

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

| Parish                   | Site  | App.No.  | Schedule | Recommended                                 |
|--------------------------|---|----------|----------|---|
| Bransgore                | Land of CLAYHILL COTTAGE, POPLAR LANE, BRANSGORE BH23 8JE               | 14/11755 | 09       | <b>Refuse</b>                               |
| Fawley                   | 38 HOLBURY DROVE, HOLBURY, FAWLEY SO45 2NF                              | 14/11639 | 05       | <b>Refuse</b>                               |
| Fordingbridge            | HARLEYS, 1 SHAFTESBURY STREET, FORDINGBRIDGE SP6 1JF                    | 14/11743 | 08       | <b>Refuse</b>                               |
| Hythe and Dibden         | 8 PYLEWELL ROAD, HYTHE SO45 6AR   | 14/11727 | 03       | <b>Refuse Listed Building Consent</b>       |
| Lymington and Pennington | PINETOPS NURSERIES, 67-69 RAMLEY ROAD, PENNINGTON, LYMINGTON SO41 8GY   | 14/11341 | 01       | <b>Head of Planning Authorised to Grant</b> |
|                          | Land North of ALEXANDRA ROAD at BUCKLAND MANOR FARM, LYMINGTON SO41 8NN | 14/11427 | 02       | <b>Refuse</b>                               |
|                          | Land of 46 BROAD LANE, LYMINGTON SO41 3QP                               | 14/11691 | 07       | <b>REFUSE the VARIATION of CONDITION</b>    |
|                          | SOLENT HOUSE, 5 BATH  | 14/11785 | 12       | <b>Head of Planning</b>                     |

ROAD, LYMINGTON SO41  
3RU

**Grant or Refuse**

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8 SOUTH STREET,  
PENNINGTON, LYMINGTON  
SO41 8ED

15/10035

15

**Refuse**

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Milford-On-Sea

9 HURST ROAD,  
MILFORD-ON-SEA SO41 0PY

15/10008

13

**Refuse**

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BEACH FRONT, HURST  
ROAD, MILFORD-ON-SEA

15/10061

16

**Grant Subject to  
Conditions**

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26 WHITBY ROAD,  
MILFORD-ON-SEA SO41  
0ND

15/10084

17

**Head of Planning  
Grant or Refuse**

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New Milton

6 WINCHESTER ROAD,  
ASHLEY, NEW MILTON BH25  
5EB

14/11569

04

**Grant Subject to  
Conditions**

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Ringwood

39 POPLAR WAY,  
RINGWOOD BH24 1UY

14/11762

10

**Head of Planning  
Grant or Refuse**

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SUITE 4 GROUND FLOOR,  
MALLARD HOUSE, DUCK  
ISLAND LANE, RINGWOOD  
BH24 3AA

14/11764

11

**Grant Subject to  
Conditions**

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Rockbourne

LINLARROCK,  
ROCKBOURNE SP6 3NT

14/11646

06

**Refuse**

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Totton and Eling 14 HAWTHORNE ROAD,  
TOTTON SO40 3HH

15/10026

14

**Grant Subject to  
Conditions**

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

## **STATUTORY TESTS**

### **Introduction**

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

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

### **The Development Plan**

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

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

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

### **Listed Buildings**

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

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

### **Conservation Areas**

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

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

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

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

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

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

**Trees**

Section 197. Trees  
Town and Country Planning Act 1990

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

**Biodiversity**

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

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

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

Conservation of Habitats and Species Regulations 2010

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

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

**Equality**

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

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

### **Financial Considerations in Planning**

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

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

**Application Number:** 14/11341 Reserved Matters

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

**Development:** Development of 45 dwellings comprised: 1 terrace of 3 houses; 11 pairs of semi-detached houses; 2 pairs of semi-detached bungalows; 13 detached houses; 3 detached bungalows; access roads; footpaths; open space; landscaping; demolition of existing (Details of appearance, landscaping & scale of development granted by Outline Permission 13/11561)

**Applicant:** Pennyfarthing Homes Ltd

**Target Date:** 09/01/2015

**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Town Council View

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Built-up area

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Core Strategy**

Objectives

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

Policies

- 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**

- LYM1: Pinetops Nurseries
- 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 - Lymington Local Distinctiveness  
SPD – Mitigation Strategy for European Sites

## **6 RELEVANT PLANNING HISTORY**

- 6.1 Residential Development (03/78699) - refused 10/9/04
- 6.2 Residential Development (05/84022) - refused 11/5/05
- 6.3 80 Dwellings; demolition of existing (07/90876) - withdrawn 11/12/07
- 6.4 Residential Development of 45 dwellings; access road; footpaths; open space; landscaping; demolition of existing (13/11561) – Outline permission granted 15/7/14

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

Lymington & Pennington Town Council:- Recommend refusal - whilst the landscape scheme is acceptable, are reluctant to recommend approval in the absence of a clear understanding as to the responsibility for future maintenance.

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

- 9.1 Environment Agency:- No objection
- 9.2 Environmental Health:- No objection subject to contaminated land conditions
- 9.3 Drainage Engineer:- No objection subject to conditions
- 9.4 Southern Water:- No objection subject to condition
- 9.5 New Forest Access for All:- Access to buildings should be flat, level and without steps and doors should be sufficiently wide for wheelchairs
- 9.6 Southern Gas Networks:- advise of site's proximity to gas main
- 9.7 Environmental Design (Urban Design):- the landscape details are acceptable.

## **10 REPRESENTATIONS RECEIVED**

None

## **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 £51,840 in each of the following six years from the dwellings' completion, and as a result, a total of £311,040 in government grant under the New Homes Bonus will be received. New Forest District Council adopted a CIL charging schedule on 14 April 2014. However, the implementation date for the charging schedule is 6 April 2015 so no CIL payments are currently due.

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

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

This is achieved by

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

In this case, the application proposals have been the subject of detailed discussions and negotiations with the applicants during the course of the application. Amended plans have been submitted and this has enabled a positive recommendation to be made.

### **14 ASSESSMENT**

14.1 Pinetops Nurseries is an extensive area of glasshouses that lies on the north side of Pinetops Close and to the east side of Ramley Road. The application site, which extends to 1.91 hectares, is almost entirely covered with glass houses / horticultural structures. The site is relatively flat. On its northern side, the site is bounded by open countryside that has a scrub like character. To the south of the site, the existing residential properties fronting onto Pinetops Close are mainly single-storey bungalows with open and unenclosed front gardens. On its eastern side, the site is bounded by detached residential properties in

Yarrell Mead and Yaldhurst Lane, while to its west side, the site is bounded by detached residential dwellings fronting onto Ramley Road as well as the site offices of the Pinetops Nurseries site. The neighbouring dwelling at 73 Ramley Road is a Grade II Listed building.

- 14.2 The application site is allocated for development under policy LYM1 of the Local Plan Part 2. In July 2014, outline planning permission was granted for a residential development of 45 dwellings, including access roads, footpaths, open space and landscaping. Both the means of access to the site and the layout of the development were formally approved.
- 14.3 The application that has now been submitted is a reserved matters submission that seeks approval of the scale and appearance of the recently approved development as well as details of the landscaping. In effect, the application seeks approval of all outstanding reserved matters.
- 14.4 On the issue of scale, the application proposes 38 two-storey dwellings and 7 single-storey bungalows. The bungalows would all be situated at the eastern end of the site. This is in line with the expectations of the outline planning permission. The dwellings would be of an appropriate size and height, and as such, it is considered that the proposed scale of the development is acceptable.
- 14.5 On the issue of appearance, there were some concerns with the application as originally submitted. This is because some of the dwellings were not sufficiently well proportioned and there was also an awkward inconsistency in the architectural treatment of the dwellings, meaning that the development would not have had appropriate design integrity. Furthermore, some of the detailing failed to pick up adequately on the site's rural edge context. In the light of these initial concerns the elevations of the dwellings have been amended. It is felt these amended elevations are much improved. The proportions of the proposed dwellings would now be much more sympathetic. There would be an appropriate consistency in the architectural detailing and roof forms of the closely related building groups, but at the same time there would be sufficient variety within the development as a whole to give the development appropriate visual interest. The dwellings would include traditional details such as arched window heads and feature courses between ground and first floors, which would help the development to respond positively to its rural edge context. The dwellings would address the streets and public spaces of the site in an appropriate manner and corner properties would have adequate visual interest on their exposed side elevations. Individually and collectively, it is considered that the dwellings would be of an acceptable appearance.
- 14.6 There is still a need to resolve some of the design detail. The roofs of the proposed dwellings would have solar panels. However, the precise design and elevational appearance of the solar panels is still somewhat unclear. The elevational treatment of the solar panels needs to be submitted before planning permission is granted, although precise solar panel designs could potentially be left to condition.
- 14.7 There is also a need to resolve material details. Although some initial material details have been suggested, there are some concerns with the details that have been suggested. It is felt the proposed materials require clarification and review to ensure that the development is sympathetic to its specific rural edge context.

- 14.8 The landscaping details have been the subject of lengthy discussion since the application was first submitted. The hard landscaping details (hard surfacing and boundary treatments) are considered to be of an appropriate quality. The soft landscape (planting) details are of an acceptable quality. They would ensure that the development has appropriate levels of greenery that would provide a good quality and attractive setting for the proposed new dwellings. The public open spaces are also of an acceptable landscape design and will provide good quality amenity areas for the occupants of the proposed dwellings, including appropriate opportunities for children's play.
- 14.9 The Town Council's objection is related to a management issue and has little to do with the acceptability of the reserved matters that are being applied for. The maintenance of the public open space areas has already been addressed within the Section 106 legal agreement to the outline planning permission. It is anticipated that the areas of Public Open Space would be publicly maintained and the Town Council has been asked whether they would be willing to take on the responsibility of maintaining these areas.
- 14.10 The development would not have an adverse impact on the amenities of neighbouring and nearby dwellings. The modest single-storey scale of the 7 properties at the eastern end of the site means that development would not adversely affect the light, outlook or privacy of the nearest adjacent dwellings. A side window to Unit 7 could be glazed with obscure glass to maintain the reasonable privacy of dwellings in Ramley Road.
- 14.11 The development would have an acceptable relationship to the neighbouring Listed building at Myrtle Cottage. The development would not impinge on the setting of that listed property unduly.
- 14.12 Overall, it is considered that, subject to some minor plan revisions and clarification of details, the development is one that would be contextually appropriate and of an acceptable design quality. The development would be of an acceptable scale, appearance and landscape design, and could take place without detriment to the amenities of the wider area. Therefore, subject to receipt of amended plans that satisfactorily addresses the remaining outstanding concerns, the application 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.

## 15. RECOMMENDATION

That the Head of Planning and Transportation be **AUTHORISED TO GRANT PERMISSION** for the reserved matters of scale, appearance and landscaping specified in condition 1 of outline permission reference number 13/11561 dated 15th

July 2014 subject to:

- i) the submission of amended elevational plans showing the position of solar panels on the roofs of the buildings;
- ii) the imposition of the conditions set out below.

**Proposed Conditions:**

1. Notwithstanding the submitted details, before development commences, the following details shall be submitted to and approved in writing by the Local Planning Authority.

- a) samples or exact details of the facing and roofing materials to be used;
- b) details of the solar panel design.

The development shall only be implemented in accordance with the approved details.

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

2. 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.

3. The first floor stairwell window on the south-west side elevation of the approved dwelling at Plot 7 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.

4. The development permitted shall be carried out in accordance with the following approved plans: 5081-RM-010 Rev B, 5081-RM-011 Rev A, 5081-RM-012 Rev C, 5081-RM-013 Rev A, 5081-RM-014 Rev B, 5081-RM-015 Rev B, 5081-RM-016 Rev B, 5081-RM-017 Rev B, 5081-RM-018 Rev B, 5081-RM-019 Rev B, 5081-RM-020 Rev B, 5081-RM-021 Rev A, 5081-RM-022 Rev C, 5081-RM-023 Rev B, 5081-RM-024 Rev C, 5081-RM-025 Rev C, 5081-RM-001, 5081-RM-002 Rev D, PP001 rev 08, TP001 rev 07, LANDP001 rev 14, LANDP002 rev 04, LANDP003 rev 04, Janine Pattison Studios Planting Maintenance Schedule.

Reason: To ensure satisfactory provision of the development.

**Notes for inclusion on certificate:**

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

In this case, the application proposals have been the subject of detailed discussions and negotiations with the applicants during the course of the application. Amended plans have been submitted and this has enabled a positive recommendation to be made.

**Further Information:**

Major Team

Telephone: 023 8028 5345 (Option 1)



# New Forest DISTRICT COUNCIL

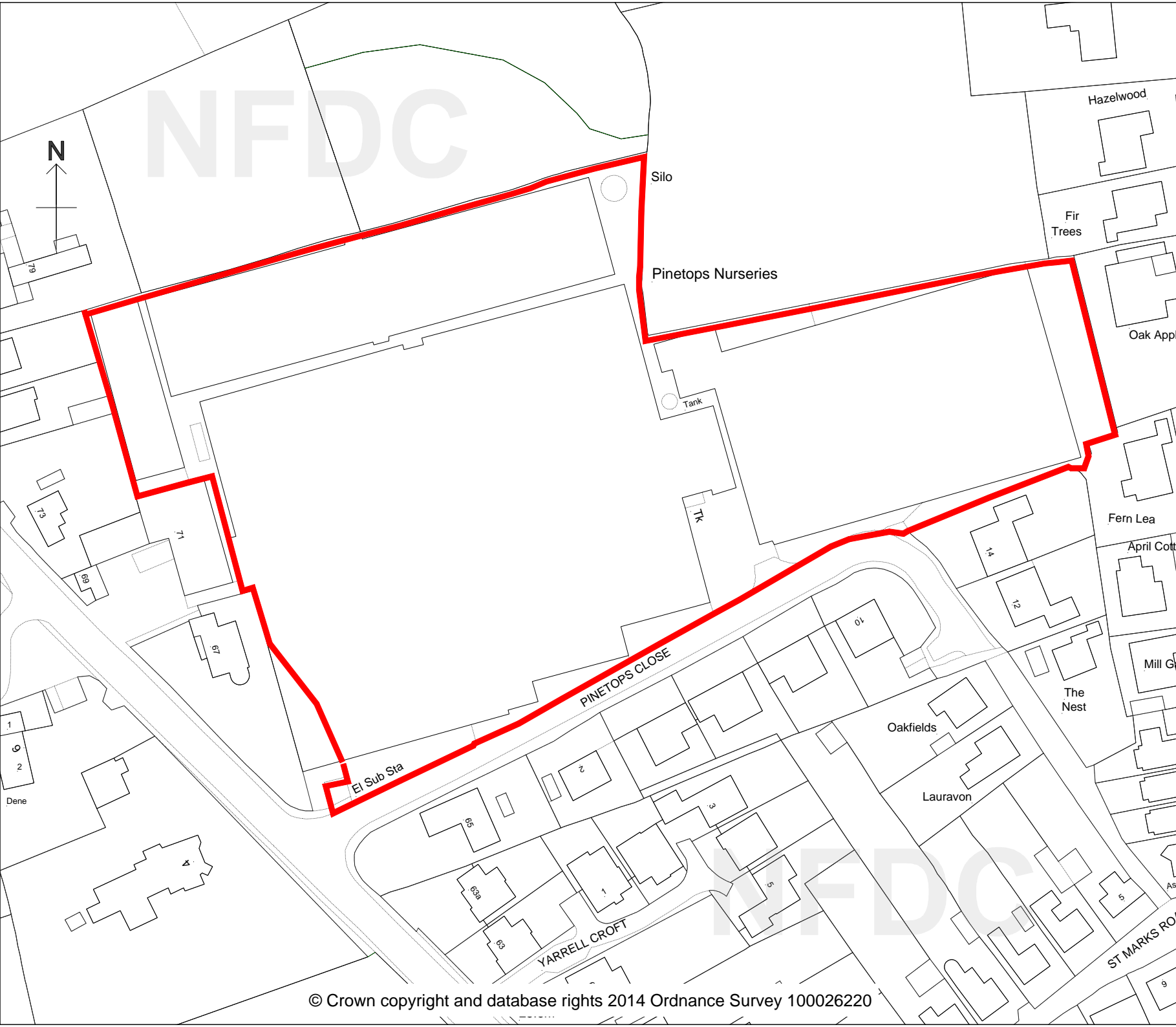
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Chris Elliott  
Head of Development Control  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

**Planning Development  
Control Committee  
March 2015**

**Item No: A1**  
Pinetops Nurseries  
67-69 Ramley Road  
Pennington  
App No 14/11341  
SZ3095

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



**Application Number: 14/11427** Outline Planning Permission

**Site:** Land North of ALEXANDRA ROAD at BUCKLAND MANOR FARM, LYMINGTON SO41 8NN

**Development:** 95 dwellings; garages; parking; 10 allotments; open space; associated footpaths & roads; 2 access junctions to main road (Outline Application with details of means of access & layout)

**Applicant:** Pennyfarthing Homes Ltd.

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

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**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Town Council View (in part)

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Built up area  
Allocated site  
Right of Way running along the eastern boundary of the site (Footpath 61)  
Buckland Rings Conservation Area to the north east of the site  
Tree Preservation Orders along the east boundary of the site and a group protection Tree Preservation Order along the southern boundary of the site

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

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

**Policies****Core Strategy**

- CS1: Sustainable development principles
- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS4: Energy and resource use
- CS7: Open spaces, sport and recreation
- CS8: Community services and infrastructure
- CS10: The spatial strategy
- CS12: Possible additional housing development to meet a local housing need
- CS13: Housing types, sizes and tenure
- CS14: Affordable housing provision
- CS15: Affordable housing contribution requirements from developments
- CS24: Transport considerations

CS25: Developers contributions

## Local Plan Part 2

DM1: Heritage and Conservation

DM2: Nature conservation, biodiversity and geodiversity

DM3: Mitigation of impacts on European nature conservation sites

LYM2: Land north of Alexandra Road

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

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework (NPPF1) (presumption in favour of sustainable development)

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

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

SPD - Design of Waste Management Facilities in New Development

SPD - Housing Design, Density and Character

SPD - Lymington Local Distinctiveness

SPD - Parking Standards

SPD- Mitigation Strategy for European Sites

SPG – Conservation Area Appraisal Buckland Rings

### **6 RELEVANT PLANNING HISTORY**

Erection of 54 dwellings, leisure centre, open space, landscaping (38294)

Refused on the 11th August 1988

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

Lymington Town Council: Recommend refusal and would not accept a delegated decision:

- This application for 95 homes is almost 20% greater than that determined by the Inspectorate as being appropriate for this site
- The mix of housing type is weighted too much towards social
- There are concerns regarding the positioning of access roads connecting to Alexandra Road and impact upon road safety especially with the lack of parking restriction on Alexandra Road
- The veracity of projected traffic movements is questioned particularly in relation to “school runs”
- It has been identified that there is a risk to tree root systems from the creation of road/foot access to this site
- It is suggested that the provision of multiple access roads and pathways may encourage crime and it is recommended that the advice of a Police Crime Prevention specialist is sought
- There would appear to be inadequate provision for recreation on site and consequent fears that this may lead to stress upon existing local sites
- There are concerns from Southern Water that the existing foul water and run off drainage system will not cope with additional load
- It is important to ensure that the County Archaeologists recommendations are acted upon
- There is concern regarding the protection of hedgerows particularly on the Western Boundary



- The residents of Paddock Gardens have concerns regarding the impact of noise and light pollution
- The area is already subject to low water pressure which can fall to critical levels in times of peak demand – the supply company should therefore be consulted to ensure that this problem is not made worse
- The outline development has an urban appearance and, as such is not in keeping with the Inspectorate recommendation that it should be sympathetic to the adjoining “forest” environment
- There exists traffic safety problems connected with the mini roundabout at the junction between Alexandra Road and Southampton Road – additional traffic will inevitably lead to this being worse
- At present the developer does not have permission to build any access roads across Council owned land from Alexandra Road as this land is subject to a long standing agreement with a third party. Legal advice is being sought but, at present, the problem has not been resolved

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

Highway Authority: Recommend refusal. In order to demonstrate the acceptability of the proposed visibility splays it will be necessary for the applicant to carry out a speed survey within Alexandra Road. The proposal also does not provide an appropriate pedestrian link to the existing highway on the southern side of Alexandra Road to enable safe pedestrian movements in a westerly direction. The Highway Authority will also update their comments in relation to the layout of the site.

Tree Officer: Recommend refusal. The proposed development threatens the retention of important mature trees that contribute to the character of the area. This relates to the creation of both access points into the site and the uncertainty of what trees are to be retained and the root protection areas.

Environmental Design (Open Space Co Ordinator): The location and size of the public open space (informal and children's play) would be acceptable. A financial contribution for off site formal public open space would be required. Maintenance contributions would also be required.

Environmental Design (Policy): Sets out the relevant policy including LYM2 and DM3. The proposal does not provide for SANGS which would fail to comply with policy.

Environmental Design (Urban Design Officer): The proposal has not demonstrated that it is good enough to approve in this sensitive location on the rural edge of Lymington. There are a number of design issues which result in an unsympathetic development that would not be acceptable or appropriate in this location. This includes the small plot sizes and gardens, the lack of space around the site, lack of natural surveillance onto the public open space, the design of the road network. The number of dwellings proposed is too high to acceptably be accommodated on the site.

Strategic Housing Officer: Support the outline application based on the proposed 70% affordable housing which show 38 to be social rented and 28 to be intermediate.

Hampshire Education Authority: The development lies in the catchment area of

Lymington Infant and Junior and Priestlands Secondary Schools. The proposed development would require a financial contribution towards Infant and Junior Schools but there is no requirement for a secondary contribution. The funding will be used to increase the places available through building alterations/ extensions to provide the additional places required to meet pupil forecast.

Southern Water Authority: The applicant has not stated details of means of disposal of foul drainage from the site. Following investigations, there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. The proposed development would increase flows to the public sewage system and existing properties and land may be subject to a greater risk of flooding as a result. Additional off-site sewers or improvements to existing sewers will be required to provide sufficient capacity to service the development.

Rights of Way Officer: No objection to this application.

Natural England: Recommend refusal - The application site is in close proximity to a European designated site which includes the Solent and Southampton Water Special Protection Area (SPA) and to the New Forest SPA/Ramsar/ Special Area of Conservation (SAX) and SSSI. The outline application makes no provision for SANGS and therefore the proposal does not mitigate against the recreational pressures on the European sites. The separate planning application for the change of use of the land from agriculture to recreation at Yaldhurst Copse which seeks to provide the SANGS provision would not be acceptable for several reasons and would not draw people away from the European sites.

Ecologist: No objection subject to condition. The submitted ecological report relating to protected species is acceptable.

Land Drainage: No objection subject to condition. The details of the Sustainable Urban Drainage System and exactly how surface water will be dealt with will need to be submitted and this can be dealt with by condition.

Environment Agency: No objection subject to condition. It is currently unknown how foul sewage is to be disposed of from the development. As the public sewer is within 30 metres of the proposed site, it is assumed that the applicant will connect to the foul sewer system. The proposed development should not commence until the developer has approval from the sewage undertaker to make a connection to the public sewer.

County Archaeologist: Although there are no archaeological sites currently recorded at this location, the general archaeological potential of this area, close to the coast, overlooking a stream and close to Buckland Rings, could encounter archaeological remains. Any detailed application should be accompanied by a Heritage Statement that considers the archaeological potential of the site. Or an archaeological condition attached to any outline planning permission in order to secure or indicate the need for such a statement at a future date.

Crime Reduction Officer/Community Safety Officer: Community safety notes the plans to integrate a new footpath system to the existing footpath and recommend that these areas are considered for specific fear of crime reduction work. All paths that are calculated to be through fares are both wide (6ft) and have appropriate clearance at ground level with appropriate crown heights of any trees. This will reduce fear of crime by increasing line of sight and allow lighting provision to light a wider area.

## 10 REPRESENTATIONS RECEIVED

57 letters of objection concerned with the following:

- There needs to be clarification of the land ownership and there are restrictive covenants.
- The use of the existing and proposed footpaths would result in crime related matters.
- Impact on flooding and surface water drainage
- Impact on foul drainage and the impact on the existing properties due to inadequate capacity
- There is no provision for SANGS
- Too many social houses. This would be out of character
- There should only be one vehicular entrance/ access into the site
- There should be no pedestrian access into Paddock Gardens and the existing area of open space at Paddock Gardens should not be used to serve the proposed development
- The proposal is too far away from play areas
- Impact and loss of trees to allow access onto Alexandra Road
- In allocating the site the Inspector stated that 80 houses should be provided on the site and the proposal for 95 is well beyond what is expected and would have a greater impact on public highway safety
- It would be better if the allotments are sited along the eastern boundary of the site adjacent to the boundary of Paddock Gardens
- No trees on the site and boundaries should be felled
- The site is located in an unsustainable location away from schools, public transport and other local facilities
- The proposal fails to comply with Policy LYM2 and the Inspectors decision
- The existing hedgerow on the east boundary is a heaven for wildlife and should be retained
- The area of open and green space is too small
- There has been a lack of community/ public involvement from the applicant to discuss proposals for the site
- Lack of landscaping
- The site lies within the Buckland Stream water body and there has been no effort to improve the status of the water body as part of the development proposals

### Impact on the character of the area

Concerns are expressed that too many dwellings are proposed which would be above the 80 dwelling threshold. The proposed number of houses proposed is contrary to the policy. The proposed layout is cramped and overdeveloped and would be out of character. The proposal would have a negative visual impact on the character of the area. The proposal would result in the loss of green space. The proposal fails to comply with the Lymington Local Distinctiveness Document. The proposal has not been designed to build out crime.

### Impact on Highway safety and access

The transport assessment is not appropriate including the TRIP generation. The bus times are not correctly noted in the report. The access onto Alexandra Road and onto Southampton Road would be dangerous. Increase in traffic in the area and onto Alexandra Road. There is restricted visibility. Inadequate car parking. Cars should not park on Alexandra Road.

### Impact on residential amenity

The proposal would have an adverse impact on the living conditions of the adjoining and nearby residential properties. The proposal would result in overlooking/ loss of privacy, additional noise and disturbance caused by additional people and traffic, light pollution and the overall visual impact.

### Ecology report

The submitted ecological report is flawed and is not valid. In relation to Great Crested Newts the surveys should be carried out at the correct time of the year and the report and surveys have not assessed whether there are Newts on the site. The surveys should not be carried out at a future date. There are many protected species on and near the site including a badger sett.

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission and the dwellings built, the Council will receive £110,592 in each of the following six years from the dwellings' completion, and as a result, a total of £663,552 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 applicant's agent has been advised that the application will not be viewed favourably. Officers have provided detailed informal pre application advice including a meeting with the applicants setting out the main principles for the site and policy criteria. Officers highlighted the importance of both the layout of the site including the number of units, and the requirement to provide SANGS on the site or close to the site. Officers had advised the applicants that the requirement for SANGS was fundamental and it would need to be provided as part of the outline application, within the site or adjacent. The applicant's agent has been made aware during the outline application that no provision was made for SANGS and subsequently a separate planning application was submitted to address the issue with a proposal to change the use of the land at Yaldhurst Copse from agriculture to recreation. Officers advised that the SANGS should form part of the outline application and the proposal to locate the SANGS so far away from the site was not acceptable. A number of other issues are raised by the application and it was suggested to the applicant's agent that the application should be withdrawn so that all the issues can be addressed.

