

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

Parish	Site	App.No.	Schedule	Recommended
Ellingham Harbridge & Ibsley	BLASHFORD QUARRY, SALISBURY ROAD, BLASHFORD, ELLINGHAM, HARBRIDGE & IBSLEY BH24 3PF	14/11784	21	<b>Raise No Objection</b>
Fordingbridge	FORDINGBRIDGE HOSPITAL, BARTONS ROAD, FORDINGBRIDGE SP6 1JD	14/11156	03	<b>Head of Planning Grant or Refuse</b>
	2 MEADOW AVENUE, FORDINGBRIDGE SP6 1LN	14/11420	09	<b>Refuse</b>
Hordle	SPRINGFIELDS, 68 STOPPLES LANE, HORDLE SO41 0GL	14/11681	18	<b>Grant Subject to Conditions</b>
Lymington and Pennington	132 HIGH STREET, LYMINGTON SO41 9AQ	14/10306	01	<b>Grant Listed Building Consent</b>
	132 HIGH STREET, LYMINGTON SO41 9AQ	14/10583	02	<b>Grant Subject to Conditions</b>
	9A CAPTAINS ROW, LYMINGTON SO41 9RP	14/11305	05	<b>Grant Subject to Conditions</b>
	37 ST THOMAS STREET, LYMINGTON SO41 9NE	14/11515	11	<b>Grant Advertisement Consent</b>
	37 ST THOMAS STREET, LYMINGTON SO41 9NE	14/11516	12	<b>Grant Listed Building Consent</b>
	BLACK SALT FARM, LOWER PENNINGTON LANE, PENNINGTON, LYMINGTON SO41 8AL	14/11563	13	<b>Grant Subject to Conditions</b>
	WOODSIDE SPORTS	14/11575	14	<b>Grant Subject to</b>

	PAVILION, WOODSIDE PARK, RIDGEWAY LANE, LYMINGTON				<b>Conditions</b>
	10 NORTH STREET, PENNINGTON, LYMINGTON SO41 8FZ	14/11638	17		<b>Refuse</b>
	SITE OF WOOD LAWN, LOWER PENNINGTON LANE, PENNINGTON, LYMINGTON SO41 8AN	14/11735	20		<b>Refuse</b>
New Milton	MERRYMORE, 22 BARTON WOOD ROAD, BARTON-ON-SEA, NEW MILTON BH25 7NN	14/11315	06		<b>Grant Subject to Conditions</b>
	MERRYMORE, 22 BARTON WOOD ROAD, BARTON-ON-SEA, NEW MILTON BH25 7NN	14/11580	07		<b>Refuse</b>
	10A THE PARADE, ASHLEY ROAD, ASHLEY, NEW MILTON BH25 5BS	14/11376	08		<b>Grant Subject to Conditions</b>
Ringwood	BROOKSIDE, QUOMP, RINGWOOD BH24 1NT	14/11199	04		<b>Grant Subject to Conditions</b>
	Land of 117 CHRISTCHURCH ROAD, RINGWOOD BH24 3AQ	14/11466	10		<b>Refuse</b>
	54 & 56 SOUTHAMPTON ROAD, RINGWOOD BH24 1JD	14/11594	16		<b>Grant The Variation Of Condition</b>
Sandleheath	UNITS 1 TO 2 NEWBANK COURT, SANDLEHEATH INDUSTRIAL ESTATE, OLD BRICKYARD ROAD, SANDLEHEATH SP6 1FG	14/11709	19		<b>Refuse</b>
Totton and Eling	46-50 WATER LANE, TOTTON SO40 3DN	14/11588	15		<b>Refuse</b>

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

## **STATUTORY TESTS**

### **Introduction**

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

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

### **The Development Plan**

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

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

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

### **Listed Buildings**

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

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

### **Conservation Areas**

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

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

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

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

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

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

## **Trees**

Section 197. Trees  
Town and Country Planning Act 1990

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

## **Biodiversity**

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

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

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

Conservation of Habitats and Species Regulations 2010

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

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

## **Equality**

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

(1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;

- (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

### **Financial Considerations in Planning**

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

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

**Application Number: 14/10306** Listed Building Alteration

**Site:** 132 HIGH STREET, LYMINGTON SO41 9AQ

**Development:** 1.1metre high boundary wall (Application for Listed Building Consent)

**Applicant:** Trustees for the Portsmouth Roman Catholic Diocese

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

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## **1 REASON FOR COMMITTEE CONSIDERATION**

Contrary Town Council View

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

Built-up area  
Primary Shopping Area  
Town Centre Boundary

## **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

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. 12 - Conserving and enhancing the historic environment  
Section 66 General duty as respects listed buildings in exercise of planning functions.  
Planning (Listed Buildings and Conservation Areas) Act 1990  
Circular 11/95 Use of conditions in planning consents

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

None relevant

## **6 RELEVANT PLANNING HISTORY**

14/10583 1.1m high boundary wall current application (Item A2)

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

Lymington & Pennington Town Council: recommend refusal  
Wall must be returned to its original height;  
Nature and colour of bricks to be in keeping with existing

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

Building Control: support engineering report submitted with application in that strengthening works are implemented before any additional structure is constructed. Additional works are required as robust structural containment, with a minimum height of 1.1m above the finished ground level on the church side must be provided along the exposed edge of the church land.

Drainage: No comment

Southern Gas: provide extract of mains records and comment on the proximity of gas mains to site

Conservation: recommend approval subject to conditions and informatives

HCC Archaeologist: recommend archaeological condition

Landscape: no objection

## **10 REPRESENTATIONS RECEIVED**

1 objection:

- original wall demolished without benefit of relevant consents, formed historic boundary wall of Lymington which are an important feature of the Conservation Area.
- should be restored to its original height of at least 1.83m
- photographic evidence of wall at full height for the full length of the plot dated c1914

Objection from Lymington Society:

- wall is historic boundary and important feature of the Lymington Conservation Area
- height of the proposed wall is inadequate would fail to preserve the integrity of the view at this point
- members would benefit from a site visit
- support Town Council recommendation
- understand that chain link fence required along the boundary to ensure safety for car parking. This would be prominent over a lower wall
- the wall must be reinstated utilising original bricks to the height that prevailed before it was partially demolished.

Correspondence from agent:

- there is no intention to have a chain link fence behind the wall

## **11 CRIME & DISORDER IMPLICATIONS**

Not applicable

## **12 LOCAL FINANCE CONSIDERATIONS**



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

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

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

This is achieved by

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

Amendments have been accepted on this application, which extend the wall the entire length of the exposed boundary at a height of 1.1m, and a planning application has also been submitted which is running concurrently with this Listed Building application. Even though the amendments do not achieve the original height of part of the wall, this is considered an acceptable solution and an improvement over the existing situation.

### **14 ASSESSMENT**

- 14.1 The application site consists of a section of boundary sited to the rear of Our Lady of Mercy & St Josephs Roman Catholic Church and No.132 High Street, the grade II listed Presbytery, which borders Gosport Street Car Park. The car park is over 2m lower than the level of the neighbouring church land with the retaining wall, which is of significant age, comprised of a mixture of stone and bricks. Behind this retaining wall and underneath the church car park is a brick vaulted basement, which appears to be bonded into the retaining wall. There is currently no boundary treatment above the existing retaining wall since the original 2m high wall, which extended in part (10 metres) across this boundary, was demolished without the relevant consents, resulting in a lack of

structural containment to the edge of the church car park.

- 14.2 The current proposal is to replace the previously demolished 2m high wall with a 1.1m high wall which would extend along the exposed boundary abutting the adjacent public car park in Gosport Street.
- 14.3 The previous wall which was approximately 2m in height and 10m in length was removed for safety reasons due to its structural instability following the removal of the temporary school classrooms and vegetation. Also removed from the remaining northern section of the boundary was a fence, although historically the wall would have continued along this section.
- 14.4 The site contains a group of buildings including the grade II listed Presbytery, Church and School buildings, which form a Roman Catholic enclave within this part of the High Street. It has a very distinctive character and the way the buildings share the space around what would have been the playground for the school reflects the historic function of the buildings. This is recognised in the list description, in that the Presbytery has 'group value' in combination with the church and the school buildings. In terms of the wider area, the town centre is characterised by burgage plots which are generally enclosed by high brick walls and are a distinctive feature of the conservation area. Therefore, having an entirely open boundary adjacent to the car park would detract from the significance of the buildings and be harmful to their setting and the character and appearance of the conservation area.
- 14.5 The site needs to be physically separated from the car park to consolidate its historic identity and enhance the character and appearance of the conservation area. It is unfortunate that the site has not had an appropriate, solid form of boundary treatment running along its entire boundary for a number of years (chain link and panel fencing were sited some years ago along the remaining northern section of boundary adjacent to the public car park).
- 14.6 The amended plans now propose a 1.1m high wall the full length of the exposed boundary (21.4m) as opposed to the previous shorter section of 10.0m. The amended proposal is an improvement over the original scheme and the harm caused by having a 1.1m rather than 2m high brick wall along this boundary is less than substantial and would be an improvement over the previous chain link and panel fencing, which were in situ for a number of years along the northern section of the boundary. Therefore the continuation of the wall as now proposed would be an improvement to the setting of the listed building and character and appearance of the conservation area.
- 14.7 Notwithstanding this, a brick wall 2m high would be the most appropriate type of boundary treatment, but taking into consideration the length of time since the removal of the previous wall, it is considered that a suitably constructed lower brick wall would be an acceptable boundary treatment adjoining the curtilage listed structures, and within the conservation area and setting of listed buildings. The accompanying engineering report suggests that a wall over 1.1m high could not be supported by the existing retaining wall even though strengthening works are required in connection with the current proposal.
- 14.8 The original bricks were removed at the time of the demolition of the wall and as such cannot be used in the rebuilding. The submission and

approval of appropriate materials could be secured by condition.

- 14.9 The agent has advised that the erection of a chain link fence does not form part of this proposal, and any further proposed enclosures would require consent from the Local Authority.
- 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 LISTED BUILDING CONSENT**

#### **Proposed Conditions:**

1. The works hereby permitted shall be begun before the expiration of three years from the date of this permission.  
  
Reason: To comply with Section 18 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
  
2. The development permitted shall be carried out in accordance with the following approved plans: 9536-11 Rev P2, 9536-10 Rev P1  
  
Reason: To ensure satisfactory provision of the development.
  
3. Before development commences, brick samples and a sample panel of brickwork showing the brick, bond, lime mortar, pointing and joint details shall be made available on site for the inspection and approval by the Local Planning Authority. Development shall only take place in accordance with those details that have been approved.  
  
Reason: To protect the character and architectural interest of the Listed Building in accordance with policy 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 Plan.
  
4. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme investigation which has been submitted by the applicant and approved in writing by the Local

Planning Authority.

Reason: The development is located in an area of archaeological significance where the recording of archaeological remains should be carried out prior to the development taking place in accordance with Policy DM1 of the Local Plan Part 2: Sites and Development Management Plan.

**Notes for inclusion on certificate:**

1. The applicant and agent should be aware that any other boundary treatments or enclosures erected within the curtilage of the site will require planning permission by virtue of being within the curtilage of a listed building.
2. Any works, structural or otherwise, to the vaulted basement below the Church car parking area and adjacent to the retaining wall may require listed building consent and do not form part of this application.
3. 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.
4. Amendments have been accepted on this application, which extend the wall the entire length of the exposed boundary at a height of 1.1m, and a planning application was also submitted which is ran concurrently with this Listed Building application. Even though the amendments did not achieve the original height of part of the wall, this is considered an acceptable solution and an improvement over the existing situation.
5. This document relates to amended plans received on 25/11/14.

**Further Information:**

Householder Team  
Telephone: 023 8028 5345 (Option 1)



# New Forest DISTRICT COUNCIL

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

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

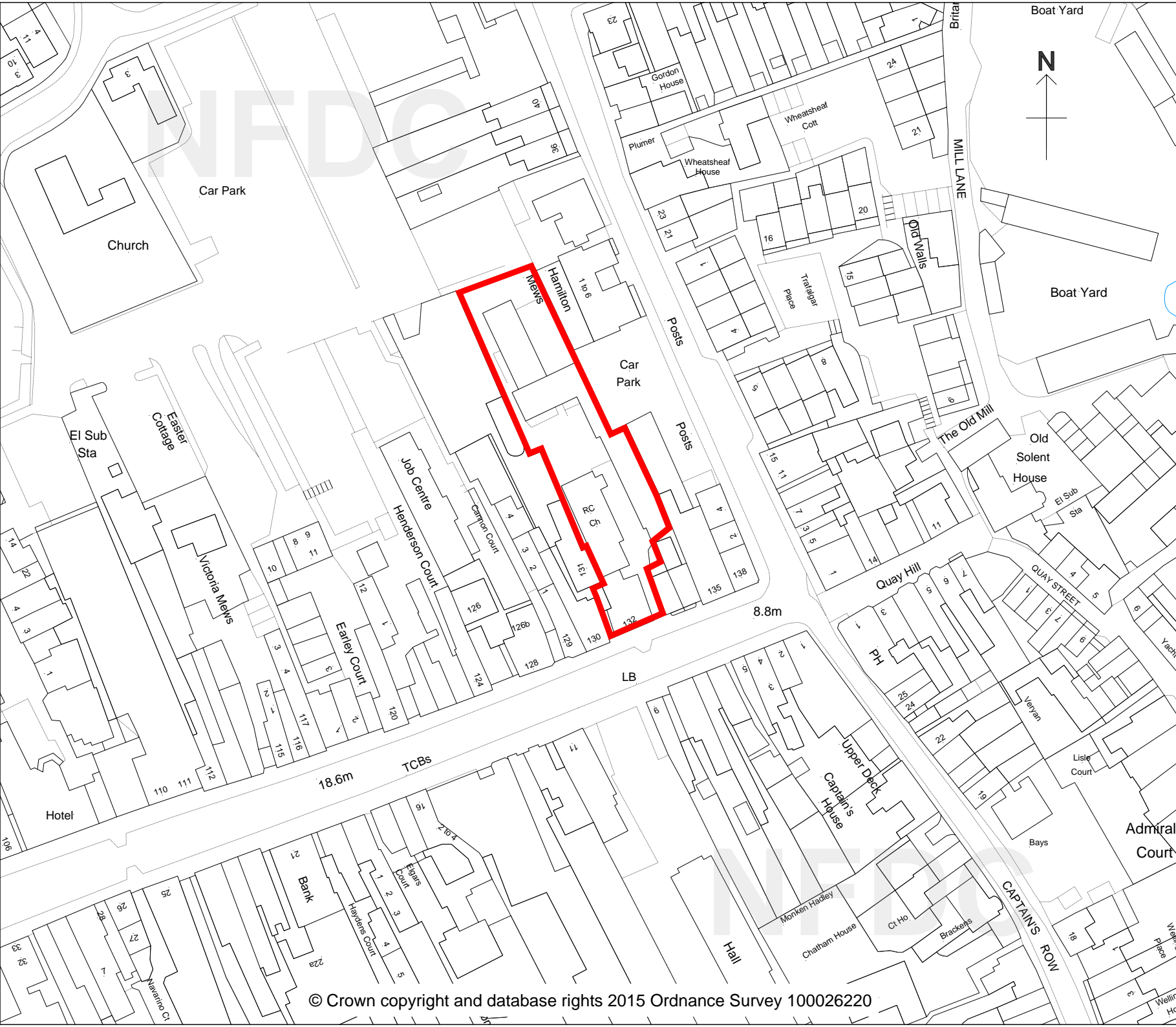
**Planning Development  
Control Committee**  
**February 2015**

**Item No: A1 & A2**

132  
High Street  
Lymington  
App No 14/10306 & 10583  
SZ3295

Scale 1:1250

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



**Application Number: 14/10583** Full Planning Permission

**Site:** 132 HIGH STREET, LYMINGTON SO41 9AQ

**Development:** 1.1metre high boundary wall

**Applicant:** Trustees for the Portsmouth Roman Catholic Diocese

**Target Date:** 12/01/2015

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## **1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Town Council view

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

Town Centre Boundary  
Plan Area  
F1.1: Built-Up Areas  
Archaeological Site  
Primary Shopping Area  
Proposed Footpath

## **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  
Section 72 General duty as respects conservation areas in exercise of planning functions  
Planning (Listed Buildings and Conservation Areas) Act 1990  
Section 66 General duty as respects listed buildings in exercise of planning functions.  
Planning (Listed Buildings and Conservation Areas) Act 1990  
Circular 11/95 Use of conditions in planning consents

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

## **6 RELEVANT PLANNING HISTORY**

14/10306 1.1m high boundary wall (Listed Building application) current application (See Item A1)

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

Lymington & Pennington Town Council: recommend refusal  
Wall must be returned to its original height;  
Nature and colour of bricks to be in keeping with existing

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

Building Control: support engineering report submitted with application in that strengthening works are implemented before any additional structure is constructed. Additional works are required as robust structural containment, with a minimum height of 1.1m above the finished ground level on the church side must be provided along the exposed edge of the church land.

HCC Archaeologist: recommend archaeological condition

Conservation: recommend approval subject to conditions and informatives

Drainage: No comment

## **10 REPRESENTATIONS RECEIVED**

1 objection:

- wall should be restored to original height of approximately 1.83m and be at least full width of NFDC car park

Correspondence from agent

- there is no intention to have a chain link fence behind the wall

## **11 CRIME & DISORDER IMPLICATIONS**

Not applicable

## **12 LOCAL FINANCE CONSIDERATIONS**

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

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

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

possible, a positive outcome.

This is achieved by

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

This application is being run concurrently with a Listed Building application (Item A1). The current proposal of a wall the whole length of the exposed boundary, albeit at a lower height than the original wall it is replacing, it consider an acceptable solution and an improvement over the existing situation.

## **14 ASSESSMENT**

- 14.1 The application site consists of a section of boundary sited to the rear of Our Lady of Mercy & St Josephs Roman Catholic Church and No.132 High Street, the grade II listed Presbytery, which borders Gosport Street Car Park. The car park is over 2m lower than the level of the neighbouring church land, with the retaining wall, which is of significant age, comprised of a mixture of stone and bricks. Behind this retaining wall and underneath the church car park is a brick vaulted basement, which appears to be bonded into the retaining wall. There is currently no boundary treatment above the existing retaining wall since the original 2m high wall which extended in part (10 metres) across this boundary, was demolished without the relevant consents, resulting in a lack of structural containment to the edge of the church car park.
- 14.2 The current proposal is to replace the previously demolished 2m high wall with a 1.1m high wall which would extend across the exposed boundary abutting the adjacent public car park in Gosport Street.
- 14.3 By reason of its siting, the proposed wall would not affect neighbour amenity. As such the issues to consider are the impact on the street scene and character of the Conservation Area. Also the wall forms part of the curtilage boundary of a Listed Building, and therefore would impact on its setting.



- 14.4 The previous wall, which was approximately 2m in height and 10m in length, was removed for safety reasons due to its structural instability following the removal of the temporary school classrooms and vegetation. Also removed from the remaining northern section of the boundary was a fence, although historically the wall would have continued along this section.
- 14.5 The site contains a group of buildings including the grade II listed Presbytery, Church and School buildings, which form a Roman Catholic enclave within this part of the High Street. It has a very distinctive character and the way the buildings share the space around what would have been the playground for the school reflects the historic function of the buildings. This is recognised in the list description, in that the Presbytery has 'group value' in combination with the church and the school buildings. In terms of the wider area, the town centre is characterised by burgage plots which are generally enclosed by high brick walls and are a distinctive feature of the conservation area. Therefore, having an entirely open boundary adjacent to the car park would detract from the significance of the buildings and be harmful to their setting and the character and appearance of the conservation area.
- 14.6 The site needs to be physically separated from the car park to consolidate its historic identity and enhance the character and appearance of the conservation area. It has been unfortunate that the site has not had an appropriate, solid form of boundary treatment running along the entire boundary for a number of years (chain link and panel fencing were sited some years ago along the remaining northern section of boundary adjacent to the public car park).
- 14.7 The amended plans now propose a 1.1m high wall the full length of the exposed boundary (21.4m) as opposed to the previous shorter section of 10m. The amended proposal is an improvement over the original scheme and the harm caused by having a 1.1m rather than 2m high brick wall along this boundary is less than substantial and would be an improvement over the previous chain link and panel fencing, which were in situ for a number of years along the northern section of the boundary. Therefore the continuation of the wall as now proposed would be an improvement to the setting of the listed building and character and appearance of the conservation area.
- 14.8 Notwithstanding this, a brick wall 2m high would be the most appropriate type of boundary treatment but, taking into consideration the length of time since the removal of the previous wall, it is considered that a suitably constructed lower brick wall would be an acceptable boundary treatment adjoining the curtilage listed structures, and within the conservation area and setting of listed buildings. The accompanying engineering report suggests that a wall over 1.1m high could not be supported by the existing retaining wall, even though strengthening works are required in connection with the current proposal. As such the current proposal for a wall the entire length of this exposed section of boundary at a height of 1.1m sited on top of an existing retaining wall, would be acceptable within the street scene and would be an improvement over the existing situation in regards to the impact on the Conservation Area, and the setting of the Listed Building.
- 14.9 The original bricks were removed at the time of the demolition of the wall and as such cannot be used in the rebuilding. The submission and

approval of appropriate materials could be secured by condition.

- 14.10 The agent has advised that the erection of a chain link fence does not form part of this proposal, and any further proposed enclosures would require consent from the Local Authority.
- 14.11 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

## 15. RECOMMENDATION

### Grant Subject to Conditions

#### Proposed Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
  
2. The development permitted shall be carried out in accordance with the following approved plans: 9536-11 Rev P2, 9536-10 Rev P1  
  
Reason: To ensure satisfactory provision of the development.
  
3. Before development commences, brick samples and a sample panel of brickwork showing the brick, bond, lime mortar, pointing and joint details shall be made available on site for the inspection and approval by the Local Planning Authority. Development shall only take place in accordance with those details that have been approved.  
  
Reason: To protect the character and architectural interest of the Listed Building in accordance with policy 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 Plan.
  
4. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.  
  
Reason: The development is located in an area of archaeological significance where the recording of archaeological remains should be carried out prior to the development taking place in

accordance with Policy DM1 of the Local Plan Part 2: Sites and Development Management Plan.

**Notes for inclusion on certificate:**

1. The applicant and agent should be aware that any other boundary treatments or enclosures erected within the curtilage of the site will require planning permission by virtue of being within the curtilage of a listed building.
2. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

This application was run concurrently with a Listed Building application. The current proposal of a wall the whole length of the exposed boundary, albeit at a lower height than the original wall it is replacing, is an acceptable solution and an improvement over the existing situation.

**Further Information:**

Householder Team  
Telephone: 023 8028 5345 (Option 1)

**Application Number:** 14/11156 Full Planning Permission

**Site:** FORDINGBRIDGE HOSPITAL, BARTONS ROAD,  
FORDINGBRIDGE SP6 1JD

**Development:** Convert to create 15 flats; single-storey extension; extension to  
create bin store; cycle store; parking; landscaping

**Applicant:** Landmark Estates (FB) Ltd & NHS Property Services Ltd

**Target Date:** 05/12/2014

**1 REASON FOR COMMITTEE CONSIDERATION**

Reduced affordable housing contribution.

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Built-Up Area  
Town Centre Boundary  
Fordingbridge Conservation Area

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Core Strategy**

CS1: Sustainable development principles  
CS2: Design quality  
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)  
CS5: Safe and healthy communities  
CS6: Flood risk  
CS7: Open spaces, sport and recreation  
CS8: Community services and infrastructure  
CS10: The spatial strategy  
CS15: Affordable Housing contribution requirements from developments  
CS25: Developers contributions

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

DM1: Heritage and Conservation  
DM3 - Mitigation of impacts on European nature conservation sites

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

NPPF Ch. 7 - Requiring good design  
NPPF Ch.12 – Conserving and enhancing the historic environment

**4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

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

SPG - Fordingbridge Conservation Area Appraisal

Fordingbridge Town Design Statement

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

Parking Standards SPD (Oct 2012)

SPD - Mitigation of Impacts on European Sites

## **6 RELEVANT PLANNING HISTORY**

- 6.1 The planning history for the site is limited to numerous applications for hospital related development, none relevant to the current proposal.
- 6.2 The applicant did seek pre-application advice from the Council on the current proposal, prior to making the submission, the response to which was generally supportive of the proposals, subject to submission of appropriate plans, justification and supporting information for the form of development proposed.
- 6.3 14/11157 - listed building consent application to convert to create 15 flats; single-storey extension; extension to create bin store; cycle store; Pavilions- remove bay window; create 2 windows; block up door; re-instate door; remove partitions; raise floor level; fix shut door; block up doors; remove internal walls. Main building- remove 2 fire escapes; replace 2 doors with windows; block up 11 windows; replace existing external doors; replace window; block up serving hatch; create stud walls; remove walls - delegated decision, pending outcome of planning application.

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

Fordingbridge Town Council recommend permission as the proposals will not affect the character of the Listed Building and will provide much-needed Housing.

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

- 9.1 Environmental Design Conservation - The applicant has amended details, changed drawings and submitted information to address some of the questions raised from the original submission. Items have been added to the application drawings which have a positive impact upon the significance of the building. These amendments have allowed a balance to be struck between the interventions proposed and the benefits gained. There is still some detail that would still be ideal but it is felt that most of this could now be handled by condition. Approval is therefore recommended of this change of use, along with associated alterations subject to conditions.

- 9.2 Estates and Valuation – Having reviewed the applicant's submitted viability appraisal, a reduced affordable housing contribution may be appropriate in this instance. The applicant has agreed to make the requisite open space and habitat mitigation contributions, although the final figure for affordable housing remains to be agreed. The outcome of ongoing negotiations in respect of affordable housing will be reported to Committee.
- 9.3 Ecologist – The submitted protected species information provides sufficient evidence to suggest the impacts of the proposal are capable of mitigation, subject to a condition requiring fuller details of mitigation and compensation to be produced prior to works commencing.
- 9.4 Strategic Housing Section - The applicant has proposed 15 new dwellings, with no on-site provision for affordable housing. Under the Council's Core Strategy Policy CS15, private developments creating new dwellings within the defined town of Fordingbridge the target is for 40% of all dwellings to be for affordable housing. The applicant would therefore be required to provide 6 affordable housing dwellings on-site.
- 9.5 Hampshire County Council Highway Engineer - There should be 26 car parking spaces, where 21 are provided. There should be 26 long stay cycle spaces and 15 short stay spaces. Whilst the difference in car spaces is low and unlikely to have any impact on the public highway there is a short fall in cycle spaces. No Trackers have been submitted as part of the application, as such it has not been possible to advise if the refuse vehicle could enter and leave in a forward gear for this part of the development. The access onto the public highway is considered acceptable for the proposed use. Due to the existing permitted use as a hospital the trip generation for the proposed development would be a reduction, as such no Transport Contribution would be sought. No objection subject to conditions to address surface water to highway drainage, a construction method statement and bin store/cycle parking details.
- 9.6 Hampshire County Council Education - Since making initial comments on this application, revised primary pupil forecasts have been undertaken and there is no longer pressure for places in the area that this development will be required to mitigate. Therefore there is no requirement for an education contribution in this case.
- 9.7 Environmental Health (Contaminated Land) – no objection in principle, but planning permission should only be granted to the proposed development as submitted if standard planning conditions 14a-14e are imposed. Without conditions, the proposed development could pose risks to human health and/or the environment.
- 9.8 Environment Agency – no objections
- 9.9 Land Drainage Section – It appears that it is proposed to connect the roof water to the main foul sewer but from the Flood Risk Assessment to SUDS. Connection to a foul sewer is not usually permitted as foul sewers are not designed to take roof water and Wessex Water's permission would be required. It is noted on drawing No. 31756-01 that a percolation test will be carried out to confirm infiltration rate value used in soakaway design. This must be submitted before construction on site. It is also noted that permeable paving will be laid and impermeable road areas will drain onto pervious areas. No objections subject to detailed surface

water discharge and surface water drainage maintenance conditions.

- 9.10 Tree Officer – Following initial concerns, the revised parking layout overcomes the concerns regarding the Yew tree identified as T4 in the submitted Barrell report. However, details of a revised tree protection plan and a tree planting schedule are required by condition.
- 9.11 Environmental Design (Public Open Space) - The proposals will not result in the loss of any existing designated POS. However they will result in an increase in population and will require the corresponding financial contributions to be made for off-site POS provision and habitat mitigation measures.
- 9.12 Wessex Water – advise that Semcorp Water is responsible for Water Supply in this area. The developer is proposing to connect to the existing foul sewer. Separate systems of drainage will be required to serve the proposed development. No surface water connections will be permitted to the foul sewer system.
- 9.13 Southern Gas Networks – give informative on proximity of their mains apparatus to the application site.
- 9.14 New Forest Access for All – Generally supportive of the scheme and give informatives on wheelchair/scooter access to the buildings and apartments, location and height of services and alarms.
- 9.15 County Public Rights of Way - no objections, but give informatives on potential impacts on Fordingbridge Footpath no. 91 runs along the eastern boundary of the site and Fordingbridge Footpath no. 94 runs along the southern boundary.

## **10 REPRESENTATIONS RECEIVED**

Two letters have been received from notified parties:

- One letter objects on grounds of extra traffic generated on Bartons Road and detriment to highway safety.
- One letter supports on the basis that it is proposed to convert and retain the redundant hospital buildings whilst providing housing. The structures are in need of repair and the proposal is sympathetic to the heritage asset.

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission and the dwellings built, the Council will receive £17,280 in each of the following six years from the dwellings' completion, and as a result, a total of £103,680 in government grant under the New Homes Bonus will be received. New Forest District Council adopted a CIL charging schedule on 14 April 2014, however the implementation date for the charging schedule is 6 April 2015 so no CIL payments are currently due.

## 13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

In this case a proactive stance was taken towards enhancing the submission during the determination process. Officers have worked closely with the applicant to evolve the submission to a point where the latest amended plans are considered to be acceptable in relation to the potential heritage, tree, landscaping and amenity impacts of the proposal.

## 14 ASSESSMENT

### 14.1 The Site

14.1.1 The site lies within the defined built up area and town centre of Fordingbridge in an area dominated by healthcare and community buildings, some occupied and some vacant. The site is within the Conservation Area and comprises three grade II listed buildings: the main block of the Fordingbridge Infirmary and its two front pavilions, which date to the late C19. The buildings were originally constructed as the Fordingbridge Union Workhouse in 1895-97. It is surrounded by C20 hospital buildings to the north and west, and public car parking to the east. It features areas of lawn and mature trees which are visible within views from the public footpaths that run along the south and east boundaries of the site. The site itself is a unique enclave within Fordingbridge, created by the hospital grounds, and this group of buildings lies at the centre of this. The spaces around the buildings



create a parkland/campus type setting, with imposing buildings set amongst lawns and large parkland scale trees of significant amenity value, protected by virtue of their presence within the Conservation Area. Over time some of this parkland setting has been eroded, with the addition of hardstandings dedicated to parking. The site is sustainably located within easy walking distance of the town centre shops and services.

