

NOTICE OF MEETING

Meeting: PLANNING DEVELOPMENT CONTROL COMMITTEE

Date and Time: WEDNESDAY, 10 JUNE 2015, AT 9.00 AM*

Place: THE COUNCIL CHAMBER, APPLETREE COURT,
LYNDHURST

Telephone enquiries to: Lyndhurst (023) 8028 5000
023 8028 5588 - ask for Jan Debnam
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PUBLIC PARTICIPATION:

*Members of the public are entitled to speak on individual items on the public agenda in accordance with the Council's public participation scheme. To register to speak please contact Development Control Administration on Tel: 02380 285345 or E-mail: DCAdministration@nfdc.gov.uk

Dave Yates
Chief Executive

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This Agenda is also available on audio tape, in Braille, large print and digital format

AGENDA

Apologies

1. MINUTES

To confirm the minutes of the meetings held on 6 May and 18 May 2015 as correct records.

2. DECLARATIONS OF INTEREST

To note any declarations of interest made by members in connection with an agenda item. The nature of the interest must also be specified.

Members are asked to discuss any possible interests with Democratic Services prior to the meeting.

3. PLANNING APPLICATIONS FOR COMMITTEE DECISION

To determine the applications set out below:

- (a) **Bransgore Primary School, Ringwood Road, Bransgore (Application 14/11498) (Pages 1 - 10)**
2 all weather sports pitches; 3m high fence; seating area
Recommended: Planning consent subject to conditions.
- (b) **West Totton Community Centre, Hazel Farm Road, Totton (Application 14/11568) (Pages 11 - 18)**
Single-storey extension; outside play area; brickwall and railings; drainage
Recommended: Planning consent subject to conditions.
- (c) **59 Station Road, New Milton (Application 15/10032) (Pages 19 - 32)**
Second and three-storey extensions to create 10 flats; parking
Recommended: Head of Planning and Transportation authorised to grant planning consent
- (d) **The Chapel, Fordingbridge Road, Whitsbury (Application 15/10198) (Pages 33 - 42)**
Use as 1 residential unit (Use Class C3); associated external alterations
Recommended: Refuse
- (e) **Elingfield House, 26 High Street, Totton (Application 15/10240) (Pages 43 - 50)**
One and two-storey side extension; boundary wall; parking; ramp; barrier; landscaping; access
Recommended: Planning consent subject to conditions
- (f) **Elingfield House, 26 High Street, Totton (Application 15/10241) (Pages 51 - 56)**
One and two-storey side extension; boundary wall; parking; ramp; barrier; landscaping; access; form two openings to extension (Application for Listed Building Consent)
Recommended: Listed Building consent subject to conditions
- (g) **Strawberry Cottage, Butts Ash Lane, Hythe (Application 15/10244) (Pages 57 - 62)**
Retention of extension to garage to form garden room; flue
Recommended: Planning consent

- (h) **5 Mayflower Close, Lymington (Application 15/10274) (Pages 63 - 68)**
Two-storey side extension; single-storey front canopy; single-storey rear extension
Recommended: Planning consent subject to conditions
- (i) **7 Fairfield Road, Barton-on-Sea, New Milton (Application 15/10275) (Pages 69 - 76)**
Two-storey side extension
Recommended: Refuse
- (j) **St Barbe Museum and Art Gallery, New Street, Lymington (Application 15/10297) (Pages 77 - 84)**
Serpentine wall and outside seating area terrace to eastern facade; landscaping
Recommended: Refuse
- (k) **Denelea, 9 Duncan Road, Ashley, New Milton (Application 15/10339) (Pages 85 - 90)**
Dormers in association with new first floor; roof lights; fenestration alterations; use of garage as ancillary accommodation
Recommended: Planning consent subject to conditions
- (l) **19 Daniells Walk, Lymington (Application 15/10348) (Pages 91 - 96)**
Retention and alteration of approved landscaping details; raise ground level; front fence
Recommended: Planning consent subject to conditions
- (m) **44 West Park Lane, Damerham (Application 15/10350) (Pages 97 - 102)**
Two-storey side extension; single-storey front extension
Recommended: Refuse
- (n) **Land rear of 46 Whitsbury Road, Fordingbridge (Application 15/10367) (Pages 103 - 110)**
Single storey dwelling; access
Recommended: Refuse
- (o) **Merrymore, 22 Barton Wood Road, Barton-on-Sea, New Milton (Application 15/10369) (Pages 111 - 118)**
Retention of ramp; smoking shelter; shed
Recommended: Planning consent subject to conditions

