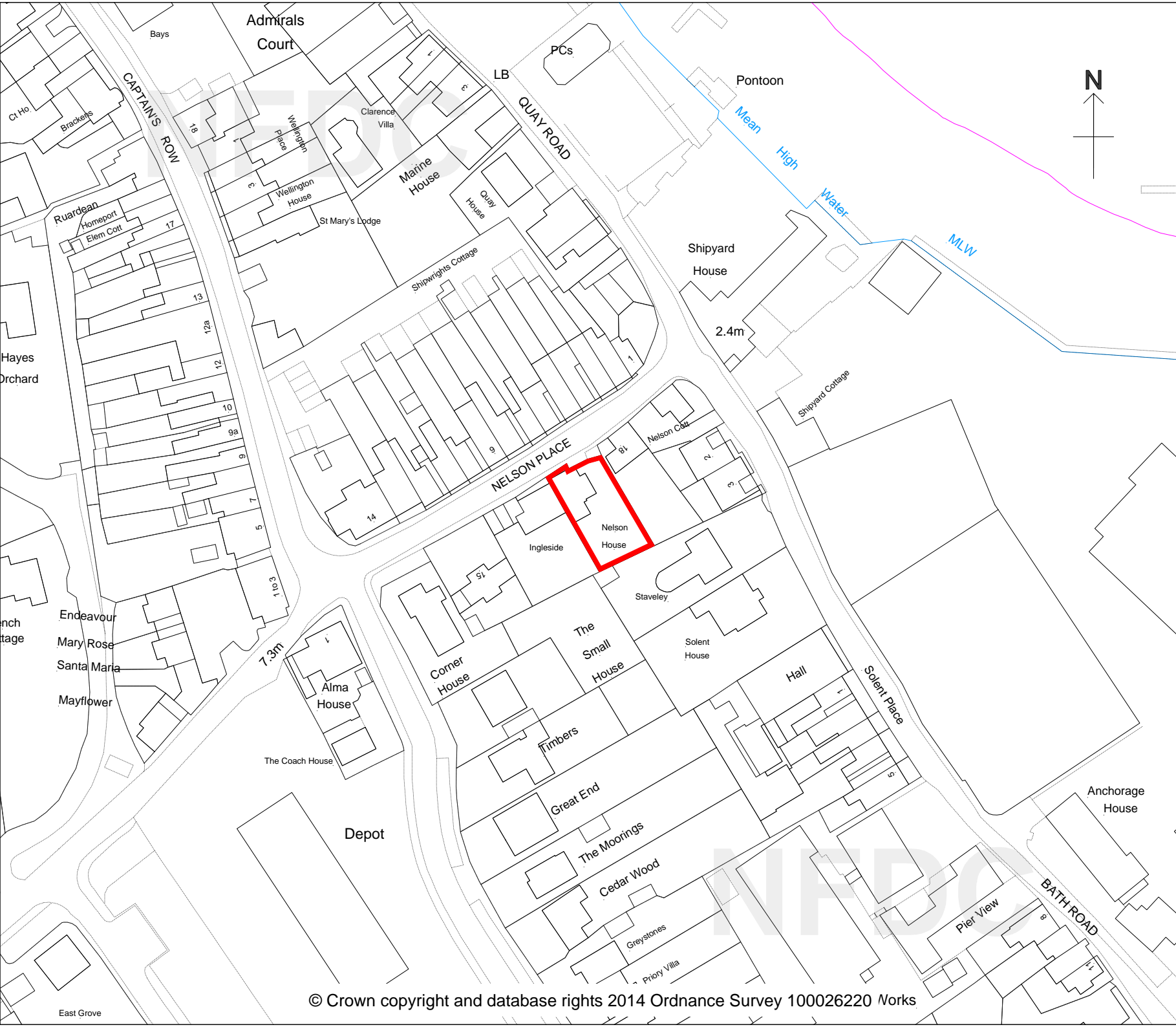
**Planning Development
Control Committee**
January 2015

Item No: A4 & A5

Nelson House
Nelson Place
Lymington
App No 14/11321-2
SZ3295

Scale 1:1250

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



Application Number: 14/11322 Listed Building Alteration

Site: NELSON HOUSE, NELSON PLACE, LYMINGTON SO41 3RT

Development: Single-storey side & rear extension; patio; replacement entrance gate (Application for Listed Building Consent)

Applicant: Mr & Mrs Higgs

Target Date: 19/11/2014

1 REASON FOR COMMITTEE CONSIDERATION

Contrary view from Town Council

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Conservation Area

Grade II Listed Building

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

CS2: Design quality

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

Local Plan Part 2 Sites and Development Management Development Plan Document

DM1: Heritage and Conservation

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004

National Planning Policy Framework
NPPF Ch. 7 - Requiring good design
NPPF Ch. 12 - Conserving and enhancing the historic environment

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

Lymington Local Distinctiveness Supplementary Planning Document.

6 RELEVANT PLANNING HISTORY

04/82006	Replacement porch (Application for Listed Building Consent)	25/08/2004	Granted Subject to Conditions
90/44718	Install door surround and canopy LBC	04/06/1990	Granted
90/44566	Erection of a summer house	03/05/1990	Granted
90/44562	Install door surround & canopy	03/05/1990	Granted

7 PARISH / TOWN COUNCIL COMMENTS

Lymington and Pennington Town Council recommend permission.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

Conservation Consultant:- (Comments made in response to the pre-application submission) :- The proposal to replace the modern conservatory is acceptable in principle. The new works are confined to "later work" with the new garden room spread across the width of the rear elevation. No historic fabric is affected other than the overall setting of the Listed Building. The reduction in height of the extension should help reduce the impact of the new works on the setting of the house. The fenestration to the new garden elevation will require a degree of subtlety to be successful.

Conservation Officer:- (Comments made in response to the current application):- Object to the proposal due to its impact upon the listed building and the failure to comply with Core Strategy Policies, as detailed below.

10 REPRESENTATIONS RECEIVED

Letter of support from occupants of "Nevis" received with the application who added that the original design has been set back by an additional wall depth and the wall facing them is proposed in light coloured render which was requested.

11 CRIME & DISORDER IMPLICATIONS

No relevant implications

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

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

Prior to submitting an application the applicant used the pre-application advice service provided by the Council and amendments were made to the proposal in light of the comments provided. However the depth of the proposed extension was not reduced as suggested within this advice. The applicant and agent are aware of the concerns about the size of the extension but wish the application to be determined as submitted.

14 ASSESSMENT

- 14.1 The property is a semi detached Grade II Listed dwelling located within the town centre and Conservation Area. The fine late Georgian property has been extended to the side with a "modern" single storey extension and a conservatory to the rear. The property has three stories above ground and a basement. The front of the property is adjacent to the road with high gates giving access to the car parking and garden to the side of the property. The rear garden, which is enclosed with high walls and fences contains a number of small trees. The level of the land drops down from the rear of the property to the rear boundary and there is also a considerable drop in the level to the north east.
- 14.2 The application seeks permission to replace the rear conservatory with a more substantial single storey extension and to join this to the existing

side extension with a lightweight element. The applicant and agent have used the pre-application advice service and attended several meetings to discuss the proposal. The Council used a Conservation Consultant to provide guidance on the proposed development. Post submission, once it became clear that the prior pre-application concerns had not been overcome, a further meeting was held to discuss a revised approval. After the meeting the applicant requested that the application be determined as submitted.

- 14.3 This application is for Listed Building Consent and therefore the main consideration when assessing this application is the impact on the historic building. Consequently the Council's Conservation Officer was consulted for any further views.
- 14.4 The Conservation Officer has raised objection to the proposal due to its impact on the Listed Building. In summary, the comments are as follows:
“The retention of the existing side extension has meant trying to adapt the new addition to fit and this has resulted in an awkwardly designed orangery setback which bears little architectural synergy with either the new addition or the original house. The proposed brickwork element extends 5 metres out to the rear, the full width of the original house and sits very high. This has the impact of creating an overly deep, wide and high box like extension which is further confused from the east by the orangery addition. The tall pyramid roof light only seeks to exacerbate the discordant nature of the overall proposal. The impact of the overall scale of the additions is exacerbated by the large patio proposal that has been set above the garden level and projects 3 metres to the side of the house. The scheme also removes a set of small stone access steps to the lower basement level. No real detail is provided of this element of the work and there is little justification for its loss. The heritage statement has no historical or visual analysis of the significance of the building and therefore no detailed analysis of the impact of the works upon that significance. There are no details for the sliding front gate design or the internal services for the kitchen such as pipework, electrical installation and drainage. The proposal as submitted fails to respect the character and appearance of the conservation area and seeks an overly deep and visually discordant set of additions to the main house. Therefore the proposed extension adds a dominant rear and side extension to the original building and the confusing mix of architectural styles that already exist”.
- 14.5 During the pre-application process the Council used a Conservation Consultant who considered that the principle of the extension was acceptable and during negotiation amendments to the details of the proposals were made following the advice given. However, the depth of the proposed extension was still considered excessive in terms of scale and mass, resulting in an adverse impact on the historic dwelling, and the applicant was advised as such in writing. While a raised platform to the rear of the proposed extension has been removed following the pre-application advice, the depth of the extension still remains the same. However, as set out above in response to the application, the Conservation Officer has raised a number of further issues with the proposed extensions but accepts that his position is compromised by the previous advice given. Therefore, the only issue of concern being raised is that the proposed extension would be excessive in depth and create a large bulky development which would be harmful to the Listed Building.