## **14.2 The Proposal**

14.2.1 This application seeks planning consent for the proposed works to the buildings and grounds to facilitate their conversion to 15 no. residential units. It has been submitted in conjunction with a listed building application under ref.14/11157. It is proposed to convert the hospital building to 15 no. dwellings (7 x one-bed & 8 x two-bed), with limited alteration or demolition, single storey extension, bin store, cycle store, associated off-street parking and landscaping. Various internal alterations to the floor plans of all three buildings are proposed involving the removal of walls and partitions, the blocking up of openings, the installation of new partitions, a mezzanine, the raising of floor levels, though where possible the existing fabric of the buildings is retained.

## **14.3 The Principle of Development**

14.3.1 The proposal is made on the basis that the buildings are now vacant, unsuitable for continued healthcare provision and surplus to requirements. Policy CS8 of the Core Strategy seeks to prevent the loss of community services, although the submission is supported by justification for loss of the facility within the Planning Statement, on the basis that new hospital services have been provided on the adjoining site and the closure of the existing buildings is a result of this new provision. It is also noted that conversion of the buildings to residential use offers the most practicable and viable way of securing a sustainable future for the Listed Buildings. The principle of conversion of the buildings to residential use is supported, being in accordance with Policy CS8, subject to their sensitive conversion.

## **14.4 Character and Heritage Impacts**

14.4.1 Policies CS2 and CS3 of the Core Strategy relate to design quality and among other things, seek to ensure that development does not impact adversely on the character of the area or heritage assets. Initial concerns were raised by consultees within the Environmental Design Team over the submitted plans in respect of:

- inappropriate sub-division of the central open space to the front of the main building;
- poorly located car parking and cycle store;
- removal of excessive amounts of green setting;
- uncertain and undesirable tree impacts;
- poor surface treatments;
- uncertain boundary treatments and gate details;
- pedestrian desire lines;
- problems associated with general landscaping and planting arrangements;
- relationships to surrounding land uses;
- the impact of flues, ducts, vents, service runs and insulation requirements on the listed building fabric;

- inconsistencies with the door, historic features and window schedules
- size and siting of mezzanine;
- clarification of repair and alteration schedule.

14.4.2 The issues highlighted above to do with the impacts upon the heritage asset and character and appearance of the area have been resolved through extensive discussion with the applicant and submission of appropriately amended and additional plans. The Environmental Design Team consider the development now proposed is acceptable in terms of its design and heritage impacts and that the finer details may be reserved by condition.

14.4.3 The proposal would enhance the character and appearance of the conservation area and provides an opportunity to retain and restore a significant heritage asset in a prominent location close to the town centre, which is extremely welcome. Following receipt of appropriately amended plans, the proposal would enhance the character of the listed building and area generally, in accordance with Policies CS2 and CS3 of the Core Strategy and the Fordingbridge Town Design Statement.

#### 14.5 **Amenity Impacts**

14.5.1 Policy CS2 also requires the impact of development proposals upon adjoining amenity and the amenity of future occupiers of the development to be considered. It is unlikely that use of the building and curtilage would impinge upon the amenity of the adjoining land uses, as use of the site would be less intensive than its former use as a hospital and the site is well separated from nearby dwellings and no objections have been received to the proposal on the basis of direct harm to adjoining amenity. The proposal complies with the amenity related provisions of policy CS2.

#### 14.6 **Contributions and Viability Appraisal**

14.6.1 The proposal is for a net gain of fifteen one and two bedroom apartments, where contributions towards public open space, affordable housing and habitat mitigation would be required. A transport contribution is not required, as the proposed use would be likely to result in a reduction in trip rates.

14.6.2 Policy CS7 requires new residential developments to make provision for public open space. In this case a financial contribution may be made for off-site Public Open Space provision. Based on the population projection for this 15 unit development, a Public Open Space contribution of £33,530.21 is sought. The applicant has agreed to make the full contribution in respect of public open space.

14.6.3 Policy DM3 of the Local Plan Part 2: Sites and Development Management requires mitigation of recreational impacts on the European nature conservation designations. In this case a financial contribution in accordance with the Council's Mitigation Strategy will be required according to the bedroom numbers within the proposed dwellings. The total Habitat Mitigation contribution required (including monitoring costs) is £41,750. The applicant has agreed to make the full contribution in respect of habitat mitigation.

14.6.4 Policy CS15 requires a 40% affordable housing contribution, which equates to provision of 6 affordable units on the site, which is confirmed by the Strategic Housing Section. The applicant has submitted a viability appraisal, seeking a reduced affordable housing contribution and the Council's Valuer has reviewed the viability appraisal. If a reduced contribution is justified then Policy CS15 requires that provision is negotiated as close as possible to the required level in order to provide for a viable scheme. A nil contribution would be contrary to CS15. Notwithstanding the objection of the Strategic Housing Section, the applicant's viability appraisal demonstrates that a reduced affordable housing offer is acceptable, this is primarily on the basis that the works necessary to protect and enhance the listed building impact upon the viability of the scheme, if full contributions are required. However, the Council and applicant have yet to reach agreement on the final contribution. It is accepted by the Council that on-site provision of affordable housing is impracticable in this instance due to the constraints placed on the developer by conversion of a listed building, which is unlikely to meet the Design and Quality Standards for affordable housing set by the Homes and Community Agency or Code for Sustainable Homes. The outcome of negotiations between the Council and applicant on the final affordable housing figure will be reported at the meeting.

14.6.5 Members may wish to consider the guidance offered by paragraph 140 of the National Planning Policy Framework, which is pertinent to consideration of the viability argument put forward by this application. The proposal will result in the refurbishment of a listed building, which is currently vacant and in need of renovation. Paragraph 140 states that 'local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies'. The building in question is a significant heritage asset, being Grade II Listed and the Council is supportive of the works proposed to improve the building, exemplified by the comments of the Council's Conservation Team. It is clear that the premises is in need of renovation, its condition deteriorating due to its vacant tenure, and has been subject to unsympathetic alterations in the past. Following extensive negotiations on the matter, it has yet to be concluded that in the best interests of preserving the heritage asset, a reduced affordable housing contribution is acceptable. However, significant weight can be attached to the viability of the scheme and it may be the case that Members conclude that the proposal accords with the guidance offered by the NPPF in respect of viability and enabling development.

14.6.6 The contributions would be secured by a Section 106 Legal Agreement, which the applicant has indicated they would be prepared to enter into. The agreement will need to be completed before 31st March 2015.

#### 14.7 **Other Matters**

14.7.1 With regard to the comments of the objecting party, a refusal of planning permission cannot be substantiated on the basis of increased traffic generation and detriment to highway safety. This is by virtue of the fact that the existing use of the building and land (the fall-back position) generates a greater vehicle trip generation than the proposed use, a view supported by the County Highway Authority.

## 14.8 Conclusion

14.8.1 The proposed development would result in a good quality refurbishment of a vacant listed building in deteriorating physical condition. The proposal is considered to be acceptable in relation to its character and heritage impacts. Whilst a reduced affordable housing contribution is unfortunate, this needs to be balanced against the significant benefits of bringing a vacant and deteriorating heritage asset back into a positive use to provide additional residential accommodation, in a sustainable town centre location, without impinging upon the amenity of adjoining occupiers. Accordingly the proposal is recommended for approval, subject to satisfactory resolution of the viability issues.

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

### Developers' Contributions Summary Table

<b>Proposal:</b>			
<b>Type of Contribution</b>	<b>NFDC Policy Requirement</b>	<b>Developer Proposed Provision</b>	<b>Difference</b>
<b>Affordable Housing</b>			
No. of Affordable dwellings	6	0	-6
Financial Contribution	£	£	£
<b>Public Open Space</b>			
On site provision by area			
Financial Contribution	£33,530.21	£33,530.21	£0
<b>Transport Infrastructure</b>			
Financial Contribution	£0	£0	£0
<b>Habitats Mitigation</b>			
Financial Contribution	£41,750	£41,750	£0

## 15. RECOMMENDATION

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

- i) the completion, by 31st March 2015, of a planning obligation entered into by way of an Agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure affordable housing, public open space and habitat mitigation contributions
- ii) the imposition of the conditions set out below.

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

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

1. The recreational impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area, the New Forest Ramsar site, 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 toward addressing the substantial need for affordable housing in the District. The proposal would therefore conflict with an objective of the Core Strategy for the New Forest District outside the National Park 2009 and with the terms of Policies CS15 and CS25 of the Core Strategy.
3. The proposed development would fail to make any contribution to enhance or create off-site provision and management of public open space to meet the needs of the occupants of the development for public open space. The proposal would therefore be contrary to an objective of the Core Strategy for the New Forest District outside the National Park 2009 and with the terms of Policies CS7 and CS25 of the Core Strategy.

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development permitted shall be carried out in accordance with the following approved plans: 8437/100 Rev H, 8437/101, 8437/103 Rev H, 8437/105 Rev E, 8437/106 Rev A, 8437/107/Rev B, 8437/1, 8437/108, 8437/109, 8437/113 Rev A, 8437/114, 8437/115, 8437/116 and 31756-01 Rev A.  
  
Reason: To ensure satisfactory provision of the development.
3. Before any part of the development is occupied the provisions to prevent surface water from the site discharging on to the adjacent highway shall have been made in accordance with the approved plans and shall be retained thereafter.  
  
Reason: To ensure adequate provision for surface water drainage and avoid discharge of water onto the public highway.
4. No development shall start on site until a construction method statement has been submitted to and approved in writing by the Planning Authority, which shall include:
  - (a) A programme of and phasing of demolition (if any) and construction work;
  - (b) The provision of long term facilities for contractor parking;
  - (c) The arrangements for deliveries associated with all construction

- works;
- (d) Methods and phasing of construction works;
  - (e) Access and egress for plant and machinery;
  - (f) Protection of pedestrian routes during construction;
  - (g) Location of temporary site buildings, compounds, construction material, and plant storage areas;

Demolition and construction work shall only take place in accordance with the approved method statement.

Reason In order that the Planning Authority can properly consider the effect of the works on the amenity of the locality and in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

5. No development shall start on site until plans and particulars showing details of the provisions of bin/cycle storage within the site have been submitted and approved in writing by the Planning Authority. The development shall be carried out in accordance with the approved details before the use of the development is commenced and shall be retained thereafter.

Reason: To ensure adequate provision within the site and in accordance with Policy CS24 of the Core Strategy for the New Forest District outside the National Park.

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

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

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

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

8. Prior to development commencing, including demolition and renovation works, a Bat Mitigation and Enhancement Plan shall be submitted and agreed. The Plan shall include measures for checking bat presence and type of use prior to the period of works, an associated analysis of renovation and conversion works and their likely impacts, method statements for associated bat mitigation including timing and identification of persons responsible for implementing the mitigation. In addition details shall be included of compensation and enhancements to increase the suitability of the buildings to offer habitat to roosting bats. Development shall be carried

out and maintained thereafter in accordance with the agreed details.

Reason: In order to preserve and enhance opportunities for biodiversity, in accordance with Policy CS3 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. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions relating to contamination nos. 10 to 13 have been complied with.

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

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

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

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

(ii) an assessment of the potential risks to:

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

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

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

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

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

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

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

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

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

13. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 9, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 10, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 11.

Reason: To ensure that risks from land contamination to the future



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

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

- Location of site compound and mixing areas,
- Routes of underground services, including soakaways,
- Tree work specification,
- Position of tree protective fencing/ground protection, which shall be as specified in Chapter 6 and detailed in figures 2 or 3 of BS5837:2012 unless otherwise agreed in writing with the Local Planning Authority.

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

15. Details of tree planting, showing positions, species and sizes shall be submitted in writing to and approved by the Local Planning Authority. All planting is to 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.

16. Before development commences large scale plans of the 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) any proposals for signage;
- (f) a method and programme for its implementation and the means to provide for its future maintenance.

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

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

Policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park.

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

Reason: To ensure the appearance and setting of the development is satisfactory and to comply with Policies CS2 and CS3 of the New Forest District outside the National Park Core Strategy.

18. An assessment should be made of all general repairs, restoration work, stripping out, work to metal wall ties and structural work required to the internal and external building structure. Details of this repair work including specifications and necessary drawings or marked photographs shall be submitted to and approved in writing by the Local Planning Authority before any repair works commence on site. All works should aim to maximise the retention of historic fabric and apply conservation approaches in all aspects.

Reason: To ensure the listed building is converted and altered sympathetically, in accordance with Policy CS3 of the Core Strategy for the New Forest District outside the National Park and Policy DM1 of Local Plan Part 2 Site and Development Management Plan.

19. Following the removal of the roof covering an assessment should be made of the repairs required to roof and building structure. Details of this repair work including specifications and necessary drawings shall be submitted to and approved in writing by the Local Planning Authority before any repair works to this element commence on site.

Reason: To ensure the listed building is converted and altered sympathetically, in accordance with Policy CS3 of the Core Strategy for the New Forest District outside the National Park and Policy DM1 of Local Plan Part 2 Site and Development Management Plan.

20. An assessment should be made of the repairs required to restore and reset the clock in the main tower. Details of this repair work including specifications and necessary drawings shall be submitted to and approved in writing by the Local Planning Authority before any repair works to this element commence on site. This work to the clock should be completed prior to first occupation of the new flats.

Reason: To ensure the listed building is converted and altered sympathetically, in accordance with Policy CS3 of the Core Strategy for the New Forest District outside the National Park and Policy DM1 of Local Plan Part 2 Site and Development Management Plan.

21. Large scale drawings (elevations and sections) and details of the following shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on the development hereby approved:
- all replacement, single glazed sash windows (sash windows to match historic details in every respect, with a painted finish, colour to be clarified by drawings);
  - all new internal and external doors (new doors to match historic details in every respect);
  - revised external elevation and windows to rear kitchen elevation (work to the rear elevation should be completed prior to first occupation of the new flats);
  - details of proposed new chimney heights along with details, (work to the chimneys should be completed prior to first occupation of the new flats);
  - details of all new railings and iron gates along with details and samples, (work to the boundaries should be completed prior to first occupation of the new flats);
  - details of proposed mezzanine floor and staircase within the main dining hall;
  - details of all new flues, ducts, vents and external service pipes/runs;
  - details showing internal mouldings, skirting, door blocking and partitions;

Reason: To ensure the listed building is converted and altered sympathetically, in accordance with Policy CS3 of the Core Strategy for the New Forest District outside the National Park and Policy DM1 of Local Plan Part 2 Site and Development Management Plan.

22. All bathroom and kitchen fittings shall be designed so that they sit below all internal window cill levels where there is a conflict.

Reason: To ensure the works undertaken are sympathetic to the appearance of the listed building, in accordance with Policy CS3 of the Core Strategy for the New Forest District outside the National Park and Policy DM1 of Local Plan Part 2 Site and Development Management Plan.

23. All replacement rainwater goods and new external service pipes to be cast iron and match existing historic profiles and fixings.

Reason: To ensure the rainwater goods are sympathetic to the appearance of the listed building, in accordance with Policy CS3 of the Core Strategy for the New Forest District outside the National Park and Policy DM1 of Local Plan Part 2 Site and Development Management Plan.

24. Details and samples of any replacement slate, brick and other external materials should be submitted to and approved by the Local Planning Authority prior to works commencing.

Reason: To ensure the materials are sympathetic to the appearance of the listed building, in accordance with Policy CS3 of the Core Strategy for the New Forest District outside the National Park and Policy DM1 of Local Plan Part 2 Site and Development Management Plan.

25. Sample panels of brickwork for extensions to be prepared on site and to be inspected and approved by the Local Planning Authority prior to works commencing.
- Reason: To ensure new brickwork is sympathetic to the appearance of the listed building, in accordance with Policy CS3 of the Core Strategy for the New Forest District outside the National Park and Policy DM1 of Local Plan Part 2 Site and Development Management Plan.
26. Details of the removal of both rear fire escapes along with work to make good the elevations should be submitted and approved by the Local Planning Authority prior to works commencing. This work to the fire escapes should be completed prior to first occupation of the new flats.
- Reason: To ensure the works undertaken are sympathetic to the appearance of the listed building, in accordance with Policy CS3 of the Core Strategy for the New Forest District outside the National Park and Policy DM1 of Local Plan Part 2 Site and Development Management Plan.
27. Details of the work to relocate the red telephone box along with work to restore this feature should be submitted and approved by the Local Planning Authority prior to works commencing. This work to the telephone box should be completed prior to first occupation of the new flats.
- Reason: To ensure the works are undertaken sympathetically to the appearance of the listed building and character of the Conservation Area, in accordance with Policy CS3 of the Core Strategy for the New Forest District outside the National Park and Policy DM1 of Local Plan Part 2 Site and Development Management Plan.
28. Prior to the development taking place a photographic record of the entire building shall be made in the form of black and white photographs to archive standard taken by the applicant. This record to be submitted to the Local Planning Authority and the Hampshire Historic Environment Record prior to the completion of the works to provide a historic record of the building.
- Reason: To ensure an historic record is made of the building prior to its change of use and alteration in accordance with Policy CS3 of the Core Strategy for the New Forest District outside the National Park and Policy DM1 of Local Plan Part 2 Site and Development Management Plan.

**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.

2. Southern Gas Networks advise of the presence of their Low/Medium/Intermediate Pressure gas main in the proximity to your site. There should be no mechanical excavations taking place above or within 0.5m of the low pressure system, 0.5m of the medium pressure system and 3m of the intermediate pressure system. You should where required confirm the position of mains using hand dug trial holes. Further guidance is available from Janet MacCuish, tel: 0141 418 4093.

3. The Land Drainage Section note that it appears that it is proposed to connect the roof water to the main foul sewer but from the Flood Risk Assessment to SUDS. Under the National Planning Policy Framework all developments should be undertaken in a sustainable manner and under the National Standards for Sustainable Drainage Systems (December 2011) the following destinations must be considered for surface runoff in order of preference:

1. Discharge into the ground
2. Discharge to a surface water body
3. Discharge to a surface water sewer
4. Discharge to a combined sewer

Connection to a foul sewer is not usually permitted as foul sewers are not designed to take roof water and Wessex Water's permission would be required. A copy of correspondence should be sent to Planning. It is noted in the applicant's Flood Risk Assessment that the surface water disposal will be designed for a 1 in 100 year storm + climate change. Any soakaways are to be designed in accordance with BRE365 (Building Research Establishment) (latest revision). It is noted on drawing No. 31756-01 that a percolation test will be carried out to confirm infiltration rate value used in soakaway design. This must be submitted before construction on site. It is also noted that permeable paving will be laid and impermeable road areas will drain onto pervious areas. In all cases where surface water is to be stored in a balancing pond, swale, shared soakaway system or any other kind of sustainable urban drainage system or surface water controlled discharge system then the Applicant must provide to Planning in writing the relevant information as to who will be the responsible party for this system when the Developer is no longer on site. This must be a viable solution such as a Management Company or Organisation etc.

4. Wessex Water advise that Semcorp Water is responsible for Water Supply in this area. Further information can be obtained from our New Connections Team by telephoning 01225 526333 for Waste Water. Separate systems of drainage will be required to serve the proposed development. No surface water connections will be permitted to the foul sewer system.

5. The County Council Public Rights of Way Section advise that Fordingbridge Footpath no. 91 runs along the eastern boundary of the site and Fordingbridge Footpath no. 94 runs along the southern boundary. They ask that the applicant be made aware that :-

- All boundary features to these paths should be retained.
- There must be no surface alterations to the right of way, nor any works carried out which affect its surface, without first seeking the permission of Hampshire County Council, as Highway Authority. For the purposes of this proposal that permission would be required from this department of the County Council. To carry out any such works without this permission would constitute an offence under s131 Highways Act 1980.

- Hampshire County Council, as Highway Authority, is not obliged to provide a surface suitable for the passage of vehicles. It only has a duty to maintain a right of way to a standard commensurate with its expected normal public use.
- Nothing connected with the development or its future use should have an adverse effect on the right of way, which must remain available for public use at all times.

In addition, no builders or contractors vehicles, machinery, equipment, materials, scaffolding or anything associated with the works should be left on or near the footpath so as to obstruct, hinder or provide a hazard to walkers.

If there is likely to be an effect on the footpath in terms of dust, noise or other obstruction during the period of the works, we suggest that a Health and Safety Risk Assessment be carried out, and that if there is deemed to be a risk to users of the footpath, the applicant should contact this office directly to discuss the Temporary Closure of the footpath for the duration of the works.

**Further Information:**

Major Team

Telephone: 023 8028 5345 (Option 1)



# New Forest DISTRICT COUNCIL

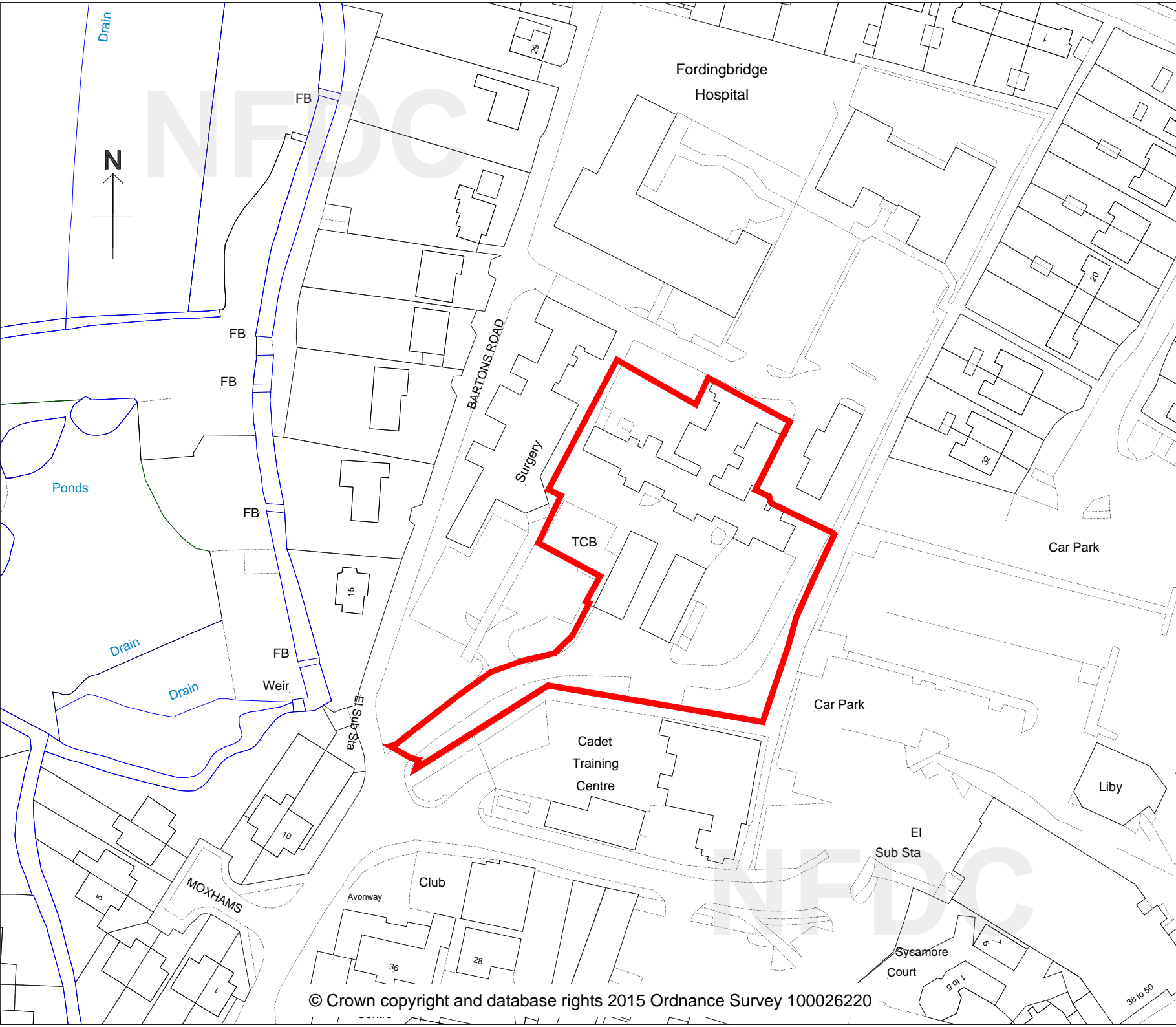
Tel: 023 8028 5000  
www.newforest.gov.uk

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

**Planning Development  
Control Committee**  
**February 2015**

**Item No: A3**  
Fordingbridge Hospital  
Bartons Road  
Fordingbridge  
App No 14/11156  
SU1414

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



**Application Number:** 14/11199 Full Planning Permission

**Site:** BROOKSIDE, QUOMP, RINGWOOD BH24 1NT

**Development:** House; demolition of existing

**Applicant:** Mr Arnold

**Target Date:** 19/11/2014

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**1 REASON FOR COMMITTEE CONSIDERATION**

Recommendation contrary to Environmental Design (Conservation) view

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Built-Up Areas  
Ringwood Conservation Area

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Core Strategy**

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

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

DM1: Heritage and Conservation

**4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

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

**5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

Ringwood Conservation Area Appraisal

**6 RELEVANT PLANNING HISTORY**

14/10781 - Single-storey side extension; single-storey rear extension with lantern roof light; two-storey rear extension; roof alterations; front porch; pitched roof to existing single storey side extension - Granted subject to conditions July 2014

01/73693 - Conservatory - Granted subject to conditions February 2002

**7 PARISH / TOWN COUNCIL COMMENTS**



Ringwood Town Council recommend permission. The Committee did not support the Conservation Officer's views, particularly in relation to putting 2 dwellings on the site. This property has been a feature of the Quomp since 1952 and the application was for a like for like replacement, retaining the character and providing a family home.

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

Environmental Design (Conservation) - Having reviewed the resubmission and amended drawings. The resubmitted drawings have clarified the external elevations to a greater degree and they provide better design detail of architectural elements. Unfortunately beyond elevational detail the changes do not respond to the substantive design comments regarding its response to the character of local context and the Ringwood Conservation Area. While the improved elevational clarity is welcome, concern is still raised regarding the proposed design and layout as set out in the previous detailed comments:

The character of this part of the conservation area has a generally much more tightly grained layout than the proposed scheme, buildings sit a lot closer together, spaces between are consequently smaller and sit much nearer to the road frontage. The existing site is very much the exception to the overall settlement pattern in this area, however in developing the site it is expected that the above policies and guidance should be responded to. The proposal has failed to pick up on the key distinctive features and seeks to replace a currently poor quality addition to the conservation area with a similar layout and design. The individual design of the building also fails to overcome concerns in that it repeats many of the rather standard architectural features of the existing house, such as windows, roof form and extensions.

There is a missed opportunity here to increase density on site that would comfortably take two semi-detached dwellings and not just one detached unit. The need for additional dwellings in Ringwood is set out in the Core Strategy and this site provides enough space for at least two dwellings. This increase in density would be possible and if well designed could produce a development that would respond better to the layout and grain of the area. The design could be noticeably improved architecturally and thereby make a much more positive contribution to the site. An increase to two units would still allow the rear garden space to be maintained and a small degree of frontage greenery to be included in a new scheme. This said there are also opportunities for a much better design individual dwelling.

The submitted heritage assessment and design and access statement makes no attempt to analyse context and character and do not sufficiently justify why or how this proposal responds to that analysis. It is suggested that this scheme requires a significant rethink and needs to respond much more positively to the local distinctiveness of this part of Ringwood. The proposed new building needs to respond more favourably to the contextual and architectural influences which are apparent within the conservation area.

Land Drainage Section - There is a public surface water sewer in the rear garden and this drains to the River Avon from which there has been considerable flooding of property. No objections subject to surface water drainage condition

and informatives.

Environmental Health Section (Contaminated Land) - recommend an informative be applied, due to the close proximity of previous factory/works.

Tree Officer - Situated adjacent to the site's northern boundary is an early-mature Ash that provides a good level of public amenity. This tree is protected by virtue of growing within the Ringwood Conservation Area and is considered as a material constraint to the development of this site. Situated on the site's front boundary is a mature Purple-leafed plum which is not considered as a development constraint. To ensure that the Ash is not inadvertently damaged through the demolition and construction process tree protection measures will need to be agreed and implemented prior to work commencing on site. No objection subject to a tree protection condition.

Southern Gas Networks - no objections, but give informative on proximity of their apparatus to the site.

## **10 REPRESENTATIONS RECEIVED**

None

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

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

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

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

This is achieved by

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

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

In this case the concerns of the Case Officer over minor aspects of the proposed replacement dwelling were outlined in the Parish Briefing note and appropriately amended plans were received to address those concerns.

## 14 ASSESSMENT

- 14.1 The property is a detached dwelling of post-war construction, situated in a residential area within the Ringwood Conservation Area. The proposal is to erect a replacement dwelling over the footprint of the existing dwelling and extensions recently granted approval at the property in July 2014. The proposal for a replacement dwelling has come forward as a result of structural problems (significant cracks in the masonry) identified at the property, which were evident at the officer's site visits. The proposed materials of construction would match those of the existing property, i.e. red brick plinth, rendered walls and plain tile roof. The proposed replacement structure would be on the same footprint as the existing dwelling and extant permission and is essentially a like for like replacement of the existing structure.
- 14.2 The main considerations are the impact on the character and appearance of the dwelling within the Conservation Area, the impact upon adjoining trees and upon residential amenity.
- 14.3 The site is within the Ringwood Conservation Area and the Conservation Officer raised concerns over the initial submission, considering that the proposal represented an opportunity to implement a development that would enhance the character and appearance of the Conservation Area. The applicant was requested to consider the concerns of the Conservation Team and amend their plans accordingly. The applicant was unable to agree with the Conservation Officer's recommendations, considering a like for like replacement of the existing dwelling to have no adverse impact on the conservation area. However, an amended plan was received to address initial concerns with the proposal; making modest changes to the appearance of the main ridge, removing a catslide roof from the side extension and generally clarifying the submitted plans. While the Conservation Officer is happier with the amended plans, they do not address the fundamental concerns initially expressed. It is unfortunate that the applicant could not agree to the course of action suggested by the Conservation Team to enhance character and appearance, however, it is considered that the proposed development would have a neutral impact upon the appearance of the conservation area. The proposal is very similar in scale, design and appearance to the existing dwelling in situ with the previously approved extension to that dwelling. The plans have been amended to enhance the appearance of the proposal in response to concerns raised in the case officer's briefing note, to give a more balanced appearance. It is considered unreasonable to base a reason for refusal for a scheme which is substantially the same as the existing dwelling and extant permissions on site, on the basis that it would materially harm the

character and appearance of the conservation area. Subject to imposition of conditions to ensure sympathetic materials and detailing are incorporated into the final design, the proposal is considered to have limited harmful impact upon the character and appearance of the locality and conservation area, in accordance with Policies CS2 and CS3 of the Core Strategy.