## **14 ASSESSMENT**

### Introduction

- 14.1 The site comprises an open field of just over 4.1 hectares located to the north of the built up area of Lymington. The land is mainly flat and there is a woodland belt located to the west, which screens part of the site. There is a narrow strip of trees and mixed hedgerow along the southern boundary which provides a screen along Alexandra Road. Along the eastern boundary of the site there is a Public Right of Way which is a narrow footpath which travels in a northerly direction. To the north of the site are agricultural fields with various large and relatively modern farm buildings within the Buckland Rings Conservation Area. There is no direct vehicular access into the site, and the nearest highway is Alexandra Road. Just beyond the eastern boundary of the site, there is a modern housing development known as Paddock Gardens, which comprises predominantly detached bungalows and two storey dwellings situated around a single large open area with the rest of the housing situated off small cul de sacs. A number of the dwellings have their rear gardens backing onto the eastern boundary of the site.
- 14.2 On the southern boundary of the site, there is a high density housing development known as Bramble Walk and Redwood Close, which are small courtyard and cul de sac developments. Bramble Walk is a modern housing development comprising semi-detached and terraced two storey housing set out in a relatively uniform layout with extensive areas of hardstanding with limited soft landscaping and greenery, with areas mainly dominated by open car ports and car parking spaces to the front of the dwellings. In Redwood Close, the housing development is uniform with a mixture of detached and semi-detached dwellings, but the layout is more spacious, with the houses having well landscaped front gardens.
- 14.3 This application has been made in outline and proposes up to 95 houses, areas of open space, landscaping, ten allotments and access onto

Alexander Road. While the application only seeks approval of the means of access at this stage, Officers consider that the details of the layout should also be a matter to be considered and accordingly, the application has now been amended to include the layout. The submitted information includes a Design and Access Statement and a site layout plan. The proposal states that 70% of the dwellings would be for affordable housing and there would be a mixture of housing tenures and types including 1, 2, 3 and 4 bedroom houses. The Design and Access Statement makes no reference to building heights or the design of the dwellings. There are no illustrations or visual perspectives of the dwellings and no landscape visual assessment has been submitted. Based upon the submitted layout, the proposal seeks to provide dwelling houses and there are no residential flats.

- 14.4 The proposed layout shows that two new access points would be provided onto Alexandra Road to serve the proposed development. The proposed layout has been designed with the residential properties located around a single 'loop road' with further houses served off smaller cul de sacs. The informal open space would be provided along the western part of the site adjacent to the existing woodland area, with a landscaped footpath link running along the northern boundary. A children's play area is proposed in the central part of the site overlooked by houses. A footpath link would also be provided along the southern boundary beneath the tree canopies. It is proposed to provide ten allotments in the north east of the site, with a small car parking area. There are a number of footpath links provided throughout the site which would link onto the existing Public Right of Way. There would be a mixture of detached, semi-detached houses and terraces of three that would front onto the internal road network and in some places onto the footpaths and areas of open space. The design concept seeks to provide front gardens set behind hedgerows and vegetation, with the car parking to be mainly on plots either in front or to the side of the dwellings. In some places, car parking would be provided in a larger communal area.

### Policy

- 14.5 In terms of the policy context, Policy LYM 2 of the Local Plan Part 2 allocates this site for residential development. Specifically, Policy LYM 2 allocates the site to provide local housing needs in accordance with Policies CS12 and CS15(b) of the Council's Core Strategy. The policy requires that 70% of the dwellings be for affordable housing. The policy sets out how the site shall be developed with a list of site -specific criteria which are set out below:

- Provision of vehicular, pedestrian and cycle access from Alexandra Road, and pedestrian links to the public footpath along the eastern boundary of the site;
- Provision of required measures to mitigate the recreational impact of the development on European nature conservation sites in accordance with Policy DM3, to include the provision on or close to the site of publicly accessible land designed to provide Suitable Alternative Natural Green Space (SANGS);
- Retention and enhancement of important trees and hedgerows on site boundaries;

- Provision of a green buffer landscape feature including a recreational footpath along the northern boundary of the site connecting with woodland to the west;
  - On site provision of public open space in accordance with Policy CS7, including the provision of play space(s) for both younger and older children located within the residential development; and
  - Provision of suitable land for a minimum of 10 full size allotment plots within the site.
- 14.6 The sub text to the policy states that the development of the site will provide up to around 80 new homes and significant areas of green infrastructure, particularly along the northern boundary of the site. It highlights the need to create a substantial green infrastructure corridor linking the public footpath to the east with the woodland to the west of the site to create an additional wildlife corridor and contribute towards the mitigation of the recreational impacts of the development. The sub text goes on to state that the site layout and density of development should reflect the transition between the town and countryside within this development and make provision for publicly accessible natural green space (SANGS) which will mitigate recreation impacts of the development on European sites.
- 14.7 In assessing whether the proposal meets the policy requirements as set out under LYM2, the proposal seeks to provide 95 dwellings, which would be 15 additional houses above the level of housing which has been set out in the subtext to policy LYM2. Whether the increase in the number of houses above this threshold would be acceptable would be dependent on the layout and design for the site, which lies on the rural edge of Lymington and whether the other policy requirements that need to be achieved, including the provision of SANGS, public open space, allotments and substantial landscaped areas, are met. The Council currently has a five year land supply and, accordingly, there is no requirement to provide additional houses above 80 as set out by the policy and it is expected that additional housing would be developed in the District on other sites within the area and close to the edge of the town which would make up the housing supply.
- 14.8 In assessing the individual policy requirements set out in LYM2, it is considered that the proposal has fulfilled some of the criteria. The layout shows a reasonably wide footpath across the north boundary of the site with green areas and adequate space for soft landscaping. Accordingly, it is considered that the provision of a green buffer landscape feature, including a recreational footpath along the northern boundary of the site connecting with the woodland to the west, would be acceptable. The layout includes the provision of 10 allotments in the north east corner of the site with a car parking area, which would be acceptable. The proposal has also shown the provision of vehicular, pedestrian and cycle access from Alexandra Road and pedestrian links to the public footpath along the eastern boundary of the site. The other key policy requirements are set out below.

#### Layout and Design

- 14.9 The site's location on the rural edge of Lymington with open countryside to the north would require a high quality design and layout. There are no natural features to define the northern boundary but the site is well

defined to the west by woodland. All of the proposed layout should form an attractive soft transition between the development and the open countryside. The north-eastern boundary of the allocation is close to the south western corner of the Buckland Conservation Area. The Conservation Area has a rural character, centred on the Buckland Rings hill fort. The southern boundary of the Conservation Area already abuts a housing estate.

- 14.10 In assessing the proposed layout of the site, the design concept to create a 'loop road' with a series of short cul de sacs fronted by dwellings would be acceptable. In addition, the design to provide most of the dwellings with on-site car parking to the side of the houses, with front gardens, would be appropriate for the site. The proposed layout illustrates the tree and hedgerow belt along southern part of the site would be retained and a new footpath created which would run west to east. This would be acceptable and provide a good footpath across the site and also ensure the use and retention of this area. The footpath would have natural surveillance from the proposed dwellings along the southern part of the development.
- 14.11 However, there are a number of elements to the proposed layout which would not be acceptable and overall it is considered that the development would not be sympathetic in this rural edge location. The proposal would provide 15 additional houses above the policy threshold which sets out to achieve 80 dwellings by increasing the level of dwellings this has resulted in a high level of built development and intensity for the site.
- 14.12 The Design and Access Statement has failed to explain the design principles and concepts that have been applied to the development and demonstrate the steps taken to appraise the context of the development, or how the design of the development takes that context into account.
- 14.13 Parts of the development would be overintensive, with buildings located close to each other and lacking general space throughout. Many of the plot sizes are too small. Rear garden areas do not have adequate depth and this creates a cramped and dense character. There is a need for a proportion of the garden spaces to be deep enough to allow trees and even taller shrubs to be apparent between dwellings. This is important to ensure that the development has a spacious character, with cumulative large green areas with trees to create a sensitive and sympathetic development in this edge of town location.
- 14.14 In particular the garden areas to the dwellings on the central part of the site (plots 56-61) are too small and the orientation of plots 66 and 51 do not properly address the street. Rear garden areas tend to be between 8-10 metres deep and back to back distances in some places are less than 20 metres, which creates a cramped layout that is not appropriate in this edge of town setting. The need to provide a soft transition along the north boundary is fundamental where the built development transpires to countryside. This has not been achieved in this case, where rear garden areas to plots 67 to 75 are too small and views to the rear of the dwellings would be seen from the countryside, and there is limited opportunity to plant trees and landscaping to establish along their rear boundaries to soften the impact. Moreover, the proposed development on the western part of the site is too intense and harsh on plots 10-19. The dwellings would be bounded by car parking and access driveways, with short front and rear gardens in places, with a general lack of space



and sense of place created in this area.

- 14.15 Although the location of the informal open space to the west of the site, adjacent to the woodland, is acceptable, there is a need for part of this space to be larger to create a better natural play and usable space. The space is too narrow and uninviting for people to use or play informal games. The proposed dwellings along this edge are mainly orientated with their side elevations and side boundaries facing this space which would not offer sufficient natural surveillance and would create poor relationships where boundaries bound public areas.
- 14.16 The street hierarchy is unclear with no obvious logic presented to explain the existence or otherwise of segregated pedestrian pavement. The 'loop road' should be a shared surface or slow speed residential street, with large sections of blockwork table. The northern part of the 'loop road' should be a shared surface designed to allow some visitor parking on street and to ensure that drivers are very aware of pedestrians including children, emerging to cross. The central access road has pavements on both sides and dwellings set back at least five metres behind the highway. These front gardens would need to include trees, or the street designed to include street trees as part of the verge/ pavement arrangement.
- 14.17 In conclusion, the proposed development would be an undesirable overdevelopment of the site that would fail to create an acceptable layout and design of the high quality that is desirable in this rural edge location and does not appropriately reflect the transition between town and countryside. . It is considered that the proposed layout is short of what should be expected on this site and would be a form of development that would fail to provide a satisfactory development.

#### Habitats Mitigation

- 14.18 The application site is in close proximity to European designated sites. These include the Solent and Southampton Water Special Protection Area (SPA) which is a European site. The site is also listed as Solent and Southampton Water Ramsar Site and also notified at a national level as Lymington River Reedbeds Site of Special Scientific Interest (SSSI). The application site is also in close proximity to the New Forest SPA/ Ramsar/ Special Area of Conservation (SAC) and SSSI.
- 14.19 Policy DM3 of the Local Plan Part 2 requires the recreational impacts of new developments on the New Forest European Nature Conservation Sites and the Solent Coast European Nature Conservation Sites to be adequately mitigated. For residential development, the required suite of mitigation measures includes the provision of SANGS, access and visitor management and monitoring. Policy DM3 states that on sites of 50 or more dwellings, the full mitigation requirements should be met by provision of SANGS on-site or close to the site, based on a standard of 8ha of SANGS per 1,000 population. Policy LY2 of the Local Plan Part 2, it states that provision of required measures to mitigate the recreational impact of the development on European nature conservation sites, in accordance with Policy DM3, should include the provision on or close to the site of publicly accessible land designed to provide Suitable Alternative Natural Green Space (SANGS).
- 14.20 This outline application provides no SANGS on or close to the site. Based upon the number of houses proposed and bedrooms, an area of

around 2 hectares should be provided. The proposal would therefore fail to comply with policies LYM2 and DM3 and the supplementary planning Document Mitigation Strategy for European Sites. A separate planning application has been submitted under planning reference 11598 for the change of use of agricultural land to the north of the site at Yaldhurst Copse to SANGS. The application has not been determined but the basis of the proposal is being put forward in order to provide the necessary mitigation for the new houses that are proposed in this current application. The applicants contend that the proposed SANGS at Yaldhurst Copse would meet the habitat mitigation requirements as set out by the policy and a Section 106 Agreement could secure the provision of the SANGS and link it to the current outline application.

14.21 Notwithstanding the views of Officers that the SANGS provision should be included as part of this outline application, it is considered that the proposed SANGS at Yaldhurst Copse would not be acceptable in mitigating the recreational pressures on European sites from residential development. The proposed SANGS would be located more than 780 metres away from the nearest point of the application site at Alexandra Road and would be accessed from a Public Right of Way across open fields. The footpath is outside the red line of the application site and control of the applicant. It is considered that the SANGS is not located close to the site and would not fulfil the policy requirements. To accord with the policy requirements, the SANGS will need to be within or next to the site to be attractive for people to walk, and also enable the site to be made publicly accessible.

14.22 These concerns are supported by Natural England who have raised concerns as to whether the SANGS would successfully draw visitors away from the designated sites for which it is intended to provide mitigation, due to its location. The access along a public right of way cannot be guaranteed in perpetuity and, together with its location, this would detract from the SANGS' convenience and likelihood of use. Overall it is considered that the 780 metres walk is not likely to stop people from getting in their cars to access the designated sites and is therefore unlikely to be capable of acting as an alternative to the Natura 2000 sites and the proposed SANGS is not particularly close to any other existing residential development.

#### Affordable Housing provision

14.23 Core Strategy Policy CS15(b) indicates that on sites that are deemed acceptable under Core Strategy Policy CS12, the 70% affordable housing element should be comprised of a minimum of 40% social rented housing and 30% intermediate affordable housing. The remainder of the site (i.e. the non-affordable housing element) should be developed for low cost market housing, which could include starter homes, self-build units and extra-care housing. The policy indicates that at least 50% of the affordable dwellings provided should be family housing.

14.24 The proposal shows that 38 dwellings (40 %) would be for social rented comprising a mixture of one, two and three bedrooms houses. In terms of the intermediate houses, the proposal shows 28 houses (30%) with a mixture of two and three bedroom houses. The Strategic Housing Officer considers that the proposal provides a differing housing mix and accords

with that part of the policy requirement in relation to the 70% on site affordable dwellings.

- 14.25 The proposal does not accord with the other part of the policy in that the remainder of the site should be developed for low cost market housing which could include starter homes, self-build units and extra care housing. The remainder of the dwellings would be 29 houses, of which 18 would be three bedrooms and 11 would be four bedrooms. On the basis that only three and four bedroom houses are proposed, it is considered that the proposal would not provide for low cost housing or starter homes. For this reason, and on the grounds that a Section 106 Agreement has not been secured for the affordable housing on the site, the proposal fails to comply with Policy CS12 and CS15 of the Core Strategy.

#### Open space

- 14.26 Policy LYM 2, states that on site provision of public open space shall be in accordance with Policy CS7, including the provision of play space(s) for both younger and older children located within the residential development. Policy CS7 of the Core Strategy sets out the requirements for public open space with a minimum of 3.5 hectares per 1000 population, and this would be either on site or off site through a financial contribution.
- 14.27 The proposed open space provision for the site comprises areas of informal open space and a children's play area. There is no provision shown on the site for formal open space and it is assumed that this would be dealt with by way of a financial contribution. The proposal shows that the main informal open space would be located along the west part of the site between the woodland on one side and the proposed houses on the other side. There are other areas of informal open space to the north and south of the site which would provide a network of footpaths with green spaces. The proposed children's play area would be located on the central part of the site amongst the houses, which would provide good natural surveillance fulfilling the policy requirements. While the extent of the informal public open space to the west of the site could be enlarged, to make it a more usable area for playing, this is a design and layout matter and overall it is considered that the proposal demonstrates that the site can acceptably provide the open space requirements. But on the basis that no Section 106 Agreement has been completed the proposal fails to comply with Policy.

#### Highway and Transportation Issue

- 14.28 The proposal is to create two access points into the site from Alexandra Road. The provision of the new entrance points would result in the loss of some trees and a verge. The application has been accompanied by a Transport Impact Assessment. Policy LYM2 states that vehicular, pedestrian and cycle access into the site should be from Alexandra Road. There are no other road networks nearby to serve the proposed development and accordingly, the principle of creating an access onto Alexandra Road would be acceptable. Two access points are proposed and there is nothing in the policy that prohibits this.
- 14.29 The proposed two access points show visibility splays of 2.4 x 43 metres with the 'y' distance of 43 metres is based upon the posted speed limit of 30mph. However, the Manual for Streets states, at Paragraph 7.5.2, 'for

existing streets, the 8<sup>th</sup> percentile wet weather speed is used. The Highway Authority state that, in order to demonstrate the acceptability of the proposed visibility splays, it will be necessary for a speed survey to be undertaken within Alexandra Road. The traffic count should also be undertaken and the junction of Alexandra Road with Southampton Road modelled to demonstrate that it will be able to satisfactorily accommodate the increased traffic flows at both the morning and afternoon peaks. In the absence of a speed survey and traffic count being undertaken, the Highway Authority consider that the proposed development cannot be satisfactorily accommodated in a manner that would not cause increased danger and inconvenience to users of the highway.

- 14.30 With regard to pedestrian accessibility the submitted First Stage Safety Audit indicates at Section 3 that the proposal does not provide an appropriate pedestrian link to the existing footway on the southern side of Alexandra Road to enable safe pedestrian movements in a westerly direction. This is of particular importance for connecting the site to Pennington village, where there are local shops and schools. When leaving the site from the main access (the access on the western side on the bend of the road) the proposed footpath stops at the end of the access and there is no connection to any existing footpaths. Across the proposed access there is a grass verge and no footpaths at this point. This would mean people walking from the site would either have to travel east along the site, cutting through Bramble Walk, which is not appropriate, to pick up the existing footpath to the south of Alexandra Road. A new footpath should be created along this grass verge, immediately opposite the proposed access and link directly onto the existing footpath on the southern part of Alexandra Road. For these reasons the proposed development cannot be accommodated in a manner that would not cause increased danger and inconvenience to highway users.

#### Nature Conservation and ecology

- 14.31 The character and nature of the site and its close relationship to a large woodland area and a belt of trees along the southern boundary of the site gives a high potential for protected species to be on the site. An ecological report has been submitted which concludes that the site supports a small population of slow worms and adjacent woodland to the west includes a badger sett.
- 14.32 Bat roosting habitat was not present within the site, but activity surveys identified three species of bat using the site. The surveys found that the entire site was being used for foraging including regular use of the central area of the site. It is recommended that a buffer between the proposed housing and these features should therefore be incorporated into the design of the housing and a number of other habitat enhancements, through the incorporation of native trees and shrubs. A badger sett was found in the adjacent woodland but outside the application site. The report states that some limited badger foraging was present along the western boundary, although the majority of the badger foraging and tracks ran through the woodland and to the west of the site. It is proposed to create a 20 metre buffer zone in the design of the development and other fencing provided during construction. In terms of reptiles, one adult slow worm was recorded on the site and a mitigation strategy has been devised. Any reptiles encountered during the construction exercise would be relocated to retained enhanced habitat

around the perimeter of the site, in particular to the west and north. A number of enhancements would be incorporated within the grasslands for the reptiles.

- 14.33 The Ecologist has assessed the ecological report and concludes that this is acceptable. A number of potential impacts on protected species are identified and appropriate mitigation measures are proposed. The Ecologist raises no objection, subject to planning conditions. The comments relating to the Great Crested Newt have been considered by the Ecologist and this can be resolved through mitigation and further survey work as part of a suitably worded condition.

#### Other Issues

- 14.34 With regard to residential amenity, such a large development as that proposed would evidently have some impact on the amenities of neighbouring properties. The proposed dwellings identified on plots 89 to 95 would face the properties in Paddock Gardens, namely No's 31, 32 and 39. The distance from the front elevations of the buildings to the side and rear boundaries to the dwellings in Paddock Gardens measures approximately 15 metres, which would be acceptable.
- 14.35 Concerns have been expressed that the proposed development would increase the use of the Public Right of Way and this would result in additional noise and disturbance. It is accepted that the overall development would create more activity and more people living in the area, which would generate more traffic movements and generally more noise. The increase in the use of the Public Right of Way is welcomed and this would not be such a significant increase as to refuse planning permission. Representations have been made that the proposal would result in unacceptable light pollution, however, there is no evidence provided that this would happen and, based upon the details submitted, the dwellings are shown to be sited a reasonable distance away from the boundaries of the neighbouring residential properties in Paddock Gardens. Street furniture can be sited and designed to minimise any impact of light pollution.
- 14.36 In relation to flooding and surface water drainage, the site is not located in a high risk Flood Zone. The application is supported by a Flood Risk Assessment which states that, depending on the ground conditions, the surface water drainage strategy will provide a Sustainable Urban Drainage System of swales and small storage ponds which could provide the necessary attenuation and prevent additional discharge off site. Both the Environment Agency and the Land Drainage department raise no objection regarding surface water drainage but the full details of how surface water will be disposed of must be submitted and approved before development commences. There are a number of ways the surface water can be dealt with on the site and all water from the site must be dealt with on the site, including any roads and driveways.
- 14.37 Concerning foul drainage, Southern Water Authority consider that there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. Additional off site sewers or improvements to existing sewers will be required to provide sufficient capacity to service the development and no provision has been made. The proposed development for 95 houses would therefore increase flows to the public sewerage system and existing

properties and land may be subject to a greater risk of flooding as a result.

- 14.38 In relation to tree matters, situated on the site's southern boundary adjacent to Alexandra Road is a linear group of mature Monterey Pine trees which are protected by a Tree Preservation Order. Adjacent to the site's eastern boundary, there are a number of mature and early mature Oak trees protected by a Tree Preservation Order. Adjacent to the western boundary is a woodland. Concerning the trees in the woodland to the west of the site, these would be protected by the location of an area of informal open space.
- 14.39 The Tree Officer considers that the main concern is the proposed accesses to the site off Alexandra Road. The submitted plans show that the proposed western access and associated pedestrian footpath would be within the root protection area of two Monterey Pine (T23 and T24). No information has been submitted as to whether these trees would be retained. The Monterey Pine tree (T10) has partially collapsed and is therefore no longer suitable for long term retention. The removal of this tree will create a break in the group where the proposed eastern access would be provided. However the proposed access would pass through the root protection area of two Monterey Pine trees which flank T10. In this situation a cellular confinement system commonly used to prevent compaction of the ground within the trees root protection area is not a feasible option. No information has been provided on how many trees would need to be removed to facilitate the installation of this access or how trees intended for retention could be protected throughout the development process. A 2 metre wide pedestrian access is also shown to be provided within the root protection area of the Monterey Pine trees (g4). The tree officer concludes that the proposal would threaten the retention of important trees that contribute to the character of the area.
- 14.40 There is an existing Public Right of Way along the eastern boundary of the site. A long stretch of the footpath would be overlooked by the proposed housing (identified as 86 – 96) which would provide good natural surveillance. While part of the Right of Way would be bounded by the proposed allotments, taking into consideration the existing footpath is currently not overlooked, the proposed development would be a significant improvement.
- 14.41 Concerns have been raised that the proposed access would extend across land outside the control of the applicant and onto third party land. In response, the application has served notice on the land owner.
- 14.42 Representations have been made that the proposed mix of housing type is weighed too much towards social. This concern is not accepted because the site has only been released for housing development from its green belt designation in order to provide an affordable housing development to meet local needs and a reduction in the mix or level of affordable housing would be contrary to the policy requirements.
- 14.43 Concerns have been expressed that there should not be pedestrian access from the application site into Paddock Gardens. In response, it is not proposed to create an access through to Paddock Gardens. It has also been stated that Paddock Gardens currently has an area of open space which should not be used to serve the proposed development. The site has proposed on site informal open space which would be used to serve the proposed development.

- 14.44 Representations have been made that the increase in the number of people in the area would put pressure on the local schools and education. The Education Authority has raised concerns that the proposal would put pressure on local schools, which would require further extensions and buildings to accommodate the increase. However, the justification for this contribution is not considered to meet all of the relevant tests as previously applied by Circular 5/05 and as re-applied under the CIL guidelines.
- 14.45 In conclusion, the proposal is recommended for refusal on several grounds. The fundamental reason for refusal is that the proposed development has not acceptably made provision for SANGS within or adjacent to the site, which would fail to comply with local plan policy and Habitat Regulations and would lead to recreational pressures from the development onto European sites. The application also fails on public highway safety matters in relation to achieving acceptable visibility splays onto Alexandra Road and the provision of a pedestrian footpath link from the site to the surrounding network. The final reasons for refusal relate to the lack of a completed 106 agreement to secure the public open space provision, transportation improvements and affordable housing.
- 14.46 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>   | 70%  |   |  |
| No. of Affordable dwellings |  | The applicants have stated that 38 dwellings (40 %) would be for social rented and 28 houses (30%) for Intermediate housing | No 106 completed accordingly no affordable secured     |
| Financial Contribution      | 0  | 0   | 0  |
| <b>Public Open Space</b>    |  |   |  |
| On site provision by area   | 0.52 hectares for informal, 0.32 hectares for formal and 0.05 play | The submitted plans show that 0.52 hectares of informal open space and 0.05 hectares of play can be                         | No 106 completed and accordingly no open space secured |

|                                 |                                       |   |                         |
|---------------------------------|---------------------------------------|---|-------------------------|
|                                 |                                       | provided on the site.<br>The formal open space should be off site by way of a financial contribution. |                         |
| Financial Contribution          |                                       |   |                         |
| <b>Transport Infrastructure</b> |                                       |   |                         |
| Financial Contribution          |                                       |   |                         |
| <b>Habitats Mitigation</b>      | 2 hectares on or adjacent to the site | None on site or adjacent to site  | No SANGS provision made |
| Financial Contribution          |                                       |   |                         |

## 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 Policies LYM2 and DM3 of the New Forest District Local Plan Part 2: Sites and Development Management.
  
2. The proposed development would be an undesirable overdevelopment of the site that would fail to create an acceptable layout and design of a high quality that is desirable in this rural edge location and does not appropriately reflect the transition between town and countryside because:-
  - (i) the central part of the site within plots 51-66 would not provide adequate space and landscape quality with front and rear garden areas being of insufficient depth which would appear cramped, lack of active frontage onto public realm and limited opportunity to enable trees and tall shrubs to be established to the detriment of the character of the area,
  
  - (ii) along the northern boundary of the site with plots 67 -75, the plots and rear gardens are of inadequate depth which would appear cramped with a lack of space and limited opportunity to enable trees and planting to provide a soft transition from the countryside.
  
  - (iii) in western part of the site within plots 10-19, there would be excessive areas of hardstanding for car parking and turning, insufficient plot sizes with small front and rear garden areas and a lack of space around the buildings which would appear as a cramped and harsh layout,
  
  - (iv) the design and provision of the public open space to the west of the site does not create an inviting and attractive useable space for people to use and the space would have inadequate natural surveillance provided by a lack of active frontages provided by the housing layout and the spaces would be unsympathetically bounded by boundary treatment, to the



detriment of the character and appearance of the area.

As such the proposed development would be out of context with and harmful to the character of the area and local distinctiveness and would not create an attractive form of development that provides a soft transition between development and countryside contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park and policies LYM2 of the New Forest District Local Plan Part 2: Sites and Development Management.

3. Based upon the information and details submitted it has not been shown that the development can be acceptably accommodated in a manner that would not cause increased danger and inconvenience to highway users in that insufficient visibility splays onto Alexandra Road have been proposed and the junction at Alexandra Road and Southampton Road has not been modelled to satisfactorily accommodate the increase in traffic. In addition, the proposal does not provide an appropriate pedestrian link to the existing foot way on the southern side of Alexandra Road to enable safe pedestrian movements in a westerly direction which is considered to be an important and primary link to the local amenities and facilities at Pennington and Lymington Town Centre. For these reasons, the proposal would fail to comply with Policy CS24 of the Core Strategy for the New Forest District outside the National Park.
4. The proposed accesses from Alexandra Road and its associated footpaths along the southern boundary adjacent to Alexandra Road would threaten the retention of important mature trees that contribute to local amenity and would therefore be contrary to policy CS2 of the Core Strategy for the New Forest District outside the National Park.
5. The application site has only been released and identified specifically to address a local need for affordable housing and low cost market housing. The proposed development has failed to make any contribution towards addressing the substantial need for affordable housing. Moreover, the proposed development has not provided for or demonstrated that the remainder of the site would be developed for low cost market housing including starter homes, self-build units and extra care housing. 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 CS12, CS15 and CS25 of the Core Strategy for the New Forest District outside the National Park.
6. 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 and contrary to Policy LYM2 of the New Forest District Local Plan Part 2: Sites and Development Management.
7. 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.