- (p) **Plot G3, Ampress Lane, Lymington (Application 15/10392) (Pages 119 - 126)**
 Variation of Condition 6 of Planning Permission 12/98611 to allow occupation without achieving a BREEAM 'excellent' standard
Recommended: Planning consent subject to conditions
- (q) **4 Pinewood Road, Hordle (Application 15/10397) (Pages 127 - 132)**
 First floor side and rear extension; front porch
Recommended: Planning consent subject to conditions
- (r) **31 Malwood Road West, Hythe (Application 15/10428) (Pages 133 - 138)**
 Roof alterations and rooflights in association with new first floor; single-storey side and rear extension
Recommended: Planning consent subject to conditions
- (s) **Land of 29 Tithe Barn, Lymington (Application 15/10474) (Pages 139 - 148)**
 Three-storey house; bin store; garden store; landscaping
Recommended: Refuse
- (t) **Land at Bleak Hill, Somerley, Ellingham, Harbridge & Ibsley (Application 15/10539) (Pages 149 - 152)**
 Variation of Conditions 1, 10, 12 and 19 of Planning Permission 14/10309 to revise the working and restoration schemes at I and II Quarry, Somerley
Recommended: Raise no objection

4. DELEGATION OF POWERS TO OFFICERS (Pages 153 - 164)

To update the scheme of delegation of powers to officers to reflect recent changes to the staffing structure.

5. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

To:	Councillors:	Councillors:
	Mrs D E Andrews (Chairman)	Mrs M D Holding
	Mrs C V Ward (Vice-Chairman)	A K Penson
	P J Armstrong	W S Rippon-Swaine
	Mrs S M Bennison	Mrs A M Rostand
	Mrs F Carpenter	Miss A Sevier
	A H G Davis	M H Thierry
	R L Frampton	R A Wappet
	L E Harris	M L White
	D Harrison	Mrs P A Wyeth
	Mrs A Hoare	

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: 14/11498 Full Planning Permission

Site: BRANSGORE PRIMARY SCHOOL, RINGWOOD ROAD,
BRANSGORE BH23 8JH

Development: 2 all weather sports pitches; 3m high fence; seating area

Applicant: Bransgore Primary School

Target Date: 26/01/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Parish Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area
Education Recreational Land

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

CS2: Design Criteria
CS3: Protecting and enhancing our special environment
CS7: Open spaces, sport and recreation
CS8: Community services and infrastructure
CS10: The spatial strategy

Local Plan Part 2 Sites and Development Management Development Plan Document

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

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

None

6 RELEVANT PLANNING HISTORY

The planning history of the site is limited to applications related to extension to the main school building and the siting of temporary classrooms and buildings within the school grounds. There have been no applications related to developments on the school playing fields or playground to the rear. No pre-application advice was sought from the Planning Authority on the development proposed.