- 14.4 Situated adjacent to the site's northern boundary is an early-mature Ash that provides a good level of public amenity. This tree is protected by virtue of its presence within the Ringwood Conservation Area and is considered as a material constraint to the development of this site. Situated on the site's front boundary is a mature Purple-leafed plum which is not considered as a development constraint. The Tree Officer raises no objection, subject to a tree protection condition to ensure that the Ash is not inadvertently damaged through the demolition and construction process.
- 14.5 Due to the siting of the property and its positioning in relation to neighbouring dwellings, (very similar to the footprint, design and scale of the existing dwelling) the proposals are considered to have an acceptable impact on residential amenity, in accordance with the amenity related provisions of Policy CS2.
- 14.6 The proposed replacement dwelling represents an opportunity to enhance the green credentials of the dwelling on this site, in accordance with Policy CS4 of the Core Strategy, which requires new build dwellings to meet Code Level 4 of the Code for Sustainable Homes. A condition will be applied to any approval to this effect.
- 14.7 As a proposal for a replacement dwelling, no contributions are applied to the proposed development.
- 14.8 The replacement dwelling would have limited harmful impact upon the character and appearance of the conservation area, without adversely impacting upon adjoining trees or residential amenity. Accordingly the application is recommended for approval.
- 14.9 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

## **15. RECOMMENDATION**

### **Grant Subject to Conditions**

#### **Proposed Conditions:**

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: 1:1250 Location Plan and amended drawing no. SBA.3479-7-1 Rev B

Reason: To ensure satisfactory provision of the development.

3. Before development commences, samples or exact details of the facing, roofing and window materials, rainwater goods and details of soffits and fascias 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 Policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park.

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

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

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

- Location of site compound and mixing areas,
- Routes of underground services
- Tree work specification,
- Position of tree protective fencing/ground protection,

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

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

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

## 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 concerns of the Case Officer over minor aspects of the proposed replacement dwelling were outlined in the Parish Briefing note and appropriately amended plans were received to address those concerns.

2. Southern Gas inform of the presence of their Low/Medium/Intermediate Pressure gas main in the proximity to your site. There should be no mechanical excavations taking place above or within 0.5m of the low pressure system, 0.5m of the medium pressure system and 3m of the intermediate pressure system. You should where required confirm the position of mains using hand dug trial holes.
3. With regard to condition no. 5, the Council's Tree Officer advises that protective fencing shall be as specified in Chapter 6 and detailed in figures 2 or 3 of BS5837:2012 unless otherwise agreed in writing with the Local Planning Authority.
4. The Environmental Health Section (Contaminated Land) advise that there are a number of sites near to this property which have had past contaminative uses. It is possible that some contamination may have migrated through the ground and groundwater. While the Authority has no evidence to suggest that this is the case, any observed presence of contamination during any ground invasive works should be reported to the Local Authority's Environmental Health Officer and works halted while the matter is considered. It is advisable to obtain specialist advice concerning the potential for contamination and its recognition. Under the National Planning Policy Framework, where a site is affected by contamination, responsibility for securing a safe development and/or new use, rests with the developer and/or landowner and as a minimum requirement the land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.
5. With regard to drainage and condition no. 6, the Land Drainage Section advise that if surface water from impermeable areas such as roofs, drive etc. is to be passed to the public surface water sewer it will need to be balanced so that the flow from the site after development does not exceed that which existed prior to development for storms up to 1 in 100 years + climate change. If this method of surface water disposal is proposed, full calculations must be submitted to the Head of Development Control for approval prior to construction. Any soakaways are to be designed in accordance with BRE365 (Building Research Establishment) (latest revision). Three soakage tests will need to be undertaken in accordance with this standard along with the soakaway design and be submitted to Planning for approval prior to construction. Any soakaway or sustainable urban drainage system is to be constructed and located so as not to affect

adjacent property or the highway for events up to a 1 in 100 year storm event + climate change.

Complying with the parameters as stated in Category 4: Surface Water Run-off of the Code for Sustainable Homes Technical Guide 2010 is likely to be an acceptable standard for the discharge of the surface water drainage. Full details of how surface water will be disposed of must be sent to Development Control for approval before construction commences on site.

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

**Further Information:**

Major Team

Telephone: 023 8028 5345 (Option 1)



# New Forest

DISTRICT COUNCIL

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

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

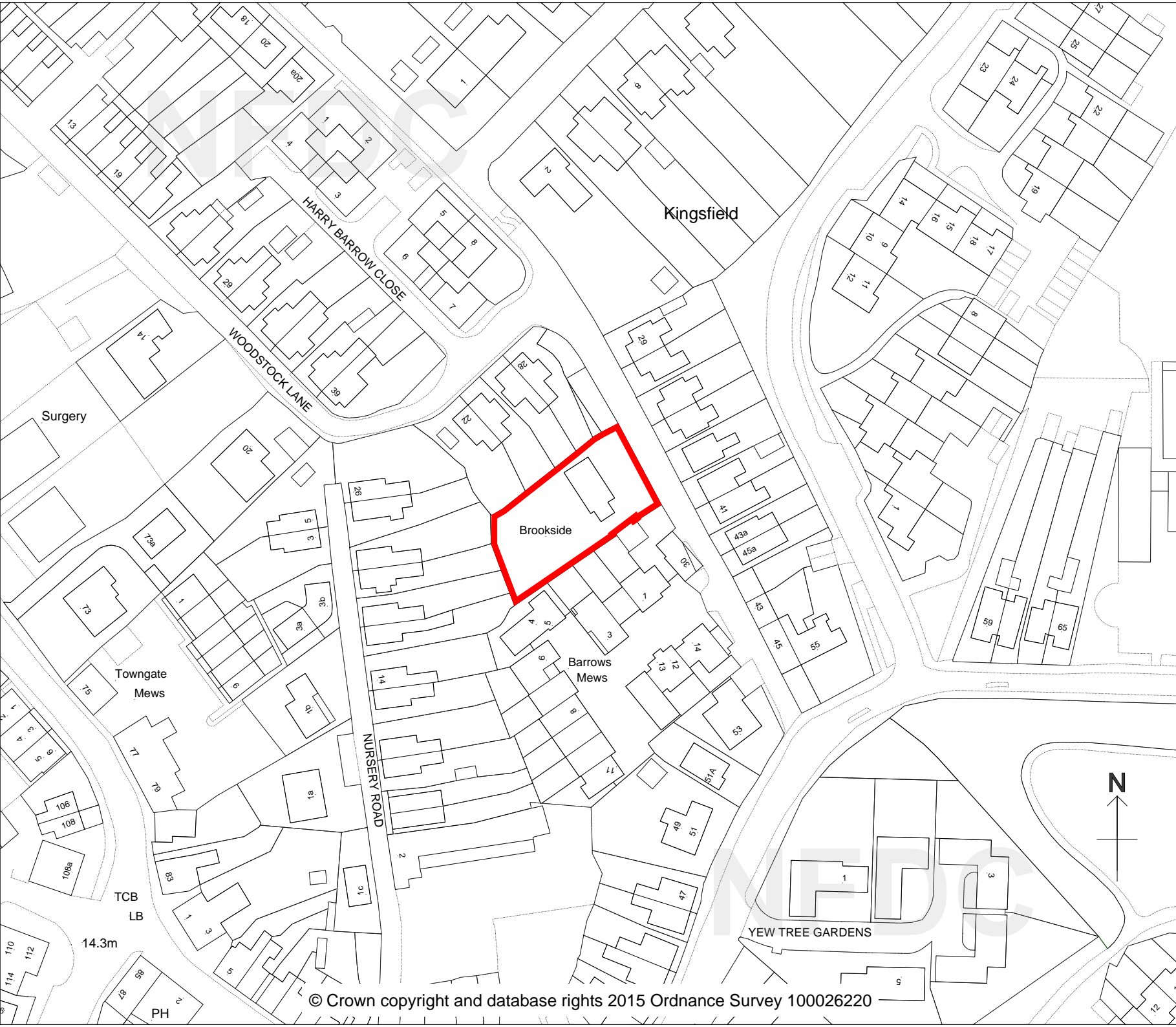
**Planning Development  
Control Committee**  
**February 2015**

**Item No: A4**

Brookside  
Quomp  
Ringwood  
App No 14/11199  
SU1504

Scale 1:1250

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





**Application Number: 14/11305** Full Planning Permission

**Site:** 9A CAPTAINS ROW, LYMINGTON SO41 9RP

**Development:** Replacement single-storey rear extension

**Applicant:** Ms Pocock

**Target Date:** 24/11/2014

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## **1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Town Council view

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

Built up area  
Conservation Area

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

### **Core Strategy**

#### Objectives

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

#### Policies

CS2: Design quality  
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)

### **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  
Circular 11/95 use of conditions in planning consents  
Section 72 General duty as respects conservation areas in exercise of planning functions  
Planning (Listed Buildings and Conservation Areas) Act 1990

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

SPD - Lymington Local Distinctiveness  
SPG - Lymington - A Conservation Area Appraisal

## **6 RELEVANT PLANNING HISTORY**

None relevant

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

Lymington & Pennington Town Council: recommend refusal  
Potential impact on neighbouring amenities  
apparent inconsistency in ground levels

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

Drainage: no issues raised  
Conservation: Recommend approval subject to conditions and informative

## **10 REPRESENTATIONS RECEIVED**

3 objections:

- loss of light to no 10's kitchen and overshadowing
- discrepancies between land levels and internal levels, between plans and design and access statement: if floor level to be raised to existing ground level, would create issues to neighbours in loss of privacy and increased noise
- extended pitch roof only necessary if the floor level within the house is raised
- extended roof would affect light to living areas within no 9 and lose views of sky
- overlooking from skylights
- any extension would impact on adjoining listed buildings
- concerns about potential tanking to accommodate a below ground level outdoor seating area, in an area which has underground streams which could lead to flooding of neighbouring properties.
- impact on existing walls by proposed work
- amended plans do not overcome concerns.

## **11 CRIME & DISORDER IMPLICATIONS**

Not applicable

## **12 LOCAL FINANCE CONSIDERATIONS**

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

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

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

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relevant to the application.

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

The original submitted plans contained inconsistencies, and clarification was sought to ensure that the application could be properly assessed. As the application could not be determined within the 8 week timescale amended plans were accepted which showed the proposal more clearly in relation to the existing and proposed and revisions were made with regard to the end elevation and the number of rooflights. These new plans were readvertised to give consultees and third parties an opportunity to comment further. Notwithstanding the concerns raised, a justifiable level of harm has not been identified at officer level and as such this application is recommended for approval.

## **14 ASSESSMENT**

- 14.1 The application site consists of a detached house, which forms part of a row of dwellings in the Lymington Conservation Area. The majority of the dwellings along the row of properties are Listed Buildings, the application site being an exception.
- 14.2 The proposal is to replace an existing single storey flat roofed and timber extension, which is sited on the end of a single storey element to the rear of the dwelling. By reason of its siting it would not impact on the street scene. As such the issues that require consideration are the impact on neighbouring properties, and on the setting of the neighbouring Listed Buildings and the Lymington Conservation Area.
- 14.3 Amended plans were received to clarify discrepancies and ensure clarity with the proposal. The applicant took the opportunity to amend the proposal, changing the gable end to a hip and reducing the number of rooflights from three on each side to one rooflight on each side.
- 14.4 Narrow linear additions extending to the rear are common features of the properties along this section of Captains Row, and are a mixture of both traditional and modern extensions. Traditionally, the majority of properties would have featured single-storey pitched roofed outhouses constructed from brick and clay or slate roof tiles. Both the adjacent listed buildings have extensions of a traditional architectural form projecting some distance into their rear gardens, with the rear projection at No.9 sited at a lower level. There is no in principle objection to the replacement of the existing poor quality flat roofed extension with one of a more traditional form, with a slate pitched roof, and it is not considered that increasing the depth of the existing pitched slate roof by 2.8m,

without increasing its height, would result in an addition that would detract from the character and appearance of the building, the conservation area or the setting of the surrounding listed buildings.

- 14.5 The amended plans indicate that the extension would be sited within the side boundary wall with no 9 Captains Row. Concerns have been raised by the neighbour as to the impact on this wall which is in their ownership. Civil legislation is in place, in the form of the Party Wall Act, to provide a framework to resolve issues relating to work undertaken to a party wall. The plans show a retaining wall to be constructed inside the boundary wall to contain the excavated area of garden beyond the extension. Any separate works to the wall may require a separate application for Listed Building Consent, and as such could be monitored.
- 14.6 With regard to neighbour amenity, the extension of the dual pitched roof would result in the extension being more visible, especially when viewed from the neighbouring property no 9 Captains Row, as the extension would abut the boundary with this neighbour. The neighbour, no 9 Captains Row, is sited to the south of the application site and has an existing single storey rear element which is served by windows on the side elevation facing north toward the existing side wall of 9A and is sited at a lower level. These side windows are already impacted by the existing built development on the application site. The proposed extended roof would further impact on this neighbour, albeit the introduction of the hipped roof on the end elevation would alleviate some of this additional impact, as it would not however overly exacerbate the existing situation to such an extent to justify a refusal of planning permission.
- 14.7 The proposed rooflights would be serving ground floor accommodation, and as such would not create issues of overlooking to the neighbouring properties.
- 14.8 The proposed extension would be set off the side boundary with no. 10, by approximately 2.0 metres. No. 10 also has a single storey element on the rear though with a monopitched roof, and includes a window in the side elevation facing No. 9A. Taking into account that the extension is set away from the side boundary with no 10, that the properties have long rear gardens and that rear extensions are a feature of the immediate area, a level of harm to this neighbour by reason of an overbearing and intrusive form of development could not be justified. Even though this neighbour is to the north of the site, their existing single storey extension and side window are already compromised by the side boundary wall. The extended roof, by reason of its pitched roof form, pitching away from the neighbours to each side, and hipped end would not overly exacerbate the current situation, sufficient to justify refusing the proposals.
- 14.9 The rear garden area beyond the extension would be excavated to create a level area beyond the dwelling, stepping up to the higher level of the remainder of the rear garden. The plans indicate that this would be at the same level as the existing house. Drainage have no record of the underground streams referred to in objections, and only have reports of flooding in the cellar at no 12 Captains Row following severe rainfall.
- 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 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: PO6A, SO6, PO1e, PO2e, PO3e, SO1c, SO2b, SO3a, PO4e, PO5e, SO4c, SO5c

Reason: To ensure satisfactory provision of the development.

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

Reason: To ensure an acceptable appearance of the building in accordance with policy CS2 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 Plan

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

a) Typical joinery details and finish of the windows and doors

b) Details and/or the manufacturers specification of the rooflights, which shall be of traditional metal construction and sited flush with the roof plane.

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

Reason: To protect the character and architectural interest of the Conservation Area in accordance with policy 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 Plan.

5. Before development commences, a structural engineers report and details of the proposed retaining wall along the boundary wall with No. 9 Captains Row 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 protect the character and architectural interest of the adjoining Listed Building in accordance with policy 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 Plan.

**Notes for inclusion on certificate:**

1. This decision relates to amended plans received by the Local Planning Authority on 15 December 2014
2. The Drainage section are not aware of any streams that run underneath these properties but have a report from 12 Captains Row in 2005 of flooding in their cellar during severe rainfall and the applicant should take this into account.
3. The agent and applicant should be aware that any works required to the boundary brick wall in between properties 9A and 9 Captains Row or the outhouse of no.9 adjoining the wall, may require Listed Building Consent, and they should contact the Conservation Team in the first instance regarding any proposed works, prior to commencing such works.
4. 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 original submitted plans contained inconsistencies, and clarification was sought to ensure that the application could be properly assessed. As the application could not be determined within the 8 week timescale amended plans were accepted which showed the proposal more clearly in relation to the existing and proposed and revisions were made with regard to the end elevation and the number of rooflights, which were readvertised to give consultees and third parties an opportunity to comment further.

Notwithstanding the concerns raised, a justifiable level of harm has not been identified at officer level and as such this application was recommended for approval.

**Further Information:**

Householder Team  
Telephone: 023 8028 5345 (Option 1)



# New Forest DISTRICT COUNCIL

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

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

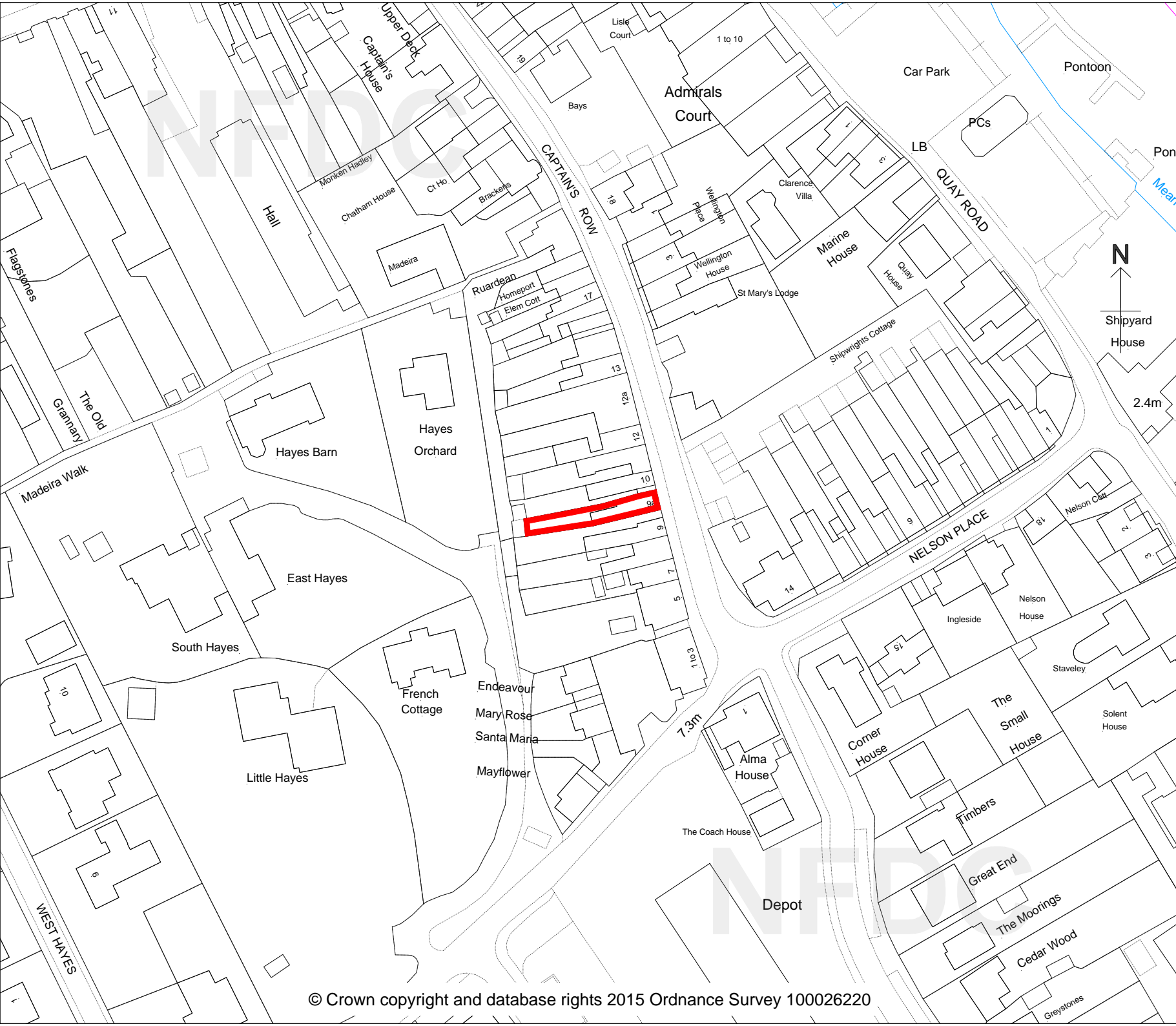
**Planning Development  
Control Committee**  
**February 2015**

**Item No:A5**

9a  
Captains Row  
Lymington  
App No 14/11305  
SZ3295

Scale 1:1250

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



**Application Number: 14/11315** Full Planning Permission

**Site:** MERRYMORE, 22 BARTON WOOD ROAD, BARTON-ON-SEA,  
NEW MILTON BH25 7NN

**Development:** Flue & partial enclosure

**Applicant:** Cordline Services Ltd

**Target Date:** 18/11/2014

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## **1 REASON FOR COMMITTEE CONSIDERATION**

Contrary Town Council view

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

Built up area

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

### **Core Strategy**

#### **Objectives**

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

#### **Policies**

- 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

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

Achieving Sustainable Development  
NPPF Ch. 7 - Requiring good design

## **6 RELEVANT PLANNING HISTORY**

- 6.1 98928 - two storey side extension, timber decking with seating and pergola. Granted 19.9.12
- 6.2 10276 - variation of 98928 to allow staff accommodation in roof, raised eaves and provision of 7 rooflights. Granted 1.5.14
- 6.3 10513 - part single, part 2-storey side extension, provision of French windows to ground floor bedrooms. Refused 26.6.14
- 6.4 11580 - retention of ramp, smoking shelter, shed. Item A01 on this agenda



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

New Milton Town Council - recommend refusal and agree with Environmental Health

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

9.1 Environmental Health (Pollution) - no objection subject to conditions

9.2 Drainage Engineer - no comment

## **10 REPRESENTATIONS RECEIVED**

Four objections have been received from local residents. Their concerns are:

- no details regarding noise and odour and operating hours
- incongruous appearance
- loss of boundary vegetation has made situation worse
- should have been built within the building
- unsuitable flue for a residential area
- developer has a blatant disregard of planning policies

## **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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- 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.

During the course of the application, additional information was requested and corrections made to the submitted plans to address concerns raised by Environmental Health.

## **14 ASSESSMENT**

- 14.1 The site lies within the built up area of Barton on Sea and contains a recently refurbished care home, following approvals to extend the building and utilise the loft space. Although the kitchen area to the home has not been altered with this refurbishment, a new flue has been provided and permission is now sought for its retention and the provision of a partial enclosure to minimise its impact. Since the application has been submitted, the size of the flue has altered following discussion with Environmental Health in terms of the impact of the flue (noise and odours) on the residential amenities of the area. The application is therefore partly retrospective for the flue now in situ.
- 14.2 With regard to visual amenity, the flue is set back into the site by approximately 25m and the lower 2m would be fully enclosed by a timber screen, rendered to match the building. The applicant has also advised that the visible section would also be painted in a colour to match the walls thus resulting in a less intrusive feature. The screening and painting would offer a significant improvement on the existing situation which is also particularly visible, now substantial vegetation has been removed from the boundary, from Channel Court to the west.
- 14.3 Residential amenity is a key issue with flues such as this and much discussion has been had with regard to the noise output and odour control for the flue, hence the changes made to it following its initial provision. Environmental Health have assessed the structure and considered the associated noise and odour report, concluding that the noise levels would not materially affect residential amenity, providing the flue is operated and installed in accordance with the submitted specification. A restriction on its hours of use has also been requested although the applicant advises that it would be used predominantly in the mornings.
- 14.4 In view of the proximity of the flue to the neighbouring residential property, a high level of odour control is necessary. The details submitted so far do not include sufficient information to demonstrate that a suitable level of odour abatement will be achieved. However, it is considered that a suitably worded condition will enable appropriate measures to be taken.
- 14.5 Given that the flue is just one of several issues under consideration on this site at the present time, it is considered appropriate to include conditions which require the submission of additional information and the provision of the enclosure within a certain timescale.
- 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 permitted shall be carried out in accordance with the following approved plans: Noise assessment dated December 2014, SC/OB/19/14/01 REVA/15/01/15.  
  
Reason: To ensure satisfactory provision of the development.
  
2. Within 3 months of the date of this permission, further details, having regard to the guidance from DEFRA, in respect of the level of odour control from the approved flue shall be submitted to, for approval in writing by the Local Planning Authority. The agreed details shall be installed within three months of their approval.  
  
Reason: To protect the amenities of the surrounding residential properties in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park.
  
3. The enclosure shall be provided and top section of the flue painted to match within 3 months of the date of this permission.  
  
Reason: In the interests of the visual amenities of the area and in accordance with policy CS2 of the New Forest District Council Core Strategy.
  
4. The flue shall be operated and installed in accordance with the specification provided and the noise levels specified within the Noise Report shall be achieved. The noise from the inlet fan on the kitchen wall shall be attenuated to the level achieved by the extract ventilation system.  
  
Reason: In the interest of the amenity of the surrounding 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:

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.

During the course of the application, additional information was requested and corrections made to the submitted plans to address concerns raised by Environmental Health.

**Further Information:**

Major Team

Telephone: 023 8028 5345 (Option 1)



# New Forest DISTRICT COUNCIL

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

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

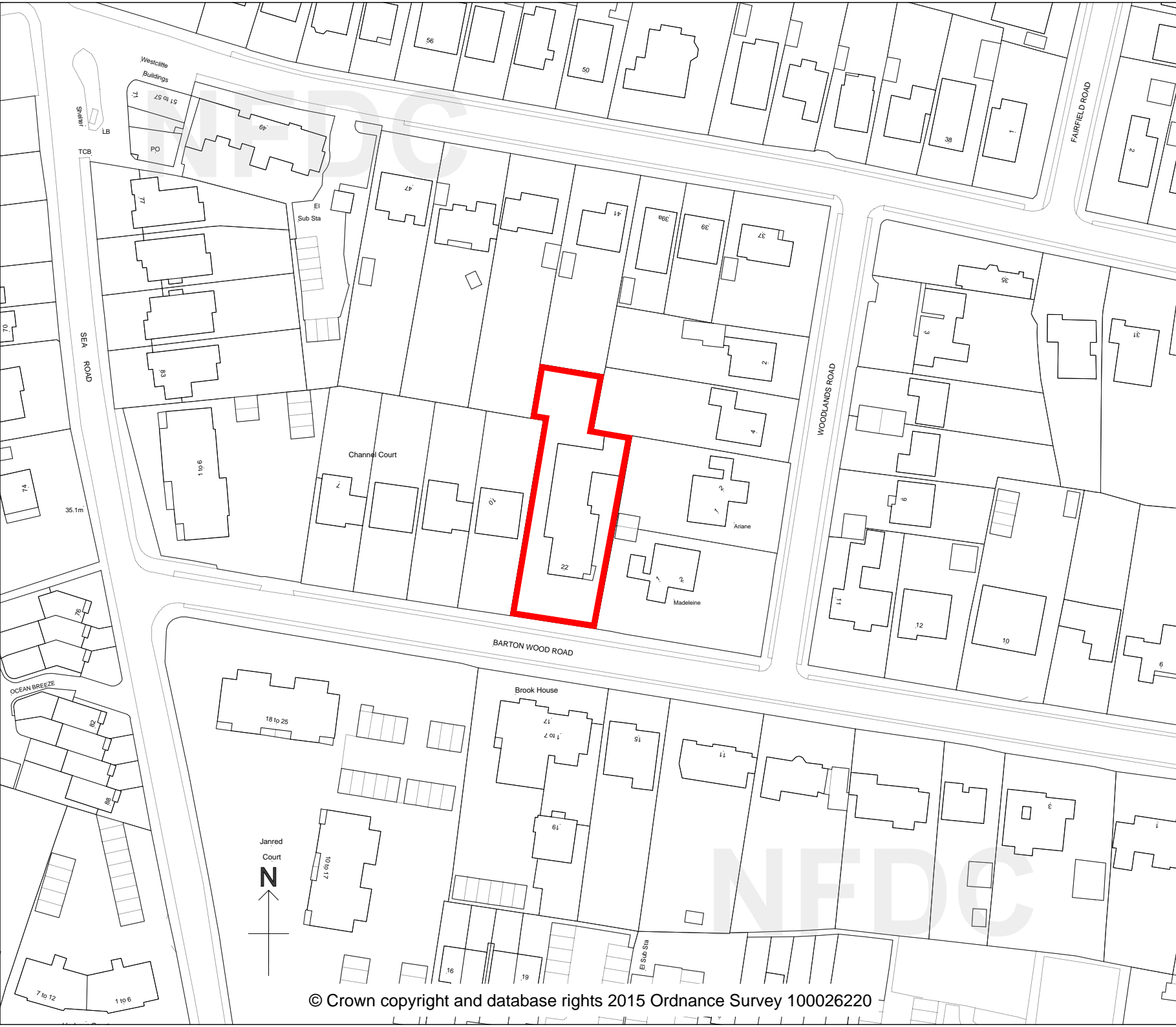
**Planning Development  
Control Committee**  
**February 2015**

**Item No: A6 & A7**

Merrymore  
22 Barton Wood Road  
Baron on Sea New Milton  
App No 14/11315 & 11580  
SZ2393

Scale 1:1250

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



**Application Number:** 14/11580 Full Planning Permission

**Site:** MERRYMORE, 22 BARTON WOOD ROAD, BARTON-ON-SEA,  
NEW MILTON BH25 7NN

**Development:** Retention of ramp; smoking shelter; shed

**Applicant:** Cordline Services Ltd

**Target Date:** 12/01/2015

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## **1 REASON FOR COMMITTEE CONSIDERATION**

Contrary Town Council view.

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

Built up area

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

### **Core Strategy**

#### Objectives

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

#### Policies

- 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 - New Milton Local Distinctiveness

## **6 RELEVANT PLANNING HISTORY**

- 6.1 98928 - two storey side extension, timber decking with seating and pergola. Granted 19.9.12
- 6.2 10276 - variation of 98928 to allow staff accommodation in roof, raised eaves and provision of 7 rooflights. Granted 1.5.14
- 6.3 10513 - part single, part 2-storey side extension, provision of French

windows to ground floor bedrooms. Refused 26.6.14

6.4 11315 - flue and partial enclosure. Item A06 on this agenda

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

New Milton Town Council - recommend refusal and would not accept a delegated decision. Lack of information regarding smoking shelter and residential amenity issues.

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

9.1 Environmental Health (Pollution) - request condition

9.2 Drainage Engineer - no comment

## **10 REPRESENTATIONS RECEIVED**

An objection has been received concerned with cigarette fumes and privacy issues. A further objection raises a lack of parking

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

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

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

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Core Strategy Objectives) when this can be done without compromising government performance requirements.