8. There is currently inadequate capacity in the local network to provide foul drainage to service the proposed development. No provision has been made in the application as to how the existing sewer system would be upgraded or improved to accommodate the proposed development and the proposal would increase flows to the public sewer system and existing properties and land may be subject to a greater risk of flooding. For this reason the proposal is contrary to Policies CS5 and CS6 of the Core Strategy for the New Forest District outside the National Park and policy DM5 of the New Forest District Local Plan Part 2: Sites and Development Management.

**Notes for inclusion on certificate:**

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

The applicant's agent has been advised that the application will not be viewed favourably. Officers have provided detailed informal pre application advice including a meeting with the applicants setting out the main principles for the site and policy criteria. Officers highlighted the importance of both the layout of the site including the number of units, and the requirement to provide SANGS on the site or close to the site. Officers had advised the applicants that the requirement for SANGS was fundamental and it would need to be provided as part of the outline application, within the site or adjacent. The applicant's agent has been made aware during the outline application that no provision was made for SANGS and subsequently a separate planning application was submitted to address the issue with a proposal to change the use of the land at Yaldhurst Copse from agriculture to recreation. Officers advised that the SANGS should form part of the outline application and the proposal to locate the SANGS so far away from the site was not acceptable. A number of other issues are raised by the application and it was suggested to the applicant's agent that the application should be withdrawn so that all the issues can be addressed.

**Further Information:**

Major Team  
Telephone: 023 8028 5345 (Option 1)



# New Forest DISTRICT COUNCIL

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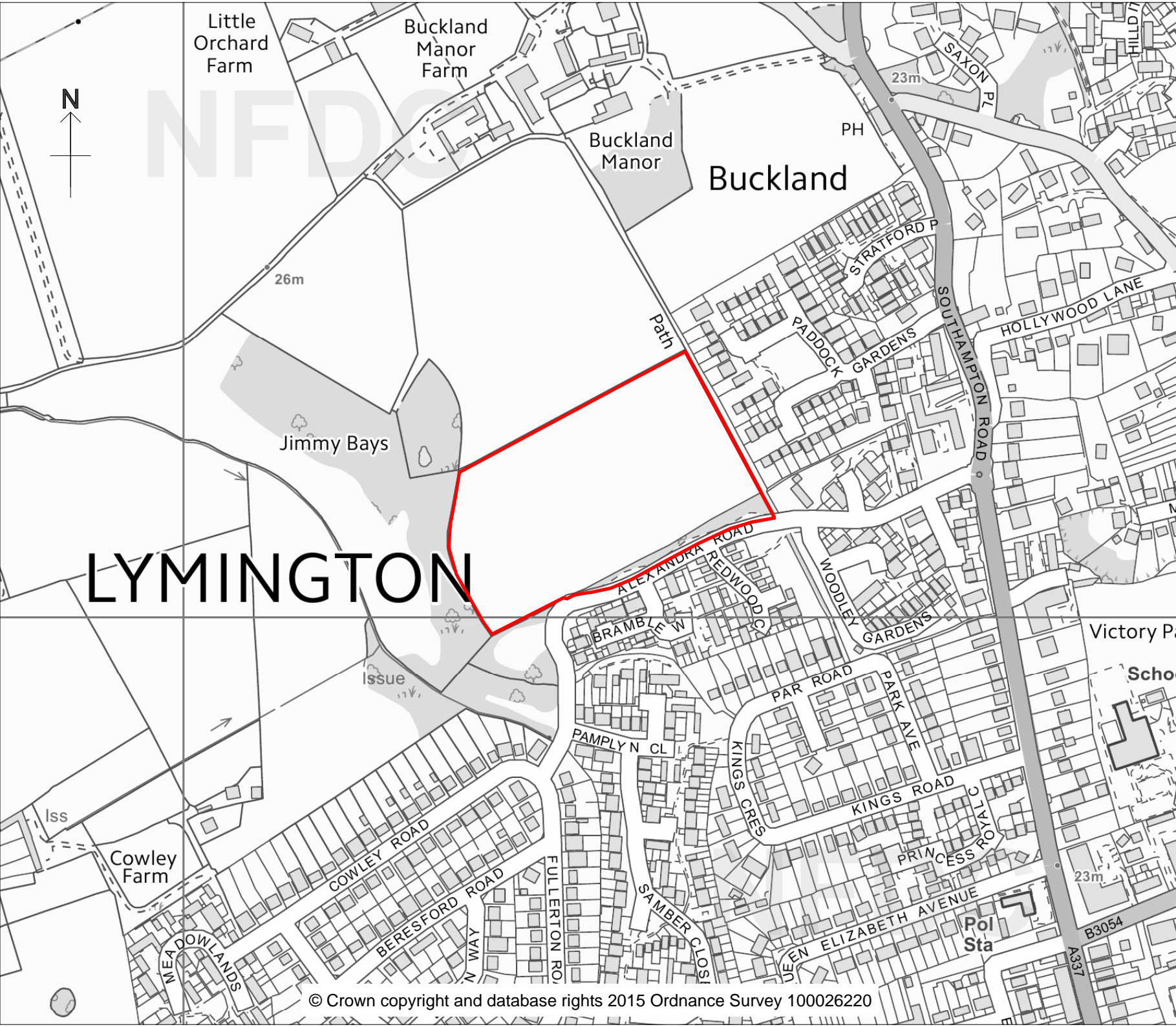
**Planning Development  
Control Committee**  
**March 2015**

**Item No: A2**

Land North of  
Alexandra Road  
Lymington  
App No 14/11427  
SZ3196

Scale 1:5000

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



**Application Number:** 14/11727 Listed Building Alteration

**Site:** 8 PYLEWELL ROAD, HYTHE SO45 6AR

**Development:** Replacement sash windows to front elevation (Application for Listed Building Consent)

**Applicant:** Mr & Mrs Endean

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

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## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up Area

Listed Building

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

## 5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

No relevant documents

## **6 RELEVANT PLANNING HISTORY**

- 6.1 13/11464 Replacement sashes and casements within existing window frames on rear elevation (Application for Listed Building Consent) Granted subject to conditions 14/01/2014
- 6.2 13/11073 Replacement sash windows (Application for Listed Building Consent) Withdrawn 20/11/2013
- 6.3 92/49437/LBC Install roof light, infill first floor window, extend cladding Granted subject to conditions 30/03/1992
- 6.4 84/26573 Erection of 3 garages and construction of access to car park Granted subject to conditions 04/10/1984
- 6.5 77/07933/LBC Alterations and installation of new windows, erection of replacement porches and erection of garden wall Granted subject to conditions 08/09/1977
- 6.6 77/07932/LBC Demolition of outside toilets and 2 chimney stacks Granted subject to conditions 08/09/1977

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

Hythe and Dibden Parish Council recommend permission. The application is sympathetic with the existing design and uses natural materials. Additionally it is consistent with the Government's thermal directive.

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

- 9.1 Conservation Officer - The proposal would result in no enhancement of the listed building but would compound the harm caused by the inappropriate form and detail of the existing windows. The reasons given for energy efficiency and maintenance are appreciated, however it is not considered that this would act as sufficient justification to outweigh the harm caused to the architectural significance and detail of the listed building. Therefore the application cannot be supported and is recommended for refusal.
- 9.2 Environmental Health - No comment

## **10 REPRESENTATIONS RECEIVED**

- 10.1 One letter of support from the adjoining neighbour at number 12 advising that they believe the proposal to be completely in keeping with the age and style of the building in addition to overcoming some of the heating loss and damp problems.
- 10.2 One letter of support from the neighbour at 1 Drummond Court.

## **11 CRIME & DISORDER IMPLICATIONS**

No relevant implications

## **12 LOCAL FINANCE CONSIDERATIONS**

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

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

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

This is achieved by

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

Following the installation of the new windows to the rear of the property the applicant did seek advice from the Conservation Officer, however, this application was submitted prior to the response being provided. The Conservation Officer raised concerns with the proposal and no request to withdraw the application was received.

## **14 ASSESSMENT**

- 14.1 The property is a semi-detached dwelling located within the centre of Hythe and therefore sited within the Hythe Conservation Area. The property, which is Grade II listed, has a core which was constructed in the 17th Century. In 1917 the property was one of three dwellings, then

became derelict in the 1970's and was later renovated in 1977-1979. Various works have since been carried out. In 2006 numbers 10 and 12 were amalgamated to form one property.

- 14.2 The proposal is to replace the four single-glazed sliding sash windows in the front elevation, which date to the 1970s, with double-glazed sash windows. Listed building consent was recently granted for the replacement of the rear 1970s windows with slim profile double-glazed units and timber profiles and mouldings to match the existing windows. The glazing in these windows comprises a single 11mm double-glazed pane with surface applied glazing bars and internal spacers to create the impression of integral glazing bars. There are two first floor top sashes which have been retained and visual evidence places the windows to date to the early half of the 19th century. There is also what appears from visual inspection to be two historic sash windows with slim glazing bars on the front elevation of the property to the left of number 8.
- 14.3 This application follows a previous application for replacement sashes to the whole property which was withdrawn following discussions with the Conservation Officer as there was concern about the use of double glazing on the front of the property. The replacement of the sashes to the rear was considered acceptable as they would only be viewed from the rear garden and therefore an application for the rear windows was approved. It was agreed that the Conservation Officer would look at these replacement sashes on the rear elevation to determine whether they would be acceptable for the front. However the application was received prior to a response from the Conservation Officer being received.
- 14.4 While it is accepted that there would not be a removal of historic fabric, consideration needs to be given on the impact the double glazed units would have on the architectural significance of the listed building. The front of the property is prominent within the street scene and the introduction of double glazed units would be likely to appear evident in the appearance and the reflection of the glass.
- 14.5 The Conservation Officer was consulted and has provided the following response:-

The recently approved replacement rear windows have already been installed and were viewed during a recent site visit. When viewed from a distance these windows adequately replicate the appearance of the previous 1970s single-glazed windows. The differences which are noticeable are the applied glazing bars, the double reflection from the glazing and a variation on proportion and rebate from the 1970s and original sashes.

There are concerns regarding the principle of introducing double-glazing to the front windows and the impact that this would have on the architectural significance of the listed building and the more prominent front elevation.

The sash windows are key architectural features of this listed terrace, which is suspected to have a core dating to the 17th century and is sited in a prominent location within Hythe town centre and conservation area. The traditional construction of the existing windows as single-glazed, puttied individual paned sash windows (albeit with modern fabric and different timber profiles and mouldings) replicates the windows that would have historically been in situ, and thus contribute to the architectural significance of the building. It is also important that any

replacement attempts as best possible to match the historic windows that exist in the front elevation (2 visible on number 10 Pylewell Road). The introduction of single paned double-glazed units would have a different appearance from the multi paned single-glazed units, which would be evident in the overall appearance and reflection of the glass and the detailing of the windows when viewed at a reasonably close distance. The double reflection would be visible from the other side of the street. Therefore, it is considered that the introduction of double-glazed units on this prominent front elevation, particularly single paned units with surface applied glazing bars, would harm the integrity and architectural significance of the listed building. It would also set an unwelcome precedent on this important listed frontage within the Hythe Conservation Area. The key concerns are:-

- i) The use of wider glazing bars than the earlier historic windows (mentioned above)
- ii) Use of beads rather than putty which would give a broader and less defined profile to the glazing bars
- iii) Reflective qualities of double glazing
- iv) Use of spacers between paned glazing is not a traditional window detail

Proposals would result in no enhancement to the historic significance of the listed building but would compound the harm caused by the inappropriate form and detail of the existing windows for the reasons given above. The most appropriate alternative would be to replace the existing 1970s windows with some well-made, draught proofed, single-glazed traditional sashes with glazing bars and mouldings to match those of the existing 19th century sashes on the front and rear elevations. The applicants reasoning for retaining the general design of the existing 1970s sashes in order to maintain a degree of symmetry with the adjoining property is understood, however, it is felt that restoring the architectural integrity of the building would outweigh the differences in appearance and there is already a variation in windows on this front elevation.

Furthermore, with regard to energy efficiency, work done recently by English Heritage has found a significant increase in the effectiveness of single glazed windows when draft stripped and overhauled. This can reduce heat loss by up to 90% from poorly made and fitting single glazed windows. Other methods of improving the efficiency of single glazed windows are also available which are less damaging than the use of double glazing.

In summary, the Conservation Officer cannot support a listed building application for the proposed replacement windows.

14.6 The applicant has responded to the Conservation Officer's comments as follows:-

"The use of wider glazing bars than the earlier historic windows" - the present glazing bars were installed under a previous consent and the proposal does not involve a change of width.

"The use of beads rather than putty" - in the new windows the beads and the front part of the glazing bars maintain exactly the same cross-section as conventional putty fillets. The front parts of the glazing bars are the same width as the inner parts. Therefore the proposed sashes cannot create a broader or less defined profile than putty.

"Reflective qualities of double glazing" - Both double and single glazing is capable of displaying irregular reflections which vary according to the position of the observer's eye. The glass specification that will be employed is designed to suppress secondary reflections.



"Use of spacers between paned glazing is not traditional detail" - This concern refers to the form of construction rather than appearance. In this proposal there is an attempt to correct harm that was introduced by earlier work. The proposal would have correct sizes and mouldings and the construction would be beneficial to long-term maintenance.

Therefore there would be a net reduction in harm. At the time of listing the ground-floor sashes had large panes without glazing bars. The applicant would be happy to go back to the as-listed condition and sashes without glazing bars. The proposed design maintains the bars for visual uniformity but with construction details that would mitigate the maintenance problems.

"preference for single glazing and bars/mouldings to match 19th Century" - Ice has been forming on the inside of the single glazing in cold weather but on the outside of the double glazing which shows the benefits of valuable heat saving of double glazing. Concerning the glazing bars, the two small rear sashes with 16mm bars are unrelated to the windows on the front elevation. Pinching of putty fillets can create an illusion of narrower bars.

"restoring the architectural integrity" - The present block of two dwelling was constructed and reconstructed in at least eight stages.

Further comments were received from the applicant to reiterate that the windows the subject of this application are "modern" and that the law relating to Listed Buildings does not demand retrospective installation of traditional features. Furthermore, the NPPF allows less than substantial harm to be balanced against other benefits.

14.7 In conclusion the reasons given within the application for the proposed replacement windows with regard to energy efficiency and maintenance are appreciated, however, it is not considered that this would act as sufficient justification to outweigh the harm caused to the architectural significance and detail of the listed building. The comments from the applicant have been carefully considered both now and at pre-application stage but do not overcome the concerns raised by the Conservation Officer. Therefore the application is recommended for refusal.

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 LISTED BUILDING CONSENT**

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

1. By reason of their detailed design and use of double glazing, the proposed replacement windows to the front of the building would be harmful to the historic fabric of the listed building, contrary to Policies CS2 and CS3 of the

Core Strategy for the New Forest District Outside the National Park and Policy DM1 of the Local Plan Part 2, and the National Planning Policy contained within Chapters 7 and 12 of the NPPF.

**Notes for inclusion on certificate:**

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Following the installation of the new windows to the rear of the property the applicant did seek advice from the Conservation Officer, however, this application was submitted prior to the response being provided. The Conservation Officer raised concerns with the proposal and no request to withdrawn the application was received.

**Further Information:**

Householder Team

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# New Forest DISTRICT COUNCIL

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

**Planning Development  
Control Committee**  
**March 2015**

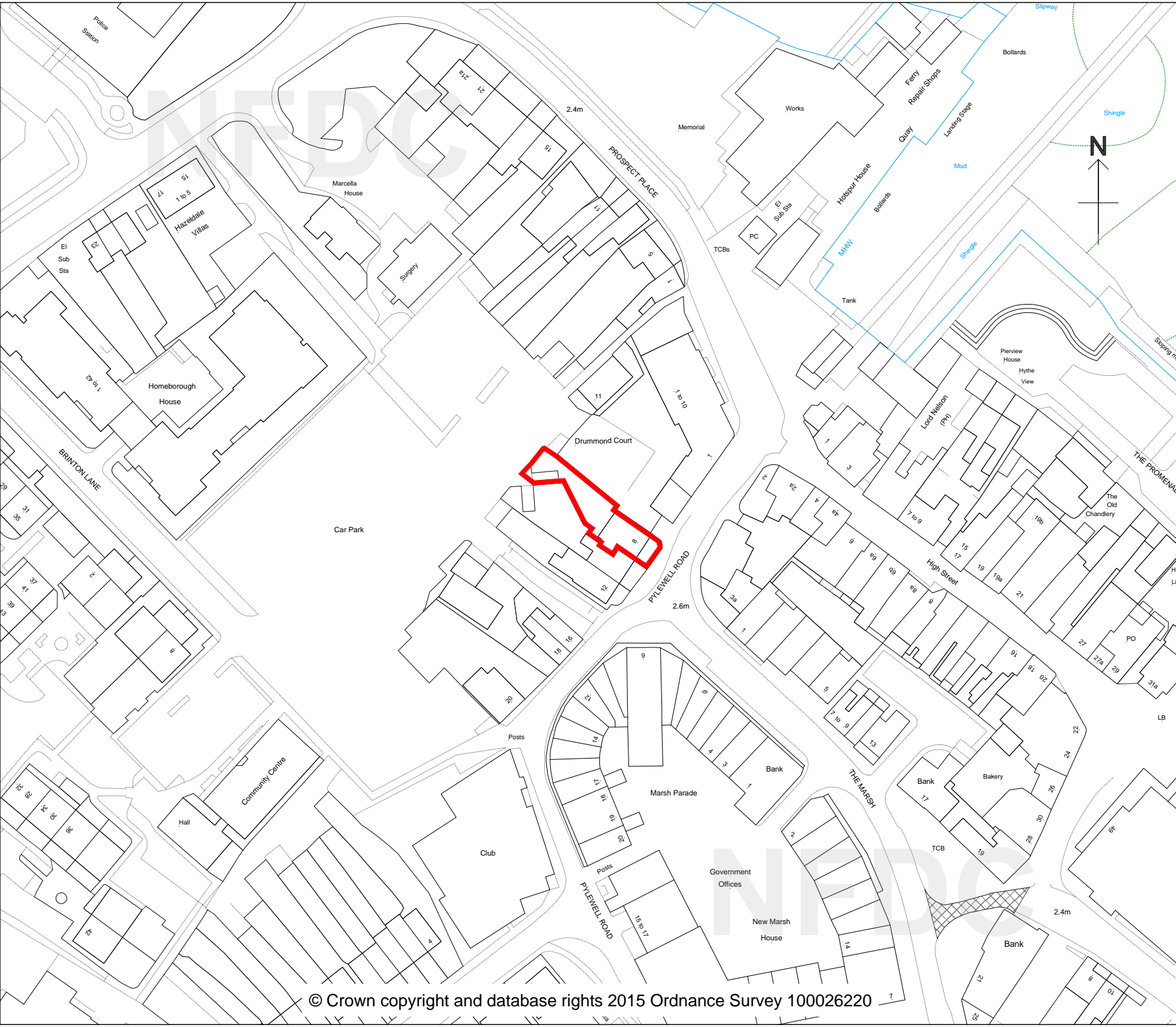
**Item No: A3**

**8**  
**Pylewell Road**  
**Hythe**

**App No 14/11727**  
**SU4208**

Scale 1:1250

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



**Application Number:** 14/11569 Full Planning Permission

**Site:** 6 WINCHESTER ROAD, ASHLEY, NEW MILTON BH25 5EB

**Development:** Two-storey side and rear extension; single-storey rear extension

**Applicant:** New Forest District Council

**Target Date:** 09/01/2015

**1 REASON FOR COMMITTEE CONSIDERATION**

NFDC application

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Built-up area

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Core Strategy**

Objectives

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

Policies

- CS1: Sustainable development principles
- CS2: Design quality

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

None relevant

**4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

Section 38 Development Plan  
 Planning and Compulsory Purchase Act 2004  
 National Planning Policy Framework (2012)

**5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

New Milton Local Distinctiveness Supplementary

**6 RELEVANT PLANNING HISTORY**

None

**7 PARISH / TOWN COUNCIL COMMENTS**

New Milton Town Council – Recommend refusal, for the following reasons;

This further proposed extension creates a large terrace of three two-storey properties within a street of pairs of semi-detached houses. The combined

mass of the terrace of buildings, extending to two-storeys fully across the plot from one boundary to another, and with the extensive 11.35m south-facing wall, is considered over-development of the site. The mass of the combined terrace would be out of character with the street scene and overly domineering to the southern neighbour. The presence of a large static caravan in the narrow back garden is yet another unit of accommodation on the site.

## **8 COUNCILLOR COMMENTS**

Cllr Jill Cleary has offered full support to this application noting that this will improve the living conditions of the resident family, enabling them to all live in the house rather than using a caravan in the garden.

## **9 CONSULTEE COMMENTS**

Land Drainage – Recommends approval

## **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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- 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 instance the case officer discussed initial concerns with the applicant and amended plans were submitted. These are considered to address the concerns raised.

## 14 ASSESSMENT

- 14.1 The site is within a residential area to the north-east of New Milton Town centre. It is part of a cul-de-sac development, characterised by a generally regular arrangement of semi-detached, two storey properties with hipped roofs, set in generous plots. The property is at the southern end of a row of three properties, formerly a pair, with a new dwelling added to its north end under App 05/86836. The property is externally clad in red brick under a tile roof and has a flat roofed single storey extension at the rear, adjacent to the north boundary. It is noted that former single storey side projection has been more recently removed.
- 14.2 This proposal seeks to erect single and two storey extension to the side and rear of the property. Further to the original submission, alterations have been made to the proposed design to address concerns raised over the scale of the two storey element and its impact on neighbouring residents.
- 14.3 Changes in the scale of the extensions have seen an approximately 1.7m reduction in the length of the two storey element. The amended plans also detail that new side facing windows would be glazed with obscured glass and there has been a reduction in the size of the first floor window, to one with a single light design.
- 14.4 The proposed extensions would, cumulatively, see significant additions to this property. However, given the size of the plot, this would not constitute overdevelopment of the site, with adequate amenity and parking space remaining. The applicants have confirmed that the static caravan in the rear garden is a temporary measure and would be removed prior to the commencement of building works.
- 14.5 As a result of the design in its scale and recessed proportions, the side extension would retain a visually subservient and proportionate relationship with the original dwelling. Furthermore, the flat roofed rear element would be concealed from street scene views and be consistent with the styling of the existing and adjacent neighbouring rear extensions. Although the side extension would increase proximity to the side boundary, sufficient separation would remain from the detached properties to the south (approximately 4.0 metres), such that the rhythm of the street scheme would be maintained. As such, subject to the use of matching materials, it is considered that the impact on visual amenity would be acceptable.
- 14.6 The increase in proximity to the boundary to the south would impact on the neighbouring premises on this side. However, as a result of the relative separation, reduced length of the two storey element, and the revised side window design, it is considered that this would not result in

any significant adverse impacts on the residential amenity of these neighbouring occupiers. Given the design of the extensions and the separation of the two storey element from the attached neighbouring premises, again this should not result in any significant adverse residential amenity impacts.

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

## **15. RECOMMENDATION**

### **Grant Subject to Conditions**

#### **Proposed Conditions:**

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: Location Plan; Site Plan; 333/01a.

Reason: To ensure satisfactory provision of the development.

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

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

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

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

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

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

In this instance the case officer discussed initial concerns with the applicant and amended plans were submitted. These were considered to address concerns raised.

This decision relates to amended plans received by the Local Planning Authority on 30/01/2015

**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

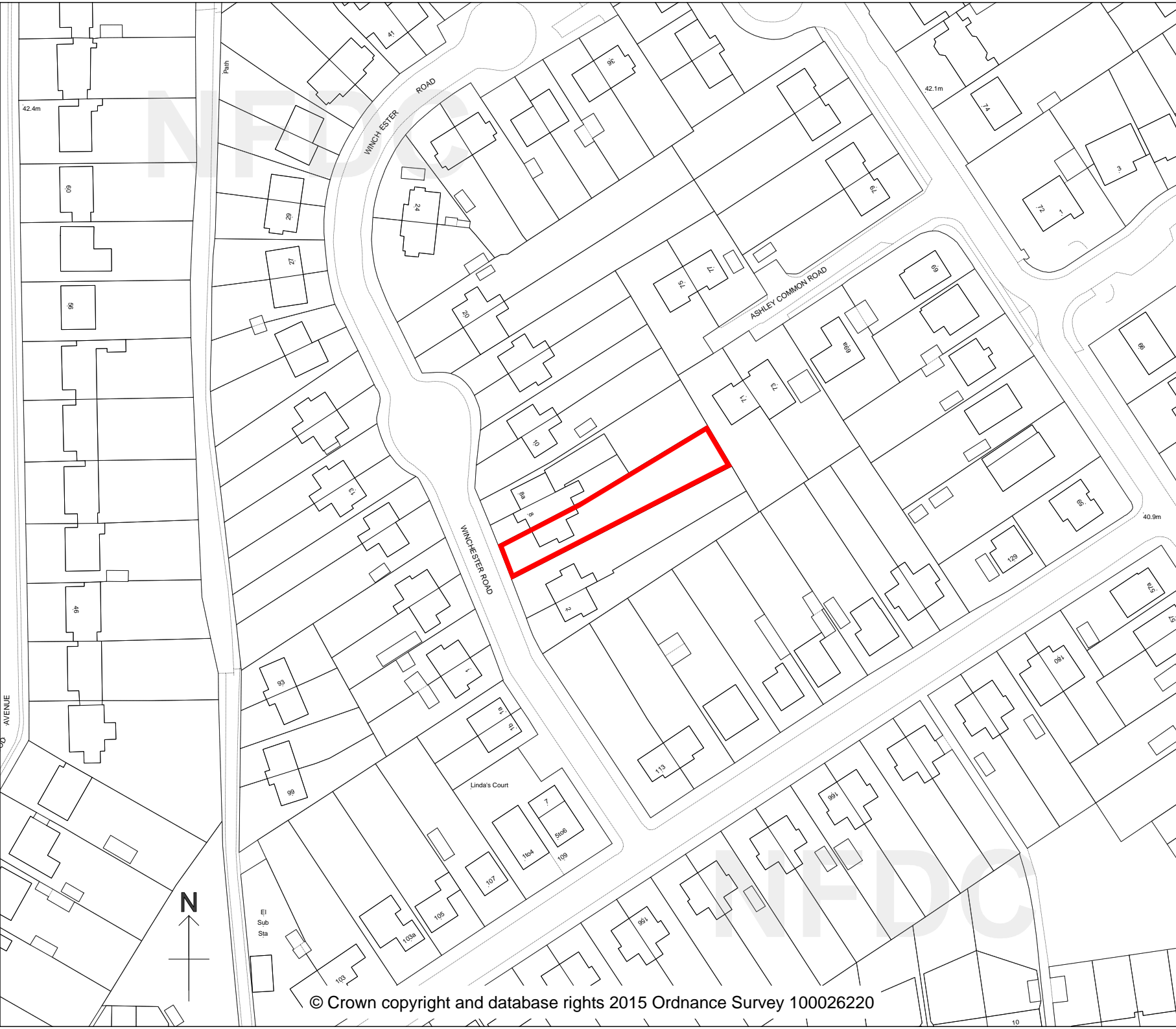
March 2015

### Item No: A4

6 Winchester Road  
Ashley  
New Milton  
App No 14/11569  
SZ2595

Scale 1:1250

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



**Application Number:** 14/11639 Full Planning Permission

**Site:** 38 HOLBURY DROVE, HOLBURY, FAWLEY SO45 2NF

**Development:** Roof alterations; dormer in association with new first floor;  
two-storey rear extension; roof lights

**Applicant:** Mr Hardy

**Target Date:** 06/02/2015

**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Parish Council view

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Built up area  
HSE Consultation Zone

**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**

None relevant

**6 RELEVANT PLANNING HISTORY**

None

**7 PARISH / TOWN COUNCIL COMMENTS**

Fawley Parish Council: recommend permission

## **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**

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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.

No pre application advice was sought prior to the application being submitted.