7 PARISH / TOWN COUNCIL COMMENTS

BRANSGORE PARISH COUNCIL recommend REFUSAL as the scale of development is inappropriate and likely to affect the amenities of the nearby residential properties. The proposal would significantly reduce the size of the existing school playground and the surface drainage appears to be inadequate. There is insufficient detail to allay the concerns regarding the impact of the proposal on the nearby residential properties and the provision of adequate parking arrangements.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Tree Officer - No tree objections subject to condition requiring the submission and approval of a tree protection plan:
- 9.2 Land Drainage Section – Recommend approval subject to surface water condition.
- 9.3 Environmental Health Section (Pollution) – Comments made following receipt of the community use statement. The application requests installation of 2 all weather sports pitches at the site, and no lighting is proposed. The location is very close to nearby residential properties, which border the site on 3 sides. Concern is raised that this change of use will result in an intensification of the current use and result in a significant adverse impact on the nearby residential properties unless suitably controlled. The most appropriate way to control such a use is by controlling hours of use to prevent use late into the evenings, and minimise disturbance to residential properties. It is therefore advised that conditions to control the hours of operation and floodlighting be applied to any granted planning permission for the site.
- 9.4 Hampshire County Council Highway Engineer - States: The multi-modal trips that would be associated with the proposed MUGA already exist and on this basis an objection based upon an adverse impact upon highway safety due to an increase in multi-modal movements, specifically vehicular, would be neither appropriate nor sustainable.

10 REPRESENTATIONS RECEIVED

Nine representations have been received from notified parties, objecting to the proposal on the following grounds:

- Increased noise and disturbance to adjoining occupiers;
- Inadequate drainage arrangements;
- Inadequate access, egress and parking arrangements;
- Increased traffic congestion in the locality;
- Potential for light pollution if floodlighting is required;
- Loss of security to rear gardens of adjoining properties;
- Loss of privacy posed by proposed seating area and vegetation removal;
- Loss of property value;
- Adverse impact on trees and wildlife;
- Overdevelopment of site;

- Infringement of human rights;
- The necessity for the facility is queried

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 35 of Town and Country Planning (Development Management Procedure) (England) Order 2015, 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 no pre-application advice was sought from the Planning Authority on the form of development proposed. However, the concerns of the case officer, consultees and notified parties were made known to the applicant during the determination process and additional plans and documents were submitted to clarify the potential impacts of the development on protected trees and upon adjoining residential amenity, which have satisfied the concerns of Officers.

14 ASSESSMENT

- 14.1 The proposal relates to the curtilage of Bransgore Primary School, within the built up area of Bransgore. The main building fronts onto the main road and has its playing field and hardstanding area to the rear. There is a church and a car parking area adjacent to the school. The application relates to the school playing fields to the rear of the site, which are bound by residential properties with trees protected by a Tree Preservation Order bounding the north eastern side of the site.
- 14.2 This planning application proposes 2 no. multi use games areas (MUGAs) over much of the school's playing field to the rear of the site. The MUGAs would be bound by a 3m high ball stop fence and a seating area would be provided on the eastern side of the pitches. The proposal entails some cut and fill operation in order to achieve a level playing surface. The proposal is required in order to provide an all weather outdoor play facility for the school. The Design and Access Statement suggests the facility will be used for out of hours community use, but the applicant has subsequently confirmed that it would only be used for school related activities, for after school clubs until 6pm at the latest and by Bransgore Youth Football Club on Saturday mornings during the winter. No floodlighting is proposed. The existing off-street car parking arrangements to the north west of the school building would serve the facility.
- 14.3 The relevant issues to take into consideration are the impact upon the character and appearance of the area, tree impacts and the amenities of the neighbouring properties, in light of the guidance offered by Policies CS2 and CS3. Policies CS7 and CS8 support proposals for community related use and the proposal would accord with the general thrust of these policies, although the potential implications of intensified use on the amenity of adjoining residents must be carefully assessed.
- 14.4 The proposal would be sited to the rear of the main school building and would not be readily viewed from public areas. The potential impact of the proposal upon protected trees was initially uncertain, as no tree survey was submitted. However, following the submission of a tree survey, the Council's Tree Officer does not raise any concerns, subject to a tree protection condition being imposed. The applicant has demonstrated that the development would not threaten the retention of important trees that contribute to local amenity. In the interests of visual amenity, it would be prudent to landscape the western and northern boundaries of the MUGA, to assist with screening the 3m fencing, which would be solid to a height of 1.8m. To this effect a landscaping condition should be applied to any approval. It is considered that the development would not be detrimental to the character and appearance of the area, subject to tree retention and sensitive landscaping treatment in accordance with Policies CS2 and CS3 of the Core Strategy.
- 14.5 With regard to residential amenity, the proposed development would be sited quite close to existing residential properties. Its scale is unlikely to have any significant adverse effect on the living conditions of these neighbours, in terms of overbearing impact or light loss. With regard to privacy impacts, the raised seating area is sufficiently far away from the curtilages of dwellings opposite not to have a significant impact on privacy, although the applicant has confirmed the fencing will be solid to