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

Additional information was provided in order to answer queries from Environmental Health and the plan was corrected to show the shed in its current position. However, in view of the lack of vegetation now present on site and the lack of space to provide more, the proposal for changes to the ground levels is considered unacceptable.

## **14 ASSESSMENT**

- 14.1 The site lies within the built up area of New Milton in a residential area. It is a care home which has undergone significant extension and refurbishment in recent months. Residents will be moving in this year. The proposal entails the retention of a replacement shed in the rear garden, a new smoking shelter and the retention of the ramped area enabling DDA compliant ground floor doorways.
- 14.2 Prior to the implementation of application 98928, although the grounds were overgrown due to the property having been vacant for some time, there were three sheds along the boundary with 43 Seaward Avenue. The principle of the retention of the shed and provision of an additional structure in the corner is therefore not considered to be an issue in terms of visual amenity as the previous sheds took up the majority of the 13m long boundary.
- 14.3 However, the smoking shelter has resulted in concerns being raised by local residents and the Town Council due to its proximity to neighbouring gardens. Additional information received states that the shelter would be for the use of up to 5 residents only between the hours of 7am and 9pm. Environmental Health have considered this and are satisfied that the impact on residential amenity can be controlled through conditions to this effect. In considering the proposed location for the shelter, although the applicants have not submitted any supporting information, it should be noted that the shelter would be at least 28m from the front/rear elevation of the nearest dwellings. Further, given the home will be for the care of dementia patients, it is unlikely that a shelter in front of the secure gates, which have been provided either side of the building, would be an acceptable alternative. The location shown would therefore appear to be the most favourable option as elsewhere would be closer to adjoining residential properties.
- 14.4 The retention of the ramp is a slightly less straight forward consideration. Previously, the main building was largely surrounded by tarmac although this did not extend up to the boundary to the west. To the eastern side, although there was some planting/hedgerow, this would have been the drive to the original dwelling, leading to a garage (now demolished). The



approved landscaping following the granting of application 98928 indicated the retention and trimming of the mature hedges to the western, eastern and southern boundaries together with additional hedgerow planting to the east where the garage was to be removed. All trees (including three to the western boundary) were to be retained.

- 14.5 Since this landscaping was approved (January 2013), works have commenced and much of the vegetation has been cleared from the site leaving just one tree to the west, one in the rear garden and no hedges either side of the building. The provision of the ramp has taken up all the available planting space which has resulted in the site having a particularly harsh impact on the street scene from Channel Court to the west, Woodlands Road to the east and Barton Wood Road itself. Whilst there is no objection to the principle of each ground floor doorway having a level threshold, it is not considered that the solution provided is acceptable.
- 14.6 During the initial implementation of the changes in levels, concerns were expressed locally (Woodlands Road) with regard to potential overlooking from residents on their individual terraces given the increased height of ground levels and limited boundary treatments. However, the site does now benefit from boundary screening which maintains privacy levels.
- 14.7 In conclusion, while there is no objection to the retention of the smoking shelter and shed, it is considered that the ramp seriously compromises the space to enable an acceptable level of planting to be achieved.
- 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. By virtue of the lack of space for a meaningful planting scheme, the retention of the ramp has resulted in an unsympathetic form of development which has a harsh impact on the street scene and a reduced level of amenity for the adjoining occupiers at 10 Channel Court. The proposal is therefore contrary to policy CS2 of the New Forest District Council Core Strategy and conflicts with the guidance in the SPD New Milton Local Distinctiveness.

#### **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.

Additional information was provided in order to answer queries from Environmental Health and the plan was corrected to show the shed in its current position. However, in view of the lack of vegetation now present on site and the lack of space to provide more, the proposal for changes to the ground levels is considered unacceptable.

**Further Information:**

Major Team

Telephone: 023 8028 5345 (Option 1)

**Application Number:** 14/11376 Full Planning Permission

**Site:** 10A THE PARADE, ASHLEY ROAD, ASHLEY, NEW MILTON  
BH25 5BS

**Development:** Use of building as office (Class B1a)

**Applicant:** Juno Developments

**Target Date:** 04/02/2015

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**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Town Council View

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Built up area

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Core Strategy**

Objectives

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

**Core Strategy**

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

**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

**5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

None

**6 RELEVANT PLANNING HISTORY**

- 6.1 Detached garage (93406) Granted with conditions on the 12th March 2009.
- 6.2 Continued use of garage as 1 residential unit (10135) Refused on the 27th March 2014.
- 6.3 Continued use of garage as 1 residential unit (10627) Refused on the 18th June 2014. Appeal dismissed.

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

New Milton Town Council: Recommend refusal - The proposed development is contrary to CS2 which sets design standards for all development in the Parish; the use of the garage as an office is not appropriate in the 'back of shopping precinct' yard setting accessed by a gravel road; it would constitute poor design for an office with insufficient access, parking and landscaping resulting in a sub-standard working environment.

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

Hampshire County Council Highway Engineer: no objection.

## **10 REPRESENTATIONS RECEIVED**

The site is not suitable for anything other than a garage. It lies on a busy unmade road with lorries and cars constantly going up and down. There are already cars parked along this road and no room for any more. Overall, the building is not appropriate for an office use.

## **11 CRIME & DISORDER IMPLICATIONS**

No relevant considerations

## **12 LOCAL FINANCE CONSIDERATIONS**

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

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

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

This is achieved by

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

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

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

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

## **14 ASSESSMENT**

- 14.1 The site comprises a single storey building originally granted permission as a garage in 2009 but which has been converted into a one bedroom dwelling. There is no planning permission for the use of the building as a dwelling and currently the unauthorised use is subject to Enforcement Action. The site occupies the majority of the rear yard/open area at No 10, one of several ground floor shop units in The Parade with flats on the first floor accessed from the rear. There is a narrow path to the side of the building giving access to its entrance door, as well as a rear door to the ground floor shop unit and the door to the first floor flat at No 10A.
- 14.2 The rear of the shops and flats is serviced from a partially paved access track, which runs between Lower Ashley Road and Molyneux Road. The rear of these units is characterised by garages or hard surfaced parking areas either for the shop units or flats above, as well as by mainly commercial bulk refuse bins. On the other side of this access track from the site is a builder's yard with a large quantity of building materials stored in the open.
- 14.3 This current planning application seeks the change of use of the building to an office. Internally the building would comprise an office area with kitchenette and separate room used for a toilet. No external alterations are proposed.
- 14.4 In terms of the planning history of the site, a recent retrospective planning application was refused and an appeal dismissed for the continued use of the building as a residential dwelling under planning reference 10627. In dismissing the appeal the Inspector agreed with the decision by the Council that a residential use was not appropriate for the building.
- 14.5 In assessing this proposal, from a policy perspective, Core Strategy Policy CS17 supports employment development and growth. No details have been provided as to who will occupy the building, however, the intention is to provide a small office unit, which appears to be able to accommodate up to 3 people. The site is surrounded by different types of

employment development with a builder's yard opposite, are offices at No 2 Lower Ashley Parade, although most of the employment uses are along The Parade.

- 14.6 Generally, it is considered that an office use would be more appropriate than a residential use given that a residential use requires a much better quality of living environment and setting compared to an office. As stated in the appeal decision, the main issue was that the building was not appropriate for a residential use because of these factors but the building could be used as a small office without causing harm to the character of the area or living conditions of the adjoining residential properties. While it is accepted that the building does not offer a high quality environment for the workers, the building does contain kitchen and toilet facilities, together with windows offering natural light which would be adequate for an office use. Overall, it is considered that a reason for refusal on the grounds that the building does not provide a high quality environment for the users of the office would not be justifiable.
- 14.7 With regard to residential amenity, it is not considered that the use of the building as an office would give rise to unacceptable noise and disturbance to neighbours so as to justify a refusal of planning permission. The building has a small floor area and the number of people that could be accommodated within it is limited and accordingly there would be no significant comings and goings to the site.
- 14.8 The site does not have any space for any car parking but consideration should be given to the fact that the building is very small and would not generate a significant level of traffic to the area or put significant pressure on car parking. The comments of the Highway Authority have no objection to the proposal based on no parking being available on site. Given the small scale of the building with a floor space less than 100m<sup>2</sup>, would not be reasonable to seek Transport Contributions.
- 14.9 In conclusion, it is considered that the use of the building as an office would be appropriate and would provide employment for two or three people in the area that would not have a harmful impact on the character and appearance of the area or living conditions of the adjoining neighbouring properties.
- 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 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: 1084/200 B.

Reason: To ensure satisfactory provision of the development.

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2005 and the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent re-enactments thereof, the development hereby approved shall be used for office (Class B1a ) purposes only and for no other use purposes, whatsoever, including any other purpose in Classes B2 or B8 of the Town and Country Planning (Use Classes) Order 2005 or any subsequent re-enactment thereof, without express planning permission first being obtained.

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

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

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

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

2. This decision relates to amended plans received by the Local Planning Authority on the 21st January 2015

#### **Further Information:**

Major Team

Telephone: 023 8028 5345 (Option 1)



# New Forest

DISTRICT COUNCIL

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

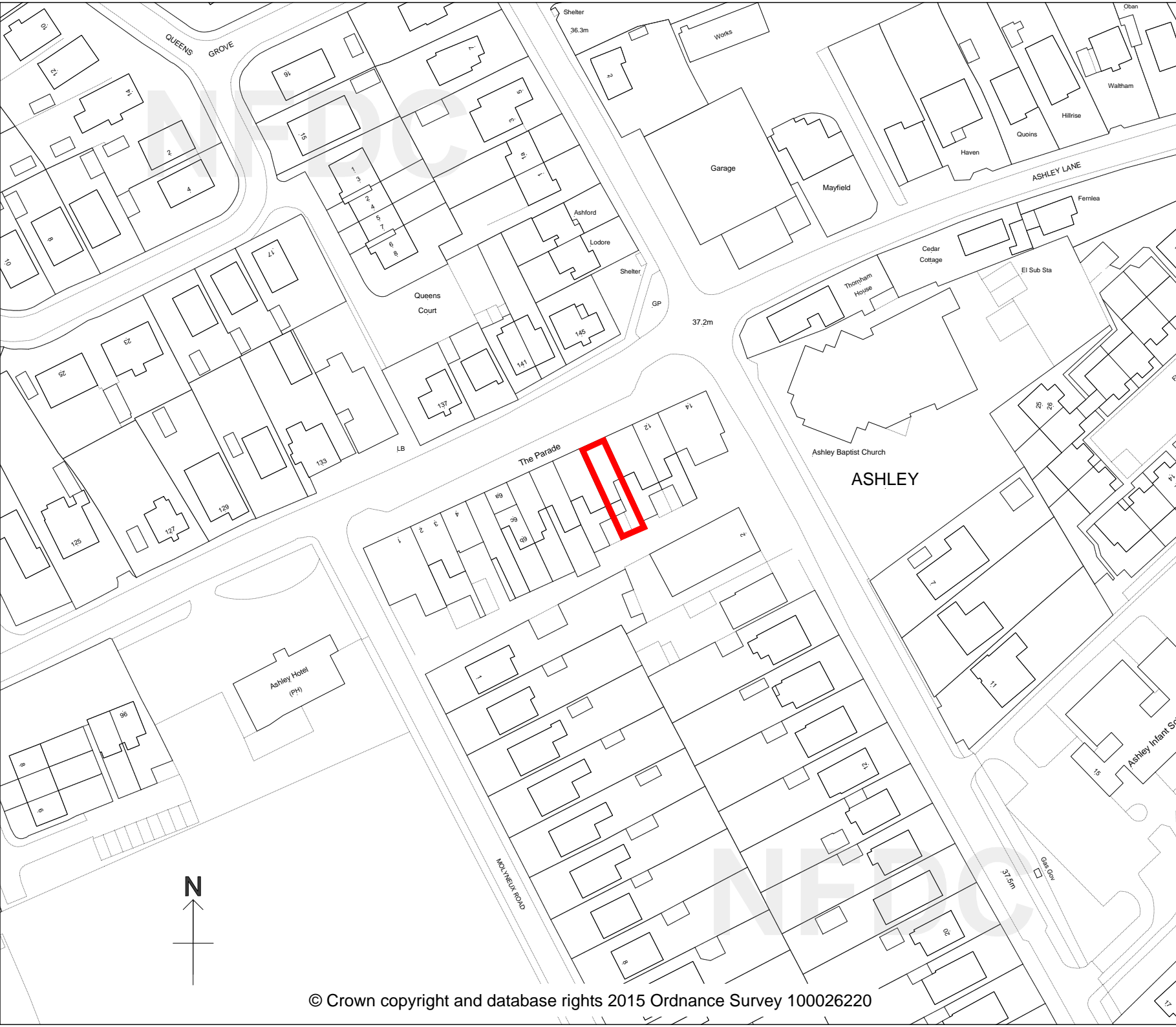
Chris Elliott  
Head of Development Control  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

**Planning Development  
Control Committee**  
**February 2015**

**Item No: A8**  
10a The Parade  
Ashley Road  
Ashley New Milton  
App No 14/11376  
SZ2595

Scale 1:1250

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the internet, it will not be to  
scale.





**Application Number: 14/11420** Full Planning Permission

**Site:** 2 MEADOW AVENUE, FORDINGBRIDGE SP6 1LN

**Development:** Retention of boundary fencing

**Applicant:** Mr & Mrs Hammond

**Target Date:** 30/12/2014

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**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary view to Town Council

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Built up area

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Core Strategy**

Objectives

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

Policies

CS2: Design quality

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

No relevant policies

**4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

Section 38 Development Plan  
Planning and Compulsory Purchase Act 2004

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

**5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

No relevant documents

**6 RELEVANT PLANNING HISTORY**

91/48376	Single-storey front extension	16/10/1991	Granted Subject to Conditions
RFR/13526	Residential development.	30/12/1970	Granted Subject to Conditions
RFR13526/1	23 bungalows and 22 houses.	22/03/1971	Granted Subject

**7 PARISH / TOWN COUNCIL COMMENTS**

Fordingbridge Town Council recommend permission as this would increase security and privacy to the property and precedent had already been set in the local area for enclosing properties

**8 COUNCILLOR COMMENTS**

None received

**9 CONSULTEE COMMENTS**

Land Drainage - No comment

Hampshire County Council Highways - no objections

**10 REPRESENTATIONS RECEIVED**

Four representations of objection from local residents for the following reasons:-

- spoils the open plan appearance
- out of keeping in the area
- spoils the view
- unsightly
- unnecessary and undesirable precedent

Two representations of support from local residents for the following reasons:-

- there are other high fences in the area
- does not interfere with light or access
- attractive feature

Letters of support have also been received from the supplier of the proposed air source heat pump and applicant who challenges the representations of objection.

**11 CRIME & DISORDER IMPLICATIONS**

The applicants have indicated that over the last few years members of the public have assumed that the area to the side of the property was a public area and used it as a gathering place. Furthermore the enclosed area will contain the gas meter and an air source heat pump in the future and the fence will ensure these services will not be tampered with.

**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.

The fence was erected prior to an application being submitted. Although the initial assessment did not raise any issues having now taken account of the level of local concern it is considered that there is an unacceptable level of harm to the street scene and general character of the area which could not be addressed within the time scale of the application.

## **14 ASSESSMENT**

- 14.1 The property is a detached bungalow on a corner position within a small estate of similar properties. The gardens in the immediate area are open plan or are enclosed with low hedges. Further along the road there are two storey properties and some of these have high walls, fences or hedges enclosing the rear gardens. A detached garage is located to the rear. The front garden has been enclosed with a low picket fence and to the side of property a high fence has been erected enclosing land previously open to the street. The enclosed land now forms part of the enlarged rear garden.
- 14.2 The main considerations when assessing this application are the impacts on the visual amenities of the area and highway safety.
- 14.3 The fence is positioned sufficient distance from the neighbouring properties not to have an adverse impact on their amenity in terms of loss of light or visual intrusion.
- 14.4 As the high fence is in close proximity to the highway and the access to the garage, the Highway Authority was consulted. However, they have raised no objection, being satisfied that the retention of these enclosures would have no adverse impact upon the safety or convenience of users of the highway.
- 14.5 With regard to the visual amenities of the area, there have been 4 letters of objection from occupiers of neighbouring properties raising issues with the high fence, stating that it is out of keeping, unsightly, spoils the open plan appearance of the area and sets an undesirable precedent. Neighbours have also objected in respect of a loss of view however this

is not a planning concern. Two letters of support highlight the fact that there are other high fences in the area and that the fences do not interfere with light or access to neighbouring properties.

- 14.6 The host property was originally designed with open plan gardens to the front and side and a condition was placed on the original planning approval restricting development within these areas to secure a well planned development. The unauthorised front picket fence and high side boundary fence have clearly impacted upon the open green character on this prominent corner site and this needs to be considered in terms of the harm to the visual amenities of the street scene. It is accepted that there are other properties in the area which have high boundary treatments to their rear gardens but these do not undermine the street's spacious open plan appearance. Furthermore, the front gardens in the vicinity of the site generally retain their open plan design and do not have fencing enclosures. In this case, the erection of a high fence along the edge of the public footpath and enclosure of land which previously provided an open green space appears visually intrusive and presents a harsh feature in the street scene. Similarly, the picket fencing enclosing the front garden introduces an alien feature that jars with the otherwise open characteristics of the estate. The development is, therefore, out of keeping and harmful to the character of the street scene and visual amenities of the area and is accordingly, recommended for refusal.
- 14.7 The case that the applicant has put forward in support of their application, that the enclosure fencing is needed to provide security for a proposed heat source pump to the west side of the bungalow, is not considered justification to allow harmful development contrary to adopted policy.
- 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. The proposed development creates a harsh and visually intrusive feature in the street scene that is out of keeping and detracts from the open spatial characteristics of the estate to the detriment of the character, appearance and local distinctiveness of the area. For this reason, the development is contrary to policy CS2 of the Core Strategy for the New Forest outside the National Park and chapter 7 of the National Planning Policy Framework.

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

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

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

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

**Further Information:**

Householder Team

Telephone: 023 8028 5345 (Option 1)



# 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**  
**February 2015**

**Item No: A9**  
2 Meadow Avenue  
Fordingbridge

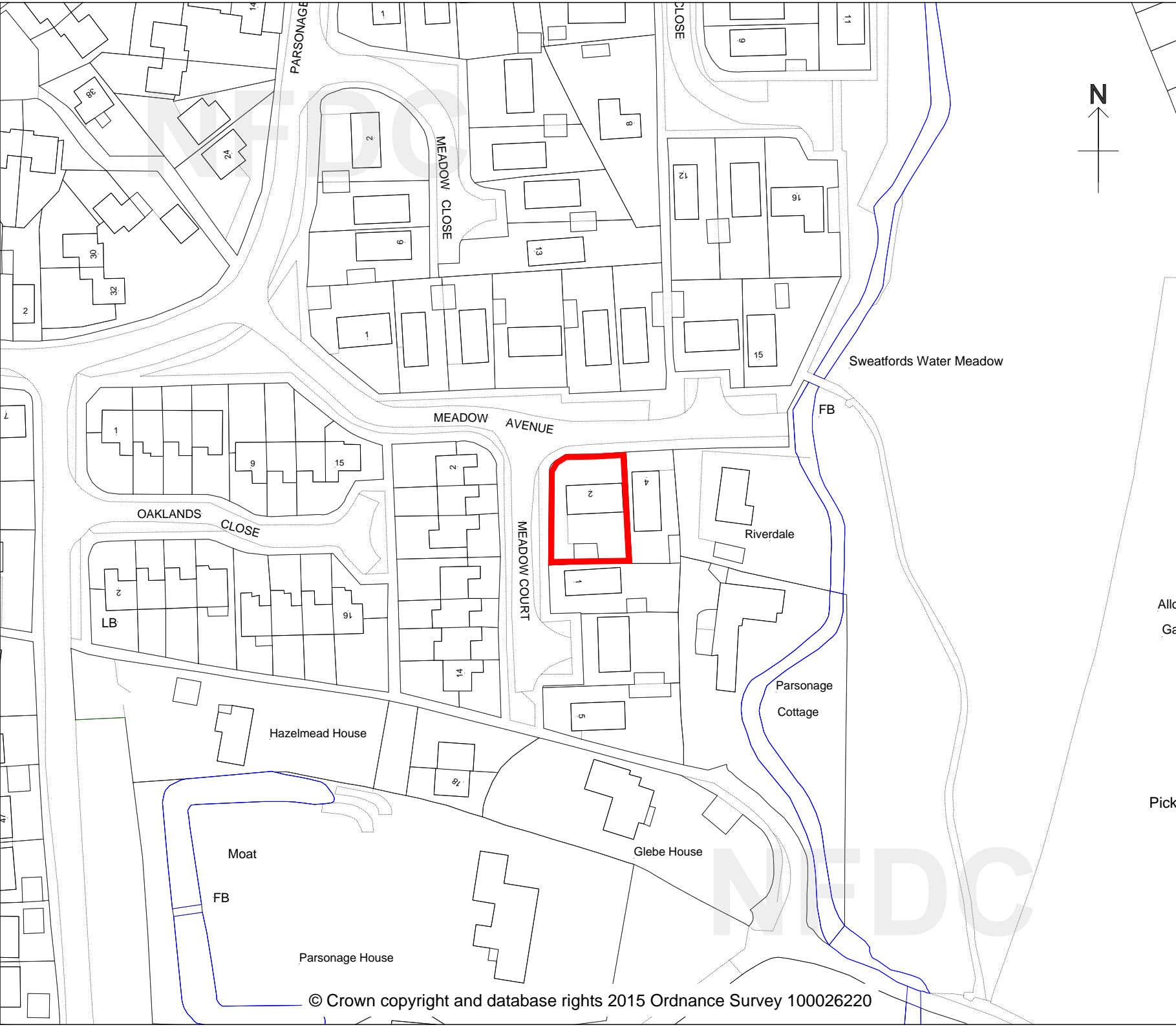
App No 14/11420  
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N.B. If printing this plan from  
the internet, it will not be to  
scale.



**Application Number:** 14/11466 Full Planning Permission

**Site:** Land of 117 CHRISTCHURCH ROAD, RINGWOOD BH24 3AQ

**Development:** House

**Applicant:** Mr Pilbeam

**Target Date:** 02/01/2015

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**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Town Council View

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Built up area

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Core Strategy**

Objectives

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

**Core Strategy**

- 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 Conservation Sites

**4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

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

**5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

SPD - Housing Design, Density and Character  
SPD - Mitigation Strategy for European Sites  
SPD - Parking Standards  
SPG - Ringwood - A Conservation Area Appraisal

**6 RELEVANT PLANNING HISTORY**

None

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

Ringwood Town Council: Recommend refusal - members felt that this amended application has not addressed the issues of overdevelopment of the area, loss of light to No. 1a Southfield and parking. The swept path analysis does not show parking spaces for the business.

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

- 9.1 Hampshire County Council Highway Engineer: No objection subject to condition
- 9.2 Land Drainage: No objection subject to condition
- 9.3 Environmental Health (historic land use): No objection subject to condition

## **10 REPRESENTATIONS RECEIVED**

1 letter of objection from the owner of 1a Southfield, concerned that the proposal would block light to the western side of the house in which there are two ground floor windows and a door which is half glazed. The proposed dwelling would completely overshadow the side of the dwelling and there would be a significant loss of light into these rooms. The proposed building would be overbearing and result in overlooking from the proposed windows. Concerns are also expressed regarding lack of car parking

## **11 CRIME & DISORDER IMPLICATIONS**

No relevant considerations

## **12 LOCAL FINANCE CONSIDERATIONS**

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

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

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- 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.

Although the principle of development is acceptable, the failure to agree to make the appropriate financial contributions justifies a recommendation for refusal in this case.

## **14 ASSESSMENT**

- 14.1 The site forms an area of land used for car parking to a commercial office building which fronts onto Christchurch Road. This is a traditional two storey building and a rear area that extends adjacent to a narrow cul de sac known as Southfield. The site is enclosed by wrought iron metal gates and the site is predominantly open and used for car parking in association with the office building and there is a small container stored on the land.
- 14.2 This planning application proposes a detached two storey dwelling which would front onto Southfield. The remainder of the land would continue to be used for parking for the commercial operation. The proposed dwelling would rise to two storeys and would have a pitched roof with a ridge running parallel to the street with side gable ends. A car parking area would be provided to the side of the dwelling with a small rear garden area. The proposed dwelling would be sited right up to the road edge. The existing commercial business would retain a car parking space.
- 14.3 In assessing the character of the area, while the existing property fronts onto Christchurch Road, the site would be located along Southfield and accordingly, it should be assessed within this context. Southfield is a narrow unmade road, with no footpaths, and very limited space for two vehicles to pass each other. The road is a short cul de sac serving 4 pairs of semi-detached houses. Three of the pairs of semi-detached dwellings are of similar design with traditional pitched roofs and side gables and the buildings are sited right up to the road frontage. At the end of the cul de sac, there is a further semi-detached pair which is set on a much wider and deeper plot and the building is set back from the road. On the opposite side of Southfield the side elevations and gardens of the dwellings at Southfield Mews form the road frontage. Southfield is a high density area and some of the properties are likely to have been built back in the Victorian period, although the properties adjoining the site at 1a and 1b were developed in the 1980s.

- 14.4 The proposed dwelling would be sited right up to the road edge and has been designed with a pitched roof and side gables to replicate the style of properties along Southfield. A small rear garden area would be provided, with space for one car to the side of the building. The proposed development would reflect the surrounding pattern of development although the plot would be marginally smaller than others nearby. In assessing the effect on the character and appearance of the area, on balance, it is considered that the proposed development would be compatible to the other properties along Southfield and has been designed to reflect the street scene.
- 14.5 With regard to residential amenity, there are several residential properties that would be affected by the proposal. The adjoining neighbour at No 1a is a semi-detached dwelling and has its side elevation facing the application site with a driveway and garage between. On the side elevation of this residential property there are two ground floor windows and door with a window. The windows are glazed with obscure glass and serve a toilet and hallway and the door provides access into the kitchen, which also receives light from the rear elevation. The proposed dwelling would be sited some 4 metres from the side of No 1a.
- 14.6 In assessing the impact on this neighbouring property, no windows are proposed on the side elevation which would maintain a reasonable level of privacy. In terms of loss of light and outlook, given that the windows are obscurely glazed and do not serve main living rooms, the proposed dwelling would not unacceptably compromise the outlook from this property. Concerning loss of light, the proposed dwelling is sited to the west which would result in some loss of sunlight in the late afternoon however, given that the windows do not serve main living rooms, and that the loss of light would be for a short period of the day, a reason for refusal on these grounds would be difficult to substantiate.
- 14.7 Concerning the residential property to the rear at No 115, Christchurch Road, the proposed first floor windows on the rear elevation of the building would serve a bathroom and landing and to ensure no adverse impact on the privacy of No 115, it would be reasonable to impose a condition for the windows to be glazed with obscure glass.
- 14.8 The proposed dwelling would result in some overlooking at the residential flats at Nos 117 to 123, Christchurch Road, However, the views would be oblique and the rear garden area is a small space with a washing line and does not appear to be a space that is fully utilised as an area of private amenity. The proposed first floor windows on the front elevation would face the rear garden of No 5 Southfield Mews. However, the garden area is already overlooked by No 1a Southfield and the proposed dwelling is sited further away and the windows would mainly front onto the road, which would be acceptable.
- 14.9 In relation to car parking and access, the site would accommodate a single space for car parking, which would broadly accord with the recommended guidance for a two bedroom dwelling. There is no extra space to park along Southfield and no provision along Christchurch Road. The access along Southfield is very restricted and there is not space for vehicles to pass and no space for turning at the end of the cul de sac. From a public highway safety point of view, it is essential that

there is enough space for vehicles to park within the space and turn within Southfield so that they can enter Christchurch Road in a forward gear. The application plans show a swept path analysis which demonstrates that both the proposed dwelling and existing commercial business can manoeuvre and turn within Southfield so that vehicles can enter Christchurch Road in a forward gear.

- 14.10 Based upon these details, the Highway Authority does not raise any objections to the proposal on public highway safety grounds. Consideration should also be given to the fact that the existing commercial business does have space for 4 vehicles to park and a turning area. The sub division of the site would result in the loss of car parking capacity for the commercial business, but would still enable spaces to remain and this would be acceptable for the site given the location close to the town centre.
- 14.11 The proposed development requires contributions towards public open space (£2336.60), affordable housing (£24,800), habitat mitigation (£3050) and transportation improvements (£3745), which are all considered fair and reasonable. A Unilateral Undertaking has been completed which secures the provision of the habitat mitigation but does not include any provision for off site public open space, transport improvements or affordable housing contributions, which would fail to comply with policy. The applicants are not prepared to make these contributions and contend that, based upon the recent Ministerial announcement, the Council should not be seeking these contributions.
- 14.12 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.
- 14.14 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.
- 14.15 In conclusion, it is considered that in principle the proposed development would be acceptable, however, in the absence of a completed legal

agreement for public open space, transport improvements and affordable housing contributions, the proposal fails to comply with policy.

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

## Developers' Contributions Summary Table

<b>Proposal:</b>			
<b>Type of Contribution</b>	<b>NFDC Policy Requirement</b>	<b>Developer Proposed Provision</b>	<b>Difference</b>
<b>Affordable Housing</b>			
No. of Affordable dwellings			
Financial Contribution	£24,800	0	-£24,800
<b>Public Open Space</b>			
On site provision by area			
Financial Contribution	<b>£2336.60</b>	<b>0</b>	<b>-£2336.60</b>
<b>Transport Infrastructure</b>			
Financial Contribution	£3745	0	-£3745
<b>Habitats Mitigation</b>			
Financial Contribution	£3050	£3050	0

## 15. RECOMMENDATION

### Refuse

#### Reason(s) for Refusal:

1. The proposed development would fail to make any contribution toward addressing the substantial need for affordable housing in the District. The proposal would therefore conflict with an objective of the Core Strategy for the New Forest District outside the National Park 2009 and with the terms of Policies CS15 and CS25 of the Core Strategy.
2. The proposed development would fail to make any contribution to enhance or create off-site provision and management of public open space to meet the needs of the occupants of the development for public open space. The proposal would therefore be contrary to an objective of the Core Strategy for the New Forest District outside the National Park 2009 and with the terms of Policies CS7 and CS25 of the Core Strategy.
3. The proposed development is likely to impose an additional burden on the existing transport network which would require improvements in order to mitigate the impact of the development. In the absence of any contribution towards the costs of the necessary improvements to enable the additional

travel needs to be satisfactorily and sustainably accommodated, the development conflicts with an objective of the Core Strategy for the New Forest District outside the National Park 2009 and with the terms of Policies CS24 and CS25 of the Core Strategy.

Although the principle of development is acceptable, the failure to agree to make the appropriate financial contributions justifies a recommendation for refusal in this case.