Initial concerns were expressed in the briefing, which was made public on the website on the 13 January 2015. No approach has been made in response to these concerns. By reason of the harm this proposal would create in relation to the street scene, character of the area and neighbour amenity, a refusal would be justified in this instance.

## **14 ASSESSMENT**

- 14.1 The application site consists of a detached hipped roof bungalow, situated on an established residential road in Holbury. The property is located within a row of hipped-roofed detached and semi-detached bungalows, though the wider street scene is more varied.
- 14.2 The proposal would introduce front and rear gables and a long dormer on the side elevation facing no 36 Holbury Drove. The existing rear conservatory would be removed and replaced with a two storey extension to the dwelling, which would result in the property extending further back within the plot, to the front wall of the existing garage.
- 14.3 The existing dwelling is set back in the plot, in line with neighbouring properties. As already noted this dwelling is sited within a group of detached and semi-detached bungalows (nos 16-40), which have commonality in their hipped roof form and regular sized plots. The opposite side of the road though is contrasting with hedges to the front boundaries and a mixture of detached houses and bungalows in larger plots.
- 14.4 The introduction of a front gable would disrupt the hipped roof form of this group of properties to the detriment of the street scene and the general character of the area. The proposed side dormer, by reason of its length and height, would result in an imposing addition to the roof, which would adversely impact upon the street scene and the overall appearance of the resulting dwelling. Furthermore, the substantial increase in the depth of the bungalow to the rear would increase the mass of the roof, which would not be in keeping with the distinctive character of this group of dwellings.
- 14.5 The side dormer would incorporate three windows, the rearmost which would serve a bedroom. By reason of its position on the dwelling, this window would achieve views over the rear private amenity space of the neighbouring semi-detached bungalow, no 36 Holbury Drove. Even though there would also be a rooflight serving this room, the window on the north east elevation would be the main window serving this room and also provide means of escape. It would be unreasonable to condition this window to be obscure glazed with only fan light opening. The rooflight serving this room, depending on its cill height could also achieve views over the rear garden of the other neighbour, no 40 Holbury Drove. However, this could be overcome by conditioning the roof light to have a cill height of over 1.7m from the floor of the room it serves. The other two windows in the proposed dormer, by reason of their position on the roof, would be facing the side of the neighbouring bungalow, and the front drive area, and as such should not create an issue in relation to the amenities of the occupiers of no 36.
- 14.6 No representations have been received from the neighbours, but the National Planning Policy Framework states that planning authorities should 'always seek to secure high quality design and a good standard of

amenity for all existing and future occupants of land and buildings' (para 17). The proposed window on the north-east elevation would result in a detrimental level of overlooking of the private amenity area of no 36 Holbury Drove, impacting on the amenities of this neighbour to an unacceptable degree.

- 14.7 Although the rear extension would be visible from the neighbours to each side, given the space between the buildings and that the proposed pitched roof would be raking away from the neighbour to the west, this should not create an overbearing form of development for the occupiers of these properties, nor should it create issues of loss of light or overshadowing.
- 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 reason of the excessive depth of the rear extension and unsympathetic enlargement of its roof, incorporating gable ends and an excessively wide and high side dormer, the proposed development would as a result create an overly bulky, imposing and unbalanced building that would be out of keeping with the consistent hipped roofed form and modest scale of nos. 16 to 40 Holbury Drove. For this reason the proposal would be of a poor design and harmful to the character and appearance of the street scene, contrary to Policy CS2 of the Core Strategy for the New Forest outside the National Park and the National Planning Policy Framework, Chapter 7.
2. The proposed first floor dormer window on the north east elevation would overlook the private rear garden area of no. 36 Holbury Drove. This would create an unacceptable loss of privacy for the occupiers of that property to the detriment of their reasonable amenities. For this reason, the proposed development is contrary to Policy CS2 of the Core Strategy for the New Forest District outside the New Forest and the Core Planning Principles of the National Planning Policy Framework.

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

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, New Forest District Council

takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

No pre application advice was sought prior to the application being submitted. Initial concerns were expressed in the briefing, which was made public on the website on the 13 January 2015. No approach was made in response to these concerns. By reason of the harm this proposal would create in relation to the street scene, character of the area and neighbour amenity, a refusal was justified in this instance.

**Further Information:**

Householder Team

Telephone: 023 8028 5345 (Option 1)



**New Forest**  
DISTRICT COUNCIL

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

**Planning Development  
Control Committee**

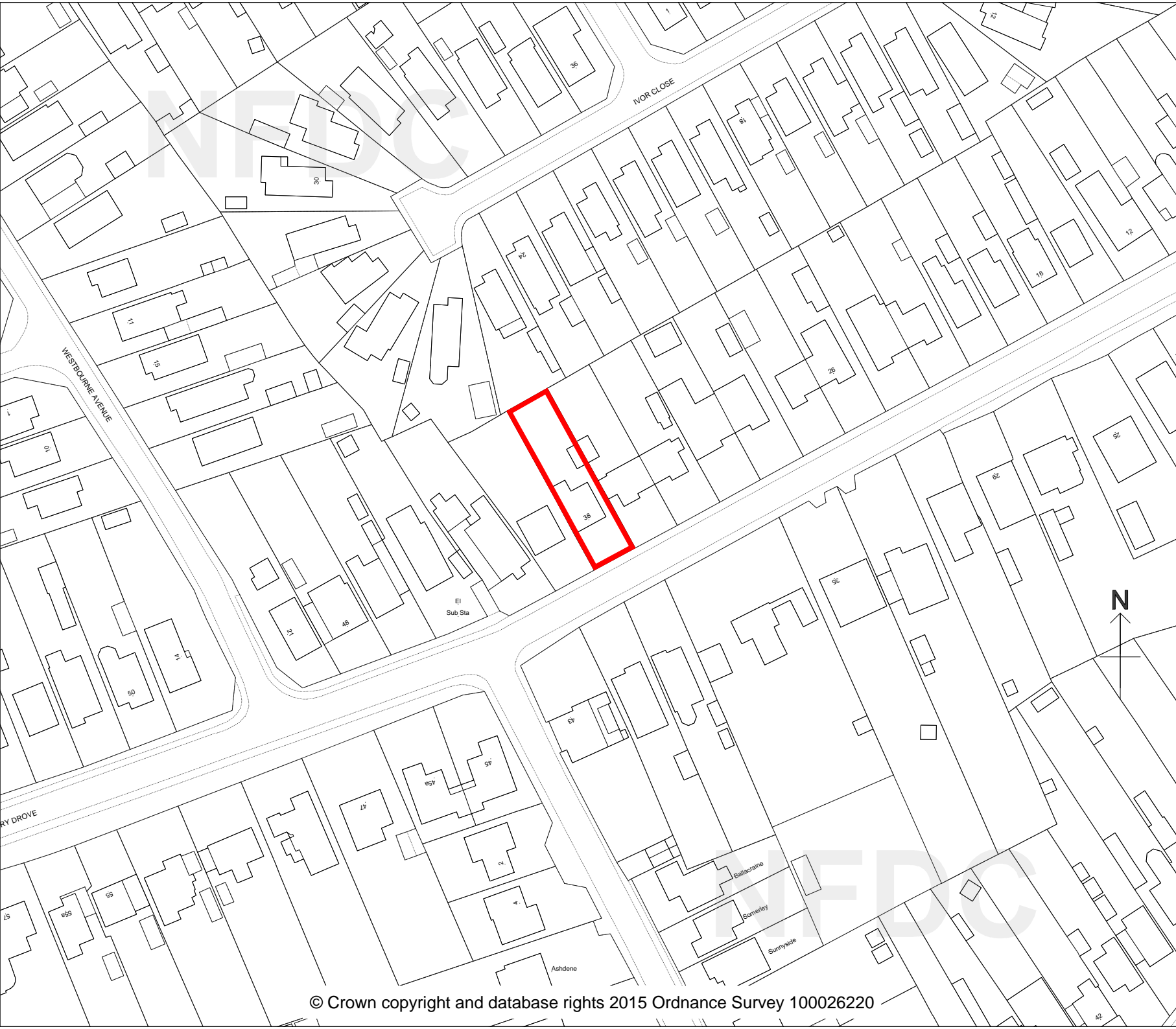
**March 2015**

**Item No: A5**

38  
Holbury Drive  
Fawley  
App No 14/11639  
SU4303

Scale 1:1250

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the internet, it will not be to  
scale.



**Application Number:** 14/11646 Full Planning Permission

**Site:** LINLARROCK, ROCKBOURNE SP6 3NT

**Development:** Single-storey rear extension; balcony; dormers and rooflights in association with new second floor; single-storey side infill extension; fenestration alterations; raise roof height of garage

**Applicant:** Ms Rayner

**Target Date:** 02/03/2015

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**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary Parish Council view.

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Area of Outstanding Natural Beauty

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Core Strategy**

Objectives

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

Policies

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

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

- DM2: Nature conservation, biodiversity and geodiversity  
DM20: Residential development in the countryside

**4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

Section 38 Development Plan  
Planning and Compulsory Purchase Act 2004  
National Planning Policy Framework 2012

**5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

None



## **6 RELEVANT PLANNING HISTORY**

83/NFDC/23472 Alterations and extension to lounge breakfast room and kitchen with the construction of a car port. Granted 16/02/1983

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

Rockbourne Parish Council - Recommends permission as the proposal has no impact on other properties and appears to be within the 30% restrictions.

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

9.1 Ecologist - No objection but recommends condition to secure the mitigation works and provide flexibility for any changes to this which may be required.

9.2 Ministry of Defence - No safeguarding objections to this proposal

9.3 Land Drainage - 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**

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- Working together with applicants/agents to closely manage the planning

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

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

In this case the applicant did not enter into pre-application discussions with the Council and no amendment could be made under the scope of this application to address concerns. This has been discussed with the applicant's agent and they did not request the withdrawal of this application. As such it is being determined on the basis of the plan submitted.

## 14 ASSESSMENT

- 14.1 Linlarrock is a detached property, one of a pair in a small collection of isolated development to the north of the village of Rockbourne. The site is outside of any built up area and within the AONB (Area of Outstanding Natural Beauty). The dwelling sits in a generous plot, with vegetated boundaries, and dates from the early C20, being of traditional proportions of brick construction under a tile roof. There is a linked garage to the side of the property and conservatory extension at the rear. Neighbouring premises are to the north-west, a detached two storey property of similar design and to the south-east, a detached bungalow.
- 14.2 Due to its location, policy DM20 of the Local Plan Part 2 is applicable. This limits increases in floorspace to 30% over that of the existing dwelling (the 'existing dwelling' being defined as that as existed on 1 July 1982) in the interests of safeguarding the future of the countryside and maintaining a varied housing stock in rural areas. On reviewing the planning history for this site it is noted that previous extensions have been added under App 83/NFDC/23472 approved in 1983 and completed in 1985.
- 14.3 On review of the plans the original floorspace of the dwelling (pre 1 July 1982) was 141m<sup>2</sup> including the link attached garage. An additional 30% would give a maximum permitted floor area, under the policy provisions of 183m<sup>2</sup>. Alterations under App 83/NFDC/23472 added an additional 53m<sup>2</sup> giving a total of 194m<sup>2</sup> and as such previous additions to the property have already reached and exceeded the 30% limit. As such, this precludes any further floorspace increase and the proposal therefore fails to meet with the requirements under Policy DM20. It is noted that this proposal would result in a total floor area of 238m<sup>2</sup>, which represents a 68% increase over the floorspace existing in 1982 and would significantly exceed the 30% policy limit.
- 14.4 In terms of the visual impact of the proposed design the extensions would remain proportionate, and be consistent with its character. The roof alterations, in the different dormer styles, would appear a little incongruous, however overall this would not be harmful to the appearance of the building. All of the alterations proposed would remain well

contained within the site and would not cause harm to visual amenity or wider landscape character within the AONB.

- 14.5 Given the separation from neighbouring premises, the proposal would not result in any harm as a result of loss of light through overshadowing. The new terrace area and attic windows would enable views across to the south-east, however, given the separation from this neighbouring premises and that existing first floor windows face in this direction, this would not result in any significant adverse impacts as a result of loss of privacy. Furthermore, considering the existing relationship and relative position of the balcony area, this should not result in harm to residents of the neighbouring premises to the north-west.
- 14.6 The Ecologist has raised no objection to the proposal and recommends a condition regarding the implementation of the mitigation measures detailed in the report.
- 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. In order to safeguard the long term future of the countryside, the Local Planning Authority considers it important to resist the cumulative effect of significant enlargements being made to rural dwellings. Consequently Policy DM20 of the Local Plan Part 2: Sites and Development Management Plan seeks to limit the proportional increase in the size of such dwellings recognising the benefits this would have in minimising the impact of buildings and human activity generally in the countryside and the ability to maintain a balance in the housing stock. This proposal would result in a building which is unacceptably large in relation to the original dwelling and would undesirably add to pressures for change which are damaging to the future of the countryside and contrary to Policy DM20 of the Local Plan Part 2: Sites and Development Management Plan, Policy CS10 of the Core Strategy for the New Forest District outside the National Park.

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

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, New Forest District Council

takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

In this case the applicant did not enter into pre-application discussions with the Council and no amendment could be made under the scope of this application to address the concerns. This has been discussed with the applicant's agent and they did not request the withdrawal of this application and as such it was being determined on the basis of the plan submitted.

This decision relates to amended / additional plans received by the Local Planning Authority on 06/02/15

**Further Information:**

Householder Team

Telephone: 023 8028 5345 (Option 1)



**New Forest**  
DISTRICT COUNCIL

Tel: 023 8028 5000  
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Chris Elliott  
Head of Development Control  
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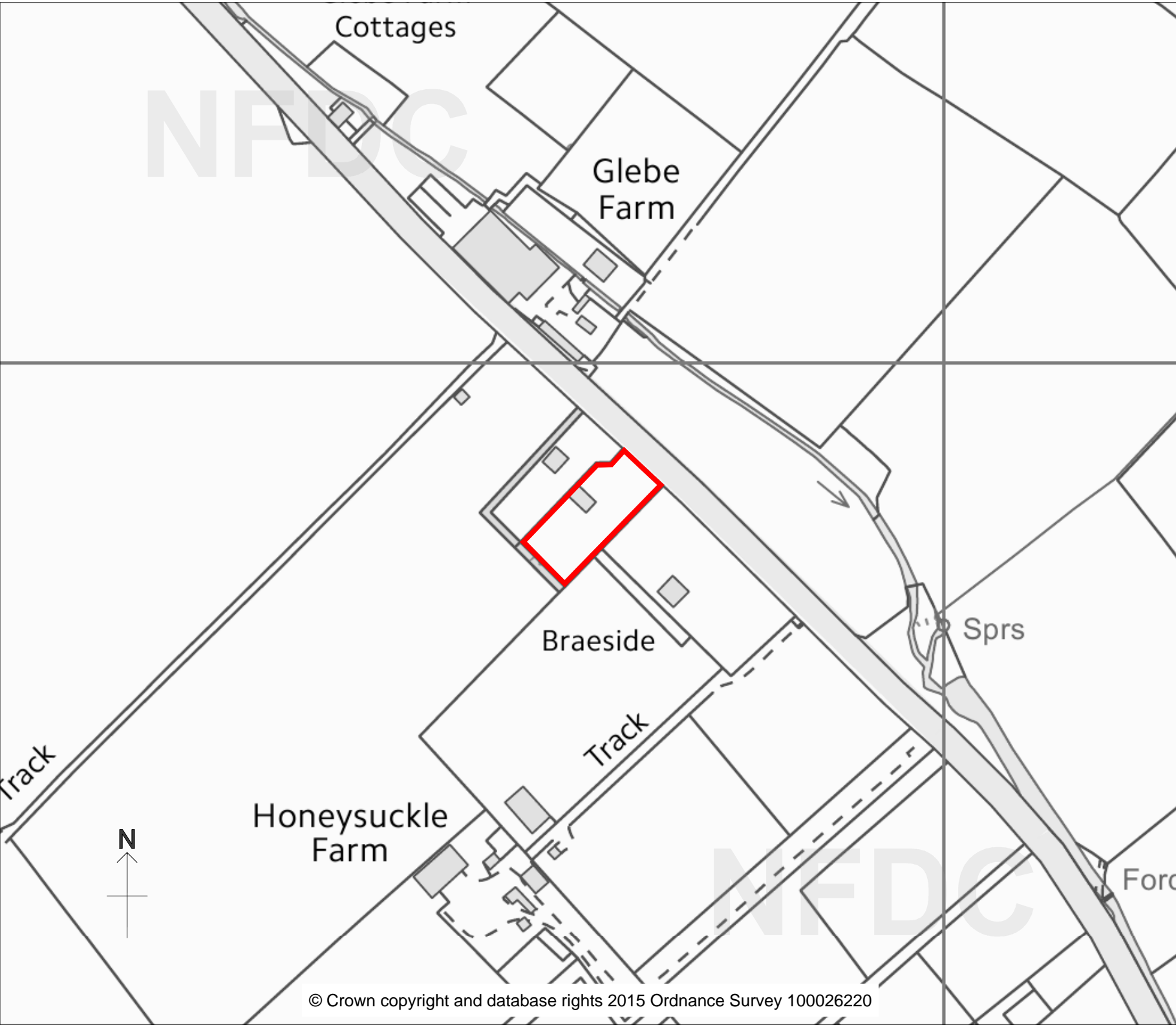
**Planning Development  
Control Committee  
March 2015**

**Item No: A6**  
Linlarrock  
Rockbourne

App No 14/11646  
SU1018

Scale 1:3000

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



**Application Number:** 14/11691 Variation / Removal of Condition

**Site:** Land of 46 BROAD LANE, LYMINGTON SO41 3QP

**Development:** Variation of Condition 8 of Planning Permission 14/10934 to allow amended plans including the removal of chimney and smaller window to south west elevation

**Applicant:** Michael Burton Homes

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

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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**

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

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

DM3: Mitigation of impacts on European nature conservation sites

**4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

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

**5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

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

## **6 RELEVANT PLANNING HISTORY**

10934 - house, detached garage, landscaping, parking. Granted 5.9.14

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

Lymington and Pennington Town Council - recommend permission and would not accept a delegated refusal

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

9.1 Drainage Engineer - no comment

9.2 Environmental Health (Contamination) - request informative note

## **10 REPRESENTATIONS RECEIVED**

None

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission and the dwellings built, the Council will receive £1152 in each of the following six years from the 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 physical details of the proposed dwelling are acceptable given that it is similar to the extant permission, the applicant confirmed at the end of January that they were not willing to contribute towards public open space, transportation and affordable housing following the changes to government advice in November 2014. This is not in line with Council policy and refusal is therefore recommended.

## **14 ASSESSMENT**

- 14.1 The site lies within the built up area of Lymington in a residential area and this variation of condition application to exchange plan numbers follows the approval of a two storey dwelling in September 2014 and offers the following differences: the removal of the chimney and replacement of a full length window to a normal sized window in the kitchen/family room.
- 14.2 Visually, while chimneys are common in this part of Lymington, there are also more modern dwellings which do not have them and the loss of the chimney in this instance would not be of particular concern. The proposal would have less of an impact on the residential amenities of the area without the chimney.
- 14.3 The change to the ground floor window would have a limited impact on the amenities of the area given its location to the rear of the property where it would be screened by boundary fencing or vegetation where closest to neighbouring properties.
- 14.4 Approval for the variation of condition would result in a completely new permission for the dwelling. This being the case, and as development has not yet started on the proposal, a new S.106 Agreement is required to secure the contributions previously agreed. However, the applicant has confirmed that they are not willing to contribute towards affordable housing, transportation and public open space and on this basis, refusal is recommended as the authority is presently requesting all of these for proposals of this nature. The request for contributions is exactly as previously included in the completed S.106 Agreement for the extant permission. However, it is understood that the applicant is still willing to contribute towards habitats mitigation although as the agreement has not yet been completed this justifies a further reason for refusal.
- 14.5 On 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 e.g. 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.

- 14.6 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 introduction of a CIL charging scheme on 5th April 2015.
- 14.7 In conclusion, while the revised design of the house is acceptable, the failure to provide contributions towards affordable housing, public open space and transportation improvements justifies refusal of planning permission.
- 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.

### 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          | £45,900    | 0      | -£45,900   |
| <b>Public Open Space</b>        |            |        |            |
| On site provision by area       | (0.0105ha) |        |            |
| Financial Contribution          | £3,504.90  | 0      | -£3,504.90 |
| <b>Transport Infrastructure</b> |            |        |            |
| Financial Contribution          | £3,745     | 0      | -£3,745    |
| <b>Habitats Mitigation</b>      |            |        |            |
| Financial Contribution          | £4,250     | £4,250 | -£4,250    |

## 15. RECOMMENDATION

### REFUSE the VARIATION of CONDITION

#### Reason(s) for Refusal:

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

#### Notes for inclusion on certificate:

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

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

Although the physical details of the proposed dwelling are acceptable given that it is similar to the extant permission, the applicant confirmed at the end of January that they were not willing to contribute towards public open space, transportation and affordable housing following changes to government advice in November 2014. This is not in line with Council policy and the application was therefore refused.

**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

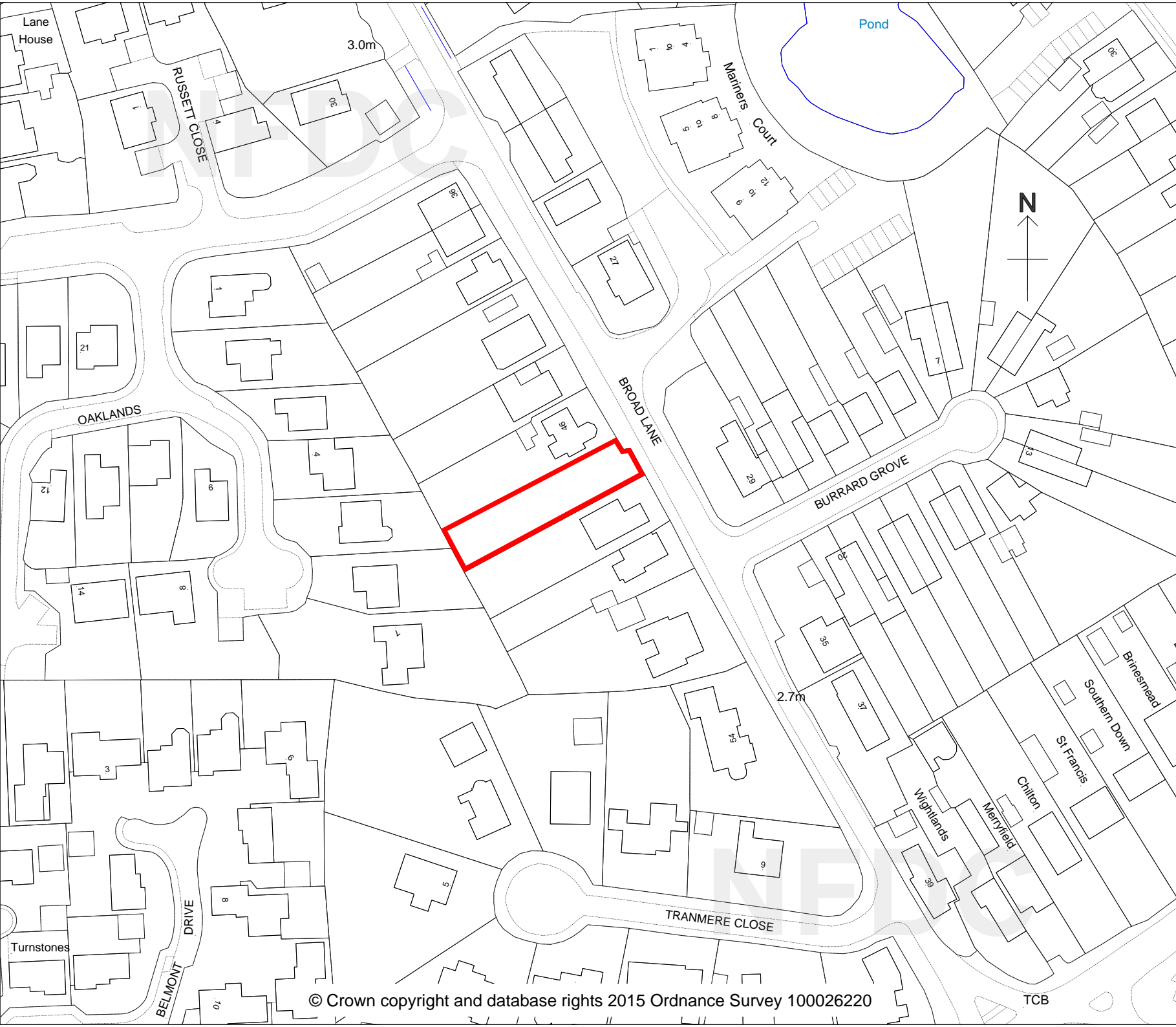
March 2015

### Item No: A7

Land of 46  
Broad Lane  
Lymington  
App No 14/11691  
SZ3294

Scale 1:1250

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



**Application Number:** 14/11743 Full Planning Permission

**Site:** HARLEYS, 1 SHAFTESBURY STREET, FORDINGBRIDGE SP6  
1JF

**Development:** Use as garden and supervised children's play area

**Applicant:** Mr Ashford

**Target Date:** 23/03/2015

---

## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

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

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

CS2: Design Criteria  
CS3: Protecting and enhancing our special environment

### 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

Fordingbridge Conservation Area Appraisal  
Village and Town Design Statement Fordingbridge

## 6 RELEVANT PLANNING HISTORY

6.1 11/97065 – continued use of land as beer garden, retention of pergola, decking and smoking shelter – refused June 2011 – appeal dismissed, the Inspector concluding that the proposed smoking shelter neither preserved nor enhanced the character or appearance of the Fordingbridge Conservation Area and the use of the area to the rear of the premises as a beer garden could have a harmful effect on the living conditions of the occupiers of surrounding residential properties.

- 6.2 09/93833 - retention of pergola and decking, relief of condition 4 of 16327. Refused 13.5.09, appeal dismissed
- 6.3 07/91423 - retention of pergola and decking, relief of condition 4 of 16327. Refused 22.5.08, appeal invalid 16327 - formation of private car park. Granted 17.8.73
- 6.4 EN/07/0627 - Enforcement Notice issued 2.6.09. No appeal. The notice required cessation of the use of the land for the purposes of a garden/courtyard area and removal of seating, tables, decking and pergola for use by patrons of the premises.

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

Fordingbridge Town Council: Recommend Permission, however there are concerns about the likely noise and disturbance to residents and therefore would suggest/recommend that the children's' section closes at the earlier time of 8 pm with only the smoking section remaining open but that this is cleared/tidied before 11 pm to limit disturbance to residents as happened under previous ownership.

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

Environmental Design (Conservation) - It is unclear how this addresses the concerns of the authority or the inspector. There was a clear indication that the quality of what is being proposed here was the critical determining factor rather than the principle of a structure. However, the application simply proposes a standard 'off the peg' timber pergola adjacent to the rear of the building and visible from Shaftsbury Street/Market Place. The proposed timber structure does not exhibit the level of quality one would expect within a conservation area and would not sit comfortably at the rear of the building. The pergola structure would jar with the current rear elevation and illustrates no design or materiality that corresponds to its proposed location. Furthermore the application has very little information to illustrate how the pergola sits adjacent to the building and no elevational drawings showing height and relationships. It is suggested that a smoking shelter that responds much more positively architecturally to the site and the building it is adjacent to is required in this location. This would require a bespoke design that recognises the form of the host building and responds to aspects that would be visible within the Fordingbridge Conservation Area. The scheme as submitted would fail to preserve or enhance the character of the conservation area and would appear as a poor design addition to the rear of this focal historic building. Consequently it is recommended for refusal.