a height of 1.8m, so use of the facility would not introduce any overlooking into rear gardens. If minded to approve the proposal, a landscaping condition could be imposed to ensure suitable planting along the west and north Multi Use Games Area, fences, to soften the appearance of the fencing when viewed from the rear of properties on Ringwood Road and Poplar Lane. Notwithstanding the fact that the use of the land would be unchanged, as it would still be used for children's play, the intensity of use may be increased by its all weather status, which may have implications for adjoining amenity. The Environmental Health Section raised initial concerns over the potential intensification of use and noise implications of the proposal, The applicant subsequently provided a Community Use Statement to clarify how the facility would be used. It was also confirmed that floodlighting does not form any part of the proposed development. Subject to the imposition of conditions to limit the hours of operation and floodlighting of the pitches, the Environmental Health Section are satisfied with the proposal, in respect of increased noise and disturbance. Consequently, the proposal is considered to be acceptable in relation to the amenity related provisions of Policy CS2.

- 14.6 While some representations object to the proposal on the grounds that it would result in the loss of school playing fields, a refusal could not be sustained on this basis, as the proposal would in fact result in an enhanced facility for use by the school. The proposal to provide an enhanced facility for the school and community complies with the main thrust of Policies CS7, CS8 and DM8.
- 14.7 Concerns have been raised over the drainage of the pitches, although the Land Drainage Section raise no concerns in this regard, subject to the imposition of a surface water drainage condition. It is likely that a sustainable urban drainage scheme would be required, which would enhance drainage conditions at the site, full details of which would be required by condition.
- 14.8 Objections are raised in relation to traffic generation and parking problems posed by the proposal, although in the light of the information provided within the Community Use Statement, it is unlikely the proposal would result in any significant intensification of traffic visiting the site. This is a view supported by the Highway Authority.
- 14.9 With regard to the loss of security to rear gardens of adjoining properties, the proposal does not entail any additional hours of use compared to the use of the current playing field and by no additional users to the school and Bransgore Youth Team. Loss of property value is not a material planning consideration.
- 14.10 In conclusion, the benefits of the proposal in relation to school and community use are acknowledged and uncertainties surrounding the ~~impacts on protected trees and adjoining amenity have been clarified.~~ Consequently, the proposal is recommended for approval.
- 14.11 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the

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

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: P001 Rev A, P003 Rev B and P004 Rev B

Reason: To ensure satisfactory provision of the development.

3. Before erection of any new boundary treatment associated with the development, samples or exact details of the fencing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

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

4. Before development commences (including site clearance, demolition and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a method statement detailing timing of events, all changes of existing surfaces and plans showing the protective fencing or other measures required for the avoidance of damage to retained trees all in accordance with BS 5837 (2012) "Trees in Relation to Construction Recommendations". Such fencing shall be erected prior to any other site operation and at least 24 hours notice shall be given to the Local Planning Authority that it has been erected. The tree protection measures installed shall be maintained and retained for the full duration of the works or until such time as agreed in writing with the Local Planning Authority. No activities, nor material storage, nor placement of site huts or other equipment whatsoever shall take place within the fencing without the prior written agreement with the Local Planning Authority.

Reason: To ensure the retention of existing trees and natural features and avoidance of damage during the construction phase in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park. A pre commencement condition is necessary in order to ensure adequate tree protection measures are installed prior to works starting on the site.

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. A pre-commencement condition is necessary in order to ensure appropriate drainage measures are agreed prior to works commencing and to facilitate implementation of the agreed drainage scheme at the earliest opportunity.