- 14.6 The existing conservatory is "modern" and therefore there would not be any issues with removing this structure. While the single storey side extensions are also fairly modern it has been decided to retain these and extend beyond them, joining the existing kitchen with a more substantial extension to the rear. The link between this existing side extension and the new element to the rear has been given consideration in terms of design and it was suggested during the pre-application process that this was kept as lightweight and glazed as possible so that it would not appear as a solid "wrap around" to the existing dwelling. While the proposed roof pyramid does sit proud of the main roof it would be mostly glazed and therefore it is not considered that it would be visually intrusive in this location.
- 14.7 Details of the proposed front gates to replace the existing gates, and further detail regarding materials and construction, would be required prior to work commencing. A condition could be applied for this information to be provided.
- 14.8 The main element to the rear, which would replace the conservatory, has been given a roof height which would be appropriate to the property. However the depth of the proposed rear extension in comparison to the depth of the existing dwelling is excessive making it appear out of scale with the property. The agent has noted that the property is tall, consisting of four floors, and that overall the proposal is subservient. However, despite this, the addition of an extension to a depth of 5 metres is still considered excessive in both scale and mass.
- 14.9 In conclusion the sole concern being raised by Officers, as specifically advised to the applicant by letter pre-application, is the depth of the extension. It is felt that the quality of the proposal could be enhanced, with further revisions and more correct detailing and the applicant indicated he was willing to do this if a favourable recommendation could be made. This is not however the case in the light of the overall concern regarding the depth, so refusal is recommended.
- 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 LISTED BUILDING CONSENT

Reason(s) for Refusal:

1. By reason of their inappropriate depth, the proposed extensions and alterations would have an adverse impact upon the present scale, form and

proportions of the existing building to the detriment of its historic and architectural character and appearance. As such, the proposed development would be contrary to Policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park and Policy DM1 of the Local Plan Part 2 Sites and Development Management Development Plan 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.

Prior to submitting an application the applicant used the pre-application advice service provided by the Council and some amendments were made to the proposal in light of the comments provided. However, the depth of the proposed extension was not reduced as suggested within this advice. The applicant and agent were aware of the concerns with regards to the size of the extension but wished the application to be determined as submitted.

Further Information:

Householder Team

Telephone: 023 8028 5345 (Option 1)

Application Number: 14/11398 Full Planning Permission

Site: 23 SOUTHBOURNE AVENUE, HOLBURY, FAWLEY SO45 2NW

Development: Single-storey rear extension; roof alterations and two side dormers
in association with new first floor

Applicant: Mrs Hill

Target Date: 25/12/2014

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

- CS1: Sustainable development principles
- CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

- Section 38 Development Plan
- Planning and Compulsory Purchase Act 2004
- National Planning Policy Framework (2012)
- Section 7 - Requiring good design
- Circular 11/95 Use of Conditions in Planning Consents

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

None relevant

6 RELEVANT PLANNING HISTORY

None relevant

7 PARISH / TOWN COUNCIL COMMENTS

Fawley Parish Council : Recommend permission

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

Land Drainage: No Comment

10 REPRESENTATIONS RECEIVED

One letter received raising objection for the following reasons:

- Loss of privacy from the proposed dormer facing their property which will overlook two bedroom windows, a kitchen and bathroom window.
- Side elevation windows would not comply with permitted development requirements for first floor windows.
- Potential disruption to shared sewer pipe.

11 CRIME & DISORDER IMPLICATIONS

Not applicable

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

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This is achieved by

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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 the applicant did not enter into pre-application discussion with the Council and the level of harm to the living conditions of neighbouring occupiers was such as to justify refusal in this instance.

14 ASSESSMENT

- 14.1 The site is within an existing residential area, predominated by bungalow style dwellings. This property is one of a row of detached, low profile, hipped roofed detached bungalows on the south side of Southbourne Avenue, between Ivor Close and Westbourne Avenue. The dwelling has been previously extended on its rear elevation, with a light weight lean-to style addition; there is a detached pre-fabricated garage at the rear of the property, adjacent to the site's eastern boundary.
- 14.2 This proposal seeks consent for the addition of a single storey extension to the rear of the property and alterations to convert the roof into additional accommodation. The single storey extension would match the width of the existing property and project a maximum of 3.6m from the rear elevation, with a staggered floor plan and flat roofed design. Alterations to the roof would result in a full gable to the rear, matching the maximum height of the existing roof. Two flat roofed dormers would be added to the side roof slopes.
- 14.3 The change in the roof at the rear of the building would have limited impact on the appearance of the street scene, due to its location. This would also be the case with the proposed flat roofed rear single-storey extension. However, the proposed side dormers would be readily visible, in conjunction with the front elevation, in the context of the street scene. As a result of their flat roofed design the dormers would appear incongruous with the existing hipped roof form, but it is noted that other flat roof dormers on both front and side elevations have been added to other properties along Southbourne Avenue. The dormers would be set back on the roofslope, with hanging tiles to match the existing roof. As such, although their flat roofed design is regrettable, the resulting visual impact on the street scene would not be harmful enough to justify refusal.
- 14.4 The proposed dormers and roof alterations at the rear of the property would introduce new first floor windows. Those serving the dormers would look towards the adjacent neighbouring properties which, in the case of the property to the west, No 25, would allow views down towards their side facing windows. Furthermore, the dormers would enable views back across the rear garden areas of both neighbouring properties, as would the new rear first floor window.
- 14.5 The introduction of these new first floor windows would see a significant change from the current situation where there are no first floor rear facing windows, leading to the overlooking of rear private gardens. Given the close relationship, particularly with the neighbouring premises at No 25, this proposal would be likely to result in harm to the living conditions of

neighbouring occupiers through loss of privacy. Consideration has been given to the possibility of the use of obscure glazing, however it would be unreasonable to require this for the proposed bedroom windows.

- 14.6 Due to the scale of the extension and relative orientation, it is not considered that this proposal would lead to any significant adverse impacts as a result of loss of light or overdominance to neighbouring premises.
- 14.7 In response to third party comments, although permitted development rights exist for this property, the proposed scheme as detailed on the submitted plans does not fall within the scope of Permitted Development Regulations. Land drainage were consulted but made no comments on this application. Other drainage issues are assessed through Building Regulations.
- 14.8 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that 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. Given the proximity and relationship with adjacent neighbouring dwellings the proposed first floor windows would be likely to result in harm to the living conditions of neighbouring occupiers through loss of privacy. As such this would be contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park and Section 7 of the National Planning Policy Framework (2012)

Notes for inclusion on certificate:

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

In this case the applicant did not enter into pre-application discussions with the Council and the level of harm to the living conditions of neighbouring occupiers was such that justified 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
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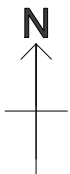
**Planning Development
Control Committee**
January 2015

Item No: A6

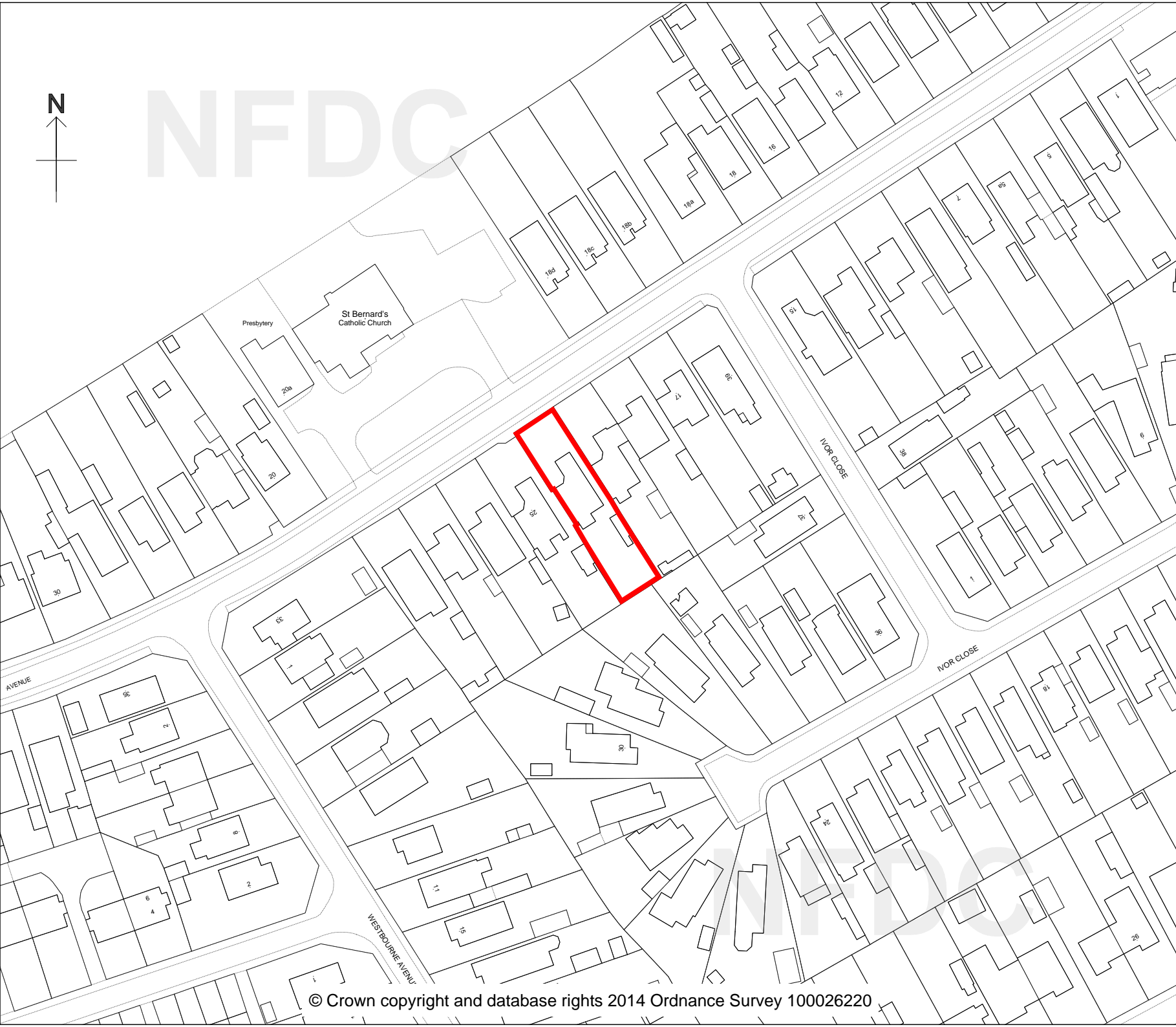
23
Southbourne Avenue
Holbury Fawley
App No 14/11398
SU4303

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



NFDC



Application Number: 14/11405 Full Planning Permission

Site: 60 - 62 WHITEFIELD ROAD, NEW MILTON BH25 6DG

Development: 2 three-storey blocks of 15 flats; carports with bike stores; refuse store; access; parking; demolition of existing

Applicant: Pennyfarthing Homes Ltd.