Environmental Health Section (Pollution) - It is stated that the proposed area is currently being used as a storage area, we believe from a previous planning appeal that this area has permission to be a car park. The proposed garden area is particularly noise sensitive in that it is overlooked by a number of residential properties. This change is asking that a current quiet area is turned into a pub garden, effectively bring the activities that occur within the public house outside. Putting people into this area will change the noise climate and have a detrimental effect on neighbouring residents. No noise information has been submitted with the application. The principle concern with this application is with regards to the noise, from patrons using the garden. Conditions cannot ensure that there would not be noise below the significant observed adverse effect level.

This is the level of noise exposure above which significant adverse effects on health and quality of life occur. It should be noted that the scope of the application is similar to previous applications which have been refused on noise grounds and the comments made by the planning inspector for a previous application are also relevant. The inspector (Appeal Ref: APP/B1740/A/09/2108019) commented in 2009 with regards to the use of the rear area that *“I consider the level of noise and disturbance from use of this decked area would be materially detrimental to the living conditions of residents of those properties. In this respect the appeal proposal would be unacceptable.”* In this case refusal is recommended.

Community Safety Advisor - no objections

Land Drainage Section - no objections

## **10 REPRESENTATIONS RECEIVED**

One representation received objecting on grounds that use of the rear curtilage for outdoor drinking and children's play will be extremely noisy and detrimental to adjoining residential amenity.

## **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, despite the similarities of the proposal to previously refused schemes, no pre-application advice was sought from the Planning Authority. The concerns of the Case Officer, consultees and notified parties have been outlined in the comments available to view on the Council's website, with no satisfactory response having been received from the applicant on how to mitigate the concerns raised over harm caused to adjoining residential amenity. In view of the limited time constraints imposed on Planning Authorities to determine applications within specified timeframes, in this instance, due to the level of harm the scheme would cause, it is not unreasonable to refuse the application.

## **14 ASSESSMENT**

- 14.1 The site lies within the built up area of Fordingbridge in the Fordingbridge Conservation Area and Primary Shopping Frontage. It is an established bar on the corner of Shaftesbury Street, Market Place and Provost Street, though has recently changed name and ownership.
- 14.2 The proposal follows three previous applications and the serving of an Enforcement Notice. The Enforcement Notice was served requiring the removal of pergolas, decking, smoking shelter, fish pond, wall and picket fence together with the cessation of the use of the land as a garden area. The paraphernalia has now been removed from the site, which is in a poor visual state, although the portion of yard area closest to the premises is tidier and appears to be in use as an outdoor smoking area. The site has a very close relationship to residential land uses to the south and west.
- 14.3 It is proposed to erect children's play equipment, tables and chairs and for use of the rear curtilage as an outdoor area in association with the main premises. It is proposed to utilise the children's play area from 08:00 to 21:00 and the remainder of the yard between 08:00 and 23:00. There has been no pre-application discussion with the Council in respect of what is proposed, which is similar to proposals previously refused. The application has recently been amended to delete a timber pergola from the proposals.
- 14.4 It is noted that the ownership of the premises has changed since previous applications were refused. However, the proposal is very similar to previously refused proposals and the main issue remains the effect of one of the external area on the living conditions of the occupiers of surrounding residential properties.
- 14.5 The change of use implicit in the use of land as the beer garden and children's play area has implications in terms of the amenity of neighbouring properties. The proposed garden area would be a potential source of noise to noise sensitive receptors, by virtue of the fact that it is overlooked by a number of residential properties. The proposed change of use seeks consent for use of a currently quiet area as a pub garden, effectively bringing the activities that occur within the public house outside. The Environmental Health Section considers this will change the noise climate and have a detrimental effect on neighbouring residents. No



noise information has been submitted with the application. The proposal would result in increased activity and that activity would be materially detrimental to residential amenity. There remains a concern that the use of this land as a pub garden would be harmful to residential amenity, given the proximity of dwellings and their associated garden areas to the site, contrary to the provision of Policy CS2.

14.6 In light of the above, the proposal is considered inappropriate due to harm to residential amenity caused by intensified use of the rear curtilage.

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. The proposed use of land as a play area and beer garden is contrary to policy CS2 of the Core Strategy for the New Forest District outside the National Park, in that it would result in an unacceptable loss of amenity to the neighbouring residents, by virtue of the likely intensification of use and associated noise generation.

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

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

In this case, despite the similarities of the proposal to previously refused schemes, no pre-application advice was sought from the Planning Authority. The concerns of the Case Officer, consultees and notified parties were outlined in the comments available to view on the Council's website, with no satisfactory response received from the applicant on how to mitigate the concerns raised over harm caused to adjoining residential amenity. In view of the limited time constraints imposed on Planning Authorities to determine applications within specified timeframes, in this instance, due to the level of harm the scheme would cause, the application was refused.

**Further Information:**

Major Team

Telephone: 023 8028 5345 (Option 1)



# New Forest DISTRICT COUNCIL

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

Chris Elliott  
Head of Development Control  
New Forest District Council  
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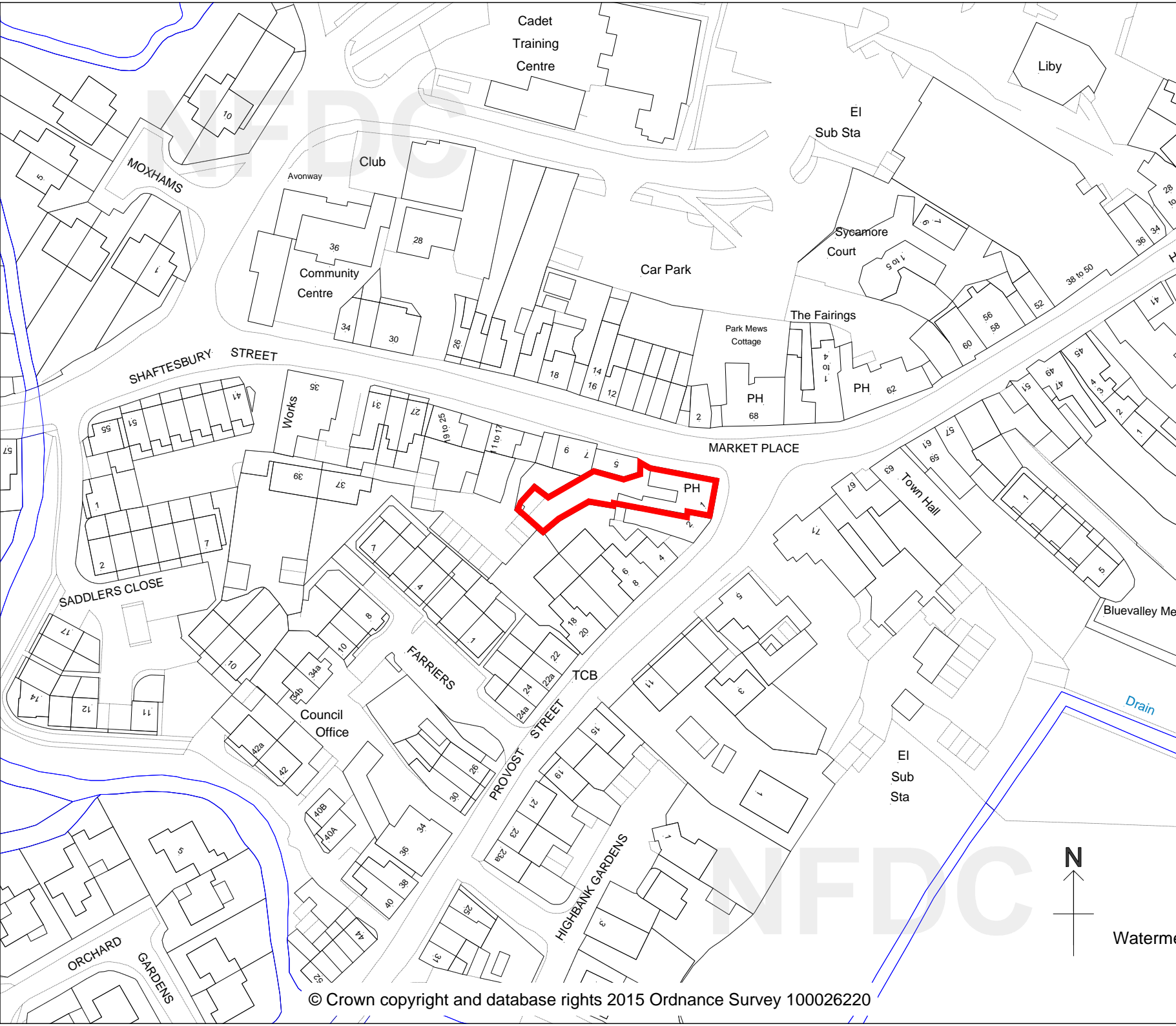
## Planning Development Control Committee March 2015

### Item No: A8

Harleys  
1 Shaftesbury Street  
Fordingbridge  
App No 14/11743  
SU1414

Scale 1:1250

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



**Application Number:** 14/11755 Full Planning Permission

**Site:** Land of CLAYHILL COTTAGE, POPLAR LANE, BRANSGORE  
BH23 8JE

**Development:** Bungalow; detached garage; bin store; parking; access

**Applicant:** Frampton Estates Ltd

**Target Date:** 13/02/2015

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## 1 REASON FOR COMMITTEE CONSIDERATION

Discretion of Head of Planning and Transportation; application by Councillor

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

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

DM3: Mitigation of impacts on European nature conservation sites

## 4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

## 5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

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

## **6 RELEVANT PLANNING HISTORY**

14/11369 - bungalow, parking, access. Refused 10.12.14

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

Bransgore Parish Council - happy to accept officer's recommendation

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

9.1 Drainage Engineer - recommend permission subject to condition

9.2 Building Control - no comments

9.3 Environmental Health (Contaminated Land) - request informative

9.4 Tree Officer - no objection

9.5 Southern Gas Networks - offer advice

9.6 Environmental Design (Urban Design) - raise objection

## **10 REPRESENTATIONS RECEIVED**

None

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission and the dwellings built, the Council will receive £1152 in each of the following six years from the dwellings' completion, and as a result, a total of £6,192 in government grant under the New Homes Bonus will be received. New Forest District Council adopted a CIL charging schedule on 14 April 2014, however the implementation date for the charging schedule is 6 April 2015 so no CIL payments are currently due.

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

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

The application follows a refused scheme which did not benefit from pre-application advice. One of the concerns raised in that decision notice has not been satisfactorily addressed and refusal is therefore recommended. The applicant has also not agreed to pay any affordable housing contributions.

## **14 ASSESSMENT**

- 14.1 The site lies within the built up area of Bransgore following a change to the edge of the defined built up area with the publication of the Local Plan Part 2. It is also close to the National Park boundary. It is formed from part of the garden to Clayhill Cottage, a Victorian detached property with large double garage in the rear garden. There is a mature conifer hedge to the road boundary and further trees and vegetation to the south. The proposal entails the provision of a detached single storey property comprising large living/kitchen/dining space, three bedrooms (two ensuite), family bathroom, utility room and study. A detached single storey garage would be provided, accessed from a private road leading to other dwellings and a camp site.
- 14.2 With regard to residential amenity, as the proposed dwelling is single storey, it would have a limited impact on light and privacy to adjoining dwellings. Clayhill Cottage has two secondary windows in the side facing the site which would be a little over 3m away. Although the boundary provision is not clear from the submitted plan, it is noted that the boundary would be provided at the top of a small bank which exists in the garden at present.
- 14.3 The previous proposal was refused as it was considered to be an intrusive form of development due to the level of site coverage and large unsympathetic footprint. Suggestions have been made in order to try and address this reason, including reducing the footprint, relocating the garage and provision of a simple building form. The proposal has been amended and now includes a single rather than double garage which has

been relocated to the side of the proposed dwelling rather than in the rear garden. This has improved the proposal through reducing the amount of hard surfacing necessary and providing an improved garden/amenity space. However, neither the form nor the footprint of the proposed dwelling has been amended.

- 14.4 The character of this area is largely dependent upon the garden spaces and the trees and hedgerows that these gardens contribute which offer the area a predominantly green character. In addition the modest cottage adjacent to the site is one of very few buildings and roofs which emerge within that backdrop and the quality and character of this building is particularly important in the immediate locality. Having said that, it is noted that there are several bungalows, many of which have had roof alterations implemented, and these traditionally have a greater footprint than typical cottages of which there are also a few in the immediate area, including Clayhill Cottage. Until April 2014, the land of Clayhill Cottage and adjacent garden area of Forest Edge to the south were included in the Green Belt, the National Park boundary is also just 6m from the site.
- 14.5 Dimensions of properties in the area include depths or widths of up to 12m although the other dimension for the majority of properties this size is around 6-7m. Given the design of the proposal with a large central living space with two 'wings' containing bedrooms, the smallest dimension (side elevation) is just 0.2m less than the largest dimension for other properties. Combined with a width of over 17m, the proposal is considered to be excessive for this edge of village location and would appear intrusive in terms of landscape setting and alongside the host dwelling which has more traditional cottage style proportions. The proposal is therefore considered to be inappropriate in this location.
- 14.6 The proposal generates a requirement for contributions to be made towards public open space, transportation improvements, affordable housing and habitats mitigation. For a proposal of this nature, these contributions are usually secured through the completion of a S.106 Agreement. Whilst a S.106 agreement is being progressed, the applicant has made it clear that since the change in Government guidance, in respect of development sites of less than 10 units, was published (November 2014), they no longer consider affordable housing is a requirement, contrary to Core Strategy policy and the agreement will not include this contribution. The lack of affordable housing is therefore a further reason for refusal. A S.106 Agreement is, however, being pursued for transportation, public open space and habitats mitigation but in the absence of a completed Agreement further reasons for refusal are justified in relation to public open space, transportation improvements and affordable housing.
- 14.7 On 28 November 2014 the Government announced a change of policy in relation to tariff style contributions, excluding schemes of less than 10 dwellings from the requirement to make contributions, in order to safeguard the viability of small sites. This Council already takes viability considerations 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.
- 14.8 In conclusion, the proposed bungalow would be too large on this site with a poor relationship to the host dwelling and would fail to secure the

appropriate financial contributions.

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

## 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          | £41,637.50                     | 0                                   | -£41,637.50       |
| <b>Public Open Space</b>        |                                |                                     |                   |
| On site provision by area       | (0.0105ha)                     |                                     |                   |
| Financial Contribution          | £3,504.90                      | £3,504.90                           | -£3,504.90        |
| <b>Transport Infrastructure</b> |                                |                                     |                   |
| Financial Contribution          | £3,745                         | £3,745                              | -£3,745           |
| <b>Habitats Mitigation</b>      |                                |                                     |                   |
| Financial Contribution          | £4,250                         | £4,250                              | -£4,250           |

## 15. RECOMMENDATION

### Refuse

#### Reason(s) for Refusal:

1. The proposal would be seen as an intrusive form of development by reason of the excessive footprint which would be unsympathetic to its setting and relationship to the host dwelling in terms of layout. It would also fail to make a positive contribution to local distinctiveness, contrary to policy CS2 of the New Forest District Council Core Strategy.
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 is likely to impose an additional burden on the existing



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

4. The 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.
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.

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

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

The application follows a refused scheme which did not benefit from pre-application advice. One of the concerns raised in that decision notice has not been satisfactorily addressed and refusal is therefore recommended. The applicant has also not agreed to pay any affordable housing contributions.

#### **Further Information:**

Major Team  
Telephone: 023 8028 5345 (Option 1)



# New Forest

DISTRICT COUNCIL

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

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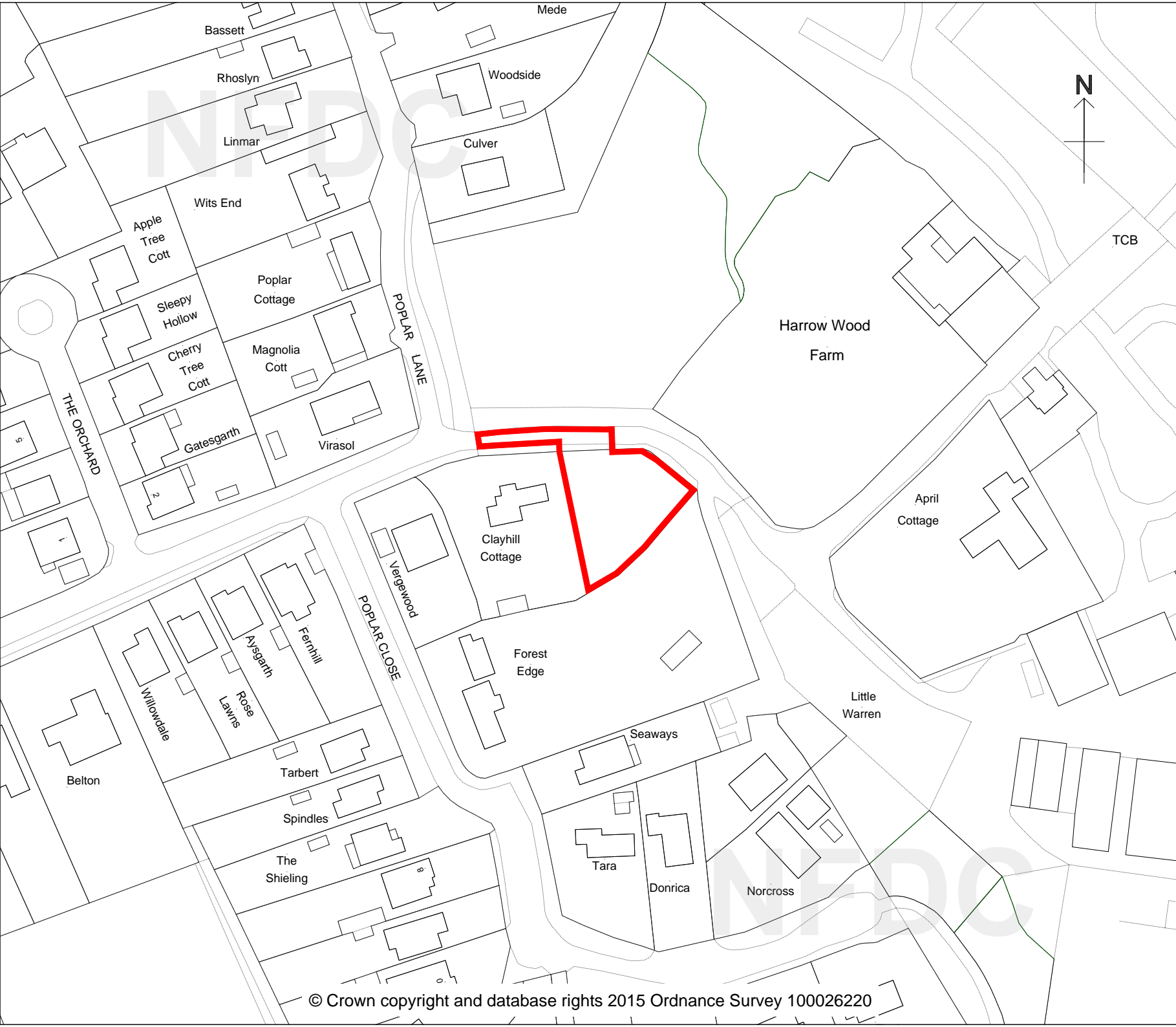
**Planning Development  
Control Committee**  
**March 2015**

**Item No: A9**

Land of Clayhill Cottage  
Polplar Lane  
Bransgore  
App No 14/11755  
SZ1997

Scale 1:1250

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



**Application Number:** 14/11762 Full Planning Permission

**Site:** 39 POPLAR WAY, RINGWOOD BH24 1UY

**Development:** House; access; parking

**Applicant:** Mr Johnson

**Target Date:** 16/02/2015

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## 1 REASON FOR COMMITTEE CONSIDERATION

Reduced affordable housing contribution.

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up Area

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

CS2: Design quality

CS4: Energy and resource use

CS6: Flood risk

CS7: Open spaces, sport and recreation

CS15: Affordable Housing

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. 4 - Promoting sustainable transport

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

Ringwood Local Distinctiveness Document

Housing Design, Density and Character

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

Advisory Note on the Implementation of Core Strategy Policy CS15 - Affordable Housing (Nov 2012)

## **6 RELEVANT PLANNING HISTORY**

14/11382 - One pair of semi-detached houses; access; parking - refused November 2014 due to concerns over the overdeveloped form of development, character impacts, amenity impacts, inadequate parking arrangements and lack of agreement over contributions.

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

Ringwood Town Council - Recommend permission but would accept the decision reached by the DC Officers under their delegated powers. Recommend that the on-site parking is provided at the front of the property, to mirror the arrangement at the adjacent property. It was felt that two spaces side by side were more likely to be used than the proposed tandem arrangement.

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

- 9.1 Land Drainage Section - Recommend approval subject to condition and informatives.
- 9.2 Hampshire County Council Highway Engineer – no objection subject to conditions and a Section 106 Agreement.
- 9.3 Southern Gas Networks – suggest informative notes on proximity of site to their mains Apparatus
- 9.4 Estates and Valuation – Having appraised the applicant's viability assessment it is concluded that the proposed development cannot support an affordable housing contribution, but can support the contributions requested by the Council in respect of public open space, transport and habitat mitigation.

## **10 REPRESENTATIONS RECEIVED**

None

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

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

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

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

This is achieved by

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

In this case the application was considered acceptable following submission of suitably amended plans, increasing the gap between properties, reducing the dominance of the frontage by parked cars and allowing scope for enhanced landscaping. No specific further actions were required.

## **14 ASSESSMENT**

- 14.1 The site currently forms the side garden of a semi-detached dwelling (no. 39 Poplar Way), within the built up area of Ringwood. The site is occupied by outbuildings and hardstandings, associated with the domestic use of the site, which are in poor condition. The area is characterised by semi-detached dwellings, with open gaps between gables, similar to the application property, constructed in the late 1950's. There is a communal garage court immediately opposite the site. The rear and side boundaries of the site are defined by a mature Laurel hedge and much of the front boundary by a smaller evergreen hedge.
- 14.2 The application proposes erection of a detached, two storey dwelling, with associated garden area and with parking spaces. The dwelling would be constructed of red brick and concrete tiles and be of a quite conventional design, following the building line of the existing dwellings. Existing hedges to the front of the site would be partially cut-back/removed in order to provide off-street parking and access.

- 14.3 Policy CS2 of the Core Strategy stipulates that new development will be required to be well designed to respect the character, identity and context of the area's towns. The character of the area is informed by semi-detached dwellings with open gaps between gables. The initial submission was amended to increase the gap between the proposal and the existing dwelling and to provide tandem parking at the side of the property. The revised proposal is considered an improvement over the initial submission as it facilitates retention/enhancement of existing vegetation to the front of the site, reduces the prominence of off-street parking to the front of the site and increases the gap between dwellings, to the benefit of the street scene and character of the area. The proposed house type and materials are considered to be appropriate. Consequently the proposed development is considered to be acceptable in relation to its impact on the character of the area and street scene, in accordance with the provisions of Policy CS2 and the Ringwood Local Distinctiveness Document, subject to landscaping conditions, to ensure the frontage of the site is enhanced.
- 14.4 Policy CS2 also requires the impact of development proposals upon adjoining amenity to be considered. Other than the applicant's own property, the distance from which has been increased by the amended plan, the proposal does not present any adverse impacts upon the residential amenity of adjoining dwellings. The amenity impacts of the proposal comply with the provisions of Policy CS2 of the Core Strategy.
- 14.5 The proposal would provide one parking space for the existing dwelling and two spaces for the proposed dwelling. This would be an appropriate level of provision in this location and no objection is raised by the Highway Engineer in this respect given that the parking Supplementary Planning Document provides recommended average provision with no maximum or minimum
- 14.6 Contributions are expected in relation to public open space, affordable housing, habitat mitigation and transportation improvements for a development of the type and scale proposed. The applicant has agreed to make the contributions, with the exception of the affordable housing sum, and has submitted a viability appraisal to justify this approach. The Estates and Valuation Section has appraised the submitted viability assessment and concludes the full range of contributions should be provided, with the exception of affordable housing. A draft Section 106 Agreement has been produced to secure the contributions.
- 14.7 In conclusion, the proposed dwelling would be appropriate to the character of the area with no adverse implications for neighbouring properties. The requisite level of contributions would be secured by the proposed Section 106 Agreement.
- 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     | 0  | 0                                   | 0                 |
| Financial Contribution          | £49,600 though viability appraisal demonstrates - £0 | £0                                  | 0                 |
| <b>Public Open Space</b>        |  |                                     |                   |
| On site provision by area       | 0  | 0                                   | 0                 |
| Financial Contribution          | £4,673   | £4,673                              | <b>0</b>          |
| <b>Transport Infrastructure</b> |  |                                     |                   |
| Financial Contribution          | £7,490   | £7,490                              | 0                 |
| <b>Habitats Mitigation</b>      |  |                                     |                   |
| Financial Contribution          | £6,100   | £6,100                              | 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 public open space, habitat mitigation and transportation improvement 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 to enhance or create off-site provision and management of public open space to meet the needs of the occupants of the development for public open space. The proposal would therefore be contrary to an objective of the Core Strategy for the New Forest District outside the National Park 2009 and with the terms of Policies CS7 and CS25 of the Core

Strategy.

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

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

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: 8478/400 and 8478/401 rev A

Reason: To ensure satisfactory provision of the development

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

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

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



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

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

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

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

7. All external works hard and soft landscape shall be carried out in accordance with the approved landscaping plans and details within one year of commencement of development and maintained thereafter as built and subject to changes or additions only if and as agreed in writing with the Local Planning Authority.

Reason: To ensure the achievement and long term retention of an appropriate quality of development.

8. Before use of the development is commenced, provision for parking shall have been made within the site in accordance with the approved plans and shall be retained thereafter.

Reason: To ensure adequate on-site car parking provision for the approved development in accordance with Policy CS24 of the Core Strategy for the New Forest District outside the National Park.

9. No development shall start on site until plans and particulars showing details of the provisions of 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 in accordance with Policy CS24 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 the application was considered acceptable following submission of suitably amended plans, increasing the gap between properties, reducing the dominance of the frontage by parked cars and allowing scope for enhanced landscaping. No specific further actions were required.

- 2 The Land Drainage Section advises that 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 may 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.
  
- 3 Southern Gas Networks advise of the presence of their Low/Medium/Intermediate Pressure gas main in the proximity of 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. A colour plan of the approximate location of the Southern Gas apparatus in proximity to your site is available to view on the Council's website, under this planning reference number. For further guidance on this matter, please telephone Southern Gas Networks on 0141 4184093.