6. The all weather sport pitches hereby approved shall only be permitted for use between the hours of 08:00hrs and 18:00hrs Monday to Friday (by the school only) and 09:00hrs and 13:00hrs on Saturdays during term time. There shall be no use of the all weather sports pitches on Sundays and Bank Holidays. During school holidays the all weather sports pitches shall be permitted for use between the hours of 09:00hrs and 13:00hrs on Saturdays only. The all weather sports pitches shall not be permitted for use at any other time during school holidays.

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

7. No flood lighting shall be provided to the all weather sports pitches unless otherwise agreed in writing by the Local Planning Authority.

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

8. 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. A pre-commencement condition is required in order to ensure details of a landscaping scheme are agreed prior to commencement of works on site.

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 no pre-application advice was sought from the Planning Authority on the form of development proposed. However, the concerns of the case officer, consultees and notified parties were made known to the applicant during the determination process and additional plans and documents were submitted to clarify the potential impacts of the development on protected trees and upon adjoining residential amenity, which satisfied the concerns of Officers.

2. The Council's Land Drainage Section advise that during the construction of a sports field/pitch it is usually desirable to improve the drainage of the area (which usually means an increase in the rate of run off) but this must be done in a sustainable manner. If surface water from the improved drainage areas and/or buildings is to be passed to any watercourse or ditch system it will need to be balanced so that the flow from the site after development does not exceed that which existed prior to development for storms up to 1 in 100 years + climate change. If this method of surface water disposal is proposed full calculations must be submitted to the Head of Development Control for approval prior to construction. Sufficient information/calculations must be submitted to show that the rate of runoff from the applicants land/field to adjacent land/field will not be increased from what is current for up to a 1 in 100 years storm + climate change. Any soakaways are to be designed in accordance with BRE365 (Building Research Establishment) (latest revision).

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)



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Application Number: 14/11568 Full Planning Permission

Site: WEST TOTTON COMMUNITY CENTRE, HAZEL FARM ROAD,
TOTTON SO40 8WU

Development: Single-storey extension; outside play area; brickwall and railings,
drainage

Applicant: Totton & Eling Town Council

Target Date: 19/01/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Policy

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area
Landscape Feature
Public open space

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

Local Plan Part 2 Sites and Development Management Development Plan Document

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

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

None

6 RELEVANT PLANNING HISTORY

None relevant

7 PARISH / TOWN COUNCIL COMMENTS

Totton Town Council: No comment due to conflicting interests.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

9.1 Hampshire County Council Highway Engineer: No objection

9.2 Environmental Health (Pollution): No objection subject to condition

9.3 Land Drainage: No objection subject to condition

9.4 Planning Policy: No policy objection

9.5 Environmental Design (Urban Design): Support

9.6 Southern Water Authority: No objection subject to condition

10 REPRESENTATIONS RECEIVED

None

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, 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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- 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 original submission was considered unacceptable and the applicant has worked closely with Officers to achieve a scheme which is now supported by Officers.

14 ASSESSMENT

- 14.1 The site comprises the West Totton Community Centre, which is a large detached brick building that provides a range of community facilities including reception area and cafe bar, squash courts, community halls and nursery rooms. The existing building fronts onto a large outside landscape feature and lies amongst other community facilities including a church, shops and schools. There are some residential properties nearby, across the circular landscaped area, but not directly adjacent to the community centre. To the rear of the building is a building housing utilities enclosed by a high metal fence and trees. A footpath runs in front of the building which provides important links between the various community uses and the car parking areas.
- 14.2 The proposal is to construct a single storey extension and outside play area enclosed by a brick wall and railings on the front elevation of the building facing the area of public open space. The proposed development would be sited on an existing footpath and would result in the loss of three existing car parking spaces and some landscaping. The proposed extension is required to provide additional community facilities including use as a day nursery (play group) together with a lobby and toilets and an outside children's play area. The day nursery has been operating from the neighbouring infant school but the lease has now expired and the nursery now requires new premises, otherwise their functions will have to cease.
- 14.3 The proposed extension would extend approximately 8.5 metres out from the building, forming a simple single storey extension with a pitched roof to the main element running, into a flat roof with parapet. The extension would be constructed from facing brick to match the existing building, with arrow slit windows. It is proposed to divert the footpath, with new paving blocks and links to the main entrance to the building and the network of footpaths around the area of public open space with new soft landscaping provided around the proposed development.