Target Date: 08/01/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council View

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

Core Strategy

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

Local Plan Part 2 Sites and Development Management Development Plan Document

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

6 RELEVANT PLANNING HISTORY

None

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: Recommend refusal. The principle of the change to flats here is accepted and the design is considered appropriate overall, but there is concern that the first and second floor rear balconies will result in over-looking to the residents of 8, 10 and 12 Peckham Avenue; that there are insufficient parking spaces which do not meet guideline standards and there is a lack of amenity space for future residents.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer: No highway objection
- 9.2 Ecologist: No objection subject to condition
- 9.3 Land Drainage: No objection subject to condition
- 9.4 Estates and Valuation Officer: The viability case is acceptable
- 9.5 Hampshire County Council Education Authority: Request a contribution towards strategic expansion of schools in New Milton.
- 9.6 Tree Officer: No objection subject to condition

10 REPRESENTATIONS RECEIVED

2 letters of objection concerned that the proposed development would result in overshadowing and loss of light. The proposed development is out of character and would result in the loss of 3 family houses. This is an example of garden grabbing.

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 £13,824 in each of the following six years from the dwellings' completion, and as a result, a total of £82,944 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 comprises three detached dwelling houses within a street that consist of predominantly residential apartments and flats, rising from two to three storeys in height. The existing three dwellings differ in age and design, but none are considered to have any heritage value. The existing dwellings have low front boundary walls with car parking areas provided to the front and rear garden areas. The existing dwellings are of a conventional size, but there are gaps between the buildings and their side boundaries. For the purposes of policy, the site lies within the town centre. There are some on street parking spaces, which are subject to parking restrictions. There is a protected tree to the rear of the site, within the garden of No 10 Peckham Avenue. There is a group TPO covering the trees on the rear boundary of the residential flats in Park Gate.

- 14.2 Whitefield Road has seen some considerable change in the last two decades and it is an area characterised by residential flats fronting onto the road. In locations such as these, being close to the town centre and facing the recreation grounds, this type of development is a common theme typical for such a location. Immediately opposite the site is the recreation ground and tennis courts. To the rear of the site are detached and semi-detached dwellings which have their rear garden areas backing onto the site.
- 14.3 The proposal is to demolish the existing 3 dwellings and to replace them with a development consisting of two blocks totalling 15 residential flats. The submitted layout shows that the proposed buildings would rise to two and three storeys fronting onto Whitefield Road with a single access driveway centrally located between the buildings serving a large car parking area to the rear. Three car ports and bin stores would be sited to the rear of the site. The proposed buildings would broadly follow the building line in the street. A small communal rear garden area would be provided to the rear of the buildings.
- 14.4 Visually, proposed block 1 would rise to three storeys (the second storey accommodated in the roof space) and be constructed from brick and render. It has been designed with a front protruding gable with pitched and cropped roofs to the side and dormer windows and rooflights. Balconies would be installed on the front and rear elevations. Proposed block 2 would be the larger building rising to three storeys that would be taller than block 1. Materials would comprise brick and render and the roof design would consist of pitched roofs with the occasional dormer window.
- 14.5 The New Milton Local Distinctiveness SPD was approved on 3 June 2010, following extensive public consultation, and can therefore be given significant weight as a material consideration. This SPD provides detailed guidance on the implementation of Core Strategy policies CS2 and CS3 relating to local distinctiveness as they apply within the settlement of New Milton. The document gives general design advice applicable across the town as a whole, and a detailed analysis of each of thirteen character areas. This site falls within character area 1; "Town Centre". There is an illustrative map which shows the key features of Whitefield Road and the few remaining dwelling houses along the street, which is predominantly residential flats, and explains how these developments provide views onto the recreation ground and the importance of achieving an appropriate scale. The Document highlights the importance of low front boundary walls and the green setting for built development in Whitefield Road.
- 14.6 In policy terms, there is no objection to the loss of the existing dwellings and the principle of residential flats is acceptable, subject to an acceptable design, layout and relationship with neighbouring properties.
- 14.7 The proposed layout of the site positioning the buildings fronting the road with the car parking spaces to the rear, which would be partly hidden from public view, would be acceptable and would follow the general design approach in the street. The site layout shows that there would be gaps between the buildings and the boundaries and a gap created between the two buildings with space for soft landscaping, which would reflect the situation on the neighbouring sites.

- 14.8 The level of greenery and amenity is similar to that provided for the other residential flats in the area. While concerns have been expressed that the proposed development would have inadequate amenity space, there would be open green areas to the rear of the building which would provide some outdoor space for the residents. Consideration should also be given to the fact that, immediately opposite the site, there is a large recreation ground with a range of outdoor space and seating areas. Overall, it is considered that the level of amenity space is relatively small. However, it is similar to the majority of other residential flats along Whitefield Road and a reason for refusal based on a lack of amenity space could not be substantiated.
- 14.9 Visually, the proposed buildings would be of a similar scale, design and form to the other residential flats in the area. The proposed footprint would also be compatible with the surrounding buildings. The proposed buildings would also be set back from the road and their siting would reflect the existing building line. The two buildings would be of a different design and scale, which would add interest in the street, and have been designed with articulation and detailing. While the form and proportions of the building proposed on plot 1 creates a slightly awkward design, with the cropped gables and the lack of legibility, it is considered that on balance, the appearance of the building is acceptable, given the complete variety of building types and styles along Whitefield Road. Furthermore, the design of the garages and car ports to the rear of the site would reflect some of the other residential flats in the street where the rear car parking is hidden by structures and car ports. Overall, it is considered that the proposed development would be in keeping with the character and appearance of the area.
- 14.10 With regard to residential amenity, the proposed building to the south would be sited adjacent to No 64 Park Gate, which consists of a block of 5 residential flats. The neighbouring block of flats does have ground and first floor windows and roof lights on its side elevation facing the site. These windows appear to be secondary windows to lounge/ kitchen areas and accordingly, given that the site lies to the north, and the fact that the windows appear to be a secondary light source, it is considered that the proposed development would be acceptable without compromising their light or outlook.
- 14.11 In terms of overlooking, the existing dwelling at Number 62 has two large first floor windows facing the side elevation to Number 64. The proposed building on block 1 would have two second floor bedroom windows on the side elevation facing the neighbouring properties but the windows would be on a higher level although the building would be sited slightly closer to the side boundary of the site. Given that there are already two windows overlooking the neighbouring property, the proposal to create two windows in a similar position would not result in an unacceptable impact.
- 14.12 Concerning the neighbouring property to the north at 58 Whitefield Road, this is a block of 14 residential apartments. On the side elevation of Number 58 (south elevation), there are several windows facing the application site. In relation to one of the flats, one ground floor window serves a bedroom window and the other two windows are secondary windows serving a kitchen and lounge. On the first floor, one of the windows serves as a secondary window to lounge and kitchen areas, which are obscurely glazed.

- 14.13 In assessing the impact on these residential properties, the proposed building would be sited approximately 1 metre closer than the existing dwelling but there would be a gap of around 5 metres between the two buildings. In addition, the existing dwelling rises to two storeys, whereas the proposed building would be taller, rising to three storeys, and deeper. Overall, it is considered that the proposed building would worsen the relationship with the residential properties to the north, at number 58. However, given that the majority of the windows serve as secondary windows, with their main light source from the front and the fact that there is already a two storey building in this location and the gap between the proposed and existing building, it is not considered that it would adversely effect the light or outlook of these neighbouring properties enough to justify refusal of permission. In terms of overlooking, first and second floor windows are proposed on the side elevation facing this neighbouring property. In order to maintain a reasonable level of privacy, it is considered reasonable that these windows would need to be glazed with obscure glass. In addition, privacy screens to the side would be required to the side part of the balcony to mitigate overlooking to the residential flats at number 58.
- 14.14 With regard to the neighbouring properties to the rear of the site at No 6, 8 and 10 Peckham Avenue, the distances shown on the submitted block plan indicate that the distance between the rear elevation of the proposed buildings and the rear elevation of these neighbouring dwellings would be in excess of 22 metres. The distance from the rear elevation of block 1's first and second floor balcony to the rear boundary measures 17 metres. The distance from the rear elevation and first and second floor balcony of block 2 to the rear boundary measures 15.5 metres and to the dwelling at No 10 measures at least 26 metres. On the basis that the proposal achieves a back to back distance of at least 22 metres, this would ensure that sufficient amenity is maintained. It should also be noted that there is already an element of overlooking from the rear elevations of the three existing dwellings facing in the direction of these neighbouring properties. While it is accepted that proposed balconies create a greater degree and perception of overlooking, the proposed balconies are sited at a reasonable distance away from the rear boundaries of the site. It is also noted that the adjoining block of residential flats has first floor balconies on the rear elevation.
- 14.15 The proposed car port and garaging would be sited along the rear boundary of the site adjacent to the residential properties at 8 and 10 Peckham Avenue. There is a small gap of approximately 3 to 4 metres between the boundary and the rear boundary of Number 8. In terms of the property at number 10, the proposed building would be sited along nearly the whole length of the boundary, but this residential property has a large garden area and the actual property is situated a good distance away from the boundary. The proposed garages would be single storey with a pitched roof rising to 4.7 metres high and the roof slopes away from the boundary. While it is accepted that the proposed buildings would impact on the outlook of the neighbouring residential properties, given the design of the buildings, the impact would not be so significant as to justify refusing permission. In addition, the car ports and garages would act as a reasonable noise barrier and buffer between the residential flats and the neighbouring properties.
- 14.16 Concerns have been expressed in relation to the lack of car parking provision. The Council has adopted a car and cycle parking threshold for

residential developments. The standards in the annex of the Supplementary Planning Document include recommended parking provision rather than maximum or minimum standards. This is because overall provision will need to take into account the layout and design of the development and should follow a design-led approach. The proposal is to create a total of 15 spaces and cycle provision, which would effectively be one car parking space per dwelling. The recommended guidance states that a total of 26 spaces should be provided.