**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  
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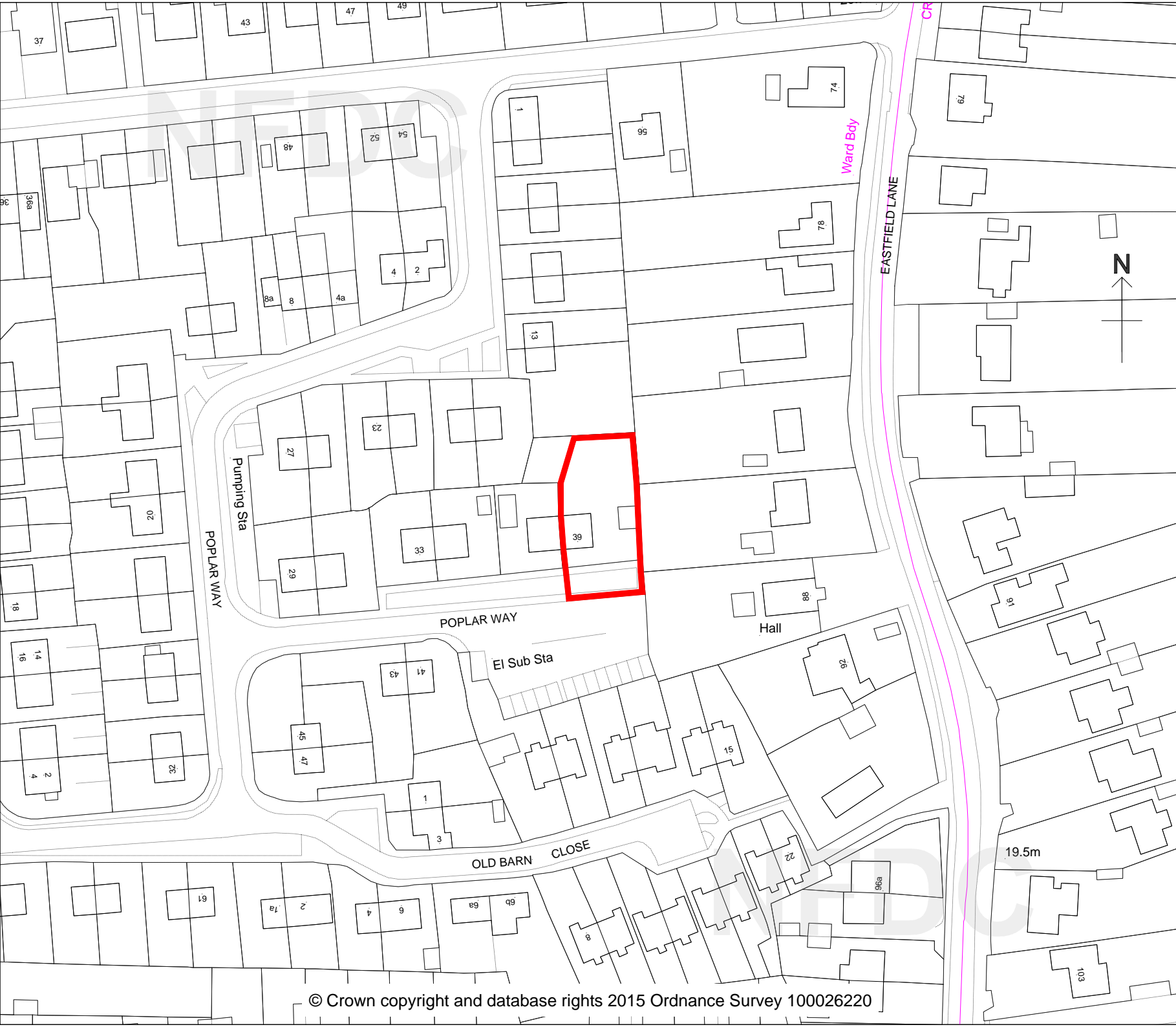
**Planning Development  
Control Committee**  
**March 2015**

**Item No: A10**

39  
Poplar Way  
Ringwood  
App No 14/11762  
SU1605

Scale 1:1250

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



**Application Number:** 14/11764 Full Planning Permission

**Site:** SUITE 4 GROUND FLOOR, MALLARD HOUSE, DUCK ISLAND  
LANE, RINGWOOD BH24 3AA

**Development:** Use as adult day care centre (Use Class D1)

**Applicant:** Windward Day Services

**Target Date:** 16/02/2015

**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Town Council View

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Built up area

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Core Strategy**

**Objectives**

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

**Policies**

- CS2: Design quality
- CS8: Community services and infrastructure
- CS10: The spatial strategy
- CS17: Employment and economic development
- 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**

None of direct relevance

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

Ringwood Town Council: Recommend refusal. Although Members supported the organisation in finding alternative premises, it was felt that Mallard House was not an appropriate location due to the access and parking difficulties in Duck Island Lane. This is a narrow lane with no footway, which suffers from congestion at peak times, with vehicles often having to reverse to make way for oncoming traffic, and would put service users walking to and from the facility at risk.

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

9.1 Hampshire County Council Highway Engineer: No objection subject to condition

9.2 Environmental Design (Policy): No objection

9.3 Environment Agency: No objection

## **10 REPRESENTATIONS RECEIVED**

10.1 10 letters of support

10.2 1 letter of objection concerned with the level of car parking and the increase in traffic. There are already car parking problems in the area with both the users of the residential properties and business seeking spaces.

## **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 two storey detached building situated at the end of a narrow cul de sac known as Duck Island Lane which lies within the built up area of Ringwood. The application relates to part of the ground floor of the building. It is understood that the whole of the building is currently used for offices. There is a row of car parking spaces in front of the building. Duck Island Lane is a very tight narrow road with no pavements and comprises a number of uses including offices, residential and a building contractor's yard.
- 14.2 This planning application proposes the change of use from offices (Class B1), to a day care centre for use by adults with learning difficulties (Class D1). The day care centre would be used by a company known as Windward Day Services as a replacement facility for their existing premises known as Spiral Blue. Their existing facilities are located close to the site but are no longer fit for purpose. It is stated that the applicant currently runs independent centres for adults with learning difficulties in the Totton and Ringwood areas. They run activities and trips for users of the centre and aim to create an enjoyable, interesting and meaningful environment for people to work.
- 14.3 The application relates to part of the ground floor of the building (suite 4) which comprises 140 square metres of floor space. The remainder of the building would continue to be used as offices, but that is not related to this current application. A number of people would be employed to run the service.
- 14.4 In policy terms, local Plan policy CS8 (Community services and infrastructure) is applicable which states that *"Proposals for new and improved health care, education and social facilities that result in improvements in meeting the needs of the Plan Area's population will be supported. These facilities should be well related to public transport infrastructure, and should provide high standards of accessibility to all sectors of the community."*

- 14.5 Policy CS17 (Employment and economic development) at point (d) states *“keep all existing employment sites and allocations for employment use”*. While the proposal would appear to comply with policy CS8, it is not clear that it complies with CS17. This policy requires that existing employment sites should be retained in employment use. Para 2.84 of the Local Plan Part 2: Sites and Development Management defines appropriate uses on employment sites as *“industrial, office, business, storage and distribution uses falling within classes B1, B2 and B8 of the Use Classes Order; other uses which are compatible with those listed above and which also generate employment include leisure, hotel, and retail development”*.
- 14.6 While the proposed use is not mentioned within this definition, the definition nevertheless provides for other uses which are compatible with those employment uses that are mentioned and which would generate employment. The proposed use already operates from existing employment premises elsewhere in Ringwood and is seeking a move to premises which would provide an improved internal environment. Previously, the use has been considered acceptable within an industrial estate location. In these circumstances, and given the limited opportunities to accommodate this use elsewhere, it is considered that the proposal would be acceptable in this instance.
- 14.7 With regards to car parking, the proposed use would have use of five of the car parking spaces, two of which would be allocated spaces used by the company's vehicles. The remaining spaces would be free for drop off and pick ups and this would take place just after 9:00am in the morning and in the middle of the afternoon. The number of staff working at the day centre would be 4 in any one day. The Highway Authority does not object to the proposal provided that the identified car parking spaces are made available at all times. On the basis that the proposal does not seek to increase the floor space of the building and the location of the site close to the town centre which would be accessible for walking, and that adequate car parking is provided, a reason for refusal on the danger to public highway safety could not be substantiated. The use of the building as offices would result in a high demand for car parking
- 14.8 With regard to residential amenity, the use of the building as a day centre for people with learning difficulties would not give rise to unacceptable noise or disturbance. The proposed use would be during the daytime and on occasions the people would be on days out. It is considered that the site should only be used as an adult day centre and should not change to other uses under that Use Class. This is because of the restricted nature of Duck Island Lane, and the close proximity to residential properties and other businesses. It is considered that other uses that fall under Class D1 of the Use Classes Order would be likely to harm residential amenity and public highway safety. Other uses such as children nursery, crèches or medical centres would not be appropriate in this location.
- 14.9 In conclusion, it is considered that the proposed change of use broadly accords with policy and would provide a community type use which would be beneficial to the area and retain employment in the area. The proposed use would not have any adverse impact on residential amenity. The proposed use would have adequate car parking and no objections have been raised by the Highway Authority. Accordingly permission is recommended.
- 14.10 In coming to this recommendation, consideration has been given to the

rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that 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, EH14/41

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 only be used for adult day care centre purposes only and for no other use purposes, whatsoever, including any other purpose in Class D1 use of the Town and Country Planning (Use Classes) Order 2005 or any subsequent re-enactment thereof, without express planning permission first being obtained.

Reason: Given the restricted nature of Duck Island Lane, and the close proximity to residential properties and other businesses, it is considered that other uses that fall under Class D1 of the Use Classes Order would not be appropriate in this location in that it is likely to result in harm to residential amenity and public highway safety issues and would fail to comply Policies CS2 and CS24 of the Core Strategy for New Forest District outside the National Park.

4. The development hereby permitted shall not be occupied until the arrangements for parking as shown on the site plan (1:500) within its curtilage have been implemented and 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.



**Notes for inclusion on certificate:**

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

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

**Further Information:**

Major Team

Telephone: 023 8028 5345 (Option 1)



# New Forest DISTRICT COUNCIL

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www.newforest.gov.uk

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

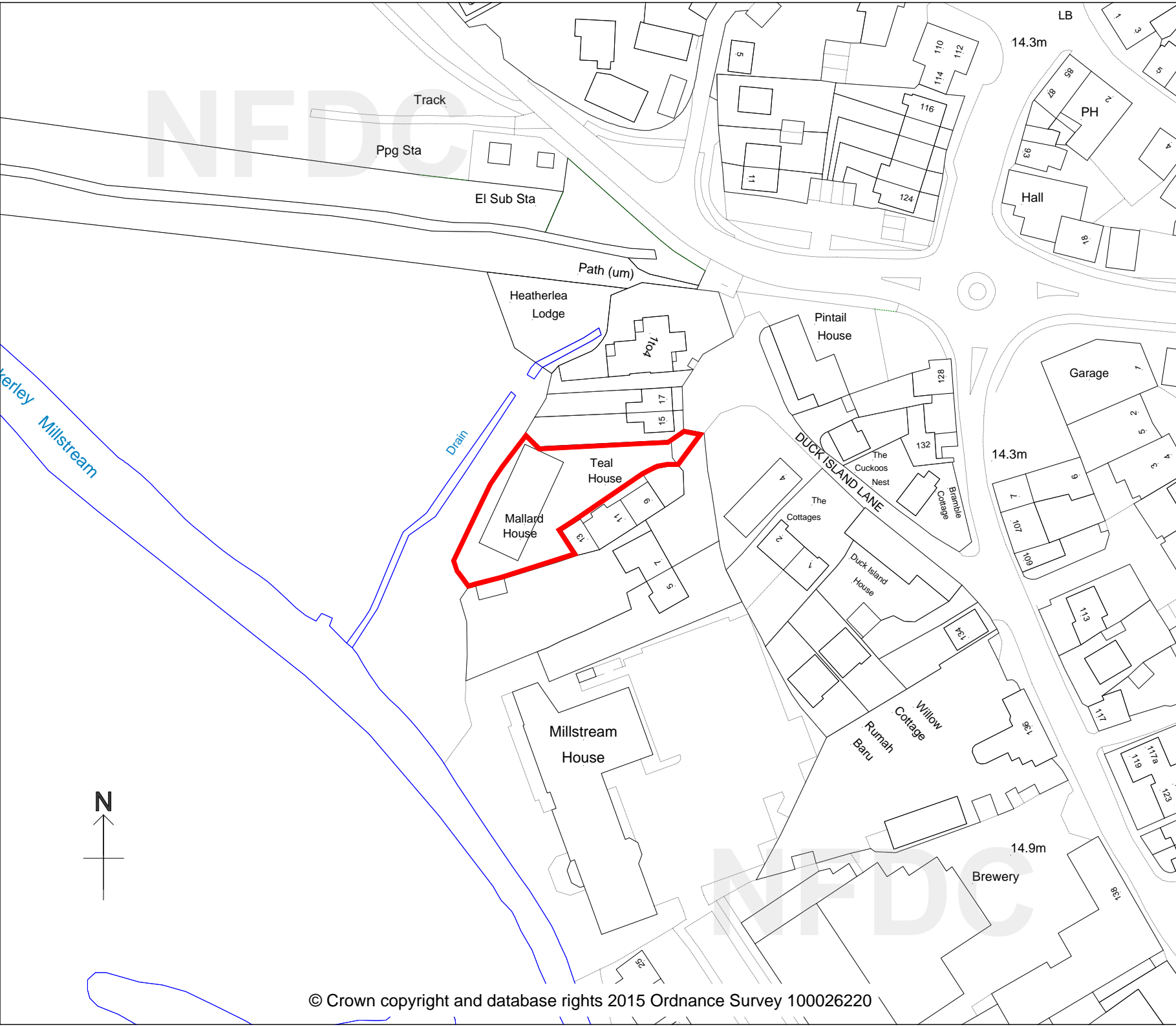
**Planning Development  
Control Committee  
March 2015**

**Item No: A11**

Suite 4 Mallard House  
Duck Island Lane  
Ringwood  
App No 14/11764  
SU1404

Scale 1:1250

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



**Application Number: 14/11785** Full Planning Permission

**Site:** SOLENT HOUSE, 5 BATH ROAD, LYMINGTON SO41 3RU

**Development:** Use as 1 residential unit (Use Class C3)

**Applicant:** Mr Osmond

**Target Date:** 12/03/2015

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## 1 REASON FOR COMMITTEE CONSIDERATION

To agree the waiving of contributions; Contrary to Policy

## 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

- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS6: Flood risk
- CS7: Open spaces, sport and recreation
- 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

DM1: Heritage and Conservation

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

None

## **6 RELEVANT PLANNING HISTORY**

6.1 Change of use from residential to office accommodation (29660) - granted 6/8/85

6.2 Relief of Condition 2 on PP29660 (56918) - granted 13/7/95

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

Lymington & Pennington Town Council:- recommend permission

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

9.1 Hampshire County Council Highway Engineer:- no objection

9.2 Natural England:- No objection

9.3 Environmental Health (contaminated land):- No concerns

9.4 Land Drainage:- No comment

9.5 Policy:- No objection to the loss of an employment use given the small amount of employment floorspace lost and the residential character of the premises.

9.6 Environmental Design (Conservation & Design):- No objection to residential use

## **10 REPRESENTATIONS RECEIVED**

None

## **11 CRIME & DISORDER IMPLICATIONS**

No relevant considerations

## **12 LOCAL FINANCE CONSIDERATIONS**

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

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

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

possible, a positive outcome.

This is achieved by

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

In this case all the above apply and as the application was acceptable as submitted (subject to small scale amendments) no specific further actions were required.

## **14 ASSESSMENT**

- 14.1 Solent House is a Grade II Listed building within the Lymington Conservation Area. The building, which is 2-storeys high and detached, is set back from Bath Road. The building is currently vacant, but its most recent use has been as a B1 office. The property now has only a limited garden area to the rear. The surrounding area is comprised of a mix of commercial and residential properties.
- 14.2 The submitted application seeks to change the use of the building back to a single dwelling. No external alterations to the building are proposed. Internal alterations are the subject of a separate application for Listed Building Consent.
- 14.3 Core Strategy Policy CS17 seeks to keep all existing employment sites and therefore as this proposal would result in the loss of a B1 office it would not accord with this policy. However, in this case there are considered to be a number of factors that would support a residential conversion. Firstly, were the application building not a Listed Building it would now be possible to convert the building to a dwelling under permitted development rights (subject to the submission and approval of a Prior Approval application). Secondly, the building was historically a dwelling and was in residential use as recently as the mid 1980s. Thirdly, the existing B1 office permission was personal to "The Anaesthetics Agency" meaning that the building cannot be used for a more general B1

office use without an application to remove a previous planning condition. Fourthly, there would be benefits in a residential conversion as historic buildings such as this are generally best used for their original purpose. Taking all of these factors together it is felt that a residential conversion is fully justified.

- 14.4 The residential conversion that is proposed could take place without detriment to the heritage interest of the Listed Building or the character and appearance of the Lymington Conservation Area. Furthermore, the proposed conversion would not have a material impact on the amenities of neighbouring properties.
- 14.5 The creation of an additional dwelling would generally be expected to secure contributions to affordable housing and public open space in line with Core Strategy policies. In this case the target affordable housing contribution would be £45,900 and the target contribution to public open space would be £3504.90p. However, were the building not Listed then neither of these contributions would be required because permitted development rights would apply. It is felt unreasonable to require an applicant to make contributions to affordable housing and public open space simply as a result of the building's listed status. Therefore, it is felt that these contributions should both be waived.
- 14.6 The provision of an additional dwelling would potentially result in increased recreational use of designated European sites. There is therefore considered to be a need for this impact to be mitigated. A mitigation contribution of £4250 would be appropriate in this instance. Because such a contribution would also be required under the prior approval procedure, it is felt the need for this contribution is fully justified. At the time of writing, the applicants have yet to secure this contribution by means of a completed Section 106 legal agreement.
- 14.7 Overall, the proposed development is considered to be consistent with Local Plan policies and Core Strategy objectives that seek to ensure that new development is well designed and sympathetic to its setting. The loss of an employment site is considered justified by the site's planning history, by recent changes to national planning legislation and by the resulting heritage benefits of this proposed conversion. The development would not harm the amenities of the wider area and there is considered to be a reasonable justification to waive contributions to affordable housing and public open space. As such, the application is recommended for permission.
- 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     | 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          | 0                              | 0                                   | 0                 |
| <b>Habitats Mitigation</b>      |                                |                                     |                   |
| Financial Contribution          | £4250                          | £4250                               | 0                 |

## 15. RECOMMENDATION

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

i) the completion, by 30th March 2015 of a planning obligation entered into by way of an Agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure a financial contribution towards habitat mitigation of £4250.

ii) the imposition of the conditions set out below.

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

### 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: 1405\_PP-001 (amended version received 02/02/15), 1405\_PP-002 (amended version received 02/02/15), 1405\_PP-008\_col, 1405\_PP-010 (amended version received 20/02/15), 1405\_PP-011, 1405\_PP-005, 1405\_PP-006, 1405\_PP-007.

Reason: To ensure satisfactory provision of the development.

**Notes for inclusion on certificate:**

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

In this case, all the above apply and as the application was acceptable as submitted (subject to small scale amendments) no specific further actions were required.

**Further Information:**

Major Team  
Telephone: 023 8028 5345 (Option 1)





# New Forest

DISTRICT COUNCIL

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Chris Elliott  
Head of Development Control  
New Forest District Council  
Appletree Court  
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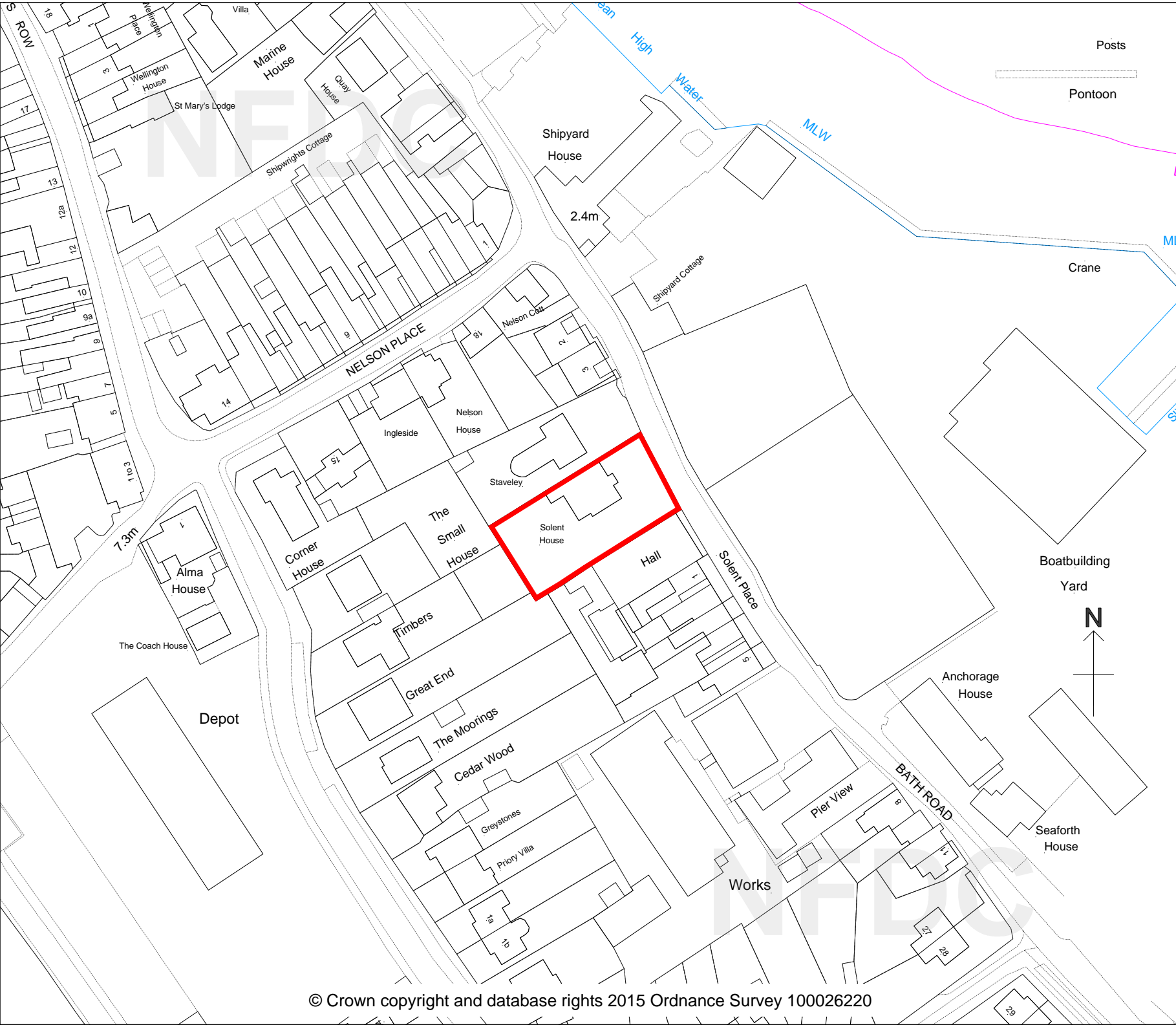
**Planning Development  
Control Committee**  
**March 2015**

**Item No: A12**

Solent House  
5 Bath Road  
Lymington  
App No 14/11785  
SZ3295

Scale 1:1250

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



**Application Number:** 15/10008 Outline Planning Permission

**Site:** 9 HURST ROAD, MILFORD-ON-SEA SO41 0PY

**Development:** 2 pairs of semi-detached houses; parking; access; demolition of existing (Outline application with details only of access and layout)

**Applicant:** Mr Cottard

**Target Date:** 03/03/2015

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

#### Policies

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

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

- DM3: Mitigation of impacts on European nature conservation sites
- MoS2: Transport schemes

## 4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

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

SPD - Housing Design, Density and Character  
SPD - Mitigation Strategy for European Sites  
SPG - Milford-on-Sea Village Design Statement

## **6 RELEVANT PLANNING HISTORY**

- 6.1 98339 - 2 pairs of semi-detached houses, access, parking, demolition of existing. Refused 10.5.12, appeal dismissed.
- 6.2 90117 - 4 houses, 2 flats. Refused 11.7.07, appeal dismissed
- 6.3 88118 - 4 houses, 2 flats. Withdrawn
- 6.4 86262 - pair of semis, 3 flats. Refused 13.12.05, appeal dismissed

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

Milford on Sea Parish Council - recommend refusal and would not accept a delegated approval. Consider the proposal overbearing, detrimental to the sea front and would cause safety issues.

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

- 9.1 Southern Gas Networks - offer advice
- 9.2 Drainage Engineer - recommend approval subject to conditions
- 9.3 Environmental Design (Urban Design) - raises concern about the frontage treatment and the gabled design of the buildings.
- 9.4 Hampshire County Council Highway Engineer – no objection subject to conditions and a Section 106 Agreement.

## **10 REPRESENTATIONS RECEIVED**

Objections have been received from 12 local residents concerned with:

- loss of light to 50, Sea Road
- impact of 4 houses on the open vista
- additional traffic
- proposal conflicts with policy
- loss of openness
- too many access points off Hurst Road
- proposal encroaches beyond footprint of dismissed scheme
- height and side gable are not in character
- cramped and contrived over development
- impact on surface and foul drainage
- ignores previous decisions
- would ruin the atmosphere
- loss of sea/island views
- not designed in sympathy with houses to opposite side of Sea Road
- indicative gables/balconies are not in keeping

- footprint appears larger than previous scheme
- Inspector did not give enough consideration to windows to no.50
- likely to result in more accidents
- increased hard surfacing to the frontage is not sympathetic
- would be visually intrusive
- wouldn't improve living conditions of adjacent residents

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission and the dwellings built, the Council will receive £3,456 in each of the following six years from the dwellings' completion, and as a result, a total of £20,736 in government grant under the New Homes Bonus will be received. New Forest District Council adopted a CIL charging schedule on 14 April 2014, however the implementation date for the charging schedule is 6 April 2015 so no CIL payments are currently due.

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

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This is achieved by

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

The applicant is not presently willing to contribute towards affordable housing and it is unclear at the time of writing whether or not transportation and public open space contributions will be provided.

## 14 ASSESSMENT

- 14.1 The site lies within the built up area of Milford on Sea in a prime location on the sea front. It contains a detached two storey dwelling which is relatively low key given adjacent buildings. The site is quite open and this openness contributes significantly to the character of the area. The front boundary comprises a wall with mature hedging to the rear. There is a large area of hard surfacing as a result of the site's previous use as restaurant. The proposal entails the demolition of the existing property and its replacement with four houses. The application is in outline form with access and layout for consideration as part of this scheme.
- 14.2 There is a substantial history to this site and the scheme for consideration follows the last appeal decision from March 2013. That scheme was for a similar proposal of four houses, although there were single storey aspects which projected further east and were considered inappropriate, given the openness at the end of Sea Road. The design of the houses and how they 'turned the corner' was also a key issue in terms of the character and appearance. Living conditions and highway safety were considered at the appeal stage although the Inspector found that the former was not of concern. An affordable housing contribution was necessary to make the scheme acceptable in planning terms. In respect of the impact on the character of the area, the Inspector was primarily concerned with the impact of a detached and attached garage on the street scene given their proximity to the road and the lack of space to provide adequate planting which could also adversely impact on the openness on this prominent corner site. The Inspector also raised concerns about the impact of a significant 2/3 storey gable facing Sea Road.
- 14.3 The proposal shows a simple footprint of two pairs of semi-detached dwellings. The eastern flank is shown as a straight line with an indicative overhang at first and second floor levels. The line of this elevation has been determined through replicating the angle between 48 and 50 Sea Road (approximately 166°) between no.50 and the proposed built form. The front elevations would be comparable to the adjacent flats.
- 14.4 Many concerns have been raised locally with regard to the proposal 'breaching' the previously proposed eastern flank and impacting upon the openness of the area. In this regard, plot 4 is approximately 1m nearer to Sea Road than the two-storey element of the previous scheme. However, to put this into context, the spacing between no.50 Sea Road and 'Polruan' opposite is around 27m. That between the proposed flank (rear corner of plot 4) and housing on the opposite side of Sea Road is around 37m. This distance increases to a little over 45m when measured from the front corner of plot 4. These measurements suggest that the openness would not be materially affected. In terms of the impact of built form as proposed when travelling south along Sea Road, it is unlikely that the development would be visible until adjacent to no.50's access and south of the access to Polruan. Depending on the appearance of the proposed building (which would need to be the subject of a reserved matters application), it is not considered, at this point, that the openness of this sea front area would be significantly harmed although it is accepted it would have some impact. The site currently benefits from mature, albeit patchy, hedging to its northern boundary

which also has some impact on openness compared to the eastern side of Sea Road.