**Notes for inclusion on certificate:**

1. This decision relates to amended plans received by the Local Planning Authority on the 17th December 2014
2. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

**Further Information:**

Major Team  
Telephone: 023 8028 5345 (Option 1)



# New Forest

DISTRICT COUNCIL

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

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

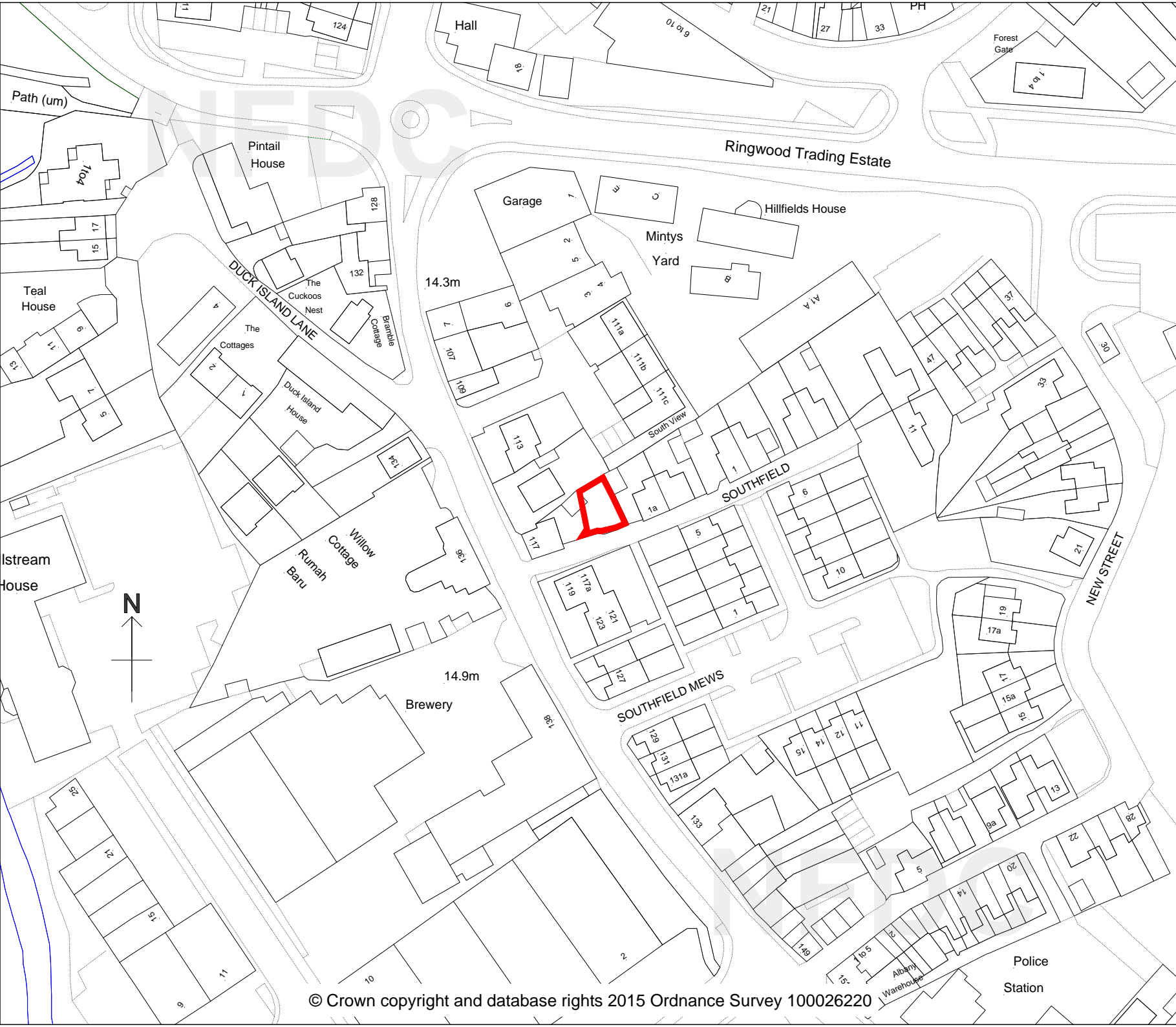
**Planning Development  
Control Committee**  
**February 2015**

**Item No: A10**

Land at 117  
Christchurch Road  
Ringwood  
App No 14/11466  
SU1404

Scale 1:1250

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



**Application Number:** 14/11515 Advertisement Consent

**Site:** 37 ST THOMAS STREET, LYMINGTON SO41 9NE

**Development:** Display 1 non illuminated projecting sign; 1 non illuminated fascia sign; 1 wall mounted sign (Application for Advertisement Consent)

**Applicant:** Eric Robinson Solicitors

**Target Date:** 01/01/2015

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## **1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Town Council view.

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

Built-up Area  
Lymington Conservation Area  
Town Centre Boundary  
Primary Shopping Area

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

### **Core Strategy**

CS2 – Design Quality  
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)

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

DM1: Heritage and Conservation

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

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

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

SPG - Lymington - A Conservation Area Appraisal  
SPD - Lymington Local Distinctiveness  
SPG - Shopfront Design

## **6 RELEVANT PLANNING HISTORY**

- 6.1 The history of the premises is limited to several applications for listed building consent, planning applications and advertisement consent associated with its use for retail/office purposes. The use of the ground floor of the premises was changed from office to retail in 2005 following approval of 05/86762. It was changed back from retail to office under ref.14/11082 in October 2014.
- 6.2 88388 - 1 non-illuminated projecting sign, 1 non-illuminated wall mounted sign. Granted in part, appeal dismissed. 29-12-06

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

Lymington Town Council object on the basis that plastic signs are unacceptable.

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

9.1 Environmental Design (Conservation) – Some further details are required with regard to the bracket and sign as it is unclear which reference it uses. The detail shown is not sufficient and the bracket is neither traditional nor modern. Generally a hanging sign is supported but the overall composition of bracket needs to be designed correctly. However this concern could be covered by condition to ensure a bracket that is well designed, wrought iron detail and with a framed sign. Recommend approval subject to conditions requiring all signs to receive a painted finish.

9.2 Hampshire County Council Highways Engineer - No objections

## **10 REPRESENTATIONS RECEIVED**

None

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

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

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

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

This is achieved by

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



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

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

In this case all the above apply and as the application was acceptable as submitted, subject to clarification from the applicant that all external signage would receive a painted timber finish, no specific further actions were required.

## **14 ASSESSMENT**

- 14.1 The site lies within the town centre and Lymington Conservation Area. The building is Grade II listed and the proposal would entail a new hanging sign, wall sign and above door sign. All the signs would be painted, the other two would be plastic. The application is made for advertisement consent associated with the change of use of the premises to office accommodation, which was approved in October 2014.
- 14.2 As this application is for advertisement consent the only issues that can be taken into consideration are the impact upon the visual amenities of the area and public safety, under the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007. The main issues in consideration of this application are guided by Policies CS2 and CS3 of the Core Strategy and Policy DM1 of the Local Plan Part 2.
- 14.3 The Conservation Team have been consulted on the proposal and have no objection to the plans, subject to a condition requiring all external signage to have a painted finish. The Town Council have also raised reservations over the proposed plastic finish to two of the external signs. The applicant has all 3 signs would be painted on timber.
- 14.4 The projecting sign is unilluminated and would be positioned sufficiently high (2.4m +) so as not to impact upon pedestrian safety. The Highway Authority has no objection to the proposal.
- 14.5 The proposal would have no undue impact upon the appearance and setting and amenity of the listed building and conservation area and would present no public safety hazard. The proposal complies with the relevant provisions of Policies CS2, CS3 and DM1 and is accordingly recommended for approval.
- 14.6 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with

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

## **15. RECOMMENDATION**

### **GRANT ADVERTISEMENT CONSENT**

#### **Standard Conditions**

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

#### **Proposed Conditions:**

6. Notwithstanding the submitted details, large scale drawings (elevations and sections) of the new hanging sign, wall sign and hanging bracket, including colour and material finishes, must be submitted and approved in writing by the Local Planning Authority prior to works commencing. Development shall only take place in accordance with those details which have been approved.

Reason: To protect the character and architectural interest of the Listed Building in accordance with Policy 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:**

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

possible, a positive outcome by giving clear advice to applicants.

In this case all the above apply and as the application was acceptable as submitted, subject to clarification from the applicant that all external signage would receive a painted timber finish, no specific further actions were required.

**Further Information:**

Major Team

Telephone: 023 8028 5345 (Option 1)



# New Forest DISTRICT COUNCIL

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

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

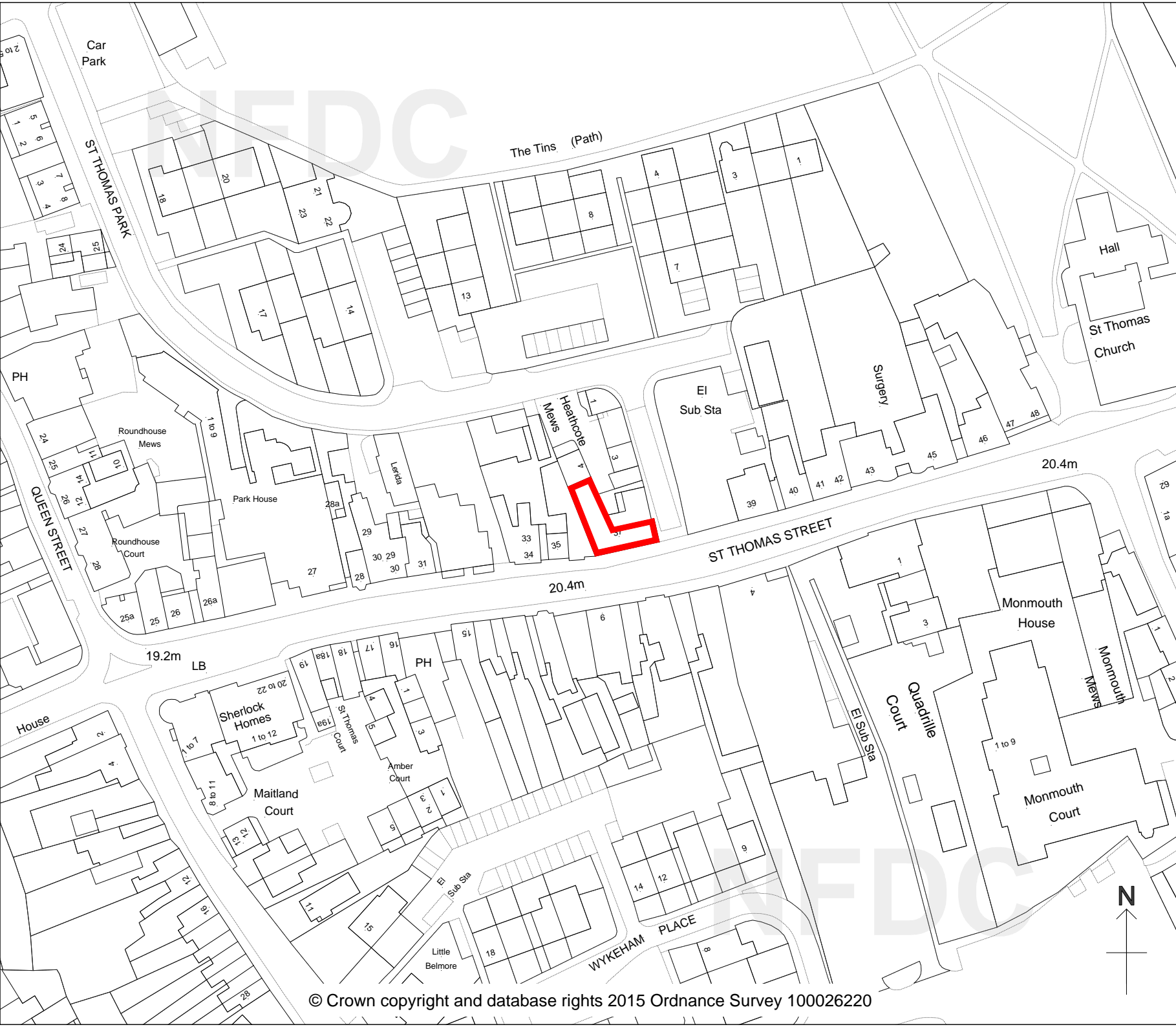
**Planning Development  
Control Committee**  
**February 2015**

**Item No: A11 & A12**

37  
St Thomas Street  
Lymington  
App No 14/11515/516  
SZ3295

Scale 1:1250

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



**Application Number:** 14/11516 Listed Building Alteration

**Site:** 37 ST THOMAS STREET, LYMINGTON SO41 9NE

**Development:** Electrical wiring; suspended ceiling; enlarge cupboard; create stud walls; block up doorway with fixed door; block doorway with stud work; remove stud work wall; raise door opening; alter glazed door to create top window & fire escape; main entrance door; non illuminated wall mounted sign; non illuminated projecting sign  
(Application for Listed Consent)

**Applicant:** Eric Robinson Solicitors

**Target Date:** 01/01/2015

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**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Town Council view.

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Built-up Area  
Lymington Conservation Area  
Town Centre Boundary  
Primary Shopping Area

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Core Strategy**

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

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

DM1: Heritage and Conservation

**4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

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

**5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

None

**6 RELEVANT PLANNING HISTORY**

The history of the premises is limited to several applications for listed building consent, planning applications and advertisement consent associated with its use for retail/office purposes. The use of the ground floor of the premises was

changed from office to retail in 2005 following approval of 05/86762. It was changed back from retail to office under ref.14/11082 in October 2014.

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

Lymington Town Council object on the basis that plastic signs are unacceptable.

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

Environmental Design (Conservation) – The one area of original concern discussed on site was the sub-division of the ground floor front room to create meeting rooms. This proposed subdivision of a principal formal room has now been better detailed and evidence on site has shown there is limited impact on the significance of the listed building. This alteration has also been balanced with proposed enhancements to the building in terms of new doors internally and a new traditional front door. Opening up work has helped to inform the proposals more fully and alterations to the interior proposal amended accordingly. Plans showing new cable runs, heating proposals, lighting and IT requirements are useful to establish extent and degree of work and a condition should be applied to cover more detailed interventions. Some further details are required with regard to the bracket and sign as it is unclear which reference it uses. The detail shown is not sufficient and the bracket is neither traditional nor modern. Generally a hanging sign is supported but the overall composition of bracket needs to be designed correctly. However this concern could be covered by condition to ensure a bracket that is well designed, wrought iron detail and with a framed sign. Recommend approval subject to conditions requiring full details of alterations and repairs and confirmation that all signs will received a painted finish.

## **10 REPRESENTATIONS RECEIVED**

None

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

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

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

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

This is achieved by

- Strongly encouraging those proposing development to use the very

thorough pre application advice service the Council provides.

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

In this case all the above apply and as the application was acceptable as submitted, subject to clarification from the applicant that all external signage would receive a painted timber finish, no specific further actions were required.

## **14 ASSESSMENT**

- 14.1 The application is made for listed building consent to carry out various alterations to the premises to facilitate its change of use to office accommodation, which was approved in October 2014, including the erection of new signage, which includes three external signs and window signage. The site lies within the town centre and Lymington Conservation Area. The building is Grade II listed.
- 14.2 The main issues in consideration of this planning application are guided by Policy CS3 of the Core Strategy and Policy DM1 of the Local Plan Part 2 in particular, whether the form of development proposed would impact upon the appearance and setting of the listed building.
- 14.3 The Conservation Team have been consulted on the proposal and have no objection to the plans, subject to conditions, one of which will require all external signage to have a painted finish. The Town Council have also raised reservations over the proposed plastic finish to two of the external signs. The applicant has now confirmed that all 3 signs would be painted on timber.
- 14.4 The proposal would have no undue impact upon the appearance and setting of the listed building. The proposal complies with the relevant provisions of Policies CS3 and DM1 and is accordingly recommended for approval.
- 14.5 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the

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

## 15. RECOMMENDATION

### GRANT LISTED BUILDING CONSENT

#### Proposed Conditions:

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

Reason: To comply with Section 18 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development permitted shall be carried out in accordance with the following approved plans: 214568 100, 214568 101, 214568 102, 214568 103, 214568 104, 214568 105, 214568 106, 214568 107, 214568 108, Photograph of front/side elevation and Photograph of front door.

Reason: To ensure satisfactory provision of the development.

3. Notwithstanding the submitted details, the following information shall be submitted to and be approved in writing by the Local Planning Authority, prior to works commencing.

- Large scale drawings (elevations and sections) of replacement internal and external traditional doors, including confirmation of colour and that they will receive a painted finish;
- Large scale cross section drawings of proposed partitions and proposed suspended ceiling which avoids the head height of sash windows to front elevation;
- Details of service interventions not shown on proposed drawings;
- A full schedule of repairs and alterations.

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

Reason: To protect the character and architectural interest of the Listed Building in accordance with Policy 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.

4. Notwithstanding the submitted details, large scale drawings (elevations and



sections) of the new hanging sign, wall sign and hanging bracket, including colour and material finishes, must be submitted and approved in writing by the Local Planning Authority prior to works commencing. Development shall only take place in accordance with those details which have been approved.

Reason: To protect the character and architectural interest of the Listed Building in accordance with Policy 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:**

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

In this case all the above apply and as the application was acceptable as submitted, subject to clarification from the applicant that all external signage would receive a painted timber finish, no specific further actions were required.

**Further Information:**

Major Team

Telephone: 023 8028 5345 (Option 1)

**Application Number:** 14/11563 Full Planning Permission

**Site:** BLACK SALT FARM, LOWER PENNINGTON LANE,  
PENNINGTON, LYMINGTON SO41 8AL

**Development:** Use as 1 residential unit; associated alterations including roof  
lights & fenestration alterations; log cabin for use as cycle store;  
demolition of dairy units

**Applicant:** Mr & Mrs Dowland

**Target Date:** 07/01/2015

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**1 REASON FOR COMMITTEE CONSIDERATION**

To agree the waiving of contributions

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Countryside, Green Belt

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Core Strategy**

Objectives

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

Policies

- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS7: Open spaces, sport and recreation
- CS10: The spatial strategy
- CS21: Rural economy
- 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
- DM21: Agricultural or forestry workers dwellings

**4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

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

**5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

SPD - Mitigation of impacts on European Sites

## **6 RELEVANT PLANNING HISTORY**

- 6.1 Use of dairy unit 1 & 2 as 2 holiday lets; use of implement barn as 3 holiday lets; use of cattle shed as covered sports area, car parking and store; refurbish, new fenestration & doors (94523) - refused 4/1/10
- 6.2 Use of dairy unit 1 & 2 as 2 holiday lets; use of implementation barn as 3 holiday lets; demolition of cattle shed; car parking; landscaping; refurbish; new fenestration & doors; rooflights; re-roof - (95930) - withdrawn 5/1/11
- 6.3 Use of dairy unit 1 & 2 as 2 holiday lets; use of implement barn as 3 holiday lets; demolition of cattle shed; car parking; refurbish; new fenestration and doors (10/96556) - granted 4/3/11
- 6.4 Use of Implement Barn as residential dwelling; porch; use of dairy unit 1 & 2 as holiday lets; car parking; refurbish; new fenestration and doors (12/99574) - refused 8/3/13 - appeal dismissed 1/7/13
- 6.5 Use of implement barn as residential dwelling; fenestration alterations & associated works; demolition of former dairy unit (13/10943) - granted 23/12/13

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

Lymington & Pennington Town Council:- Recommend permission

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

- 9.1 Hampshire County Council Highway Engineer:- No objection subject to conditions
- 9.2 Environment Agency:- No comment
- 9.3 Natural England:- No objection subject to conditions
- 9.4 Land Drainage:- No comment
- 9.5 Hampshire County Council (Minerals & Waste Planning):- No objection
- 9.6 Ecologist:- No objection subject to conditions

## **10 REPRESENTATIONS RECEIVED**

1 letter of support from neighbouring residential property

## **11 CRIME & DISORDER IMPLICATIONS**

No relevant considerations

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission and the dwelling built, the Council will receive £1152 in each of the following six years from the dwelling's completion,

and as a result, a total of £6,912 in government grant under the New Homes Bonus will be received. New Forest District Council currently does not have an adopted CIL scheme.

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

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

This is achieved by

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

In this case, there have been pre-application discussions with the applicant and discussions about contributions since the application was first submitted. As the application was otherwise acceptable as submitted no specific further actions were required.

### **14 ASSESSMENT**

14.1 The application site comprises a redundant agricultural barn on the west side of Lower Pennington Lane within an area of open countryside which is designated as Green Belt. The barn is set well back from Lower Pennington Lane. The barn is a brick structure with an asbestos sheeted roof. It appears to be in a reasonably good condition. A former barn on the northern boundary of the site has been recently demolished, although the northern wall of this former barn remains. A drive to the neighbouring residential property runs to the north side of this retained wall. The actual neighbouring residential dwelling, which is Grade II Listed, lies to the west of the site. Land to the south of the site is open grassland, while land to the east of Lower Pennington Lane lies within the New Forest National Park. A large pre-fabricated barn that was previously present on

the eastern edge of the application site has also now been demolished.

- 14.2 Since 2009, there have been a number of planning applications to convert the existing and now demolished barns at this site. An application, which was granted in March 2011, allowed for the conversion of the 2 barns that then existed to 5 holiday lets. The barn, which is the subject of this current application was approved for use as 3 holiday lets. This permission allowed for various external alterations to the buildings, including new windows, doors and roofing materials. The permission has now lapsed. More recently, in March 2013 an application to convert the existing remaining barn to a single dwelling, and the now demolished northern boundary barn to 2 holiday lets was refused planning permission. The permanent dwelling was considered contrary to policy and the alterations to this building were considered to be of an unacceptably poor design. Furthermore, the proposed reuse of the now demolished northern boundary barn was considered inappropriate development in the Green Belt due to the level of rebuilding that would be required.
- 14.3 In July 2013, an appeal against the Council's March 2013 decision was dismissed. The appeal inspector agreed with the Council that the northern boundary barn was unsound and dilapidated and accepted that the 'conversion' of this building to holiday lets was inappropriate and harmful development in the Green Belt. The inspector also accepted that the conversion of the existing remaining barn was contrary to the Council's policies. However, the appeal inspector also recognised that Paragraph 55 of the National Planning Policy Framework (NPPF) allows for the re-use of redundant buildings in the countryside to form new dwellings where there would be an enhancement to the immediate setting. He concluded that the re-use of this building for residential development may not be an inappropriate form of development in the Green Belt. However, he concluded that the design for the conversion of this building was bland and uninspiring, as the building would remain of an unattractive and utilitarian appearance. He also concluded that the external works would have an unappealing appearance, and as such, the proposed conversion would not result in an enhancement of the building's immediate setting. He therefore concluded the proposal would conflict with both local and national planning policy.
- 14.4 Following the dismissed appeal, a further application was submitted just for the conversion of the existing remaining barn to a single dwelling. The application proposed various external alterations to the building to include new external cladding, a new slate roof, and new fenestration and rooflights. Having regard to the site history and the specific enhancement works to the building and the site that were proposed, it was concluded that the proposed conversion was reasonably justified. It was concluded that the proposal would not harm the openness of the Green Belt or the special qualities of the National Park and could take place without harming ecological and heritage interests, and as such, planning permission was granted in December 2013.
- 14.5 The application that has now been submitted seeks to make some design changes to the scheme that was approved in December 2013. It is still proposed to convert the barn in question to a single dwelling. However, it is now proposed to amend window designs and positions, rooflights numbers and positions, external cladding details, and the front door detail. It is also proposed to incorporate additional land along the southern edge of the site into the garden curtilage of the property. An owl roost box detail has been modified as has the layout of the external

access and parking areas. The application now proposes the provision of a cycle store.

- 14.6 The principle of converting the existing barn to a dwelling has already been established by the December 2013 planning permission. The alterations that are now proposed would not undermine the design integrity of the development. Some of the changes would actually be positive changes. The changes to the cladding would result in a barn with a simpler and more traditional appearance and the changes to the access and parking areas would be Logical and would work well in this context. The level of fenestration would be slightly increased on the main north and south elevations, but (subject to materials and detailing) these changes would not adversely affect the simple agricultural / rural form of the building. The design of the fenestration is considered appropriate, having regard to the specific character of the existing barn. The slightly increased garden curtilage area that is now shown is logical as it would tie in better with the garden curtilage of the neighbouring dwelling at Lower Pennington Farmhouse. The extension of garden curtilage would not harm the rural character or openness of the site. The application is accompanied by an appropriate landscape concept plan that includes areas of lawn, planting, a pond and a wild flower meadow area. It is considered that the setting of the barn would be enhanced by the landscape concept scheme that is proposed, although more detailed landscaping proposals will still need to be agreed by condition. The bicycle store is also considered appropriate. Overall, the proposed development is considered to be sympathetic to its rural green belt context.
- 14.7 Under the previously approved scheme, a Section 106 legal agreement was completed, which secured contributions to affordable housing, public open space and transportation improvements in line with Core Strategy policies. However, since the previous application was considered Central Government have made some significant changes to those developments requiring planning permission. As such, under the Town and Country (General Permitted Development) Order (as amended) it is now possible to convert many agricultural barns to dwellings without the need for planning permission (although the Prior Approval of the Local Planning Authority would still be required). Where this situation applies, there is no requirement or mechanism to secure contributions to affordable housing, public open space or transportation contributions.
- 14.8 Although in this case, full planning permission has been sought for the development, it does appear that the barn is one that could now be converted to a dwelling without the need for full planning permission if some of the specific alterations that are proposed were not actually incorporated into the application. Given this legitimate fallback position, it is not felt that it would now be reasonable or appropriate for the application to secure any contributions to affordable housing, public open space or transportation improvements.
- 14.9 The existing approved scheme is not required to secure any contribution towards the mitigation of potential impacts on designated European sites. However, since that scheme was granted planning permission, policies have changed to the effect that a Habitat Mitigation Contribution would now be required. Unlike the other contributions that it is considered should be waived, a Habitat Mitigation Contribution would still be required under the Prior Approval process. Therefore, it is considered that a mitigation contribution of £4250 needs to be secured, failing which the application would have an unacceptable impact on designated European sites. The applicants are agreeable to securing a Mitigation Contribution

through a Section 106 legal agreement, although at the time of writing the required Section 106 legal agreement remains to be completed.

- 14.10 The site is one which has on-site ecological interest. The application is accompanied by an ecological report. The Ecologist is satisfied that the proposal will not harm ecological interests subject to the imposition of a condition. Likewise, Natural England is satisfied that the proposal would not adversely affect the integrity of the nearby designated European site, subject to securing the Habitat Mitigation Contribution.
- 14.11 The proposed development would have a limited impact on the amenities of the occupants of the adjacent residential property at Lower Pennington Farmhouse. It would also have no significant impact on the setting of the adjacent Listed building at Lower Pennington Farmhouse.
- 14.12 Overall, the proposed development is considered to be consistent with Core Strategy policies and objectives. The proposed changes to the approved development would be acceptable and would not undermine the design quality of the scheme or increase its impact on the openness of the Green Belt. The development would be appropriate in its rural context and would not harm the special qualities of the adjacent New Forest National Park. Given recent changes to permitted development rights for changes of use, it is felt that there is a reasonable justification to permit this development without securing any contributions to affordable housing, public open space and transportation improvements. Subject to conditions and to securing a Habitat Mitigation Contribution, the proposed development is considered acceptable and is recommended for permission.
- 14.13 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

## Developers' Contributions Summary Table

<b>Proposal:</b>			
<b>Type of Contribution</b>	<b>NFDC Policy Requirement</b>	<b>Developer Proposed Provision</b>	<b>Difference</b>
<b>Affordable Housing</b>			
No. of Affordable dwellings	0	0	0
Financial Contribution	£45,900	0	-£45,900
<b>Public Open Space</b>			

On site provision by area	0	0	0
Financial Contribution	£3504.90p	0	-£3504.90p
<b>Transport Infrastructure</b>			
Financial Contribution	£3745	0	-£3745
<b>Habitats Mitigation</b>			
Financial Contribution	£4250	£4250	0

## 15. RECOMMENDATION

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

- i) the completion by 31<sup>st</sup> March 2015, of a planning obligation entered into by way of an Agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure a habitat mitigation contribution
- ii) the imposition of conditions set out below.

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

#### Reason for refusal:

The recreational impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area, the New Forest Ramsar site, the Solent and Southampton Water Special Protection Area, the Solent and Southampton Water Ramsar site, and the Solent Maritime Special Area of Conservation would not be adequately mitigated and the proposed development would therefore be likely to unacceptably increase recreational pressures on these sensitive European nature conservation sites, contrary to Policy DM3 of the New Forest District Local Plan Part 2: Sites and Development Management.

Conditions to be attached to any consent

#### 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: LPF-006, LPF-004, LPF-003, LPF-001, LPF-005, LPF-002, 8067/2, revised plan (landscaping - Nov 2014), Bicycle Store / Workshop Specification (Log cabin F28-3832), Kingspan Klargester Biodisc.  
Reason: To ensure satisfactory provision of the development.
3. No percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbAmax – measured at the sensitive receptor) shall be undertaken during the bird overwintering period (i.e. between 1st



October and 31st March inclusive).

Reason: To minimise disturbance to birds and to protect nature conservation interests in compliance with Policy CS3 of the Core Strategy for the New Forest District outside the National Park.

4. Notwithstanding the submitted details, prior to development commencing, including demolition and site clearance, details of a scheme of biodiversity mitigation and compensation shall be submitted to and approved by the Local Planning Authority. The scheme shall include implementation of measures to safeguard reptiles, bats and nesting birds during operations as well as providing compensation and enhancement for Barn owl roosting/nesting. Development shall only proceed in accordance with the approved details.

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

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

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

6. 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.

7. All new rooflights shall be of a 'Conservation' type and shall be fitted so that, when closed, their outer surfaces are flush with the plane of the surrounding roof covering.

Reason: To safeguard the character and appearance of the existing buildings in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

8. Notwithstanding the submitted details, before development commences, full joinery details of the windows and doors to be used in the development, illustrating the external finish of all windows and doors supported by drawings to a scale of at least 1:20 shall be submitted to and approved in writing by the Local Planning Authority. Development shall only proceed in accordance with the approved details.

Reason: To ensure the development is of a character and appearance, sympathetic to its rural context and to comply with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

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

Reason: To safeguard the essential agricultural and rural character of the site and to comply with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

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

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

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

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

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

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

12. No external wall and no part of the roof structure of the existing building to be converted to a dwelling shall be demolished, removed or rebuilt pursuant to this planning permission (other than in connection with the replacement roof tiles and the new window and door openings) unless expressly approved in writing by the Local Planning Authority.