- 14.17 In this case the provision would be well below the recommended target for car parking spaces, however, given the highly accessible location of the site and the need to create a green and well landscaped setting to the rear, it is felt that this level would be acceptable. Indeed the adopted document is a recommendation and accordingly if the level of car parking spaces is below the threshold, this does not mean that the proposal would be unacceptable unless there would be public highway safety issues. In this case, Whitefield Road is not a main road and there are on street parking spaces which are restricted. Therefore a shortfall of car parking would not result in cars being parked on the road, which could otherwise have led to highway concerns. The Highway Authority do not raise any objections to the proposal.
- 14.18 The proposed development is one which would normally require to make contributions towards public open space (£39,722.20), affordable housing (6 of the dwellings to be affordable), habitat mitigation (£48,600) and transportation contributions (£44,940). The applicant has made a viability case that if the full affordable housing contribution had to be made, whether on site or by way of a financial contribution, the proposed development would not be viable. The applicant would be prepared to make the other contributions in full.

On the 28th November 2014 National Planning Practice Guidance was updated with regard to the charging of contributions for affordable housing and other tariff style obligations such as highways and open space contributions. The changes are not strictly new national policy but they are “material considerations” when determining a planning application. As such when determining an application they have to be weighed against all other material considerations notably locally adopted policies in the Development Plan. The changes do not apply to Habitat Mitigation measures or site-specific requirements eg. an improved access on highway land that will continue to be applied in full. This is a complex issue. However, New Forest District Council’s evidence shows that small sites contributions are being varied when appropriate in response to site specific viability considerations (in accordance with our Local Plan policy). Loss of affordable housing provision from all small site developments would result in a reduced supply of affordable housing as small sites make a major contribution to our housing supply in this area. Developers not wishing to make a financial contribution do have the option of making provision on site for affordable housing and public open space, to comply with the policies in the adopted Local Plan. In these circumstances, and with an up to date Local Plan, it will generally be appropriate to conclude that the ‘material consideration’ of the Government’s recent announcement does not outweigh the presumption in favour of following the Development Plan. This situation will be kept under review until it is changed by our adoption of a CIL charging scheme on 5th April 2015.

- 14.19 The Council's Valuer has assessed the viability appraisal and concludes that, because of the high current use value of the three existing family dwellings, which generates an unusually high site value, a contribution for affordable housing is not viable in this instance. Accordingly, it is recommended that the full contributions towards affordable housing are waived.
- 14.20 The County Council has requested an education contribution of £65,741. They suggest that the development is within the catchment area of New Milton Infant and Junior School. The Schools are full and there is deemed to be considerable pressure on local schools. A contribution has been sought towards the strategic expansion strategy to be developed in the New Milton area to provide additional accommodation to the school in the form of new buildings. However, the justification for this contribution is not considered to meet all of the relevant tests as previously applied by Circular 5/05 and as re-applied under the Cil guidelines.
- 14.21 In relation to tree matters, there are two Tree Preservation Orders protecting trees on land to the rear of the site, but not within the site boundaries. The Tree Officer raises no objections providing the development takes place in accordance with the tree report.
- 14.22 In conclusion it is considered that redeveloping the site with residential flats would be acceptable given that the location is characterised by flatted development and this type of development would provide a mixture of property types in a town centre area close to all the amenities. On balance the design and appearance of the development would be compatible with the surrounding area and would not have a detrimental impact on residential amenity. While the car parking extension is below the recommended guidance, the site is located in a highly accessible area close to public transport, shops and other amenities. The applicant is prepared to make the full contributions towards open space, transportation and habitat mitigation, but not, affordable housing and the case put forward is accepted by the Council's Valuer.
- 14.23 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

Developers Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings	6	0	-6
Financial Contribution			
Public Open Space			

On site provision by area			
Financial Contribution	£39,722.20	£39,722.20	0
Transport Infrastructure			
Financial Contribution	£44,940	£44,940	0
Habitats Mitigation			
Financial Contribution	£48,600	£48,600	0

15. RECOMMENDATION

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

i) the completion, by the 28th February 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 financial contributions towards public open space (£39,722.20), habitat mitigation (£48,600) and transportation improvements (£44,940)

ii) the imposition of the conditions set out below.

BUT, in the event that the Agreement is not completed by 28th February 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, 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.
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.

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

Reason: In the interests of resource use and energy consumption in accordance with policy CS4 of the Core Strategy for the New Forest District outside the National Park.
3. The development permitted shall be carried out in accordance with the following approved plans: 4694-PL-002, 4694-PL-021, 4694/PL/002, 4694-PL-001, 4694-PL-030, 4694-PL-031.

Reason: To ensure satisfactory provision of the development.
4. 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.
5. The first and second floor windows on the side [north] elevation of the approved building identified as block 2 shall at all times be obscurely glazed and other than fan light opening fixed shut at all times.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park.
6. 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.
7. The development hereby permitted shall not be occupied until the arrangements for parking and turning within its curtilage have been implemented. These areas shall be kept available for their intended purposes at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety.
8. Before development commences, details of the means of disposal of foul and surface water from the site shall be submitted to and approved in writing by the Local Planning Authority. 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.

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

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

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

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

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent re-enactment thereof, the existing access to the site shall be stopped up and abandoned. The footway crossing 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 access and prior to occupation of the buildings

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

11. Notwithstanding the provisions of the Town & Country Planning General Development Order nothing over 600mm in height shall be placed or permitted to remain within the proposed 2.4 x 43 metre visibility splays.

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

12. Prior to commencement of works (including site clearance and any other preparatory works) the scheme for the protection of trees in accordance with the submitted Barrell Tree Consultancy Arboricultural Impact Appraisal and Method Statement ref 13461-AIA2-DC and Plan Ref:13461-BT2 dated 14.10.14 shall be implemented and at least 3 working days notice shall be given to the Local Planning Authority that it has been installed.

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

13. The works hereby approved shall be undertaken in full accordance with the provisions set out within the Ecological Report dated September 2014 by Lindsay Carrington Ecological Services LTD or as may otherwise be agreed in writing with the Local Planning Authority.

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

14. Before development commences, details of the balcony screens to be provided on the first and second floor rear elevation of the building identified as flats 10 and 13 on block 2 shall be submitted to and approved by the Local Planning Authority. The balcony shall not be brought into use until the screens have been erected in accordance with the approved details and shall thereafter remain in perpetuity.

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

15. The first floor bathroom windows on the side [south] elevation of the approved building identified as block 1 shall at all times be glazed with obscure glass.

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

Notes for inclusion on certificate:

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

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

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)



New Forest
DISTRICT COUNCIL

Tel: 023 8028 5000
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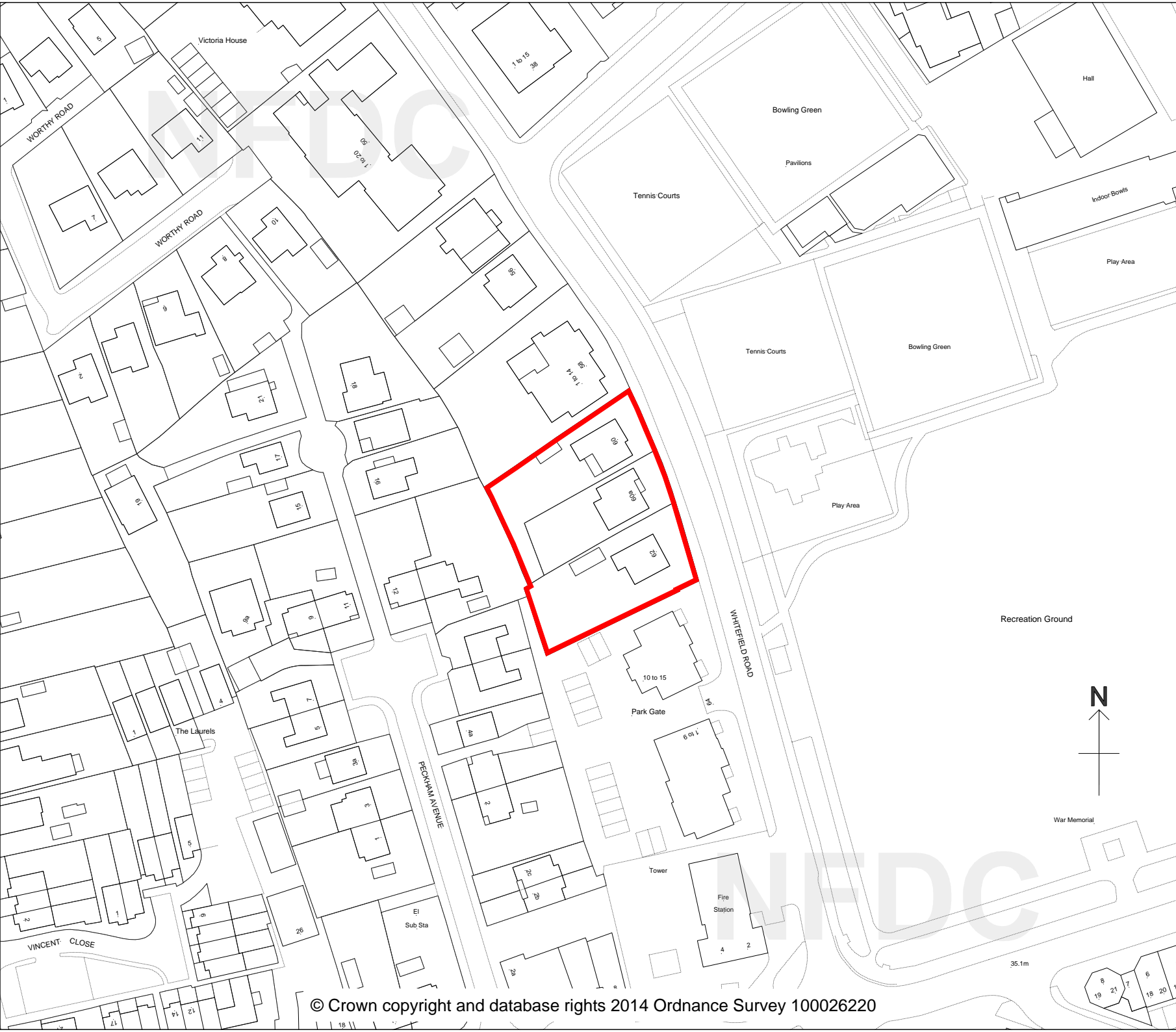
**Planning Development
Control Committee**
January 2015