- 14.5 The Parish Council has also raised concern in respect of the design of the proposed dwellings although, as stated above, the design (appearance) is not for consideration at this stage. At present, the existing dwelling is set back behind the general building line of properties along Hurst Road and to the east. It is considered that additional built form is possible without compromising views of the sea or the openness of the area.
- 14.6 Residential amenity is also a concern raised locally although as the application is in outline form, it is difficult to comment further without being able to consider the submitted plans and elevations. However, the indicative drawings suggest similar openings for the proposal as were considered previously where the Inspector did not consider that overlooking would be a significant problem, given the existing situation.
- 14.7 With regard to other concerns raised, the density of the development was not of concern previously and as the same number of dwellings is now proposed, it would be difficult to raise this as an objection now. The design of the dwellings is not for consideration at the present time and the agent for the application has been informed of concerns which have been raised in this respect, particularly with regard to the front gable elements. The design of the eastern flank of plot 4 would also be of the utmost importance.
- 14.8 Access is one of the matters for consideration. The scheme differs from the previous proposal in this respect and offers four separate access points onto Hurst Road. This should not conflict with pedestrian safety as there is no footpath along the north side of Hurst Road. The Highway Authority has not raised any objections to the access provisions. The indicative garages suggest there is adequate space to accommodate cycles.
- 14.9 The proposal generates a requirement for contributions to be made towards public open space, transportation and affordable housing. As there is a net increase in dwellings, habitats mitigation is also a requirement. These contributions are usually secured through the completion of an appropriately worded S.106 Agreement. However, the applicant has made it clear that since the publication of a ministerial statement in November 2014, they no longer believe that affordable housing, public open space or transportation contributions should be sought for a small scheme of this nature. At the time of writing, the applicant has not agreed to pay anything towards affordable housing and the authority is awaiting confirmation of whether or not they are willing to provide towards transportation and public open space after being advised of appropriate schemes in the locality. On this basis, refusal is recommended.
- 14.10 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public

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

## Developers' Contributions Summary Table

| <b>Proposal:</b>                |                                |                                     |                   |
|---------------------------------|--------------------------------|-------------------------------------|-------------------|
| <b>Type of Contribution</b>     | <b>NFDC Policy Requirement</b> | <b>Developer Proposed Provision</b> | <b>Difference</b> |
| <b>Affordable Housing</b>       |                                |                                     |                   |
| No. of Affordable dwellings     | 2 on site                      | 0                                   | -2                |
| Financial Contribution          |                                | 0                                   |                   |
| <b>Public Open Space</b>        |                                |                                     |                   |
| On site provision by area       | (0.028ha)                      |                                     |                   |
| Financial Contribution          | £9,346.40                      |                                     | -£9,346.40        |
| <b>Transport Infrastructure</b> |                                |                                     |                   |
| Financial Contribution          | £9,523                         |                                     | -£9,523           |
| <b>Habitats Mitigation</b>      |                                |                                     |                   |
| Financial Contribution          | £12,750                        |                                     | -£12,750          |

## 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.
4. The recreational impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area, the

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

**Notes for inclusion on certificate:**

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

The applicant was not willing to contribute towards affordable housing, transportation improvements, public open space or habitat mitigation.

**Further Information:**

Major Team  
Telephone: 023 8028 5345 (Option 1)





# New Forest DISTRICT COUNCIL

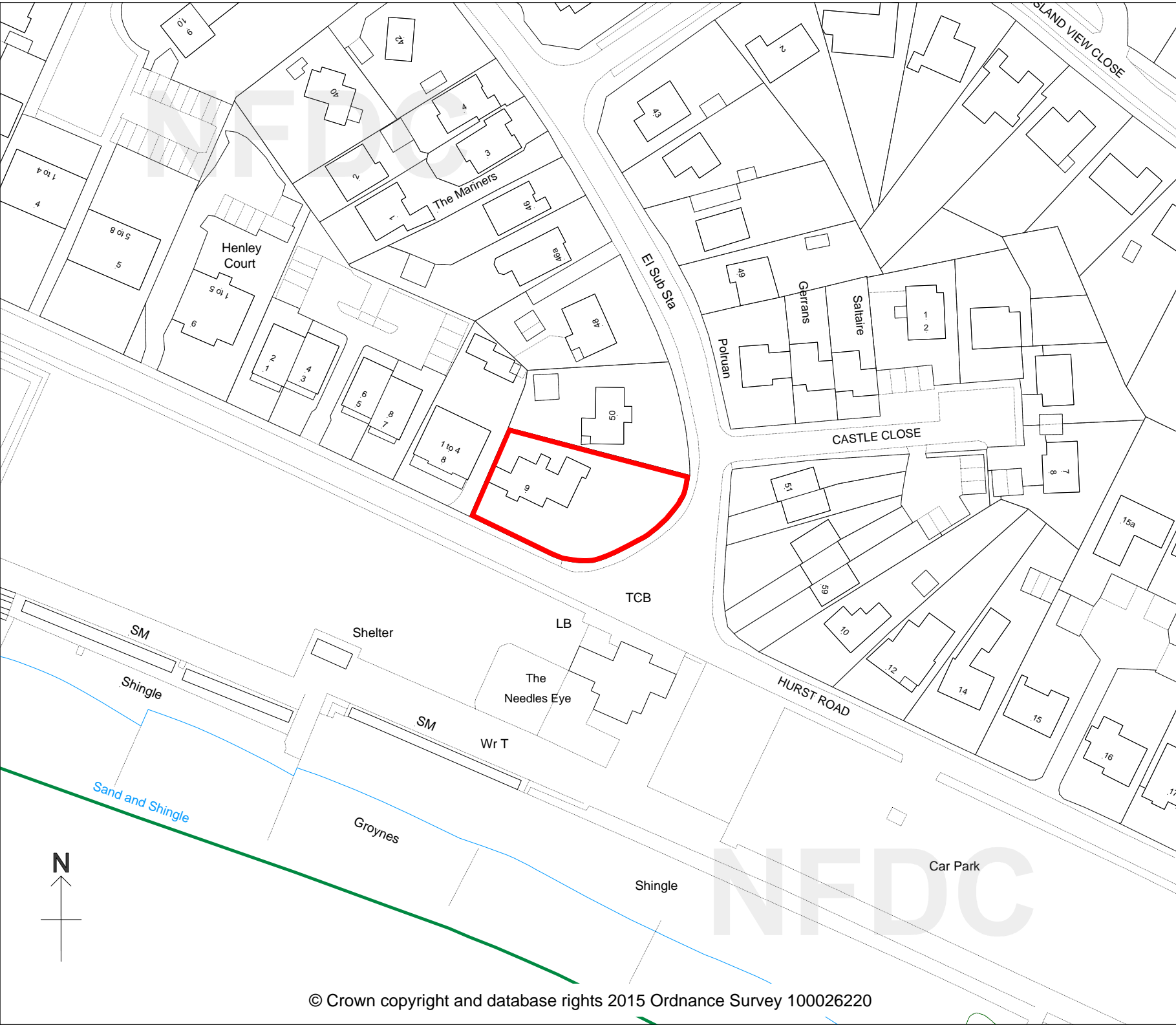
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Chris Elliott  
Head of Development Control  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

**Planning Development  
Control Committee**  
**March 2015**

**Item No: A13**

9  
Hurst Road  
Milford on Sea  
App No 15/10008  
SZ2991



Scale 1:1250

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

**Application Number:** 15/10026 Full Planning Permission

**Site:** 14 HAWTHORNE ROAD, TOTTON SO40 3HH

**Development:** Bungalow; demolition of existing

**Applicant:** A R Allen Ltd

**Target Date:** 06/03/2015

**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Town Council View

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Built up area

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Core Strategy**

Objectives

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

Policies

- CS2: Design quality
- CS4: Energy and resource use
- CS10: The spatial strategy

**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**

- 6.1 House, demolition of existing (10833) Refused on the 6th August 2014
- 6.2 House, demolition of existing (11383) Refused on the 26th November 2014

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

Totton and Eling Town Council: Recommend refusal - the new application for this site is the third application in six months and has shown marked improvement on previous schemes. The two previous schemes on this site were strongly opposed due to their scale, design and impact on neighbouring properties. The new application had addressed the majority of previous concerns with a much more modest and sympathetic design. The single story dwelling proposed was largely similar in scale to the building it replaces and due to the lack of height it causes few issues to neighbouring properties. However some members felt that parking issues still remained and believed it was unnecessary to put further strain on road parking where an off road parking space could be provided.

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

Land Drainage: No objection subject to condition

## **10 REPRESENTATIONS RECEIVED**

1 letter of objection concerned with the loss of light into the two side windows

## **11 CRIME & DISORDER IMPLICATIONS**

No relevant considerations

## **12 LOCAL FINANCE CONSIDERATIONS**

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

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

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

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- 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 modest detached bungalow located in a residential street in Totton. The existing bungalow is set very close to the pavement and has a low profile pitched roof running from the front to the rear. The existing bungalow is a white rendered building under a clay tiled roof and is situated on a narrow and long plot. The property is set behind a low brick wall but there is no front garden or space for car parking.
- 14.2 The character of the area is mixed with a variety of property types and styles including detached and semi-detached bungalows, detached, semi-detached and terraced houses. Roof forms, materials and sizes vary throughout the street. The adjoining properties to the south-east are a row of 4 two storey terraced houses with their ridges running parallel to the road. These buildings are sited close to the edge of the highway. On the other side is a detached bungalow which is set back from the road and has a simple pitched roof running front to rear.
- 14.3 In terms of the planning history of the site, there have been two recent refusals for a replacement dwelling. Both planning applications proposed a two storey dwelling. The more recent application under reference 11383 was refused permission because it was considered that its siting, design, scale, depth, and inappropriate appearance would have appeared visually imposing, out of keeping and an incongruous feature in its setting that would have been wholly out of context with and harmful to the character of the area. It was also refused on the grounds that, because of its close relationship, depth and scale, the proposed dwelling would have been imposing and overbearing to the adjoining properties at 12 and 16 Hawthorne Road, lead to a loss of outlook and degree of overshadowing to the detriment of the amenities of the occupiers of those properties.
- 14.4 This current planning application seeks to address the previous concerns and proposes a replacement bungalow. In comparison to the previous application, the main difference in this current proposal is that the proposed dwelling would be a single storey bungalow rather than a two storey dwelling. The proposed replacement dwelling would be a modest single storey structure with front gable end and ridge line running from

the front to the rear of the site constructed from brick under a slate roof. The proposed building would be broadly sited on the same footprint as the existing building but it would extend further back into the site. The proposed building would be lower in height compared to the existing building. The site currently has no on-site car parking facilities and the proposed redevelopment of the site would not provide any car parking.

- 14.5 In assessing the effect on the character and appearance of the area, the existing bungalow is a modest building which has little impact on the street scene, and in principle, its loss would be acceptable, subject to any proposed building having an appropriate scale, form, design and appearance. This current revised proposal is considered to have a much improved design and scale, which would appear very similar to the appearance of the existing bungalow. The proposed building would be very modest, with the whole structure being single storey under a low pitched roof. The previously rejected application involved a much taller building with deep flank walls and a very poor frontage onto the street.
- 14.6 The proposed bungalow would rise to approximately 4.1 metres in height with a pitched roof. Apart from the greater depth of the building, when viewed from the road, the proposed building would appear very similar to the existing dwelling. While the proposed depth of the building would be much greater than the existing bungalow, the plot is long enough to accommodate this and it should also be noted that the rear building line would not extend beyond the rear of No 16 Hawthorne Road.
- 14.7 Overall, it is considered that the proposed development would be acceptable in this context and would not detract from the character of the area and the previous reason for refusal relating to the negative impact on the character of the area has been addressed.
- 14.8 With regard to residential amenity, given the significant reduction in the scale and bulk of the building, the proposed bungalow would have a much better physical relationship with the adjoining neighbouring properties. Concerning the neighbouring property at No 16 Hawthorne Road, this property has a front lawn and main living room window on the front elevation and is sited to the north west of the application site. Given that the proposed building has nearly an identical scale and siting, it is not considered that the proposal would unacceptably compromise the available light to or outlook of the front windows of that residential property
- 14.9 On the existing side elevation of No 16 there are two side windows, one serves a bathroom and the other a bedroom. The windows are sited on a flank elevation facing the site and have views onto a 1.8 metre high fence. The proposed building would rise to 4.1 metres in height with a sloping roof which would help reduce the impact onto these windows. It should also be noted that the existing rear elevation could be extended by up to 4 metres under 'permitted development' and such an extension would be sited adjacent to these neighbouring properties side windows. While the proposed bungalow would extend up to and beyond these windows which would experience a degree of impact, it is not considered that the effect would be so severe as to justify refusal of planning permission. The two proposed windows on the side elevation serving the hallway would face into the front garden of Number 16. In order to protect the privacy of that neighbour, it is considered reasonable to impose a planning condition for the window to be glazed with obscure glass to maintain a reasonable level of privacy.

- 14.10 It is also considered that the relationship to the adjoining property at Number 12 is improved given that the building would be single storey with a low pitched roof projecting away from the boundary. The proposed windows on the side elevation facing in the direction of No 12 would be acceptable and it would not be reasonable to impose a planning condition for the windows to be glazed with obscure glass given that there are already windows in that elevation on the existing building.
- 14.11 In terms of car parking, the proposal is for a replacement dwelling with no material increase in the number of bedrooms. On the basis that the existing property does not have any on-site car parking, and the proposal does not seek to provide any car parking, a reason for refusal on the grounds of lack of car parking would not be substantiated at appeal. There are no car parking restrictions on the highway and there is adequate space for vehicles to park. On the basis that the proposal is for a replacement dwelling, no contributions are required.
- 14.12 In conclusion, it is considered that this revised planning application for a bungalow has addressed the concerns previously raised and the proposed development would be in keeping with the character and appearance of the area and would have an acceptable impact on living conditions of the adjoining neighbouring properties.
- 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.

## **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: 01 rev k.  
  
Reason: To ensure satisfactory provision of the development.
3. 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.

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

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

5. The ground floor windows on the side (west) elevation of the approved building 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.

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:**

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

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

#### **Further Information:**

Major Team  
Telephone: 023 8028 5345 (Option 1)



# New Forest

DISTRICT COUNCIL

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

## Planning Development Control Committee

March 2015

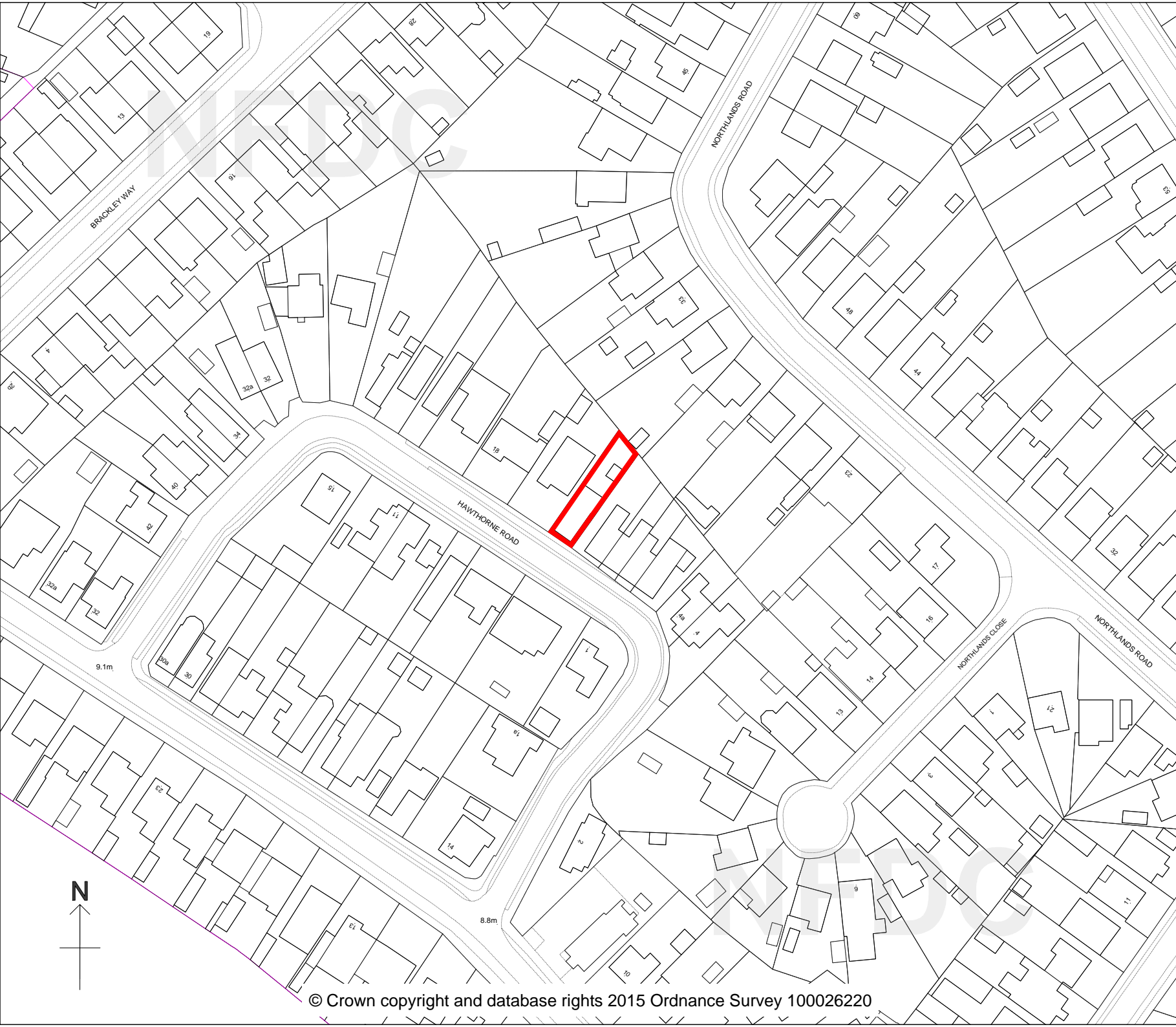
**Item No: A14**

14 Hawthorne Road  
Totton

App No 15/10026  
SU3413

Scale 1:1250

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





**Application Number: 15/10035** Full Planning Permission

**Site:** 8 SOUTH STREET, PENNINGTON, LYMINGTON SO41 8ED

**Development:** Use of ground floor as 3 flats; associated external alterations

**Applicant:** DMG Retirement Trust

**Target Date:** 10/03/2015

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## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council View (in part)

## 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
- CS5: Safe and healthy communities
- CS7: Open spaces, sport and recreation
- CS15: Affordable housing contribution requirements from developments
- CS17: Employment and economic development
- CS20: Town, district, village and local centres
- CS24: Transport considerations
- CS25: Developers contributions

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

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

## **6 RELEVANT PLANNING HISTORY**

Ground, first & second floor extension & alterations to create 8 additional flats (at 2-8 South Street); associated parking (08/92971) - granted 11/12/08

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

Lymington & Pennington Town Council:- recommend refusal - lack of adequate parking; concerns that this is an overdevelopment of the site within a residential area; loss of employment opportunities.

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

9.1 Hampshire County Council Highway Engineer:- No objection subject to cycle parking condition

9.2 Land Drainage:- No comment

9.3 Building Control:- Suitable means of escape should be provided to inner rooms

9.4 Policy:- There is not a strong basis to object to the proposed change of use on the grounds of the loss of an employment site, when weighed against the potential environmental and social benefits of a residential conversion. However, there are concerns at the quality and safety of the living environment.

## **10 REPRESENTATIONS RECEIVED**

2 letters of objection from nearby residents:- site is already overdeveloped and proposal will add to this sense of overdevelopment; inadequate on-site parking; developer has not previously completed or complied with requirements of previous planning permission; increased noise and disturbance; doorway at western end of building is poorly sited.

## **11 CRIME & DISORDER IMPLICATIONS**

See Assessment Report below

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission and the dwellings built, the Council will receive £3456 in each of the following six years from the dwellings' completion, and as a result, a total of £20736 in government grant under the New Homes Bonus will be received. New Forest District Council adopted a CIL charging schedule on 14 April 2014. However, the implementation date for the charging schedule is 6 April 2015 so no CIL payments are currently due.

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

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

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

This is achieved by

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

In this case, the application proposals were not the subject of pre-application discussions. Given the nature of the adverse impacts that have been identified, the application is not one where negotiations can easily resolve and address all of the identified objections. Hence, the application has been recommended for refusal.

## **14 ASSESSMENT**

14.1 8 South Street lies within the centre of Pennington village to the rear of frontage units at 4-6 South Street. The ground floor of the building is in use as a light engineering workshop. The first floor, which was an addition granted planning permission in December 2008, is in residential use. The south-east elevation of the building in particular has a rather unattractive appearance due to the poor quality and inconsistent finish to the facing brickwork. On its south-east side, the building looks out onto a gravel access, a detached garage building and a rear service yard set to the rear of shops at 10-14 South Street. This rear service yard also provides access to first floor flats above the shops at 10-14 South Street. On its north-west side the building looks out onto a parking yard set to the rear of 4-6 South Street, which is accessed by an undercroft beneath the building. To the south-west side of the site, the building is bounded by the rear gardens of properties in Pound Road. The surrounding area is developed fairly intensively with commercial units fronting onto South Street and numerous small residential units set on upper floors and to the rear of the South Street frontage.

- 14.2 It should be noted that the application site is the subject of an ongoing enforcement investigation due to the failure to implement the previous 2008 planning permission in accordance with the conditions of that planning permission, meaning that the building at 8 South Street has not been given an appropriate external finish and the external areas of the site have not been appropriately landscaped.
- 14.3 The submitted application seeks to convert the existing workshop building to 3 self-contained flats. Two of these would be 1-bedroom flats and the other would be a 2-bedroom flat. The application also seeks to make various alterations to the arrangement of windows and doors on the building.
- 14.4 The frontage units at 4-6 South Street form part of a local shopping frontage. However, the application site does not function as part of the shopping frontage. Therefore, its proposed conversion would have little bearing on the viability of the frontage retail unit, and as such, there is considered to be no conflict with shopping frontage policies.
- 14.5 Core Strategy Policy CS17 seeks to keep all existing employment sites. Premises such as 8 South Street can offer affordable accommodation for small businesses, and the applicant has provided no evidence to suggest that the building is unsuitable for continued commercial use. However, the existing light industrial use appears to be low-key and existing residential uses are in very close proximity. The character and position of the building mean that the building is unlikely to be attractive to an appropriate alternative commercial use. Therefore, if the proposed residential development were to deliver sufficient social and environmental benefits, it is felt that the loss of the existing employment site (as an exception to Core Strategy Policy CS17) would be justified. Because of the concerns outlined in the following paragraphs, it is not considered the proposal would deliver sufficient social or environmental benefits as to justify the loss of the existing employment site, contrary to Core Strategy Policy CS17.
- 14.6 The fenestration alterations that are proposed would result in a slightly better proportioned building and are considered to be visually appropriate. However, the application does not specifically propose any change to the poor quality external finish to the south-east elevation and nor are any changes proposed to the external areas of the site (notwithstanding the fact that these improvements should already have been provided under the previous 2008 planning permission). Accordingly, it is not felt that the application would deliver material visual benefits that might form part of a justification for the loss of the existing employment site. Furthermore, the application would not actually resolve ongoing breaches of planning control.
- 14.7 It is an objective of the Council's Core Strategy to provide for a high quality, safe and attractive living environment. It is felt the development that is proposed would not meet this objective. A particular concern is the siting of the entrance door to the westernmost flat. This would be sited in a concealed and relatively enclosed position on the south-western end elevation of the building adjacent to a close-boarded fence. This entrance would lack appropriate natural surveillance and would be unsafe. It would constitute poor design. More generally, the westernmost flat would have a very poor outlook. Its main living room would look straight out onto a parking space and garage. The other 2 flats would also have relatively

poor outlooks in both directions onto communal access and parking areas, which would also result in these flats having limited privacy. The flats would also have no external amenity space. Consequently, it is felt the living conditions of all 3 flats would be unacceptably poor, and accordingly, the development would not be acceptable. Due to the poor living conditions that would be created, the proposal would fail to deliver the social and environmental benefits that might justify the loss of the existing employment site.

- 14.8 Concerns have been raised about the level of on-site car parking provision. The development would secure 1 useable car parking space for the proposed flats. This is below the Council's recommended car parking standards which suggest that 4.3 on-site car parking spaces should be provided. However, the shortfall would be little different to the shortfall that exists for the current B1 use, which generates a parking requirement of between 3.11 and 4.67 car parking spaces. As the proposal would not result in a material change to the shortfall in parking, it is not considered that an objection to the level of on-site car parking would be sustainable. In essence, the proposal would not be expected to result in an increased level of on-street parking, and as such, the application should not adversely affect highway safety.
- 14.9 As the proposal would not result in an increase in multi-modal trips there is considered no reason to secure a transportation contribution. Contributions are, however, deemed necessary in respect of public open space (£3504.90p), and affordable housing (£51,562.50p). There is also considered a need for the development's impact on designated European sites to be adequately mitigated. A mitigation contribution of £6150 would be justified in this instance. The applicant has not entered into a Section 106 legal agreement to secure any of these contributions.
- 14.10 Overall, the proposed development is felt to be inconsistent with Core Strategy policies and objectives. The proposal would result in the loss of an existing employment site, and while the loss of this employment site might potentially be justified by a scheme that delivers sufficient social and environmental benefits, the proposal would not be one that actually delivers material social and environmental benefits in the light of the poor quality living environment / design that is proposed. As such, the application is recommended for refusal.
- 14.11 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

## **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          | £51,562.50p                    | 0                                   | -£51,562.50p      |
| <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          | 0                              | 0                                   | 0                 |
| <b>Habitats Mitigation</b>      |                                |                                     |                   |
| Financial Contribution          | £6150                          | 0                                   | -£6150            |

## 15. RECOMMENDATION

### Refuse

#### Reason(s) for Refusal:

1. The proposed development would fail to provide for a high quality, safe and attractive living environment due to:-
  - a) the concealed and enclosed siting of the front access door for the westernmost unit;
  - b) the flats' poor outlook onto other buildings or areas for vehicular parking and circulation, which would also result in these flats having poor levels of privacy;
  - c) the lack of any external amenity space.

As such, the proposal would constitute an unacceptably poor design that would be contrary to policies CS2 and CS5 of the Core Strategy for New Forest District outside of the National Park as well as a key objective of that Core Strategy.

2. The proposed development would result in the loss of an existing employment site contrary to Core Strategy Policy CS17. In the light of the objections identified in the first reason for refusal and having regard to the failure to adequately address and resolve the poor quality external appearance of the south-east elevation of the building and the adjacent external areas of the site, the proposed development would fail to deliver social and environmental benefits that would outweigh the scheme's economic harm, and which might justify the loss of the existing employment site.
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.
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.

**Notes for inclusion on certificate:**

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In this case, the application proposals were not the subject of pre-application discussions. Given the nature of the adverse impacts that have been identified, the application is not one where negotiations could easily resolve and address all of the identified objections.