Reason: To ensure that the essential existing fabric of the existing barn is retained in compliance with Policy CS2 and CS10 of the Core Strategy for New Forest District outside of the National Park and to comply with Green Belt policies as set out in the

## National Planning Policy Framework.

### Notes for inclusion on certificate:

1. With respect to condition 3, the "sensitive receptor" is the nearest point of the nearby Special Protection Area (SPA) or any SPA supporting habitat (e.g. high tide roosting site). In this instance the area near to the application site which is identified within the Solent Brent Goose and Waders Strategy could be impacted by this proposal.
2. With respect to condition 4, further details are required as it does not appear that the submitted ecology report was written to support the current application. In addition, the ecology information does not reflect earlier statements in respect of reptile mitigation
3. With respect to condition 8, the details submitted with the application are not sufficiently clear and are somewhat ambiguous. There is a need for greater clarity.
4. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

In this case, there have been pre-application discussions with the applicant and discussions about contributions since the application was first submitted. As the application was otherwise acceptable as submitted no specific further actions were required.

### Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



# New Forest

DISTRICT COUNCIL

Tel: 023 8028 5000  
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Chris Elliott  
Head of Development Control  
New Forest District Council  
Appletree Court  
Lyndhurst  
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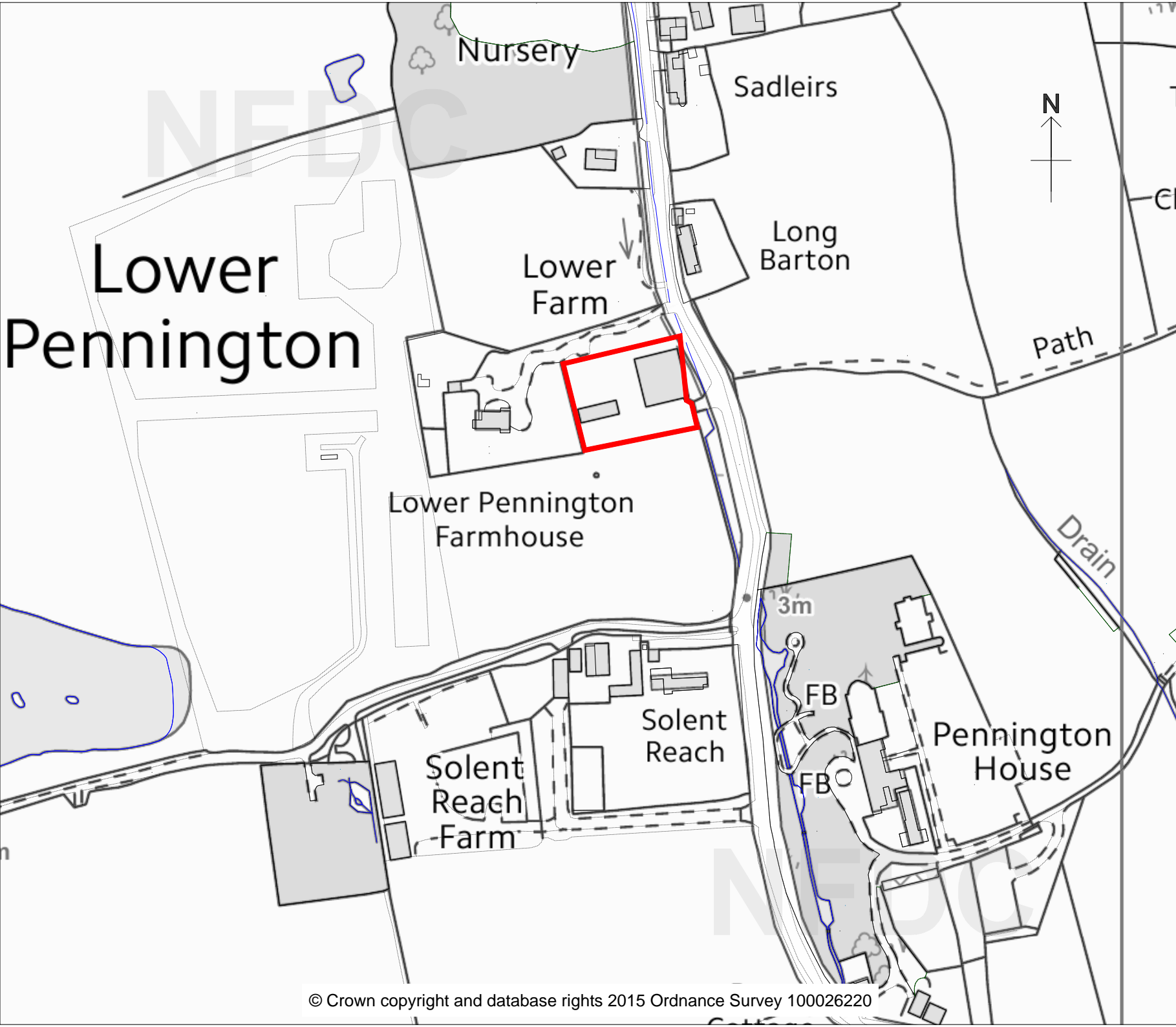
**Planning Development  
Control Committee**  
**February 2015**

**Item No: A13**

Black Salt Farm  
Lower Pennington Lane  
Pennington Lymington  
App No 14/11563  
SZ3193

Scale 1:3000

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



**Application Number:** 14/11575 Full Planning Permission

**Site:** WOODSIDE SPORTS PAVILION, WOODSIDE PARK,  
RIDGEWAY LANE, LYMINGTON

**Development:** Single-storey extensions, external alterations, porch

**Applicant:** Lymington & Pennington Town Council

**Target Date:** 12/01/2015

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## **1 REASON FOR COMMITTEE CONSIDERATION**

Discretion of Head of Planning and Transportation

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

Green Belt  
Countryside outside the New Forest  
Public open space

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

### **Core Strategy**

#### **Objectives**

1. Special qualities, local distinctiveness and a high quality living environment
7. The countryside
8. Biodiversity and landscape
9. Leisure and recreation

#### **Policies**

#### **Core Strategy**

- CS2: Design quality
- CS7: Open spaces, sport and recreation
- CS8: Community services and infrastructure
- CS10: The spatial strategy
- CS24: Transport considerations

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

DM8: Protection of public open space, private playing fields and sports grounds and school playing fields

## **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**

## **6 RELEVANT PLANNING HISTORY**

- 6.1 Formation of playing fields, floodlit, multipurpose pitch (60588) Granted with conditions on the 9th April 1997
- 6.2 Use for recreational purposes, pedestrian access and footpaths (58128) Granted subject to conditions. Appeal allowed in part on the 13th March 1995
- 6.3 Erection of a sports pavilion for use associated with football and cricket facilities and construction of a car park (20829) Granted with conditions on the 14th Jan 1982

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

Lymington and Pennington Town Council: No comment

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

- 9.1 Hampshire County Council Highway Engineer: No objection subject to condition
- 9.2 Environmental Design (Open Space Co Coordinator): No objection
- 9.3 Planning Policy: No objection
- 9.4 Environmental Health (pollution): No objection subject to condition
- 9.5 Land Drainage: No objection subject to condition

## **10 REPRESENTATIONS RECEIVED**

- 10.1 236 letters of support
- 10.2 44 letters of objection and 1 petition (with 30 signatures) concerned that the proposal would be out of character with the area and would significantly intensify activity in the area. The proposal would lead to an increase in traffic in the area and the local road network is inadequate, with the local roads having no footpaths and lighting. The park has inadequate car parking to accommodate the proposal and this will lead to parking on the road network. The existing footpaths leading to the building are poor and unlit. The proposal would increase anti-social behaviour. The park was left to Lymington residents not just for sport use but to enjoy the peace and wildlife. The proposal would incorporate a bar and an alcohol licence has been applied for, which would result in additional noise and disturbance and late night functions. An acoustic report should be provided. If approved a number of planning conditions should be imposed including hours of operation. No Environmental Impact Assessment has been submitted. The Section 106 monies should be for a better use. The application should be supported by more information details and justification. There is a lack of public awareness of the application and public consultation carried out. No neighbour notification

letters have been sent out. The application should be supported by an ecological report. No external lighting is proposed. If external lighting was provided this would impact on ecological matters such as bats. It is questioned that the application is for a change of use. Concerns about antisocial behaviour and that the facility should be for use by local residents.

## **11 CRIME & DISORDER IMPLICATIONS**

Community Safety Officer: Objection - The new building is high risk for anti-social behaviour, criminal damage and theft and concerned over the lack of crime and anti-social behaviour awareness by the designers.

## **12 LOCAL FINANCE CONSIDERATIONS**

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

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

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

This is achieved by

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

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

## **14 ASSESSMENT**

14.1 This planning application relates to the existing sports pavilion at

Woodside Park recreation ground in Lymington. The building was built back in the early 1980's and is located on the central part of the recreation ground, surrounded by playing pitches including football, cricket and tennis courts. The pavilion is a simple single storey building constructed from red brick under a pitched concrete tiled roof and comprises changing rooms, toilets, a club room, kitchen and storeroom. Access to the building is gained from footpaths that link onto the public car parks in Ridgeway Lane and Rookes Lane. Residential properties surround the perimeter of the recreation ground, but are located a considerable distance away from the sports pavilion.

- 14.2 This planning application proposes a single storey rear extension and external changes to the elevations of the building, together with new roof lights. An extension to the front of the building is also proposed in the form of a covered porch. It is not proposed to increase the number of changing rooms, but it is proposed to increase the size of the rooms within the building. It is also proposed to increase the size of the clubroom, entrance, kitchen and toilet facilities. The increase in the size of the club room would equate to around 60 square metres, which would be an increase of just less than 50% of the existing room. The total overall increase in the floor area of the building is approximately 127 square metres.
- 14.3 In support of the planning application, it is stated that the pavilion is owned and administered by Lymington and Pennington Town Council, and the building is available for use by the community. A number of organisations and groups use the building for sport and recreation such as cricket, hockey and football clubs, a local running event and a triathlon club. The basis of the proposal is to upgrade and improve the existing facilities, which are considered to be outdated and in a poor condition. This would entail larger changing rooms and toilets and new storage areas. The existing pavilion provides and hosts some degree of social gatherings and the proposed enlargement of the club room would provide a more formal bar facility.
- 14.4 In policy terms, the site lies outside the built up area boundary, but within an existing area of public open space and the designated Green Belt. Within these areas, restrictive planning policies apply.
- 14.5 In terms of the effect on the designated Green Belt, Paragraph 89 of the National Planning Policy Framework states that any new development would be considered as inappropriate development and this would include extensions or new buildings. However, are exceptions and this includes the provision of appropriate facilities for outdoor sport and outdoor recreation, as long as it preserves the openness of the green belt and does not conflict with the purposes of including land within it. The proposed extension is considered to be an appropriate exception to the Green Belt policy. The proposed extensions would provide a facility used and operated in association with the playing fields at Woodside Park and are considered to be modest additions which would not affect the openness of the Green Belt.
- 14.6 Core Strategy Policy CS8 is applicable and states that development of new and improved social facilities will be supported. Policy CS10 (b) also supports the continued provision of a good range of community facilities within the towns and villages.
- 14.7 Core Strategy Policy CS7 and Local Plan Part 2 Policy DM7 are both applicable. The policies state that there will be a presumption against any development that involves the loss of a sport, recreation or play facility



except where it can be demonstrated that alternative facilities of equal or better quality will be provided in an equally accessible location as part of the development. The policy states that improvements will be made to enhance recreation, play and sports facilities within communities. The proposed extension would upgrade and improve the existing facilities at the recreation ground, providing a much more attractive and functional building for the sporting activities that take place on the recreation ground, which would accord with the policy.

- 14.8 Local Plan Part 2 Policy DM8 (Protection of public open space, private recreation land and school playing fields) states “Development will not be permitted on public open spaces”. It continues to state “an exception to this policy may be made where the loss of existing open space resulting from a proposed development will be replaced by equivalent or better provision in terms of quantity, quality and accessibility, in a suitable location”.
- 14.9 The proposals would result in a slight loss in the area of open grassland available for general use within this Public Open Space (POS). However the area that would be lost is sited immediately behind the existing pavilion and is of limited benefit at present. The recreational pitches and the surrounding amenity grassland would continue to provide ample space for informal recreation at this site. The proposals would provide enhanced new facilities to help promote the greater use of this Public Open Space. The increase in building mass would only be noticeable from certain viewpoints and the overall height of the building will remain as existing. The landscape impacts of the proposed extensions would not be significantly greater than the current pavilion. The overall impacts of the proposals are considered to have a beneficial effect in terms of promoting a greater use of the Public Open Space. Overall, as this proposal complies with relevant local policies, and as it meets the exceptions of the National Planning Policy Framework then there is no policy objection to this proposal.
- 14.10 Comments have been made that the proposal would be a change of use of the land, however, this is not considered to be the case. The proposed extensions are to upgrade and improve the existing facilities which would be ancillary to the use of the site which is for open space and recreation. While a considerable element of the proposed extension is for a larger club room, this space could equally be used by the community and people watching and enjoying the recreational areas in conjunction with the existing use of the site.
- 14.11 In terms of the effect on the character and appearance of the area, the site lies within a sensitive location, being located in the countryside and Green Belt with the wider landscape providing large areas of open space and recreation and significant trees within and around the perimeter of the playing fields. The site lies within the 'The Rural Lanes' in the Lymington Local Distinctiveness Document and it is noted that the park is an 'important green space'. Paragraph 4.10.5 of the document states that 'care will be needed as the park evolves to embrace the types of modern play and sport facilities together with the desire to create informal amenity, relaxation and creation whilst retaining the character of both the historic park and the rural landscapes'. The document goes on to state that the park has the potential to support the qualities and distinctiveness of this character.
- 14.12 Visually the proposed extension would be designed to match the design and height of the existing building with a simple pitched roof structure.

New aluminium windows and doors would be installed and it is also proposed to finish the building with oak and cedar cladding. The proposed extensions and external changes to the building would greatly enhance the appearance of the building compared to the existing outdated brick structure. The use of timber cladding will help blend the building into the rural context of the area and the proposed extensions are modest in scale and form. Overall, the proposal would have a positive impact on the character and appearance of the area.

- 14.13 With regard to residential amenity, the proposed extension is a considerable distance away from the nearest residential property so as not to result in any adverse visual impact or overlooking. The main issue in terms of the effect on the living conditions of the nearby residential properties is whether the proposed extensions would result in additional noise and disturbance, in particular, through late night activities and functions. It is accepted that the proposed extension would increase the size of the club room by approximately 60 square metres, which would make it more attractive for functions in the evening and potentially intensify its use.
- 14.14 When the existing building was granted planning permission, there were no conditions imposed on the operational hours or prohibiting late night functions and accordingly, there is nothing to stop the building being used in the evening at present. The building has always had a club room and is of a size that could accommodate activities during the day and at night without any controls. The proposed extension would add approximately 60 square metres floor space to the club room and the plans show a small servery and it is anticipated that a formal bar will be provided in the room. On this basis, it is likely that the proposed extension would offer improved facilities both during the day and in the evenings but it is important to note that the increase in floor space to the club room is only 60 square metres.
- 14.15 The existing building is a significant distance away from the nearest residential property, (at least 200 metres). The Environmental Health Officer considers that the majority of the functions that would take place in the building during the evening are a sufficient distance away from the residential properties not to result in any adverse impact and there are certain measures that can be controlled through licensing agreements. If amplified music is played within the building, this could give rise to unacceptable noise levels to the neighbouring residential properties. On this basis, it is recommended that a planning condition is imposed to require a scheme to be submitted which specifies the provisions to be made for the control of noise emanating from the building. The scheme should include the acoustic specification of the walls, doors and windows and whether any doors or windows will be closed during periods of entertainment.
- 14.16 Comments have been made that the proposal is to create a licenced bar and that an application for alcohol licence has been submitted. This is not a planning issue, however, it is considered that a number of restrictions can be imposed through licensing such as on the hours of operation, and therefore it is not reasonable or justified to impose such conditions on any planning permission.
- 14.17 In terms of car parking and access, the recreation ground and park is currently served by two car parks. The Ridgeway Lane car park has recently been extended and comprises 80 car parking spaces and the Rookes Lane car park provides approximately 14 spaces. The site is easily accessed by pedestrians with access and links into the site from all

directions. The current application is for the refurbishment/extension of the existing sports pavilion, with a net increase in floor area of 127.5 sqm, without any additional off-street car parking provision, albeit that the site already benefits from approximately 94 spaces.

14.18 The 'Parking Standards Supplementary Planning Document (SPD)' provides a recommended car parking provision for sports/playing fields of 12 spaces per hectare of pitch area. However, in this instance as the proposals do not seek any increase in pitch area the Highway Authority consider that an objection based upon the non-provision of additional parking would be neither appropriate nor sustainable. While the proposals do not increase the number of changing rooms, they would result in a net increase in the floor area of the clubroom of approximately 60 sqm, which utilising the recommended car parking provision contained within the parking SPD of 1 space per 5 sqm of dining area/bar area/dance floor would require the potential provision of a further 14 spaces. however, no objection is raised on this basis.

14.19 Concerns have been expressed over the lack of public awareness and consultation from the applicant, and that no neighbour notification letters have been sent out. In response, the fact that no public consultation was carried out is a matter for the applicant. In relation to neighbour notification letters, it is accepted that no letters were sent however, this is because the application site as outlined in red does not share a contiguous boundary with any residential property. It should however, be noted that several site notices were posted in Rookes Lane, Ridgeway Lane and Woodside Lane.

14.20 Comments have been expressed that an Environmental Impact Assessment should be required along with ecological reports. However, the proposal is not of a scale that requires an Environmental Impact Assessment and the proposed extension would be sited to the rear of the building in an open area which is not within or close to any sensitive area where there may be protected species. No external lighting is proposed and accordingly, there is no justification for an ecological report to be submitted. Should external lighting be required, this would need planning permission.

14.21 Concerns have been expressed from by Community Safety Officer that the new building is high risk for anti-social behaviour, criminal damage and theft and is concerned over the lack of crime and anti-social behaviour awareness by the designers. However, the proposal is not for a new building but to extend the rear of the existing building with pitched roofs with no windows or glazing to the rear of the building. It should also be noted that the proposed changes to the building would make it more attractive for people to use during the day and evening and accordingly, the building would be more actively used than is the case currently, which would be a deterrent to anti-social behaviour as the building is being used more frequently.

14.22 In conclusion, it is considered that the proposed extension and alterations would significantly improve and upgrade the existing building and make a positive contribution to the character and appearance of the area. The proposed extension would accord with both local and national planning policies and subject to a noise report for the building, there would be no adverse impact on residential amenity. The Highway Authority does not raise any objections to the proposal and, given that the proposal seeks to upgrade existing facilities, there is no justification for transport

contributions.

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

## **15. RECOMMENDATION**

### **Grant Subject to Conditions**

#### **Proposed Conditions:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development permitted shall be carried out in accordance with the following approved plans: location plan, site plan, 053, 054, 054, 050, 051, 012, 013, 010, 011.  
  
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 development shall start on site until plans and particulars showing details of the provisions of cycle parking within the site have been submitted and approved in writing by the Planning Authority. The development shall be carried out in accordance with the approved details before the use of the development is commenced and shall be retained thereafter.  
  
Reason: To ensure adequate provision within the site in accordance with Policy CS24 of the Core Strategy for the New Forest District outside the National Park.
5. Before development commences, the extension and club room area within the building hereby approved shall be acoustically insulated in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the acoustic specification of the walls, doors and windows and whether any doors or windows will be closed during periods of entertainment. The extension and club room shall

be insulated in accordance with the scheme that has been approved and the acoustic insulation shall remain in place at all times unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interest of the amenity of the surrounding neighbouring properties in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

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

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

**Notes for inclusion on certificate:**

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

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

**Further Information:**

Major Team  
Telephone: 023 8028 5345 (Option 1)



# New Forest

DISTRICT COUNCIL

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

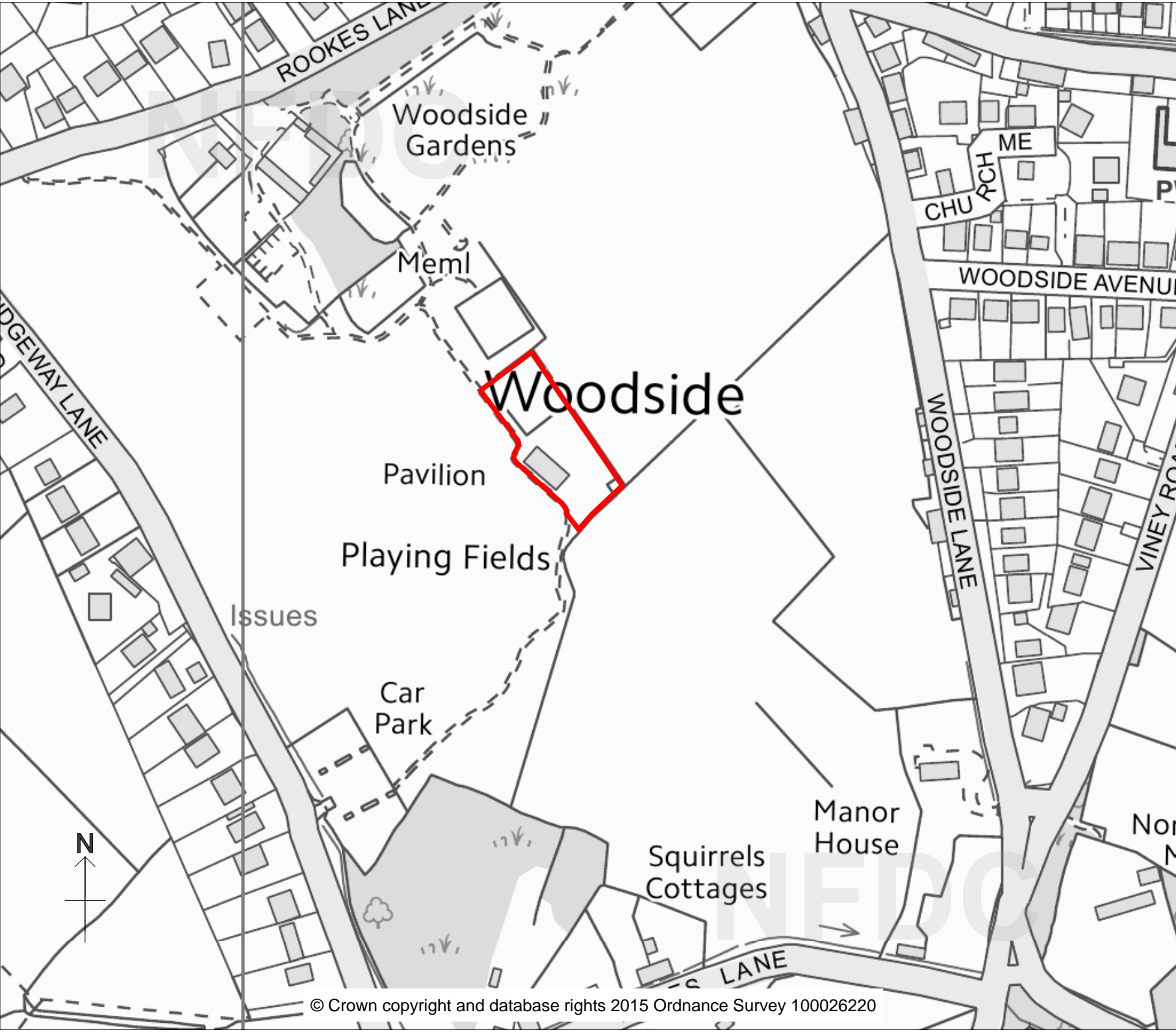
Chris Elliott  
Head of Development Control  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

**Planning Development  
Control Committee**  
**February 2015**

**Item No: A14**  
Woodside Sports Pavilion  
Woodside Park  
Lymington  
App No 14/11575  
SZ3194

Scale 1:3000

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



**Application Number:** 14/11588 Full Planning Permission

**Site:** 46-50 WATER LANE, TOTTON SO40 3DN

**Development:** 1 terrace of 3 dwellings; associated parking; 1 detached bungalow;  
demolition of existing

**Applicant:** LAWSH Ltd

**Target Date:** 13/01/2015

---

## **1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to policy and contrary in part 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

- 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
- CS17: Employment and economic development
- CS24: Transport considerations
- CS25: Developers contributions

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

DM3: Mitigation of impacts on European nature conservation sites

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

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

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

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

## **6 RELEVANT PLANNING HISTORY**

Development of 10 flats and new access (53897) Refused on the 29<sup>th</sup> April 1994

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

Totton Town Council: Recommend refusal - The proposed plans detail the development of a brownfield site into a terrace of 3 dwellings with a bungalow situated at the back of the plot. The properties in the immediate area are largely detached one and two storey houses. The proposed terrace is not in keeping with the area and although the proposal would be an aesthetic improvement on the current use it would be out of place within the street scene. The plot is in a central location and, given the demand for housing, it is not unexpected that density on this plot would be greater than the surrounding area, however in this instance the plot has been overdeveloped to the point that it is unbalancing the composition of the area. The amenity of neighbouring properties would not be adversely affected by this development, although the proposed bungalow at the rear of the site may have a feel of overlooking and encirclement with the location of this dwelling also not in keeping with the area. Comments from the Environment Agency also raised potential issues with watercourses and flooding in the area which are a particular concern given the amount of additional hard surfacing proposed.

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

- 9.1 Land Drainage: No objection subject to condition. refer to Environment Agency
- 9.2 Environment Agency: Objection
- 9.3 Hampshire County Council Highway Engineer : No objection
- 9.4 Policy: Loss of employment use acceptable subject to an acceptable housing development in terms of layout and design
- 9.5 Building Control: Minimum width for fire and rescue access is 3.7m

## **10 REPRESENTATIONS RECEIVED**

2 letters concerned that there is not adequate car parking and Water Lane is already congested. The proposed bungalow is too close to the boundary and the proposed layout is not in keeping with the character of the area.

## **11 CRIME & DISORDER IMPLICATIONS**

No relevant considerations

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission and the dwellings built, the Council will receive £4608 in each of the following six years from the dwellings' completion,



and as a result, a total of £27648 in government grant under the New Homes Bonus will be received. New Forest District Council adopted a CIL charging schedule on 14 April 2014, however the implementation date for the charging schedule is 6 April 2015 so no CIL payments are currently due.

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

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

This is achieved by

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

The applicants' agent has been informed that the application will be recommended for refusal. No pre application advice was sought and the submission of amended plans will not address a number of concerns raised.

### **14 ASSESSMENT**

- 14.1 The site comprises an existing car sales business situated along a busy road which leads into the town centre of Totton. The site has an unusual shape with a side boundary being staggered and the rear part of the site forms a triangle. There are two buildings on the site, including an unattractive portacabin to the front of the site used as an office and detached outbuilding to the rear. The majority of the site is laid to hardstanding and is used for car sales. Overall the site does not positively contribute to the character of the area and a car sales business in this location is at odds with a predominantly residential area.
- 14.2 The proposal is to redevelop the site to create four dwellings comprising a two storey terrace of three dwellings to the front of the site and a

detached bungalow to the rear. Three car parking spaces would be provided to the front of the site, with each dwelling having one space and the dwelling to the rear would have a turning space and car parking space served from a long access running along the side boundary.

- 14.3 In terms of the context of the area, properties to the east of the site along Water Lane are either detached houses, bungalows or chalet bungalows which front onto the road and have long rear gardens. Immediately to the west of the site is a long narrow single storey workshop building with an attractive residential building beyond. Across the road and heading west along Water Lane there is a strong character to the residential properties with more traditional dwellings where the buildings are narrow with bay windows and detailing all set behind low boundary walls and front gardens with some vegetation. Car parking to the front is not typical. The low boundary walls continue along Water Lane, although taller hedgerows define the properties to the east. Heading east towards the town centre, the residential properties still consist of detached bungalows and houses but the context changes significantly past the junction of Westfield Road where large blocks of two and three storey residential flats are present. The back of the site is bounded by the rear gardens of properties in Oakfield Road. Overall, the character of the area is very mixed in terms of property types and styles, but the dwellings are mainly detached and front onto the road with long rear garden areas.
- 14.4 In policy terms the site comprises an established employment use and policies in the Core Strategy seek to retain employment uses. However, the site is very unattractive being dominated by hardstanding and car storage, together with two dilapidated buildings. Given the site lies within a predominantly residential area, the loss of the employment site may be appropriate subject to an acceptable, scheme for housing coming forward.
- 14.5 In assessing the effect on the character and appearance of the area, this proposal would not create an acceptable form of development in this location, neither would it create a high level of design quality. The proposed layout and design are unacceptable for a number of reasons and no regard has been given to the context of the area or the locally distinctive features along Water Lane. The fact that the site is unattractive should not mean that the resultant housing development is not designed to a high standard. The application is not supported by a contextual analysis of the area.
- 14.6 The proposed layout would appear very intensive and cramped with excessive areas of hardstanding for car parking and access driveways together with large areas of built form. Car parking would dominate the site frontage with little space for front gardens, low boundary walls or soft landscaping, which would appear harsh in this context and out of character. The long internal access driveway running nearly the full length of the eastern boundary of the site would appear out of character and very harsh in this location. The internal access road would be built up to both the side elevation of the proposed eastern elevation and the side boundary of the site. Given the limited space, there is no opportunity to provide any meaningful soft landscaping along the frontage or along the side access.
- 14.7 The proposed bungalow to the rear of the site would not be compatible with the surrounding area. Along this part of Water Lane, the dwellings front onto the street with long rear garden areas. There are no dwellings

located on land to the rear of the frontage development in this part of Water Lane. Views of the bungalow to the rear of the site would be clearly visible from Water Lane served from an uncharacteristic long driveway. Siting a new dwelling to the rear of the frontage development would be at odds with the character of the area.