Item No: A7

60-62
Whitefield Road
New Milton
App No 14/11405
SZ2494

Scale 1:1250

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



Application Number: 14/11481 Full Planning Permission

Site: 9 LOWER BUCKLAND ROAD, LYMINGTON SO41 9DN

Development: Infill extension with roller shutter door

Applicant: Funeral Partners Ltd

Target Date: 17/12/2014

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Town Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

- CS1: Sustainable development principles
CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Lymington Local Distinctiveness

6 RELEVANT PLANNING HISTORY

- 6.1 22563 - alterations and renovation to existing store. Granted 10.9.82
- 6.2 51123 - addition of double garage. Granted 29.12.92
- 6.3 10829 - Lawful Development Certificate (LDC) infill extension with roller shutter door. Was not lawful 2.10.14.

7 PARISH / TOWN COUNCIL COMMENTS

Lymington and Pennington Town Council - recommend refusal and would not accept a delegated decision. Impact on street scene and access concerns for maintenance of windows and guttering.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

9.1 Drainage - recommend approval subject to condition

9.2 Southern Gas Networks - offer advice

9.3 Hampshire County Council Highway Engineer - proposal would have a neutral effect on the highway

10 REPRESENTATIONS RECEIVED

One response has been received from the adjoining occupier concerned with access from his rear garden and for the applicants to maintain windows and guttering from his property.

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.

Following the concerns expressed by the neighbour, the applicant has amended the plans to maintain an access between the site and no.11 to enable maintenance of windows and guttering which can only be accessed from the garden of no.11 and also maintains a means of escape for the occupants of no.11.

14 ASSESSMENT

- 14.1 The site lies within the built up area of Lymington in a predominantly residential area. It has been in use as an undertakers for many years and until recently, included a dwelling immediately adjacent - this is now in separate ownership. The proposal entails the provision of a covered area in the recessed section between the main building and garage fronting Lower Buckland Road. The proposal has evolved following concerns raised and is now a much smaller addition than was submitted earlier this year (ref:14/10829).
- 14.2 Visually, the existing elevation is set over 16m back from the highway and is a painted timber-clad facade. The proposal would be rendered to match the existing building and would have a flat roof. The buildings which comprise the site have a variety of roof forms and the introduction of a small area of flat roof is considered to adversely affect the street scene.
- 14.3 Residential amenity would not be adversely affected by the proposed covered area and access would be maintained for the applicants to be able to clean their window which would serve the embalming room/shower and guttering to the rear of the garage. One existing window would be blocked up minimising the perception of overlooking.
- 14.4 At present, at least two vehicles can park in this recessed area. Whilst the proposal would reduce the available space, the Highway Authority has not raised any objection to the scheme which has since been amended to maintain over 12m space between the highway and new facade.
- 14.5 In conclusion, this is considered to be a modest proposal with acceptable implications for neighbours, the character and appearance of the area and highway matters.
- 14.6 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is

recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

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

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

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

3. The development permitted shall be carried out in accordance with the following approved plans: BP61814 revC, PR61814 revB.

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.

Following the concerns expressed by the neighbour, the applicant amended the plans to maintain an access between the site and no.11 to enable maintenance of windows and guttering which can only be accessed from the garden of no.11, and also maintain a means of escape for the occupants of no.11.

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)



New Forest

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Chris Elliott
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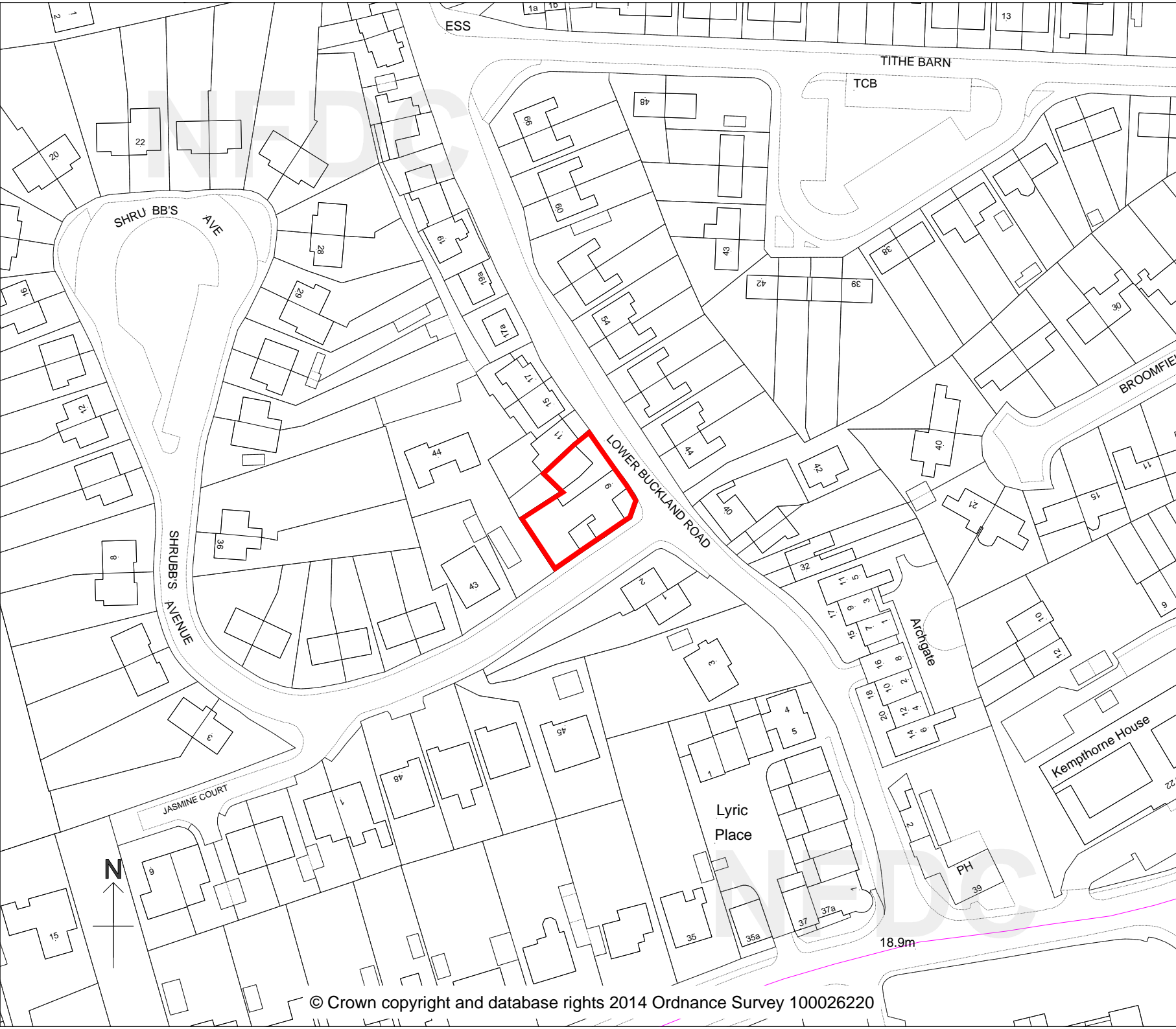
**Planning Development
Control Committee**
January 2015

Item No: A8

9
Lower Buckland Road
Lymington
App No 14/11481
SZ3295

Scale 1:1250

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



Application Number: 14/11500 Full Planning Permission

Site: 16 ROSEWOOD GARDENS, NEW MILTON BH25 5NA

Development: Roof alterations and rooflights in association with new first floor;
Juliet balcony

Applicant: Mr & Mrs Beacham

Target Date: 19/12/2014

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Town Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

- CS1: Sustainable development principles
- CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - New Milton Local Distinctiveness

6 RELEVANT PLANNING HISTORY

None

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council - recommend refusal and would not accept a delegated decision. Concerned about combination of raised roof and Juliet balcony which would impact on amenity of neighbours in Marley Avenue. Also concerned about side windows close to the boundary.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

Land Drainage - no comment

10 REPRESENTATIONS RECEIVED

Two objections have been received concerned with the increase in height of the ridge and provision of the balcony which would only be around 9m from the end of gardens behind the site.

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

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

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- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
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- Advising applicants/agents as soon as possible as to concerns that

cannot be dealt with during the processing of an application allowing for a timely withdrawal and re-submission or decision based on the scheme as originally submitted if this is what the applicant/agent requires.

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

The applicant was happy to revise the height of the side rooflights in order to minimise potential overlooking towards no.14.