**Further Information:**

Major Team  
Telephone: 023 8028 5345 (Option 1)



# New Forest

DISTRICT COUNCIL

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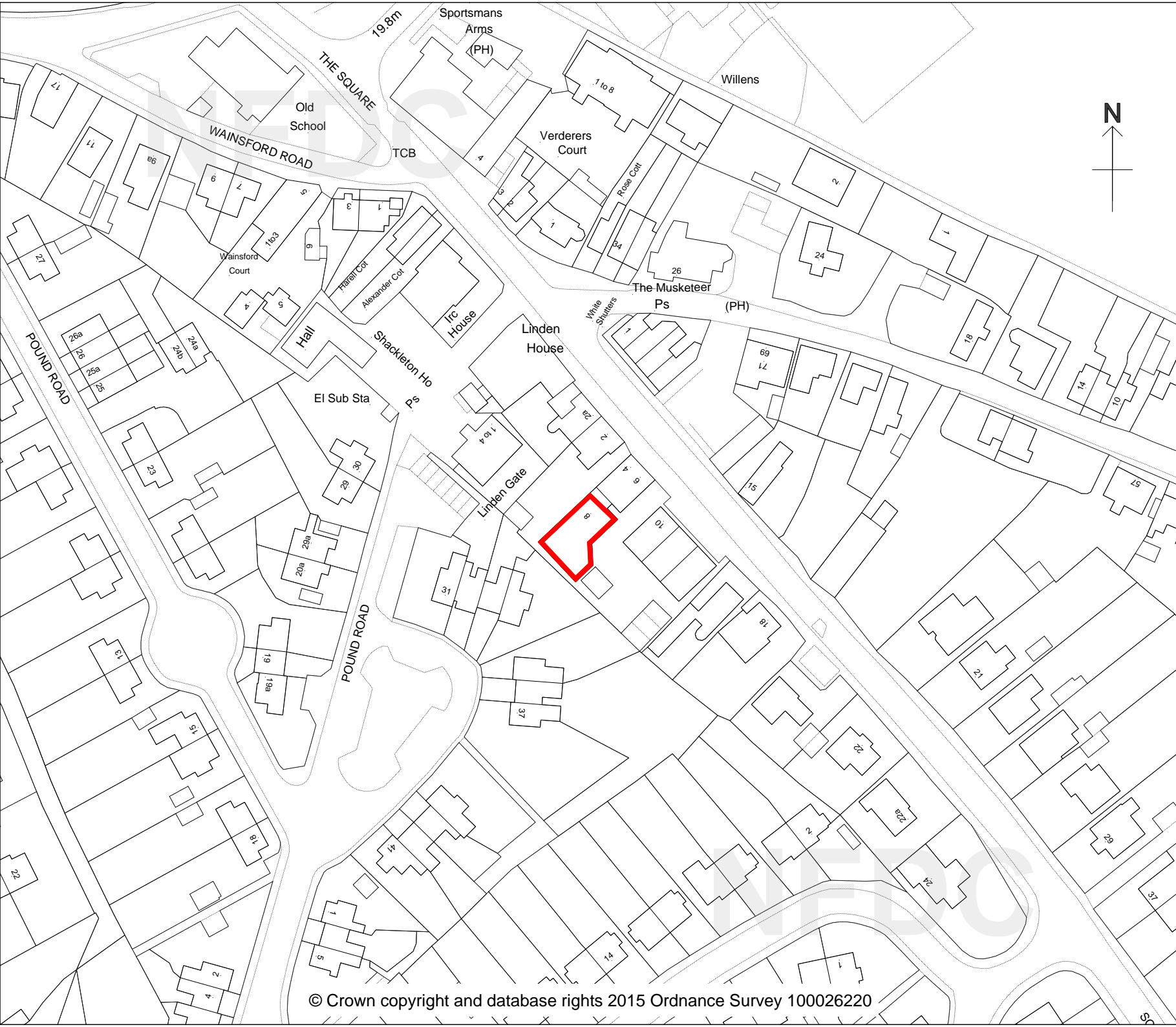
**Planning Development  
Control Committee**  
**March 2015**

**Item No: A15**

8 South Street  
Pennington  
Lymington  
App No 15/10035  
SZ3194

Scale 1:1250

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the internet, it will not be to  
scale.





**Application Number:** 15/10061 Outline Planning Permission

**Site:** BEACH FRONT, HURST ROAD, MILFORD-ON-SEA

**Development:** 119 beach huts; associated works including slabs; ramps, steps, railings; temporary fencing & barriers; demolition of existing  
(Outline Application with details only of access)

**Applicant:** New Forest District Council

**Target Date:** 16/03/2015

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## 1 REASON FOR COMMITTEE CONSIDERATION

NFDC application / Contrary Parish Council view.

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Public Open Space Existing  
Green Belt  
Flood Zone

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

#### Objectives

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

#### Policies

- CS1: Sustainable development principles  
CS2: Design quality  
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)  
CS6: Flood risk  
CS10: The spatial strategy

### 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 2012  
- Section 7 : Requiring good design  
- Section 9 : Protecting Green Belt Land  
- Section 10 : Meeting the challenge of climate change, flooding and coastal change

## 5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

None relevant

## 6 RELEVANT PLANNING HISTORY

Various applications for replacement of beach huts granted.

## 7 PARISH / TOWN COUNCIL COMMENTS

Milford-on-sea Parish Council - Recommend refusal. Wish to recommend that the application is amended to allow for a re-evaluation of the location, access and overall design of the replacement beach huts in order for the plans to be reconsidered on a more imaginative basis; to better meet the needs of the whole community, including beach hut users and visitors.

## 8 COUNCILLOR COMMENTS

None received

## 9 CONSULTEE COMMENTS

9.1 Environment Agency - comments awaited

9.2 Natural England - No objection in respect of impacts on statutory nature conservation sites. Refer to standing advice regarding protected species.

9.3 Conservation Officer - No objection to the current proposal.

## 10 REPRESENTATIONS RECEIVED

A total of 70 third party representations have been received **as of the 27/02/15**

64 registering support for the proposal for the following reasons;

### Visual amenity

- The beach huts are distinguished and long established features of Milford beachfront, part of its charm and historic heritage having been here for nearly 100 years in combination with the promenade.
- The huts contribute to the amenity value, interest and appeal of the area to visitors.
- Current appearance of the site is detrimental to the appearance of the area and current damaged huts should be removed as soon as possible before the summer.

### Social and community

- The beach huts provide a facility for a wide spectrum of the community and improve social wellbeing of the community.
- Adds to the cultural experience of the area.
- Restoration would have a neutral impact on other users of the sea front.

### Economics and tourism

- The huts have a positive impact on trade in the immediate area from beach hut owners and visitors to the beach huts.
- The contribution of the huts to the character of area promotes tourism and has a wider positive impact on local trade though increased footfall.

### Coastal defence

- The huts provide the first line of sea defence and energy absorption,

protecting the land behind, Hurst Road area, Bowls Club and amenity facilities.

- Strengthening the promenade will benefit the whole village and make land behind more resilient to future storms.
- With investment from beach hut owners this needs to form part of a long term sea defence plan rather than a temporary fix, or just repairing the huts.

#### Other comments

- One historically bad winter is not the excuse not to rebuild as the huts have been part of the area for so long.
- The scheme provides a revenue stream for NFDC and would be a recoverable cost for the Council, given the longevity of the replacement hut design.
- The scheme will restore the huts to their owners and stop bureaucratic delays.
- The Council have gone back on their promise to get full planning permission before considering demolition.

#### Design of replacement huts

- Owners should have full say on proposed design
- Suggestions on
  - size, no smaller than existing
  - colours, should be flexible to retain their individual charm, soft tones
  - in same location as those existing
  - design should incorporate improved resilience
  - opportunity to enhance and revive its unique appearance

5 registering objection to the proposal for the following reasons;

#### Visual amenity

- This should be an opportunity for enhancement and not replacing the huts on a like for like basis.
- The huts limit sea views and give a negative visual appearance to the frontage.
- If the application is approved then replacement huts should be of a more attractive design and altered arrangement such that would allow the upper or lower promenade to be walked on without visual obstruction.
- A sympathetically designed sea defence would be more aesthetically pleasing.

#### Social and community

- The presence of the huts limits accessibility to the beach to the beach hut owners and does not benefit the wider public.
- Huts are not used all year round
- Undue weight being given to the pressure group in support of the huts replacement.

#### Other comments

- The historical presence of the huts is no justification for their retention.
- Could the upper promenade be paved in a more attractive fashion
- Caution should be taken otherwise we will be saddled with problems as outlined in the New Forest Coastal Management Plan 2004 (para C4.4) which states “Piecemeal remedial efforts have resulted in a disjointed and poor overall environmental quality. The appearance of the sea front is further marred by a number of dilapidated and vandalised beach huts, and by huts of unsympathetic design and appearance”.

- Understand that removal of the huts has been rejected because the guard rail would contravene regulations. Could these not be changed?
- Cost of replacement beach huts to local taxpayers.
- Why are local taxpayers expected to underwrite the loss of beach huts which were privately owned.

1 offering comment only noting;

- The replacement huts should be designed as part of the sea defence and no higher than existing buildings.

–

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

In this case the applicant is the Council and this application was considered acceptable as submitted.

## 14 ASSESSMENT

- 14.1 The site is on the beach front at Milford-On-Sea between the White House, a Grade II Listed Building, and the Needles Eye café. It is separated from residential premises along Hurst Road by an area of public open space, the pavilion and bowling green, and car park. The site is within the Green Belt and falls within Flood Risk Zone 3.
- 14.2 This application concerns the site of the 119 beach huts which sit along the lower promenade and were subject to damage during the winter storms of 2013-14. The majority of the huts date from the mid C20 and are of a low profile concrete construction currently in varying conditions as a result of the storm damage, with some having been demolished due to their unstable state. The huts are currently in an unsafe condition and are fenced off, together with some of the access steps to the lower promenade, which also suffered damage.
- 14.3 This application is seeking outline consent, with all matters reserved, for the replacement of these 119 beach huts. This application would also cover any necessary works to the lower promenade on which the beach huts are positioned, and access to them, including ramps and steps. At this stage it is the principle of the development that is being considered, with matters of layout, scale, appearance, access and landscaping being reserved and dealt with under a separate application at a later stage.
- 14.4 Beach huts have been part of the sea front scene here for nearly 100 years and form part of the local identity of the area which is experienced by local residents and visitors, as defined in the representations received. This is an appropriate form of development for this coastal location where there have historically been beach huts and furthermore their presence provides an amenity function for beach hut owners, an active frontage to the beach and also, in conjunction with the lower promenade, they provide an important coastal defence function. The proposal would replace the same number of beach huts and, as such, this would not see any change in the nature of the use of this area as a result of additional activity generation.
- 14.5 It cannot be disputed that the existing rows of damaged concrete huts are detrimental to the appearance of the area and that, in their undamaged condition, are very much of their time in design and construction. This application provides the opportunity to provide enhancement not solely in terms of the appearance of the huts but also through the resilience of their design. This would also provide a single comprehensive scheme for this area of the lower promenade as opposed to the piecemeal replacement of the huts over time by owners, which would be the fall-back position.
- 14.6 At this outline stage the application details only the replacement of the huts and associated works within the area delineated by the red line on the submitted plan. It does however also detail that the finished roof level of the huts would not exceed the existing heights, which vary between 6.59m OD to 6.31m OD and depth of 3 metres. As such, this would retain the external form of the existing huts and openness of the upper promenade in terms of public vantage points and accessibility. A number of suggestions have been made in the representations received regarding the final design, however, such matters would be dealt with at the reserved matters stage.
- 14.7 The replacement huts and associated promenade and access would

remain vulnerable to flooding and wave action. However, this would not increase flood risk owing to the huts non-residential nature. The Environment Agency's comments are awaited and will be reported to Committee at the meeting if any are received.

- 14.8 The proposed works would impact on the setting of the White House, a Grade II Listed Building. However, considering the presence of the existing structures, the replacement should not, in principle, cause any harm to the Listed Building's setting.
- 14.9 In response to the Parish Council's comments, the location of the beach huts outside of the existing area of the lower promenade would be likely to result in undesirable implications for the openness of the area and also for coastal defences. Furthermore, matters of the siting, design and access would be considered at the reserve matters stage.
- 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. Approval of the details of the siting, scale, design, access and landscaping ("the reserved matters") shall be obtained from the Local Planning Authority before any of the development is commenced. The development shall only be carried out in accordance with the details which have been approved.  
  
Reason: To comply with Section 92 of the Town and Country Planning Act 1990.
2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.  
  
Reason: To comply with Section 92 of the Town and Country Planning Act 1990.
3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the 'reserved matters' to be approved.  
  
Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

4. The development permitted shall be carried out in accordance with the following approved plans: Site Location Plan.

Reason: To ensure satisfactory provision of the development.

**Notes for inclusion on certificate:**

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

In this case the applicant is the Council and this application was considered 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

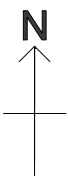
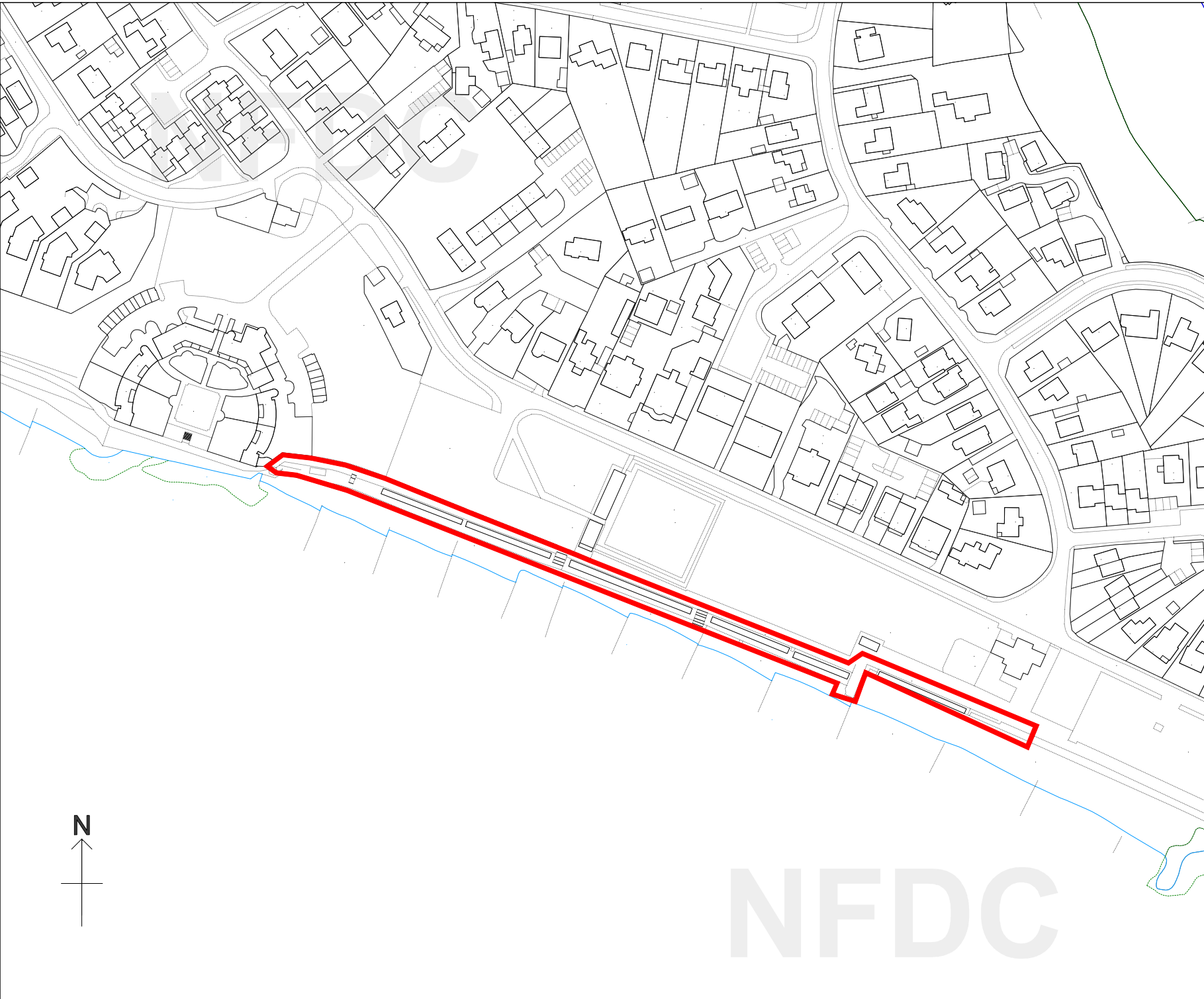
Chris Elliott  
Head of Development Control  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

## Planning Development Control Committee

March 2015

### Item No: A16

Beach Front  
Hurst Road  
Milford on Sea  
App No 15/10061  
SZ2891



NFDC

Scale 1:2500

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



**Application Number:** 15/10084 Full Planning Permission

**Site:** 26 WHITBY ROAD, MILFORD-ON-SEA SO41 0ND

**Development:** 2 detached houses; 2 detached garages; parking; landscaping; access; demolition of existing

**Applicant:** Mr Tyrell

**Target Date:** 19/03/2015

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## 1 REASON FOR COMMITTEE CONSIDERATION

Affordable housing negotiations

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

#### Objectives

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

#### Policies

##### Core Strategy

- 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

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

## 4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

## 5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Mitigation Strategy for European Sites  
SPG - Milford-on-Sea Village Design Statement  
SPD - Parking Standards

## **6 RELEVANT PLANNING HISTORY**

- 6.1 3 three storey houses, access, parking demolition of existing (10875)  
Refused on the 4th Sept 2013. Appeal dismissed
- 6.2 4 houses, access demolition of existing (10149) Refused on the 3rd April  
2013

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

Milford On Sea Parish Council: Recommend refusal but would accept the decision reached by the DC Officers under their delegated powers.

The Parish Council were concerned that a planning precedent for other developments could be set by allowing the building line to be moved further north towards the Pleasure Grounds.

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

- 9.1 Hampshire County Council Highway Engineer: No objection subject to condition
- 9.2 Tree Officer: no objection.
- 9.3 Land Drainage: No objection subject to condition
- 9.4 Council's Valuer: The proposed development cannot support an affordable housing contribution
- 9.5 Ecologist: Awaiting comments
- 9.6 Natural England: no objection.

## **10 REPRESENTATIONS RECEIVED**

None

## **11 CRIME & DISORDER IMPLICATIONS**

No relevant considerations

## **12 LOCAL FINANCE CONSIDERATIONS**

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

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

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

This is achieved by

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

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

### **14 ASSESSMENT**

- 14.1 The site contains an attractive detached bungalow, with rooms in the roof, on a very wide and deep plot in a residential area of Milford On Sea. The existing dwelling is set back from the road, and is a wide building, spanning across part of the site constructed from red brick under a tiled pitched roof. While the property is not of architectural merit, it nevertheless has a certain charm and its loss is unfortunate. Trees and vegetation define the front, side and rear boundaries, with well landscaped lawns, and a low picket fence on the front boundary. Some of the trees within the site are protected by a Tree Preservation Order. Between the front boundary and highway there is a grass verge and there is no public footpath. From the road, the site appears relatively flat, but there is a steep drop to the rear of the site running into the Pleasure Gardens. Overall, it is considered that the existing dwelling is an attractive building, which sits on a very spacious plot with space.

- 14.2 The site lies within a run of detached dwelling houses to the north side of Whitby Road, which vary in style, size, use of materials and design with trees and vegetation present to the front, side and rear of the plots. The properties in this part of the road sit on wide plots with space between the buildings and their boundaries, and the front boundaries are defined with hedgerows and landscaping. Across the road from the site there are mainly detached dwellings which are located on wide plots, and while they do not have the same level of landscaping and trees, they still contribute to the spatial character of the area. Further along the road there is terraced two-storey housing, with residential flats beyond. However, these buildings are located on the opposite side of the road and this context significantly differs from that of the application site and run of neighbouring properties along this part of Whitby Road. To the rear of the site are the Pleasure Grounds, which comprise an area of dense woodland, with footpaths, which is an area of nature conservation.
- 14.3 A recent planning application to demolish the existing dwelling and to replace it with three dwellings was refused. In dismissing the appeal the Inspector stated ' I am concerned that the three detached houses, proposed do not reflect or maintain this character'. *'I note the Councils comparison of the plot widths that exist with those proposed but in my judgement, it is also the lack of adequate gap and space between the two storey properties and to the boundaries of the site, particularly on the western side, which give rise to the appearance of the development being visually cramped and dominating'*. The Inspector then goes onto state that ' *Further, the visual impact of the building bulk would be accentuated by the very similar form of the three houses which would contrast sharply with the variety of mainly detached buildings which exist in their own space on the northern side of the road'*. The Inspector also dismissed the appeal on the grounds *'that it had not been demonstrated that the lack of affordable housing being provided is justified by the development otherwise being economically viable'*.
- 14.4 This current planning application proposes the demolition of the existing dwelling and its replacement with two detached dwellings. This application seeks to address the concerns raised on appeal. There are several changes that have been made in this current application but the main difference is that the number of dwellings has been reduced to two. Visually, the dwellings would appear as two-storey dwellings from the road but due to the changes in the land levels, an additional lower storey would be created. Both proposed dwellings would have detached garages positioned in front of the dwellings. The proposed layout of the site entails two separate entrance points and both dwellings would be set well back from the road, with the majority of the frontage taken up with front gardens, access driveways, and garaging. The majority of the trees and vegetation on the front boundary of the site would be retained.
- 14.5 In assessing the effect on the character and appearance of the area, and whether the proposal has addressed the concerns previously raised, it is considered that the reduction in the number of dwellings to two is a considerable improvement. This has resulted in much wider plot frontages, together with an increase in space around the buildings and generally more soft landscaping around the site. Although both dwellings have a large footprint all at two storey scale, the buildings are set well back from the road to enable front gardens and space for tree planting. The dwellings are well articulated with pitched roofs and staggered

elevations to break down their massing. From the road the dwellings would be a similar scale compared to the neighbouring buildings. This would enable an increase in space between the buildings and the boundaries and utilise the depth of the site. The proposal to create two differently designed buildings on the site, rather than the previous scheme that proposed all the dwellings being of the same design is the correct design approach. This adds interest to the street which is characterised by very mixed styles and types, and avoids repetition. The roof forms of the buildings along this part of the street vary in shape, but predominately they are pitched roofs with protruding gables. The proposed dwellings would have pitched roofs with front gables and it is considered that the design of the proposed dwellings would reflect the context of the area.

- 14.6 The proposed detached garages are sited forward of the dwellings and they have been positioned to the side of the site which would not block the view of the dwellings and they would not dominate the front of the site. There is scope for some tree planting to screen the garages and given the buildings have been designed as modest structures, the proposed garages would not have a detrimental impact on the character and appearance of the area.
- 14.7 Overall, it is considered that this current application has addressed the concerns previously raised by the Council and Inspector and the proposed development would be in keeping with the spatial character of the area.
- 14.8 In terms of the second issue dismissed on appeal, this related to the level of contribution towards affordable housing. Now that two dwellings are proposed, Policy CS15 of the Core Strategy does permit a financial contribution towards off site affordable housing, whereas three dwellings in Milford would have required an on site provision. Since the previous decision the Council has adopted the Local Plan Part 2 and the proposed development would have to make a financial contribution towards habitat mitigation.
- 14.9 The proposal for two dwellings requires a public open space contribution (£7,009.80), an affordable housing contribution (£97,350), a transport contribution (£5,457) and a habitat mitigation contribution (£5,350). The applicant has carried out a viability appraisal and this has been assessed by the Council's Valuer. The applicant has offered to make the full contributions, apart from affordable housing, which they claim would make the development unviable.
- 14.10 The Council's Valuer considers that, after taking into account all Section 106 obligations, including the required Affordable Housing contribution, the development cannot support an Affordable Homes payment. This is on the basis that all other S106 contributions are paid in full. The reason for this outcome is due to the substantial value of the existing property situated on the plot which must be demolished in order to make way for a development that provides only one additional dwelling. It should be noted that, while the Inspector stated in dismissing the appeal, that the development could make a contribution towards affordable housing, this current application has reduced the number of dwellings and, accordingly, there has been a significant change in this current application.
- 14.11 On 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). The 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.

- 14.12 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.
- 14.13 Concerning the impact on the living conditions of the adjoining neighbouring properties, the proposed dwellings would have their main windows on the front and rear elevations which would face in the direction of the road and rear garden and be acceptable, maintaining a reasonable level of privacy
- 14.14 To the west of the site is a detached dwelling at No 28 Whitby Road which has its side elevation facing the site. There are several large windows on the side elevation of No 28 which face the application site. In assessing the impact on this neighbouring property, while the proposed dwelling at unit 1 would be located close to this neighbouring property, given the distances involved (a distance between 4 and 5 metres from the side elevation of the proposed building to the common boundary) and its siting to the east, it is not considered to compromise the available light or outlook of that neighbour. The proposed detached garage would be single storey with a low monopitch roof which would have an acceptable relationship to the neighbour. The proposed first floor windows on the side elevation have been shown to be fitted with obscure glass, which would maintain a reasonable level of privacy. It is proposed to install a rear balcony. Given the distances involved it is considered that a screen is required to to mitigate overlooking of the rear garden and this can be dealt with by condition.
- 14.15 With regard to the neighbour at No 24 Whitby Road, this property is set slightly away from the boundary and there is a detached garage between. Given the level of screening and the distances involved (distance in excess of 6 metres from the side elevation of the proposed building to the common boundary), it is not considered that the proposed dwelling on unit 2 would compromise the available light or outlook of that neighbour. The proposed dwelling would have a single window on the side elevation facing that neighbour, however, the window serves a

utility room and is high level. The proposed balcony would have a privacy screen to mitigate against any overlooking.

- 14.16 In terms of car parking provision and public highway safety matters, there were no previous objections relating to three entrances into the site and accordingly a reduction to two entrances would be an improvement. Adequate car parking has also been shown for both dwellings. The Highway Authority does not raise any objections to the proposal.
- 14.17 In terms of the effect on protected trees, the Tree Officer has been consulted and the comments will be updated when available.
- 14.18 In conclusion it is considered that the proposal has addressed the concerns previously raised on appeal and the proposed development would be in keeping with the character of the area and would not have an adverse impact on the living conditions of the adjoining and nearby residential properties. The proposed development would make the full contributions towards public open space, transport improvements and habitat mitigation but cannot make the affordable housing contribution.
- 14.19 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

## Developers' Contributions Summary Table

| <b>Proposal:</b>                |                                |                                     |                   |
|---------------------------------|--------------------------------|-------------------------------------|-------------------|
| <b>Type of Contribution</b>     | <b>NFDC Policy Requirement</b> | <b>Developer Proposed Provision</b> | <b>Difference</b> |
| <b>Affordable Housing</b>       |                                |                                     |                   |
| No. of Affordable dwellings     |                                |                                     |                   |
| Financial Contribution          | £97350                         | 0                                   | - £97350          |
| <b>Public Open Space</b>        |                                |                                     |                   |
| On site provision by area       |                                |                                     |                   |
| Financial Contribution          | <b>£7009.80</b>                | <b>£7009.80</b>                     | <b>0</b>          |
| <b>Transport Infrastructure</b> |                                |                                     |                   |
| Financial Contribution          | £5457                          | £5457                               | 0                 |
| <b>Habitats Mitigation</b>      |                                |                                     |                   |
| Financial Contribution          | £5350                          | £5350                               | 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 financial contributions of £7009.80 towards public open space, towards transport improvements of £5457, and towards habitat mitigation of £5350.

ii) the imposition of the 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 be **AUTHORISED TO REFUSE PERMISSION** for the reasons set out below:

### Reason(s) for Refusal:

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

### Conditions to be attached to any consent:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: 5119-PL-00, 5119-PL-002, D01 Rev B, 1046/01 Rev A.

Reason: To ensure satisfactory provision of the development.



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

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

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

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

5. The first floor window on the side [ west ] elevation of the approved dwelling on plot 1 shall be obscurely glazed and other than fan light opening fixed shut at all times.

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

6. The landscaping scheme shall be implemented in accordance with the submitted Landscaping planting details and plan by Linda Oak Landscape Design Ltd and as set out under drawing reference number 1046/01 Rev A by the end of the first planting and seeding seasons following the completion of development. 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 that the development takes place in an appropriate way and to prevent inappropriate car parking to comply with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

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

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

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

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

## Development Frameworks.

9. Before development commences, details of the balcony screens to be provided on the first floor rear elevation of the dwellings on both plots 1 and 2 shall be submitted to and approved by the Local Planning Authority. The balcony shall not be brought into use until the screens have been erected in accordance with the approved details and shall thereafter remain in perpetuity.

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

10. The works hereby approved shall be undertaken in full accordance with the provisions set out within the Barrell Arboricultural Impact Appraisal and Method Statement reference 14444-AIA-PB dated 9th January 2015 or as may otherwise be agreed in writing with the Local Planning Authority.

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

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

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

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

### **Further Information:**

Major Team

Telephone: 023 8028 5345 (Option 1)



# New Forest DISTRICT COUNCIL

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

**Planning Development  
Control Committee  
March 2015**

**Item No: A17**

26  
Whitby Road  
Milford on Sea  
App No 15/10084  
SZ2791

Scale 1:1250

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