- 14.8 Visually, the proposed terrace of three dwellings to the front of the site would be of a poor design quality which would appear incongruous in its setting and harmful to the character of the area. The proposed width and depth of the building creates a single building block disguised under a large flat roof, which emphasises the poor design quality. The dwellings along this part of the street tend to be detached with only a few semi-detached dwellings. A terrace of three dwellings with a wide frontage spanning across the site would not contribute positively to the character of the area.
- 14.9 With regard to residential amenity, the proposed dwelling to the front of the site would have windows facing to the road and the rear of the site which would be acceptable. The distance from the first floor rear windows to the rear boundary of the site exceeds 18 metres which is an acceptable distance.
- 14.10 In terms of the relationship of the proposed bungalow to the dwellings in Oakfield Road, it is considered that the existing boundary treatment would screen the ground floor windows. Concerning the physical relationship the majority of the west elevation of the proposed bungalow would be sited along the rear boundary of No's 10 and 11 Oakfield Road. The proposed building would rise to around 4.5 metres in height and have a pitched roof projecting away from the boundary with these neighbouring properties and it is not felt that an unacceptable loss of outlook or light would occur.
- 14.11 In terms of the effect on public highway safety, the Highway Authority does not raise any objections to the proposal. Water Lane is a classified highway and normally the Highway Authority would raise an objection on highway safety grounds where vehicles cannot gain access to/egress from the highway in a forward gear. In this instance the proposed layout does not provide appropriate turning facilities for plots 1 - 3 and, therefore, would result in reversing movements within Water Lane. However, the majority of properties with off-street parking within the immediate locality do not benefit from turning facilities and the highway authority consider that an objection based upon the non-provision of turning would be neither appropriate nor sustainable as it would be difficult to prove that the minimal number of additional reversing movements would have an adverse impact upon highway safety.
- 14.12 The level of off-street parking proposed is less than the recommended average provision set out in the NFDC document 'Parking Standards Supplementary Planning Document' adopted in October 2012. However having due regard to the location of the site, together with the fact that the parking SPD does not set minimum car parking standards, the highway authority consider that an objection based upon an under-provision of car parking would be neither appropriate nor sustainable.
- 14.13 The Environment Agency has raised an objection because the proposal

involves building over a watercourse. There is a culverted section of a tributary of the Bartley Water which runs under the south western corner of the site, underneath the existing portacabin and underneath the site of the proposed terrace. The proposed development could potentially damage this culvert which would increase the risk of flooding to the development and neighbouring properties. This would be contrary to the aims of the National Planning Policy Framework and Policy CS6 of the New Forest District Core Strategy. The Environment Agency considers that the development could restrict essential maintenance and emergency access to the watercourse and the foundations for the proposed terrace are likely to adversely affect the construction and stability of the culvert which will compromise its function. The proposal will therefore increase the risk of flooding to the surrounding properties.

- 14.14 The proposed development would require contributions towards public open space, transportation improvements, habitat mitigation and affordable housing, which are considered to be fair and reasonable and have not been secured in this application and would therefore conflict with policy.
- 14.15 In conclusion, it is considered that the loss of this employment site would be acceptable for housing development, however, the proposed layout and design is not in keeping with the character of the area and would result in a form of development that would have a harmful impact on the character of the area. The proposed development has also not considered the watercourse that runs under the site which could potentially result in flooding of the area. The proposed development has also not secured contributions towards public open space, transportation improvements, habitat mitigation and affordable housing.
- 14.16 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

## Developers' Contributions Summary Table

<b>Proposal:</b>			
<b>Type of Contribution</b>	<b>NFDC Policy Requirement</b>	<b>Developer Proposed Provision</b>	<b>Difference</b>
<b>Affordable Housing</b>			
No. of Affordable dwellings			
Financial Contribution	£72,240	0	-£72,240
<b>Public Open Space</b>			
On site provision by area			

Financial Contribution	£9,346.40	0	-£9,346.40
<b>Transport Infrastructure</b>			
Financial Contribution	£14,980	0	-£14,980
<b>Habitats Mitigation</b>			
Financial Contribution	£12,200	0	-£12,200

## 15. RECOMMENDATION

### Refuse

#### Reason(s) for Refusal:

1. The proposed development would constitute an over intensive use of the site with a cramped layout which would be inappropriate to the site's context, in particular, because:-
  - i) The proposed frontage building would be of an unsympathetic and poor design quality with an awkward scale and massing disguised under a large flat roof, which would appear incongruous and harmful in the street scene.
  - ii) The external spaces within the site would be dominated by a large car parking area to the front and a long access drive with inadequate provision for any meaningful soft landscaping, front gardens or boundary treatment, which would result in a harsh and unreasonably poor appearance in the street scene.
  - iii) The proposed rear building would be sited in an area where it would appear out of context, incongruous and result in a cramped form of backland development.

As such the proposal would be of an unduly poor design quality, which would detract from the character and appearance of the area, contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park.
2. The proposed development would entail building over a culverted section of a tributary of the Bartley Water. On the basis of the limited information provided, the Planning Authority is concerned that the proposed development would prejudice the maintenance, construction, stability and proper functioning of the culverted section of the Bartley Water which passes across the site and the proposal would therefore increase the risk of flooding to surrounding properties. For this reason, the proposal is contrary to Policy CS6 of the Core Strategy for the New Forest District outside the National Park.
3. The proposed development would fail to make any contribution to enhance or create off-site provision and management of public open space to meet the needs of the occupants of the development for public open space. The proposal would therefore be contrary to an objective of the Core Strategy for the New Forest District outside the National Park 2009 and with the terms of Policies CS7 and CS25 of the Core Strategy.
4. The 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.
5. 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.

6. 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.

**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's agent was informed that the application would be recommended for refusal. No pre application advice was sought and the submission of amended plans would not have addressed the number of concerns raised.

**Further Information:**

Major Team  
Telephone: 023 8028 5345 (Option 1)



# New Forest DISTRICT COUNCIL

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

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

**Planning Development  
Control Committee**  
**February 2015**

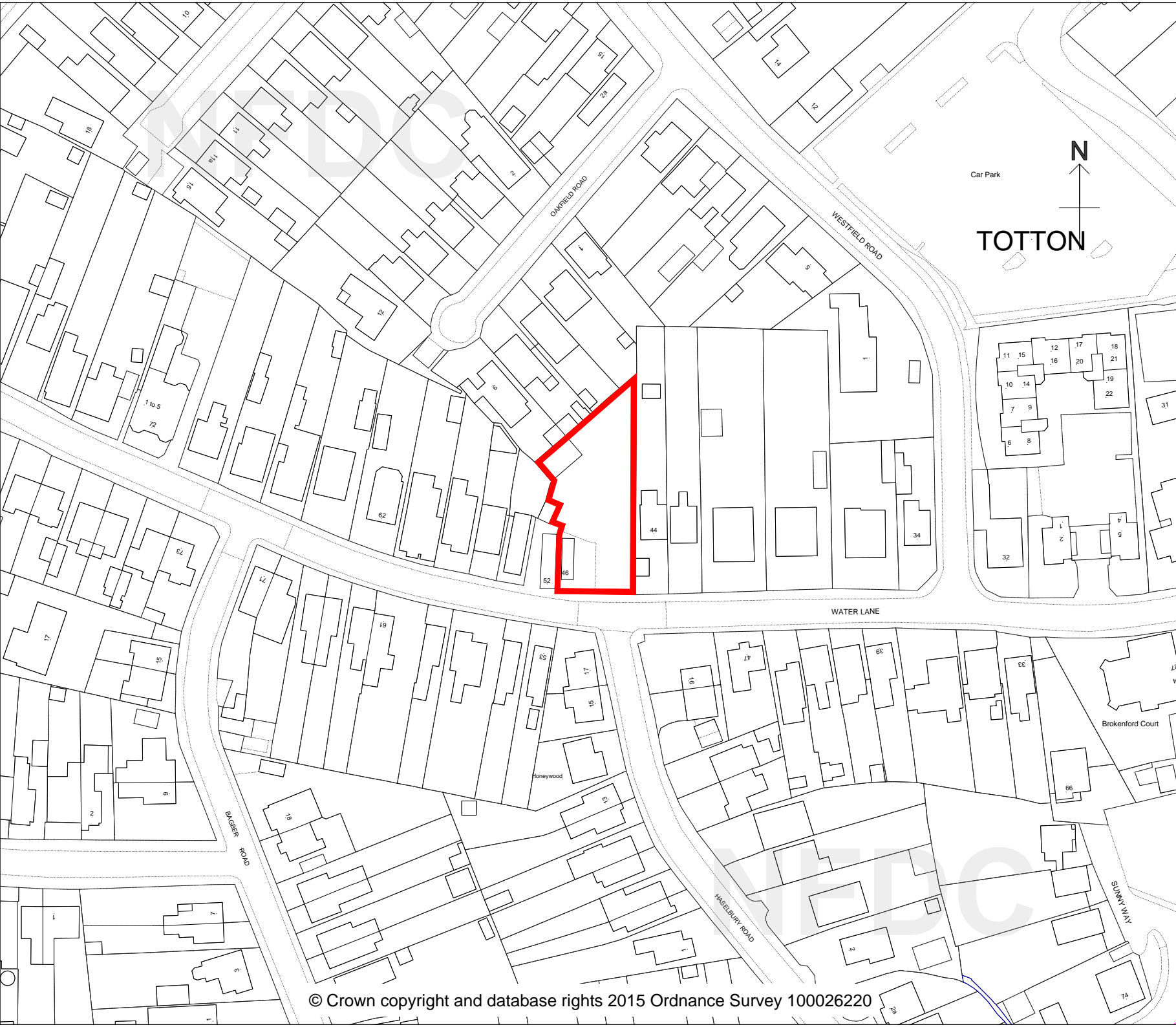
**Item No: A15**

46-50  
Water Lane  
Totton

App No 14/11588  
SU3513

Scale 1:1250

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



**Application Number:** 14/11594 Variation / Removal of Condition

**Site:** 54 & 56 SOUTHAMPTON ROAD, RINGWOOD BH24 1JD

**Development:** Variation of Condition 16 of Planning Permission 13/10532 to allow amended design details

**Applicant:** Clarke Estates (UK) Limited

**Target Date:** 18/02/2015

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## **1 REASON FOR COMMITTEE CONSIDERATION**

Contrary Town Council view and no habitat mitigation sought.

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

Built up area  
Conservation Area

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

### **Core Strategy**

#### Objectives

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

#### Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS4: Energy and resource use
- CS7: Open spaces, sport and recreation
- CS10: The spatial strategy
- CS15: Affordable housing contribution requirements from developments
- CS18: New provision for industrial and office development and related uses
- CS20: Town, district, village and local centres
- CS24: Transport considerations
- CS25: Developers contributions

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

- DM1: Heritage and Conservation
- DM2: Nature conservation, biodiversity and geodiversity
- DM3: Mitigation of impacts on European nature conservation sites
- DM16: Within town centres, outside Primary Shopping Areas and Secondary Shopping Frontages
- RING6: Transport schemes

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



Section 38 Development Plan  
Planning and Compulsory Purchase Act 2004  
National Planning Policy Framework  
Achieving Sustainable Development  
NPPF Ch.2 - Ensuring the vitality of town centres  
NPPF Ch. 7 - Requiring good design  
NPPF Ch. 12 - Conserving and enhancing the historic environment  
Section 72 General duty as respects conservation areas in exercise of planning functions  
Planning (Listed Buildings and Conservation Areas) Act 1990  
Section 197 Trees  
Town and Country Planning Act 1990

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

SPD - Housing Design, Density and Character  
SPG - Ringwood - A Conservation Area Appraisal  
SPD - Ringwood Local Distinctiveness  
SPD - Ringwood Town Access Plan  
SPD - Mitigation Strategy for European Sites

## **6 RELEVANT PLANNING HISTORY**

- 6.1 10532 - development comprised 2 commercial units (B1), 17 flats, associated infrastructure, car and cycle parking, amenity space. Granted 7.11.13
- 6.2 10533 - demolition of 54 and 56 Southampton Road. Granted 10.10.13

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

Ringwood Town Council - recommend refusal and would not accept a delegated approval. Unhappy with cladding changes and agree with Urban Design comments regarding balconies and planting.

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

- 9.1 New Forest Access for All - make comments in respect of access and non-planning matters
- 9.2 Environmental Design (Conservation) - no objection
- 9.3 Drainage Engineer - no comment
- 9.4 Ecologist - no objection
- 9.5 Environmental Design (Urban Design) - no major objection but query planting and balconies

## **10 REPRESENTATIONS RECEIVED**

An objection has been received from the Ringwood Society concerned with the proposed use of cladding which would weather badly and make the poorly designed building worse.

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission and the dwellings built, the Council will receive £19,584 in each of the following six years from the dwellings' completion, and as a result, a total of £117,504 in government grant under the New Homes Bonus will be received. New Forest District Council adopted a CIL charging schedule on 14 April 2014, however the implementation date for the charging schedule is 6 April 2015 so no CIL payments are currently due.

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

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

This is achieved by

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

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

## **14 ASSESSMENT**

14.1 The site lies within the built up area of Ringwood in the Ringwood Conservation Area. It is currently being redeveloped following the granting of application 13/10532. The application is to vary condition 16 which relates to the plan numbers and in doing so, the changes proposed include:

- the replacement of 4 Juliet balconies with full balconies
- the omission of the air source heat pumps and addition of a second row of photovoltaic panels

- the relocation of bat tiles from the south to the north elevation
  - greater acoustic separation between the flats, resulting in the ridge being 280mm higher
  - minor window alterations including slight repositioning of living area windows in flats 4, 8 and 10
  - framing around balcony screens
  - alternative cladding materials.
- 14.2 Concerns have been raised in respect of the potential impact the full balconies would have on the agreed planting scheme, although the applicant has responded to this advising that the agreed planting would not be reduced in any way. To the front of the site, the balcony would be part of the entrance canopy, two further balconies would be over approved pergolas and the rear one would be over a patio area. Hardy plants are proposed and the site will benefit from a management company and landscaping firm to deal with the ongoing maintenance of the landscaping.
- 14.3 Visually, the balconies would add interest to the street scene and changing the levels of the canopies/flat roofs to align with the balconies is welcomed. The balconies would be provided with privacy screens and, as a result, would have a limited impact on adjoining residential amenity. Similarly, the slight repositioning of the living room windows would not adversely affect residential amenity as they would be obscure glazed in any case and where closest to the adjacent flats, would face a blank elevation.
- 14.4 In order to achieve the necessary level under the Code for Sustainable Homes, the revised scheme includes additional photovoltaic panels in place of the previously proposed air source heat pumps. This would have a limited impact on the proposal and would reduce the potential for noise disturbance to nearby residents. Adding the panels has resulted in the relocation of the bat tiles, to which the Ecologist has raised no objections.
- 14.5 The main concern which has been raised is in respect of the proposed cladding. It is noted that the previously proposed plans indicated timber cladding to the panels between windows. However, on submission of the proposed materials, 'Dura clad' was agreed as an alternative to the timber. That proposed now is very similar to the approved material and has not raised any objection from the Conservation Officer.
- 14.6 The overall scheme generates the requirement to contribute towards public open space, transportation improvements and affordable housing. A S.106 Agreement was completed during the determination of the previous application and as the development has commenced, the full amount secured has been paid. Since the previous approval, the adoption of the Local Plan Part 2 now requires new residential dwellings to contribute towards habitat mitigation. However, having regard to the fact that the development is substantially underway and all agreed contributions have been paid, it is not considered appropriate to request habitat mitigation as the changes sought under this proposal do not materially change the overall scheme of 2 commercial units and 17 flats.
- 14.7 The proposed changes are not therefore considered to materially affect the visual or residential amenities of the area nor give rise to adverse impacts on protected species. Approval is therefore recommended.
- 14.8 In coming to this recommendation, consideration has been given to the

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

## Developers' Contributions Summary Table

<b>Proposal:</b>			
<b>Type of Contribution</b>	<b>NFDC Policy Requirement</b>	<b>Developer Proposed Provision</b>	<b>Difference</b>
<b>Affordable Housing</b>			
No. of Affordable dwellings	N/A		
Financial Contribution	N/A		
<b>Public Open Space</b>			
On site provision by area	N/A		
Financial Contribution	N/A		
<b>Transport Infrastructure</b>			
Financial Contribution	N/A		
<b>Habitats Mitigation</b>			
Financial Contribution	N/A		

## 15. RECOMMENDATION

### GRANT the VARIATION of CONDITION

#### Proposed Conditions:

1. Materials shall be as approved by the Council's decision letter dated 28.3.14 or as stated within this application.

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.

2. The ground, first and second floor windows on the north and south elevations of the approved buildings 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.

3. The landscaping and associated implementation and maintenance shall be as approved by the Council's decision letter dated 31.7.14 unless an alternative scheme is first agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and in

accordance with policy CS2 of the New Forest District Council Core Strategy.

4. The buildings shall be implemented in accordance with the design details agreed under condition 7 of 13/10532 on 16.5.14 or subsequently approved by this permission.

Reason: In the interests of the character and appearance of the Conservation Area and in accordance with policies CS2 and CS3 of the New Forest District Council Core Strategy.

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

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

6. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination. An investigation and risk assessment must be undertaken in accordance with the details referred to in condition 7 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 8. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 8.

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

7. The development hereby permitted shall be carried out in accordance with the investigation and risk assessment approved by the Council's decision letter dated 28.3.14.

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

8. The remediation scheme approved by the Council's decision letter 6.5.14 dated must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

9. The monitoring and maintenance scheme of remediation shall be undertaken in accordance with the details agreed by the Council's decision letter dated 6.5.14.

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

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

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

11. The development shall be undertaken in accordance with the approved ecological details submitted under 13/10532 in respect of provision for bats and as amended by this permission.

Reason: In the interests of the ecology of the area and in accordance with Policy CS3 of the New Forest District Council Core Strategy.

12. The disposal of surface water drainage and the subsequent maintenance of the system shall be as approved under the Council's decision letter of 6.5.14.

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

13. The development permitted shall be carried out in accordance with the following approved plans: 192404-P001, 192404-P003B, 192404-P004B, 192404-P005B, 192404-P006B, 192404-P007A, 192404-P024C, 192404-P013B, 192404-P015A, 192404-P014B, 192404-P018B, 192404-P016B, 192404-P019B, 192404-P017C, 192404-P007B, 192404-P009B, 192404-P011B, 192404-P022B, 192404-P020B, 192404-P023B, 192404-P021B, 192404-P008B, 192404-P010B, 192404-P012B.

Reason: To ensure satisfactory provision of the development.

**Notes for inclusion on certificate:**

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

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

**Further Information:**

Major Team

Telephone: 023 8028 5345 (Option 1)



# New Forest DISTRICT COUNCIL

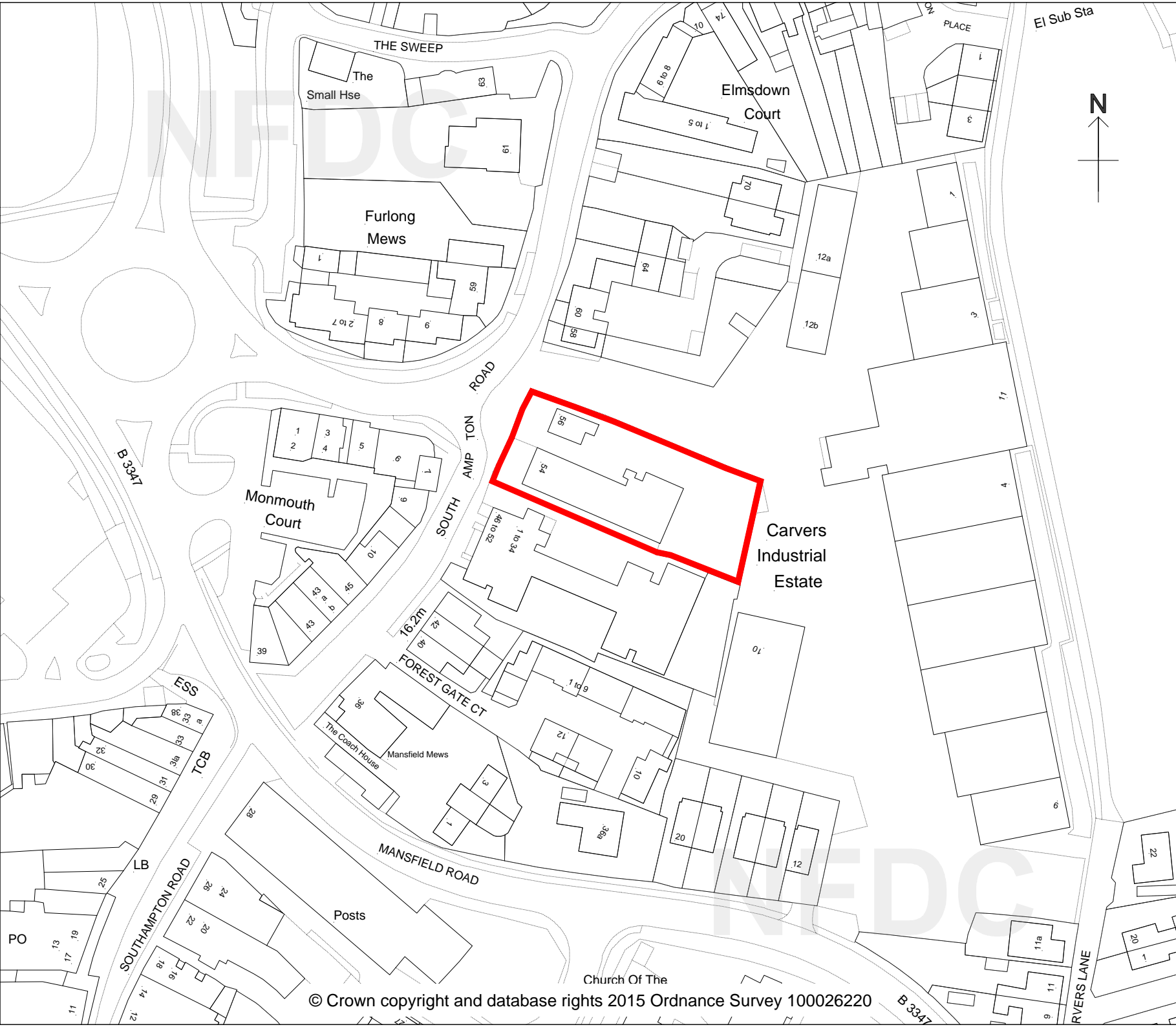
Tel: 023 8028 5000  
www.newforest.gov.uk

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

**Planning Development  
Control Committee**  
**February 2015**

**Item No:A16**  
54 & 56  
Southampton Road  
Ringwood  
App No 14/11594  
SU1405

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the internet, it will not be to  
scale.





**Application Number:** 14/11638 Full Planning Permission

**Site:** 10 NORTH STREET, PENNINGTON, LYMINGTON SO41 8FZ

**Development:** Two-storey rear and side extension; fenestration alteration

**Applicant:** Mr & Mrs Morris

**Target Date:** 22/01/2015

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**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary Town Council view.

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Built up Area

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Core Strategy**

Objectives

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

Policies

- CS1: Sustainable development principles
- CS2: Design quality

Plan Area

**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

**5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

Lymington Local Distinctiveness SPD

**6 RELEVANT PLANNING HISTORY**

14/10600 Single-storey rear extension; roof light; rear dormer; two storey side extension. Refused 13.08.2014

**7 PARISH / TOWN COUNCIL COMMENTS**

Lymington and Pennington Town Council recommend permission

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

Drainage Engineer - No comment

## **10 REPRESENTATIONS RECEIVED**

None received

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

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

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

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

This is achieved by

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

In this case the applicant did not enter into pre-application discussion further to

the refusal of the previous application. The remaining concerns and recommendation have been discussed with them and they wish for this application to be determined on the basis of the plans submitted.

## 14 ASSESSMENT

14.1 The site is within a built up residential area of Pennington, backing onto playing fields. It is at the end of a small terrace of three properties clad in red brick under slate tile roofs, which in their age and vernacular character make a positive contribution to the local distinctiveness of the area. The property fronts the road with a small front garden area and has a driveway to its side and detached garage to the rear along the east boundary. It has been subject to previous modest extension on its side and rear elevations. Neighbouring residential premises include that attached to the west and a detached property to the east, with which a staggered relationship exists with the neighbouring garage and attached wall providing intervening screening.

14.2 This proposal is a revision of a previous scheme 14/10600 to provide an additional bedroom at first floor level and an enlarged kitchen at ground floor level which was refused for the following reasons:

*'The proposed extension due to its form and siting, the property extension would be out of step with the existing terrace and neither sit comfortably on the site nor relate well to the adjoining development. Furthermore, by reason of this awkward siting together with the inappropriately high eaves line on the front elevation, the proposed development would appear alien and imposing to the detriment of the simple form and traditional character of the existing terrace and spatial characteristics of the immediate area. For these reasons, the proposals would appear out of context and be harmful to the character, appearance and local distinctiveness of the area, contrary to policy CS2 of the Core Strategy for the New Forest District Council outside the National Park, the adopted Supplementary Planning Document "Lymington Local Distinctiveness" and the NPPF, in particular, chapter 7'.*

14.3 This revised proposal sees the extension shifted across towards the west boundary and accommodated under a revised pitched roof form, projecting beyond the property's side elevation. Although the roof form is considered an improvement on that previously proposed, resulting in a more comfortable visual appearance, the proximity to the boundary would see increased impact on the attached neighbouring premises.

14.4 The attached neighbouring premises has windows at ground and first floor level which look out from its rear elevation onto the patio area at the immediate rear of the premises. The two storey element would be positioned adjacent to the boundary with this attached neighbouring premises and would project beyond the existing extensions and the established extent of two storey additions at the rear of this terrace. Considering the two storey height of the extension, its length of projection and proximity to the boundary this would result in an overbearing and visually oppressive impact on the outlook from this attached neighbouring property.

14.5 Furthermore the proposed bedroom window in the existing rear elevation wall would allow unobstructed views down into this neighbouring garden area from first floor level. This degree of overlooking would be likely to

result in a harmful loss of privacy to these neighbouring occupiers. Although the Council could condition that such an overlooking window should be obscure glazed and/or non opening this is not considered reasonable given that this is the only window serving this bedroom. It is noted that, given the detached and staggered relationship with the neighbouring premises to the east and their intervening garage, the impact on the living conditions of these neighbouring occupiers should not be adversely affected.

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

## **15. RECOMMENDATION**

### **Refuse**

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

1. Considering the scale and positioning of the extension, its two-storey height, length of projection and proximity to the boundary with the attached neighbouring property, No 12 North Street, this would result in an overbearing and visually oppressive impact on the outlook of the occupiers of this adjacent property. Furthermore the proposed bedroom window in the existing rear elevation wall would allow unobstructed views down into this neighbouring garden area resulting in the loss of privacy. As such this proposal would result in harm to the residential amenity and living conditions of these neighbouring occupiers 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 discussion further to the refusal of the previous application. The remaining concerns and recommendation was discussed with them and they requested that the application be determined on the basis of the plans submitted.

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

Authority on the 19.12.2014

**Further Information:**

Householder Team

Telephone: 023 8028 5345 (Option 1)



# New Forest DISTRICT COUNCIL

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

Chris Elliott  
Head of Development Control  
New Forest District Council  
Appletree Court  
Lyndhurst  
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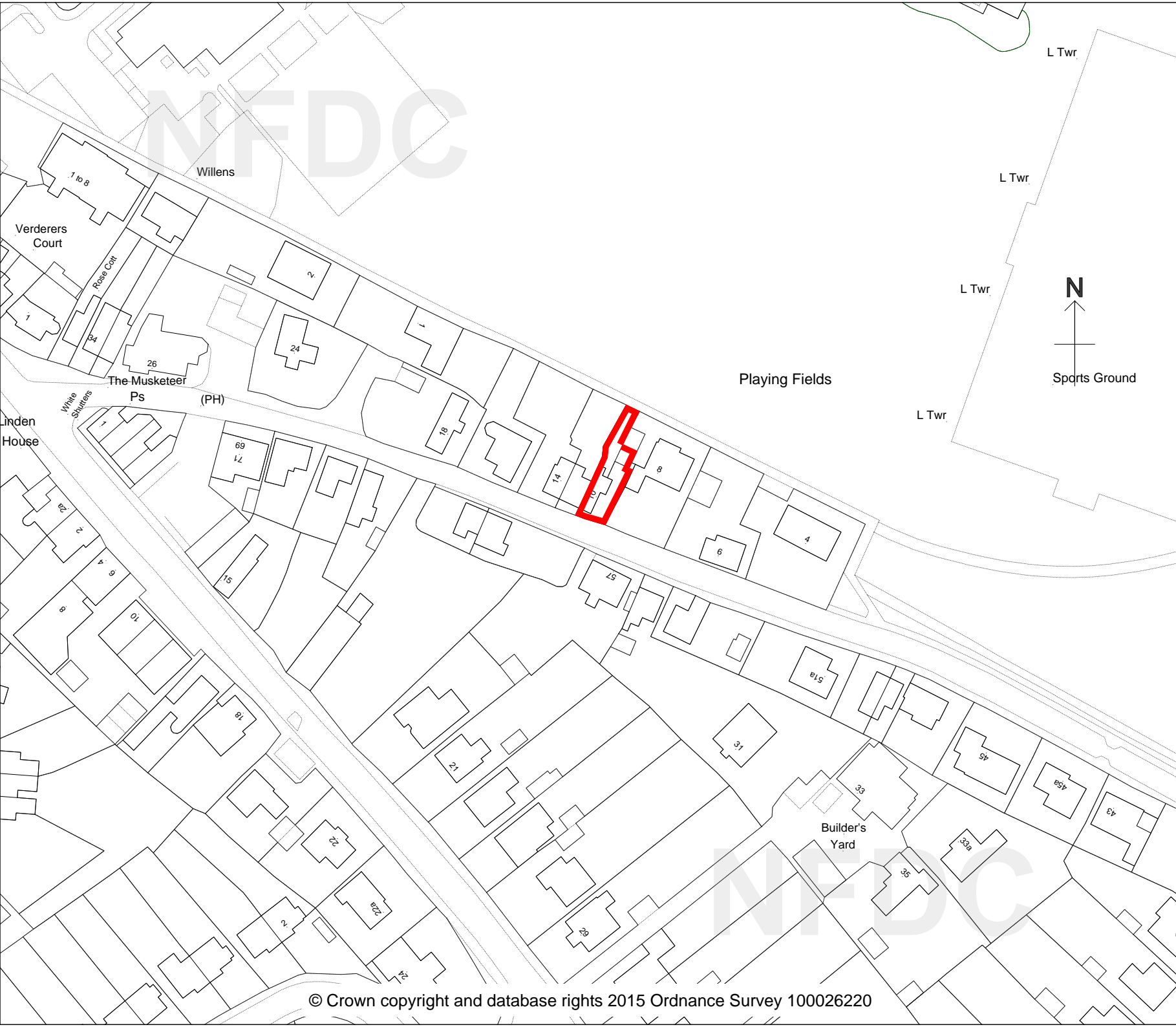
## Planning Development Control Committee February 2015

**Item No: A17**

10  
North Street  
Lymington  
App No 14/11638  
SZ3194

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the internet, it will not be to  
scale.