14 ASSESSMENT

- 14.1 The site lies within the built up area of New Milton in a residential area. It contains a single storey bungalow, link detached with a flat roofed garage. There are other similar properties in the road. The proposal entails raising the ridge by approximately 1.6 metres in order to provide a bedroom with ensuite and study at first floor level. The study would have French doors and a Juliet balcony.
- 14.2 Visually, while the site is situated between two bungalows, one of which is a mirror image of the site, there are two storey properties close by and across the road. A row of similarly designed bungalows is interrupted by one which has been altered in a similar manner to this proposal. Given the variety in the street scene, it is not considered that the increase in height would adversely affect the character of the area. Furthermore, the materials would be in keeping with the brick and tile hanging of many other dwellings in the area.
- 14.3 With regard to residential amenity, concerns have been expressed with regard to the proposed French doors and Juliet balcony. While it is accepted that the length of the garden for this property is shorter than the rear garden of houses in Marley Avenue, the separation distance between the existing bungalow and the rear elevation of the houses behind is around 39m. This is considered comparable to the distance between windows in existing houses in Rosewood Gardens and Marley Avenue just a few doors away from the site which is typical of many urban areas. It would therefore be difficult to raise an objection to this part of the proposal given these distances. Furthermore, it is not considered that the provision of French doors rather than a window in the rear elevation would result in a significant additional loss of residential amenity for the occupants of dwellings in Marley Avenue. The increased height of the property would not be overbearing for any adjoining neighbour, and given its orientation and relative position on the site it would not result in a loss of light. The study and bathroom would each have a side rooflight and in order to ensure there is no overlooking towards no.14, their cills would be 1.7m above floor level.
- 14.4 The concerns raised by the Town Council and local residents have been noted but given the distances involved and increased cill height of the side rooflights, it is not considered that the proposal would result in an adverse affect on either residential or visual amenity.
- 14.5 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and

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

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

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

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

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

3. The development permitted shall be carried out in accordance with the following approved plans: site location plan, block plan, 478/PL/04A, 478/PL/03, 478/PL/02, 478/PL/01, 478/PL/05.

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.

The applicant has revised the location of the side rooflights in order to minimise potential overlooking towards no.14. As such, the application is considered to be acceptable.

Further Information:

Householder Team
Telephone: 023 8028 5345 (Option 1)



New Forest
DISTRICT COUNCIL

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Head of Development Control
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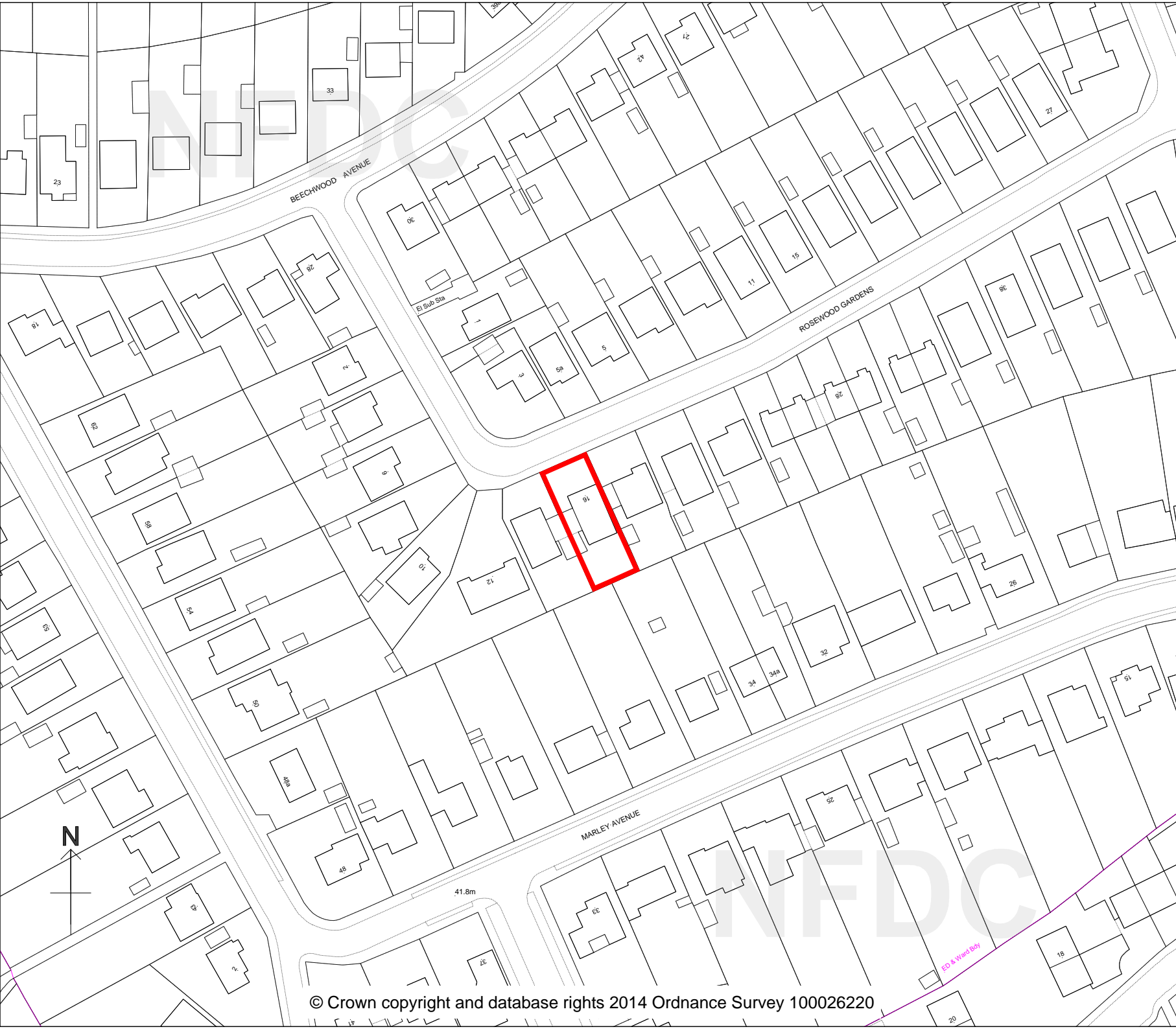
**Planning Development
Control Committee**
January 2015

Item No: A9

16
Rosewood Gardens
New Milton
14/11500
SZ2395

Scale 1:1250

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



Application Number: 14/11562 Variation / Removal of Condition

Site: FORDINGBRIDGE BUSINESS PARK, ASHFORD ROAD,
FORDINGBRIDGE SP6 1BD

Development: Removal of Condition 5 of Planning Permission 05/85963 to allow
change of use

Applicant: Lynwood Park Limited

Target Date: 07/01/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council View

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

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

Local Plan Part 2 Sites and Development Management Development Plan Document

None

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

None

6 RELEVANT PLANNING HISTORY

Three storey building comprising 4 office units, associated storage (85963)
Granted with conditions on the 9th November 2005

7 PARISH / TOWN COUNCIL COMMENTS

Fordingbridge Town Council: Recommend refusal - As there is insufficient evidence regarding future uses and impact to make a decision to support the application

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

Hampshire County Council Highway Engineer: Comments awaited

10 REPRESENTATIONS RECEIVED

2 letters of objection concerned that the condition was imposed to protect the living conditions of the adjoining and nearby residential properties. The main concern is that it could possibly change to a Class B8 use. A Class B8 use would greatly impact on the nearby residential properties in terms of noise, parking, access and visual amenity. There are also concerns that a retail use would be inappropriate. Therefore the condition should remain in place. There are also concerns that there is no clear understanding what the future use would be.

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

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- 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 two storey office building, with additional accommodation in the roofspace, which is located on the corner of Station Road and Ashford Road. The building fronts onto both roads, and the access and car parking to the building is from Ashford Road which also serves the depot building to the south. Opposite the site, both on Ashford Road and Station Road, are residential properties including two new dwellings on Station Road.
- 14.2 In 2005, under planning application 85963, planning permission was granted for the office building and a number of planning conditions were imposed. This planning application seeks consent to remove or vary condition 5 of planning permission 85963 which states:
- The building shall only be used for Use Class B1 and for no other purpose including any other which might otherwise have been allowed by the Town and Country Planning (Use Classes) Order 1987 or by the Town and Country Planning (General Permitted Development) Order 1995 or by any subsequent amendment to that legislation.*
- Reason: To protect the amenities of the occupants of the surrounding residential properties in accordance with Policies DW-E1 and DW-E43 of the adopted New Forest District Local Plan First Alteration.*
- 14.3 The application is to enable the applicant to make use of the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 and 2014 and thereby facilitate the conversion of some or all of the office units at some point in the future to either residential (C3 uses), Class A1, A2, A3 or B8 uses.
- 14.4 In support of the application, it is stated that the application is made as a result of the changes in government legislation and that the condition is no longer necessary or reasonable and not in the interest of recent changes to National Policy or in accordance with the provisions of the

Town Country Planning (Use Classes) Order 1987 (as amended) or the Town and Country Planning (General Permitted Development) Order 1995 (as amended). The main thrust of the case submitted is that the condition now fails to comply with the six tests set out within the DCLG Planning Practice Guidance (Use of planning conditions) and is contrary to the provisions and intentions of the Government Development Orders and policy set out within the NPPF.

- 14.5 In assessing the planning application, it is first important to be clear about the rationale for the original condition 5. Without this condition, it would have potentially been possible for the B1 office units to be converted to B8 storage and distribution uses without planning permission. Such a change of use could potentially have caused harm to residential amenities, given the site's close relationship to residential dwellings. The condition that was imposed was thus designed to stop the B1 office units from changing to a B8 Storage and Distribution use, unless planning permission was first sought, and thereby protect the amenities of adjacent residential dwellings from potentially unneighbourly activities.
- 14.6 Under the new provisions of the Town and Country Planning (Use Classes Order), if the condition was removed, the office use would be able to change to a number of uses. This would include residential, but this would be subject to a Prior Approval application in which highway and contamination issues would be considered. The offices would also be able to change to Classes A1 (shops), A2 (estate agents and financial) and A3 (restaurant) for a single continuous period of up to two years, but the change of use would only relate to units of less than 150 square metres floor space. The office use would also be able to change to a state funded school, subject to a Prior Approval application considering matters of highways and noise. The office would also be able to change to storage and distribution uses provided that the floor space is less than 500 square metres.
- 14.7 In recognising the possible uses for the building if the condition was removed, it is considered that a residential use would be compatible to the surrounding residential uses and would not be likely to give rise to an unacceptable impact on residential amenity. It is also considered that Classes A1, A2 and A3 would be acceptable, given that this could only be for a limited period of time and for up to 150 square metres of floorspace, which would be relatively small. Moreover, while a state funded school would be likely to generate more noise and disturbance, this would be subject to a Prior Approval application and matters of noise and traffic would be assessed.
- 14.8 The main use which is a concern is storage and distribution (Class B8), which could have a greater impact on residential amenity, and this was likely to have been the main reason the condition was originally imposed. It is recognised that varying the wording of condition 5 to facilitate a residential use may not be consistent with Core Strategy policies that seek to keep existing employment sites. However, varying condition 5 would be consistent with current Central Government policies that have sought to make it easier for offices to be converted to residential use or other uses, recognising the significant need to provide additional homes. Ultimately, given the current thrust of central government policy, and because condition 5 was designed to protect residential amenities rather than to keep land in employment use, it

would not be sustainable or reasonable to refuse to vary this condition, as this would be unjustifiably contrary to the government's objectives of promoting additional housing.

- 14.9 Overall, it is considered that varying Condition 5 of Planning permission 85963 along the lines suggested by the applicant is something that is reasonably justified. Potentially unneighbourly B8 uses could still be controlled, and thus the intended effect of the original condition would not be changed. Facilitating a future residential use would be consistent with government policy and would in this instance override Core Strategy policies that seek to keep all existing employment sites. The application is therefore recommended for permission.
- 14.10 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

15. RECOMMENDATION

GRANT the VARIATION of CONDITION

Proposed Conditions:

1. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) no use of the buildings shall be made for purposes falling within Class B8 of the Town and Country Planning Use Classes Order 2010 without express planning permission first being obtained.

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

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

Reason: To ensure adequate parking provision is made in the interest of highway safety.

3. Deliveries to, and distribution from the site shall only take place between the hours of 07:00 hours and 20:00 hours Monday to Friday, and 08:00 hours to 13:00 on Saturdays, and not at all on Sundays and recognised public holidays.

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

4. Industrial processes shall only be undertaken at the site between the hours of 07:00 and 20:00 Mondays to Fridays, 08:00 hours and 18:00 hours on Saturday. No work shall take place on Sundays or recognised public holidays.

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

5. No open storage shall take place on the site.

Reason: In order to protect the appearance and the amenities of the area in accordance with Policy CS2 of the Core Strategy for New Forest District outside the National Park.

Notes for inclusion on certificate:

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

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

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



New Forest DISTRICT COUNCIL

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

Chris Elliott
Head of Development Control
New Forest District Council
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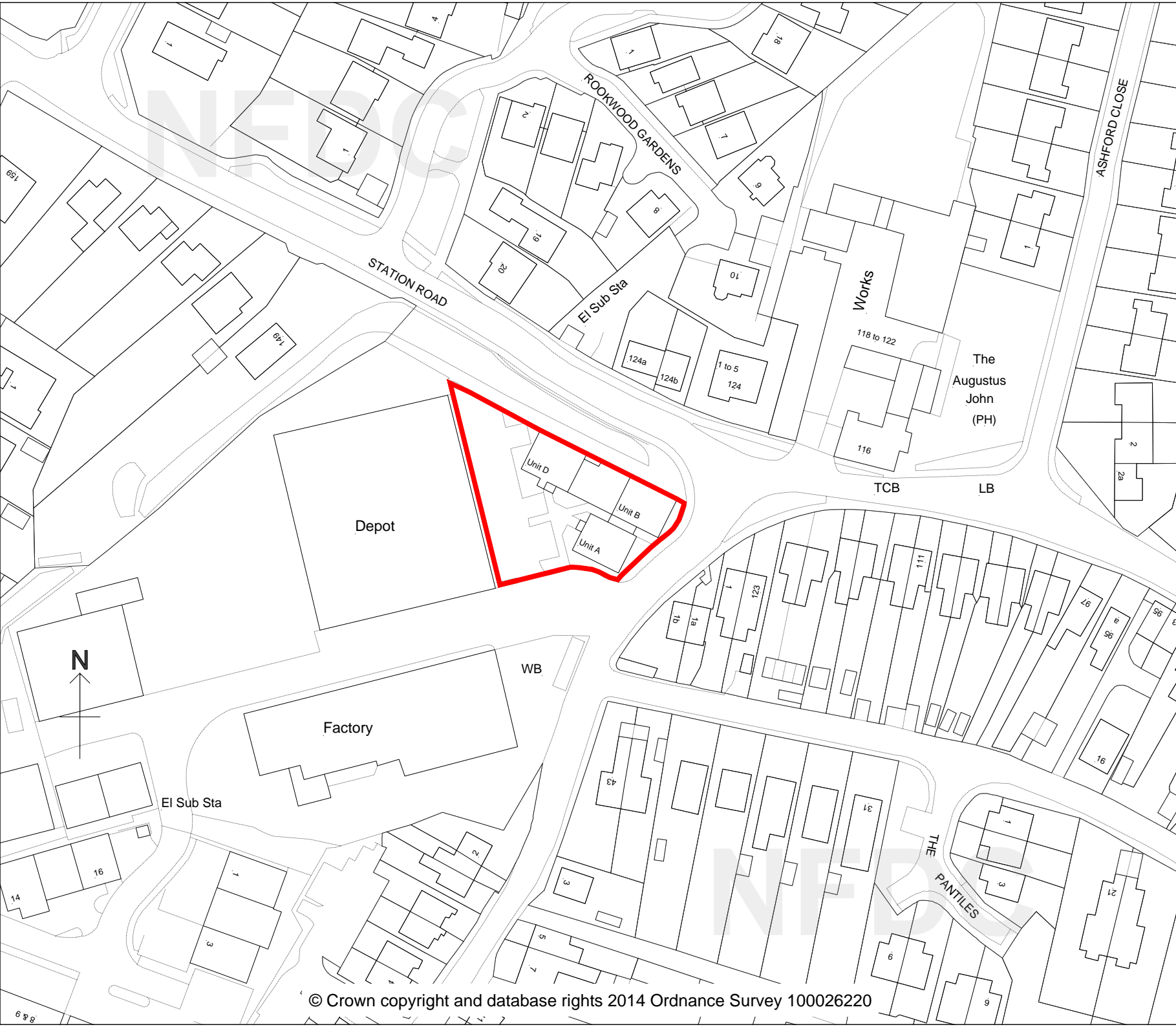
**Planning Development
Control Committee
January 2015**

Item No: A10

Fordingbridge Business Park
Ashford Road
Fordingbridge
App No 14/11562
SU1314

Scale 1:1250

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



Application Number: 14/11612 Telecommunications

Site: Land at SALISBURY ROAD BUS STOP, SALISBURY ROAD,
BLASHFORD, RINGWOOD

Development: Installation of 15m monopole; 2 new cabinets (Prior Notification to
carry out Telecommunications Development)

Applicant: CTIL

Target Date: 10/01/2015

1 REASON FOR COMMITTEE CONSIDERATION

Discretion of Head of Planning and Transportation

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside outside the New Forest

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
2. Climate change and environmental sustainability
7. The countryside

Policies

CS2: Design quality
CS8: Community services and infrastructure
CS10: The spatial strategy

Local Plan Part 2 Sites and Development Management Development Plan Document

None

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

None

6 RELEVANT PLANNING HISTORY

- 6.1 15m high monopole equipment cabinet – prior notification to carry out telecommunications development (95962) Details not required to be approved on the 10th September 2010
- 6.2 12m high monopole equipment cabinet – prior notification to carry out telecommunications development (92984) Details not required to be approved on the 7th October 2008

7 PARISH / TOWN COUNCIL COMMENTS

Ringwood Town Council: No comment received to date

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 National Air Traffic Control: Awaiting comments
- 9.2 Defence Infrastructure Organisation: No safeguarding objections.
- 9.3 BAA Airports: Awaiting comments
- 9.4 Civil Aviation Authority: Awaiting comments
- 9.5 Hampshire County Council Highway Engineer: Awaiting comments

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

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

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

14 ASSESSMENT

- 14.1 The site lies along the A338 on the edge of the built up area of Ringwood. The existing mast rises to 15 metres in height and is finished in a dark brown colour and is situated close to a group of trees which border the field. The area also contains street light columns and telegraph poles. There are open fields to the west of the site and there are residential properties opposite to the east.
- 14.2 The proposal entails the replacement of the existing 15m (overall height) mast, which would be on the same siting as the existing monopole. Two new equipment cabinets are proposed and would be sited back to back with the existing one.
- 14.3 The current installation provides 3G only and as part of the network improvement the station would be upgraded at this location to provide new 2G (calls) and 4G (fast data) services, including enhanced integrated 3G to improve overall capacity. Following the proposed upgrade, the site would be future proof, meaning it would be capable of accommodating new more advanced technologies when they come on stream.
- 14.4 The replacement of an existing structure with a monopole of identical appearance and height is not considered to be harmful to the area and would not cause adverse visual intrusion. Visually, the existing monopole has demonstrated that it has a very similar appearance to existing telegraph poles in the locality with the exception of not having any wires attached to it. While it is accepted that the mast would be somewhat taller than surrounding telegraph poles, it is not considered that the height would result in an adverse impact on the character of the area.