**Application Number: 14/11681** Full Planning Permission

**Site:** SPRINGFIELDS, 68 STOPPLES LANE, HORDLE SO41 0GL

**Development:** First-floor rear extension

**Applicant:** Mr & Mrs Haws

**Target Date:** 30/01/2015

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**1 REASON FOR COMMITTEE CONSIDERATION**

NFDC employee

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Built up Area

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Core Strategy**

Objectives

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

Policies

CS2: Design quality

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

None relevant

**4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

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

**5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

Hordle Village Design Statement

**6 RELEVANT PLANNING HISTORY**

None relevant

**7 PARISH / TOWN COUNCIL COMMENTS**

Hordle Parish Council: Recommend Permission, but would accept the decision reached by the Officers under their delegated powers.

**8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

Drainage: no comment

## **10 REPRESENTATIONS RECEIVED**

None received

## **11 CRIME & DISORDER IMPLICATIONS**

Not applicable

## **12 LOCAL FINANCE CONSIDERATIONS**

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

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

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

This is achieved by:

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
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- 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.

An amended plan was requested to correctly reflect neighbouring development which formed part of the assessment of the proposal. Notwithstanding this, all the above apply and the application was acceptable as submitted.



## 14 ASSESSMENT

- 14.1 The application site consists of a two storey house, situated on an established residential road in the built up area of Hordle. The proposal is for a first floor extension over an existing ground floor element on the rear elevation.
- 14.2 By reason of the proposed siting of the extension it would not impact on the street scene, so the considerations for this proposal would be the impact on the character of the area and neighbour amenity.
- 14.3 The neighbouring property, no. 70 has a similar style extension on the rear to that currently proposed. The footprint of the existing dwelling would not be increasing, and the overall form of the development would be appropriate to the appearance of the property. As such the proposed extension would not adversely impact upon the character of the area.
- 14.4 With regard to neighbour amenity, the dwelling to the south, no. 70, has both ground and first floor windows on the side elevation which could potentially be impacted upon by the proposed extension, but as these windows serve rooms which have a double aspect it would not create an unacceptable level of harm to this neighbour's amenities.
- 14.5 The proposed first floor extension would introduce a large bathroom window on the side elevation which would look towards no 66 Stopples Lane. The plans show there is only a distance of 6.7m between the proposed side window and the neighbour's boundary, and as such views over the neighbours' rear garden would be achievable. However, there is an existing side window on the side elevation of no. 68 serving a landing area which can already achieve views over the private amenity area serving no. 66. For this reason, the proposed side window, which is set back some 6.7 metres, is not considered to be potentially any more harmful in terms of overlooking than the existing situation. Therefore, although a side window in this close relationship would normally be resisted, in this case, refusal is not considered justified. Furthermore, it is noted that no objection has been raised by the occupiers of no. 66
- 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 development permitted shall be carried out in accordance with the following approved plans: 001 Rev B

Reason: To ensure satisfactory provision of the development.

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

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

**Notes for inclusion on certificate:**

1. This decision relates to amended plans received by the Local Planning Authority on 22 December 2014
2. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

An amended plan was requested to correctly reflect neighbouring development which formed part of the assessment of the proposal. Notwithstanding this all the above apply and the application was acceptable as submitted.

**Further Information:**

Householder Team  
Telephone: 023 8028 5345 (Option 1)



# New Forest

DISTRICT COUNCIL

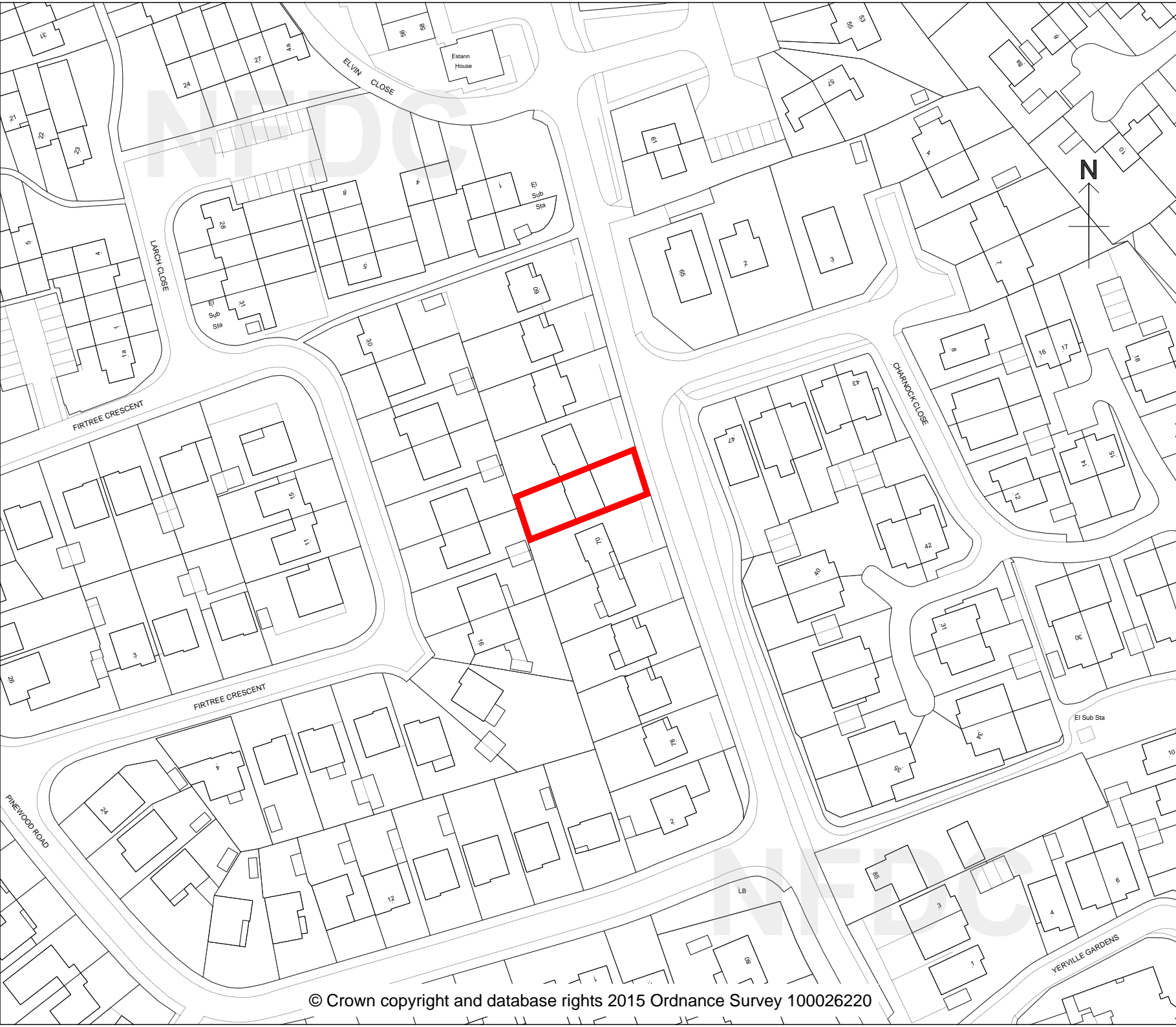
Tel: 023 8028 5000  
www.newforest.gov.uk

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

**Planning Development  
Control Committee**  
**February 2015**

**Item No: A18**  
Springfields  
68 Stopples Lane  
Hordle  
App No 14/11681  
SZ2695

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



**Application Number:** 14/11709 Full Planning Permission

**Site:** UNITS 1 TO 2 NEWBANK COURT, SANDLEHEATH  
INDUSTRIAL ESTATE, OLD BRICKYARD ROAD,  
SANDLEHEATH SP6 1FG

**Development:** Side extension

**Applicant:** Heritage Window Systems Ltd

**Target Date:** 05/02/2015

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**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Parish Council View

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Built up area

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Core Strategy**

**Objectives**

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

**Policies**

- CS2: Design quality
- CS10: The spatial strategy
- CS17: Employment and economic development
- CS20: Town, district, village and local centres
- CS24: Transport considerations
- CS25: Developers contributions

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

None

**4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

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

**5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

SPD - Parking Standards

## **6 RELEVANT PLANNING HISTORY**

6.1 Two storey side extension (10554) Granted with conditions on the 11th August 2014

6.2 Employment development - light and general industry, research and development, offices and storage - details of development granted by 67399 (80457) Granted with conditions on the 9th Sept 2004

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

Sandleheath Parish Council: Recommend permission

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

9.1 Hampshire County Council Highway Engineer: No objection

9.2 Environmental Health (historic land use): No objection subject to standard contaminated land conditions

9.3 Land Drainage: No objection subject to condition

## **10 REPRESENTATIONS RECEIVED**

None

## **11 CRIME & DISORDER IMPLICATIONS**

No relevant considerations

## **12 LOCAL FINANCE CONSIDERATIONS**

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

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

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

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
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- Updating applicants/agents of issues that arise in the processing of their

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

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

The applicant's agent has been advised that the proposed extension is too big and, siting so close to the road frontage, would not be acceptable. The proposed extension would also appear to be sited in part of the original soft landscaping scheme for the site and because of the size of the extension there is no opportunity for new planting to screen the building. The applicant's agent has looked to reduce the size of the extension, however, this is well short of what Officers feel would be acceptable and the applicant's agent has advised that any further reduction would not be viable. As a result, refusal is recommended.

## **14 ASSESSMENT**

- 14.1 The site comprises an industrial building located centrally within the Sandleheath industrial estate. The applicant occupies all three units and is a window manufacturer, with offices, manufacturing and storage areas within the building. Planning permission was recently obtained for an extension to the north of the building for additional office use and a showroom, but this has not been implemented. To the north side of the site is an area of open land, which is intended to form a future extension of the industrial estate. The buildings on the estate vary in size, design and style but there is a range of newly built industrial units to the north and west of the estate.
- 14.2 The current proposal is to construct an extension on open land to the south of the existing building to be used for additional storage. A total of 244.80 square metres is proposed. The proposed extension would rise to the same ridge height as the main building but, given the changes in the land levels, the actual extension would appear as a taller structure than the existing building.
- 14.3 From a policy point of view, Core Strategy Policy CS17 is applicable and supports intensification of employment uses and extensions to existing established businesses. The proposed development would accord with Policy CS17 on the basis that the site lies within an established employment site and the proposal seeks to expand its existing business operations.
- 14.4 The proposed extension would be sited in a prominent position on the building directly abutting the main service road which runs through the industrial estate. Buildings on this part of the road are generally set back from the highway. The proposed extension would be sited right up to the pavement edge and the side gable of the extension would face the road frontage. Because of the shape of the site, the proposed extension would

be triangular, filling nearly all of this part of the site. The proposed extension would rise to around 10 metres in height and would be constructed from light profile grey sheeting and no openings or windows are proposed to be installed in any of the elevations. At one point, the proposed extension would protrude around 10 metres forward of the neighbouring unit at No 20. It would appear that when the estate was developed, a narrow soft landscaping area was proposed adjacent to the highway, which does not appear to have been implemented, and the proposed extension would encroach onto this space.

14.5 It is considered that, by virtue of the close proximity of the extension to the road, its scale, and its austere design, together with limited space for any soft landscaping, the proposed development would be visually imposing and incongruous in its setting and its relationship to the street, to the detriment of the character and appearance of the area. While it is accepted that there are other buildings in the estate that are located close to the road or built right up to the road frontage, in most cases there is adequate set back or space between the buildings and road. In addition, the sheer scale of the proposed extension is considerably more imposing than the other buildings in the area.

14.6 The proposed extension would be sited on an area that formed part of the original car parking layout, but the proposal is to re configure the car parking spaces within the site maintaining the 20 car parking spaces located to the front of the building. It is not proposed to create any further car parking spaces. Based upon the proposed floor space, and the figures set out in the Council's adopted Car Parking Guidance the recommended additional provision for car parking spaces would be 2.7 spaces.

14.7 Although the proposal would increase parking demand and has not shown any additional parking provision, the Highway Authority have advised that the level of on site parking is acceptable, having regard to the nature of Old Brickyard Road (which is a relatively quiet road with available on street parking). As such, it is not considered that the proposal would have adverse implications for highway safety.

In this case, while a proposal of this type would normally require a transportation improvement contribution, there are no schemes in Sandheath towards which a contribution is sought in this case.

14.8 With regard to residential amenity, the proposed extension is sited a considerable distance away from any residential properties and on the basis that there are no windows or openings on the side elevation, it is not anticipated that the proposal would impact on any residents.

14.9 In conclusion, while it is considered that local plan policies are very supportive of existing businesses, the proposed extension would have a harmful impact on the character and appearance of the area and the employment benefits that would be gained do not outweigh the harm that would be caused to the character of the area. Planning permission has already been obtained for a large extension to the north of the building, in place of car parking spaces, and a further extension of this scale to the south would be damaging to the character of the area. Officers consider that a more modest extension that was set further back than the road, so that it does not project much further forward of the front building line of the neighbouring unit at No 20, would be more appropriate. This would

also enable a reasonable soft landscaping scheme to be planted between the building and road.

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

## **15. RECOMMENDATION**

### **Refuse**

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

1. The proposed extension would be sited in a prominent location on the building directly abutting the main service road which runs through the industrial estate. It is considered that by virtue of its siting close to the road frontage, its scale and austere design and limited scope for any soft landscaping, the proposed extension would poorly address the street scene and appear visually imposing, overbearing and incongruous in its setting to the detriment of the character and appearance of the area. For this reason, the proposed development is contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

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

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

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

The applicant's agent has been advised that the proposed extension is too big and its siting so close to the road frontage would not be acceptable. The proposed extension would also appear to be sited in part of the original soft landscaping scheme for the site and because of the size of the extension there is no opportunity for new planting to screen the building. The applicant's agent has looked to reduce the size of the extension, however, this is well short of what Officers feel would be acceptable and the applicant's agent has advised that any further reduction would not be viable.

#### **Further Information:**



Major Team  
Telephone: 023 8028 5345 (Option 1)



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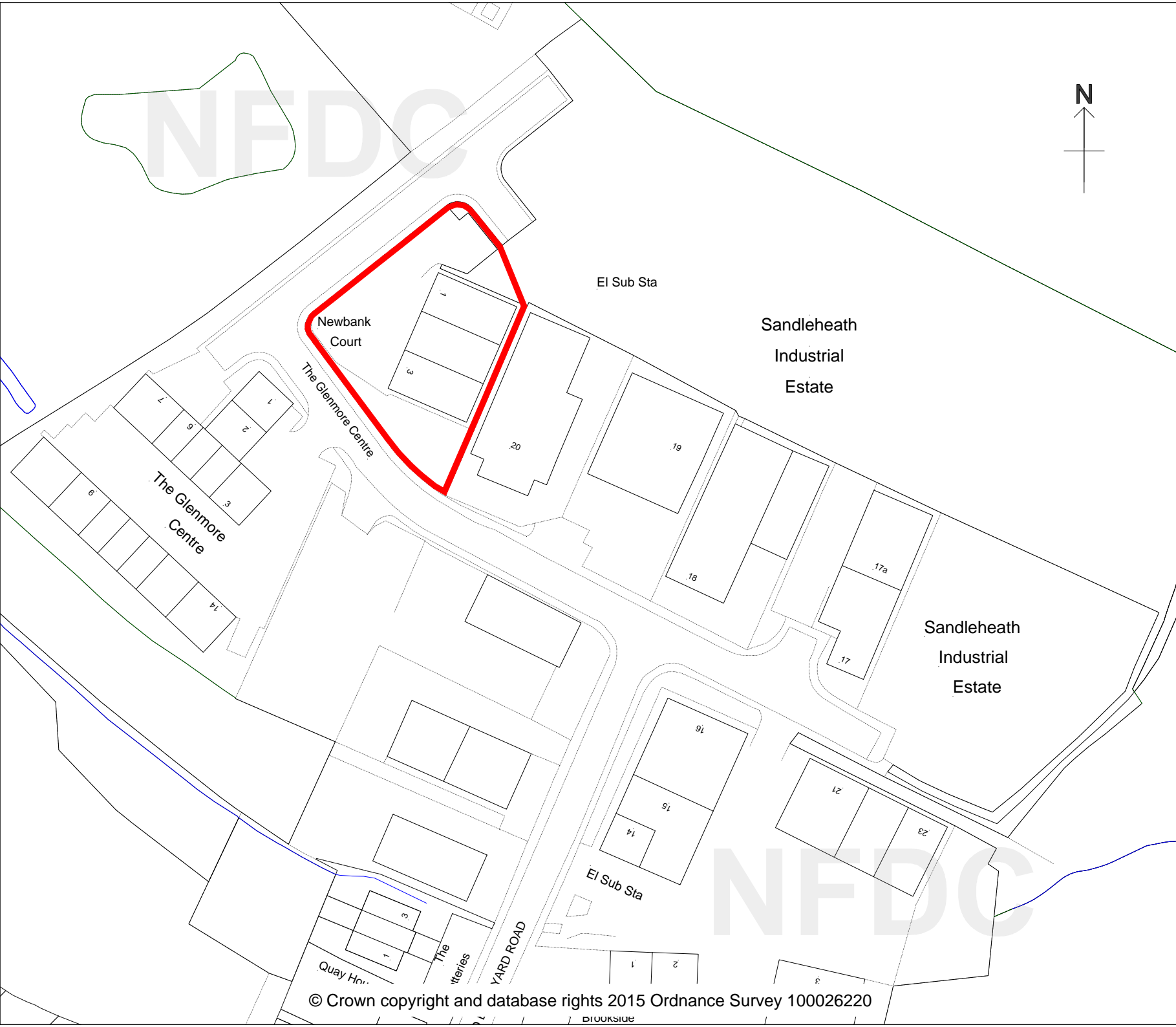
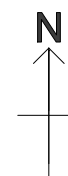
**Planning Development  
Control Committee**  
**February 2015**

**Item No: A19**

Units 1-2 Newbank Court  
Sandleheath Ind Est  
Sandleheath  
App No 14/11709  
SU1215

Scale 1:1250

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scale.



**Application Number:** 14/11735 Full Planning Permission

**Site:** SITE OF WOOD LAWN, LOWER PENNINGTON LANE,  
PENNINGTON, LYMINGTON SO41 8AN

**Development:** House

**Applicant:** Manor Developments

**Target Date:** 09/02/2015

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**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Town Council view

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Built-up area

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Core Strategy**

CS1: Sustainable development principles

CS2: Design quality

CS4: Energy and resource use

CS7: Open spaces, sport and recreation

CS15: Affordable housing contribution requirements from developments

CS24: Transport considerations

CS25: Developers contributions

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

DM3: Mitigation of impacts on European nature conservation sites

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

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

NPPF Ch. 7 - Requiring good design

**4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

**5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

Housing Design, Density and Character

Lymington Local Distinctiveness Document

**6 RELEVANT PLANNING HISTORY**

- 6.1 13/11314 - House and parking - approved December 2013
- 6.2 13/10746 - One replacement dwelling; parking; access; landscaping; demolition of existing dwelling - approved December 2013
- 6.3 13/10107 - 3 houses; parking; landscaping; demolition of existing - withdrawn April 2013

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

LYMINGTON & PENNINGTON TOWN COUNCIL recommend permission.

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

- 9.1 Land Drainage Section note this is a revised proposal for minor amendments to Planning Application 13/11314 which met the surface water condition for a 1 in 100 year storm plus climate change and recommend approval.
- 9.2 Southern Gas Networks - give informatives on proximity of site to their apparatus.

## **10 REPRESENTATIONS RECEIVED**

One letter of support received.

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission and the dwellings built, the Council will receive £1,152 in each of the following six years from the dwellings' completion, and as a result, a total of £6,912 in government grant under the New Homes Bonus will be received. New Forest District Council adopted a CIL charging schedule on 14 April 2014, however the implementation date for the charging schedule is 6 April 2015 so no CIL payments are currently due.

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

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

This is achieved by

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

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

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

In this case, while the form of development proposed is acceptable, the applicant's refusal to meet the Council's reasonable requests in relation to contributions results in a recommendation for refusal.

## **14 ASSESSMENT**

- 14.1 The site is just within the built up area of Lymington and Pennington, in a residential area characterised by detached dwellings of various eras. The former dwelling on the site was a two storey structure of render, brick and tile construction, set within a generous garden curtilage, which adjoins Lower Pennington Lane to the east, a private road to the south and other residential curtilages to the west and north. That dwelling has now been demolished and the two dwellings approved under permissions granted in 2013 are largely complete.
- 14.2 The current proposal seeks amendments to the dwelling approved under ref. 13/11314, which approved a single detached dwelling on the site. A shared access to the two units would be via an existing point of access, directly from Lower Pennington Lane. The design is conventional and the materials of construction would be facing brickwork, render, hung tile and tile roof. The current proposal seeks amendments including the provision of a pitched roof over the front door, minor fenestration alterations and creation of habitable accommodation within the roofspace.
- 14.3 The application should be assessed under the provisions of Policy CS2 of the Core Strategy, in particular with respect to potential impact upon the character of the locality and street scene, its relationship with neighbouring properties and with regard to the amenity of future occupiers. The revisions to the dwelling are minor in nature and the proposal would not have any significant adverse impacts upon the character of the locality or amenity of adjoining and future occupiers.
- 14.4 Contributions are expected in relation to affordable housing, public open space, transportation improvements and habitat mitigation in respect of the form of development proposed. The previously approved scheme was subject to similar contributions, which were agreed at the time. The applicant was again requested to enter into a Section 106 agreement to

ensure the requisite sums were forthcoming in relation to the current application. They declined to enter an agreement in their letter to the Council dated 20th January 2015 on the basis that the Council has not given due consideration to the ministerial statement made on 28th November 2014, which suggests that tariff style contributions should not be sought in relation to small scale housing developments. The Council's stance on this matter is that viability considerations are already taken into account, and it does not therefore consider that contributions should be waived irrespective of the particular circumstances of each case. The Council will keep the situation under review, but is currently continuing to expect applicants to meet the terms of the policies in the adopted Local Plan, which require small scale residential development to make the requisite contributions.

- 14.5 Notwithstanding the fact that the proposal is acceptable in design terms, the applicant's failure to meet the Council's reasonable requests in relation to contributions, dictates that the application is recommended for refusal.
- 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 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 can only be safeguarded by the refusal of permission.

## Developers' Contributions Summary Table

<b>Proposal:</b>			
<b>Type of Contribution</b>	<b>NFDC Policy Requirement</b>	<b>Developer Proposed Provision</b>	<b>Difference</b>
<b>Affordable Housing</b>			
No. of Affordable dwellings			
Financial Contribution	£48,675	£0	-£48,675
<b>Public Open Space</b>			
On site provision by area			
Financial Contribution	£4,673	£0	-£4,673
<b>Transport Infrastructure</b>			
Financial Contribution	£5,457	£0	-£5,457
<b>Habitats Mitigation</b>			
Financial Contribution	£5,350	£0	-£5,350

## 15. RECOMMENDATION

### Refuse

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

**Notes for inclusion on certificate:**

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In this case, while the form of development proposed is acceptable, the applicant's refusal to meet the Council's reasonable requests in relation to contributions resulted in a recommendation for refusal.

**Further Information:**

Major Team  
Telephone: 023 8028 5345 (Option 1)



# New Forest DISTRICT COUNCIL

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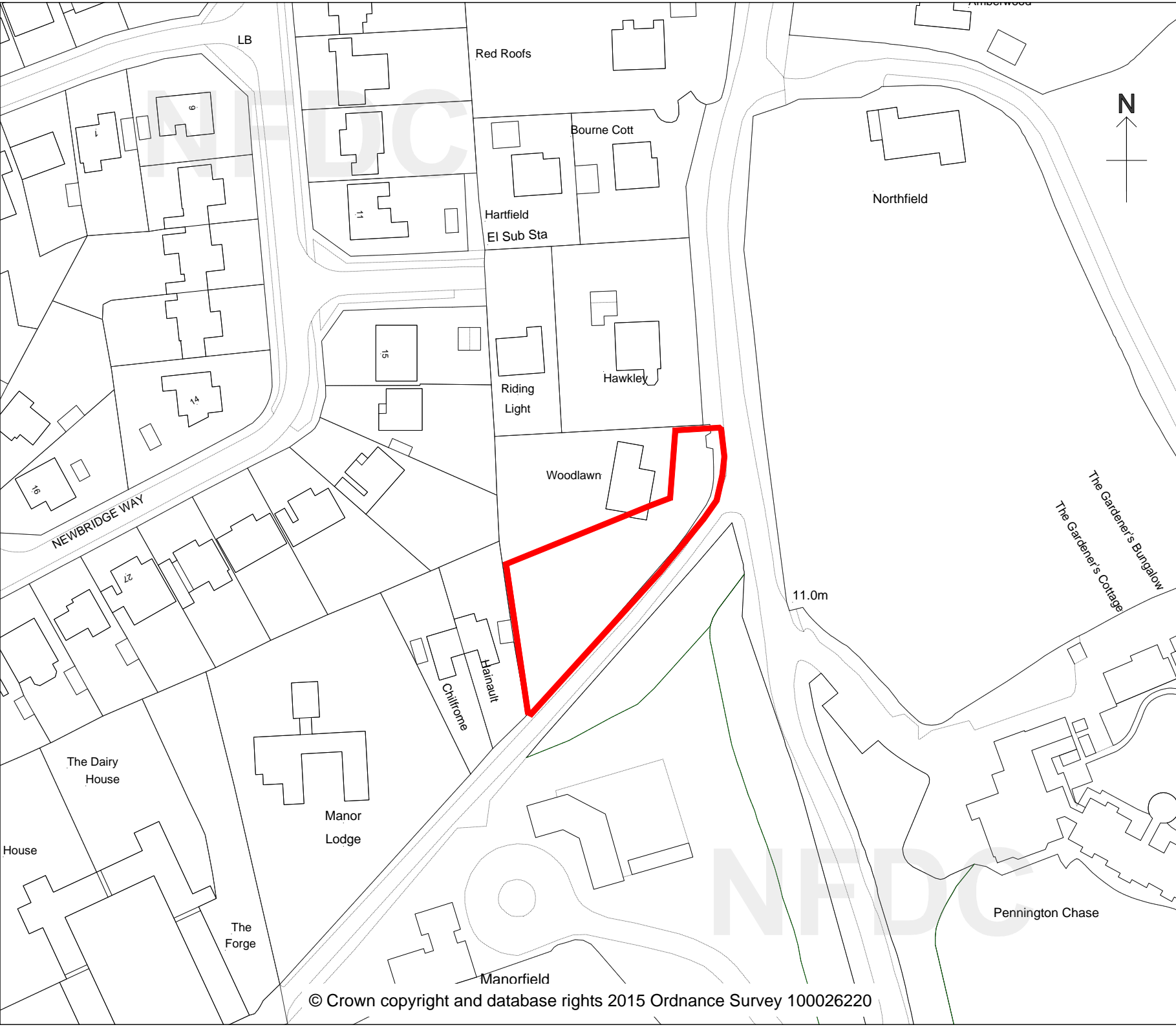
**Planning Development  
Control Committee  
February 2015**

**Item No: A20**

Site of Wood Lawn  
Lower Pennington Lane  
Pennington Lymington  
14/11735  
SZ3194

Scale 1:1250

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scale.





**Application Number:** 14/11784 Minerals (County Matter)

**Site:** BLASHFORD QUARRY, SALISBURY ROAD, BLASHFORD,  
ELLINGHAM, HARBRIDGE & IBSLEY BH24 3PF

**Development:** Extension of time of Planning Permission 09/94701 to secure an additional 5 years of operational activity for the continuation of the extraction of permitted reserves & to secure the details of an alternative restoration scheme

**Applicant:** Lafarge Tarmac Limited

**Target Date:** 23/02/2015

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**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
- 4. Economy
- 7. The countryside

**Policies**

- CS1: Sustainable development principles
- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS6: Flood risk
- CS17: Employment and economic development
- CS21: Rural economy

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

DM2: Nature conservation, biodiversity and geodiversity

**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.1 - Building a strong, competitive economy
- NPPF Ch. 3 - Supporting a prosperous rural economy
- NPPF Ch. 11 - Conserving and enhancing the natural environment

**5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

## **6 RELEVANT PLANNING HISTORY**

- 6.1 94701 - Proposed minor alteration to the alignment of Forest Haul Route and variation of conditions granted 04.08.14
- 6.2 91952 - Extraction of sand and gravel and restoration Granted 22.06.09
- 6.3 88238 - Extraction of sand and restoration Granted temporary permission 07.03.07

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

Ellingham, Harbridge and Ibsley Parish Council - none received

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

- 9.1 Environmental Health (Contaminated Land): no concerns.
- 9.2 Land Drainage Engineer: the Environment Agency may wish to comment.

## **10 REPRESENTATIONS RECEIVED**

None

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

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

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

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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.

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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 to the County Council.

## **14 ASSESSMENT**

- 14.1 The site is located to the north west of Ringwood and comprises Blashford Quarry, Nea Farm Quarry, Burnt Hill Quarry and Plumley Wood with conveyor links and relevant accesses. The quarry complex presently operates under a 2014 permission including 99 conditions and it is proposed to vary two of these conditions (73 and 85) under the current submission. This application is to be determined by the County Council, this Authority being a consultee in the process.
- 14.2 Condition 73 requires the working of minerals from Nea Farm Quarry to cease by 31.12.14 and restoration to be completed by 31.12.15. Due to a downturn in sales from the quarry in recent years, it has not been possible to extract the amount of sand available within this time frame and there remains a further 400,000 tonnes to be extracted (the amount has previously been agreed). It is therefore requested that the extraction continues for a further 5 years until 31.12.19 with a further 12 months beyond this to enable restoration. This 5 year extension is based on current and future predictions of the demand for building sand.
- 14.3 Condition 85 relates to the restoration of the site which is dependent on materials being available from Blue Haze Quarry. Works to provide these materials have been partially implemented although the applicants are no longer able to secure future access to them. The proposal therefore revises the restoration strategy making use of material (approximately 220,000m<sup>3</sup>) which originates from Nea Quarry rather than Blue Haze. The overall result would retain the approved size, shape and levels and would not impact on vistas, tree planting, land use or access drives/bridges.
- 14.4 The supporting documentation details the relevant considerations in terms of transportation, ecological issues, noise disturbance, hydrogeological /hydrological assessments, etc. and it is for the County Council to consult relevant bodies to consider these impacts.
- 14.5 Although the proposal would result in the quarry being operational for a further 5 years, the restoration changes would have little impact on the resultant landscape and, subject to there being no adverse issues in terms of noise pollution or environmental impact due to the change in restoration material, this authority should raise no objection.

**15. RECOMMENDATION**

**Raise No Objection**

**Further Information:**

Major Team

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**Planning Development  
Control Committee**  
**February 2015**

**Item No: A21**

Blashford Quarry  
Salisbury Road  
Ellingham Harbridge Ibsley  
App No 14/11784  
SU0907

Scale 1:25000

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