- 14.5 The proposed mast would also have no increased impact on residential properties on the opposite side of Salisbury Road when compared to the existing installation.
- 14.6 Planning permission is not required for a proposal of this nature. Given the nature of the site and limited impact of the proposed cabinets and replacement mast, it is considered appropriate to advise the applicant that no further details are required.
- 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

Details not required to be approved

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



New Forest

DISTRICT COUNCIL

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

Chris Elliott
Head of Development Control
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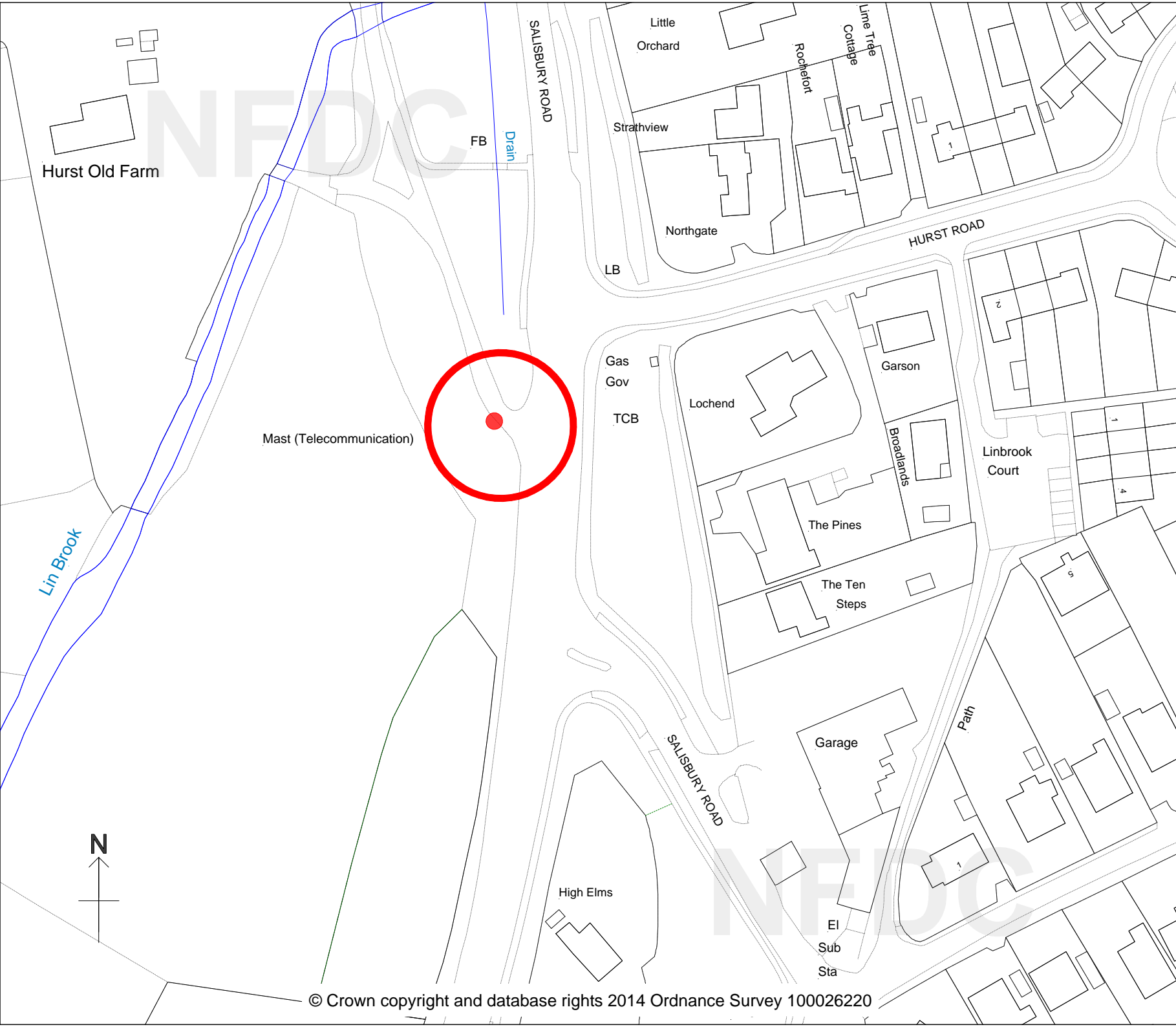
**Planning Development
Control Committee**
January 2015

Item No: A11

Land at Salisbury Road
Bus Stop
Blashford Ringwood
App No 14/11612
SU1506

Scale 1:1250

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



Application Number: 14/11613 Telecommunications

Site: Land at FAWLEY BYPASS, FAWLEY SO45 1DW

Development: Installation of 15m high monopole; 1 cabinet; remove existing monopole (Prior Notification Telecommunications Development)

Applicant: CTIL

Target Date: 10/01/2015

1 REASON FOR COMMITTEE CONSIDERATION

Discretion of Head of Planning and Transportation

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

- CS2: Design quality
- CS8: Community services and infrastructure

Local Plan Part 2 Sites and Development Management Development Plan Document

No relevant policies

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

None

6 RELEVANT PLANNING HISTORY

- 6.1 10 metre high telegraph pole style mast with 3 antenna within a matching shroud along with an equipment cabinet (92908) - details not required to be approved 17/9/08

- 6.2 Proposed removal of existing 11.4 m high monopole and replace with 11.8 metre high monopole; equipment cabinet (95935) - refused 9/9/10
- 6.3 15 metre high monopole; equipment cabinet (remove existing monopole) - refused 19/4/11
- 6.4 Replacement of existing 11.4 metre high telecommunications pole with a 13.5 metre replica telegraph pole telecommunications installation; small scale equipment cabinet and minor ancillary works (11/97716) - details not required to be approved 1/11/11

7 PARISH / TOWN COUNCIL COMMENTS

Fawley Parish Council:- Views awaited

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 NATS Safeguarding:- No objection.
- 9.2 Land Drainage:- No comment.
- 9.3 Defence Infrastructure Organisation: No safeguarding objections.

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

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

In this case, the applicant has been advised that the submitted proposals are not considered to be acceptable, and given the limited timescales for dealing with such applications, the proposal can only be recommended for refusal.

14 ASSESSMENT

- 14.1 This Prior Notification application seeks to erect a replacement telecommunications monopole and an additional cabinet on the highway verge adjacent to the Fawley bypass. The site lies on the south-eastern edge of Fawley village (just outside the defined built-up area). The nearest residential property to the north-east is about 35 metres away from the proposed development. The highway verge at this point is quite wide with an area of deciduous scrub growing between the bypass and an access road/path to the north. The site lies in close proximity to the New Forest National Park boundary. Open land to the south and east is within the National Park.
- 14.2 A mock telegraph pole was first erected in this location in 2008. That pole was 11.4 metres high. Following its installation 2 subsequent prior notification applications for larger replacement masts were refused. A 2010 application to replace the originally approved structure with a 11.8 metre high monopole was refused in September 2010 because the monopole was considered too bulky and urban in appearance. A second application in 2011 was refused because the mast was considered to be too tall and intrusive. It was also felt inadequate consideration had been given to alternative means of provision.
- 14.3 In November 2011, the Local Planning Authority accepted a proposal for a 13.5 metre high telegraph pole style mast which replaced the original structure. That approved development is now in situ.
- 14.4 This latest application has been submitted in order to provide improved 2G (calls) and 4G (fast data) services within the Fawley area for both Vodafone and Telefonica customers. In addition, the proposal is designed to provide enhanced, integrated 3G coverage. The principle of providing additional telecommunications equipment in this part of Fawley is acceptable in principle.

- 14.5 Because of its greater height, the structure that is now proposed would evidently have a greater visual impact than the existing structure and it would be taller than other traditional telegraph poles in the immediate locality. Indeed, its visual impact would be largely identical to the 15 metre high mast that was refused in this location in 2011. The increased height of the structure and the addition of a dish antenna onto the structure would result in a structure that would be very different to a traditional telegraph pole. Although the increase in height is only 1.5 metres, it is felt that, because of the mast's relative prominence on the edge of the village adjacent to the sensitive landscape of the New Forest National Park, the increase in height and the addition of a dish antenna are material changes that would be harmful to the visual amenities of the area including the special qualities of the adjacent New Forest National Park.
- 14.6 With their application, the applicants have not provided details of any other alternative means of provision that have been considered, which might reasonably have been expected in the light of the planning history relating to this site. Nor has the design and height of the mast been fully justified. It is possible that an alternative design could reasonably be provided with less visual impact. Furthermore, no consideration has been given to alternative site locations. In the absence of a compelling justification to show that the proposed development is necessary and cannot be provided in a more visually acceptable manner, the proposal is one that is considered to result in unreasonable visual harm, taking into account the sensitivity of the surrounding landscape.
- 14.7 Given the height of the mast and its distance from residential properties (the nearest one being about 35 metres away), it is felt that the development would not have a significant impact on residential amenities taking into account the presence of intervening screening.
- 14.8 In conclusion, it is not considered that the proposed development would be consistent with Core Strategy objectives which seek to safeguard landscape quality and avoid harmful impacts on the New Forest National Park. As such, in the absence of a compelling justification for the proposal it is recommended that the Local Planning Authority refuse to approve the submitted details.
- 14.9 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposed monopole would result in a more visually imposing structure than the existing mast in this location, and with its significant height and its relatively bulky appearance (incorporating a dish antenna), the proposed monopole would be materially at odds with the design and appearance of other nearby street furniture and would appear as an unduly intrusive and incongruous feature within its countryside setting, to the detriment of the character and appearance of the area including the adjacent New Forest National Park. For these reasons, and because it has not been adequately demonstrated that the proposed development could not be reasonably accommodated in an alternative manner with less visual impact (either with a lower structure or with an alternative design / siting), the proposed development would be contrary to policies CS2 and CS8 of the Core Strategy for New Forest District outside the National Park.

Further Information:

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**Planning Development
Control Committee**
January 2015

Item No: A12

Land at
Fawley By Pass
Fawley
App No 14/11613
SU4503

Scale 1:1250

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