- 14.4 In policy terms, there are several local plan policies that are relevant. Policy CS8 of the Core Strategy relates to improvements and enhancements to community facilities. The proposed extension would improve the existing provision of social and educational services for the local community and would also provide a new building and outside area for the day nursery to use which currently has no facilities to use. Accordingly the proposal would comply with Policy CS8 of the Core Strategy.
- 14.5 Part of the proposed development involves the reconfiguration of the public space and footpaths and would encroach into an area designated as a landscape feature and an area of existing public open space. Policy DW-E12 of the New Forest District Local Plan seeks to protect the designated features from development which would detract from the contribution it makes to the quality and character of the local environment.
- 14.6 The proposed development including the extension and outside play area would intrude into this area and would take up part of an important landscape feature and public open space. This space has been designed in combination with the design and alignment of some of the buildings, although this space is not used to capacity as a public area. It is considered that the proposed development extending into this space is rather unfortunate, and would not accord with policy that seeks to protect these areas. However, this needs to be balanced with the need to provide additional community facilities for the town. Moreover, the introduction of the additional use offers the opportunity for an additional active frontage and an enhanced vitality for the space and for this reason, there is a case.
- 14.7 The proposed development has been designed to create an attractive active frontage onto the public realm, embracing this space to create a positive transition between the building and the design of the space, combining an outside children's play area with the public open space. The proposed layout provides for a sweeping footpath that maintains the existing legible pedestrian circulation and the proposed extension adds interest and activity directly onto the area of public open space. Visually, the design of the extension would be of a high standard with an appropriate form, scale and detailing that would enhance the setting with materials to match the existing building. The proposed outside children's play area would continue this with railings and entrance gates set on a low brick wall with some soft landscaping. It is proposed to re-instate the landscaping and low level shrubbery around the circular public area, which would be an improvement and ensure that the proposed development does not weaken or disrupt the design concept of the original landscape feature for this area.
- 14.8 Overall, while the proposed development is not strictly in accordance with policy in that there would be partial loss of a landscape feature within an area of public open space, this is considered to be outweighed by the community benefits that would be provided to the area and the other enhancements to this space.
- 14.9 With regard to residential amenity, the proposed extension is located among a range of community facilities and the nearest residential property is more than 50 metres away at Holland Road. The proposed

extension is modest in scale and a considerable distance away from the nearest residential property so as not to result in any adverse impact on their living conditions through overlooking, loss of light or outlook.

- 14.10 The proposed development could give rise to noise and disturbance, with an increase in activity around the area. Within the building, it is considered that the noise would be contained, with little noise outbreak, and it is also felt that the site lies within an area which is mainly characterised by community uses where it is expected that activity occurs during daytime hours.
- 14.11 The outside play area has the potential to have an impact on the nearby residential properties, however, it should be noted that nursery has previously been using the outdoor space of the Infant school, which is closer to residential properties. The applicants intend to use the outside space in conjunction with the proposed extension and this would be between the hours of 08:00 and 18:00 daily. Given that the external space would be used during daytime hours and would be bounded by an area of public open space with neighbouring community uses, it is considered that a use which starts to rejuvenate this area with activity would be acceptable and would not give rise to an unacceptable impact on the nearby residential properties. The Environmental Health Officer does not raise any objections to the proposal providing that a condition is imposed restricting the hours of operation.
- 14.12 In terms of public highway safety matters, the proposal is for a small extension to an existing community centre to provide a new community room, together with ancillary facilities and a secure outside children's play area with a loss of 3 car parking spaces. The Highway Authority does not raise any objections and considers that, having regard to the minimal increase in floor area of approximately 8%, together with the availability of car parking within the main car park, an objection based upon the loss of car parking would be neither appropriate nor sustainable.
- 14.13 In terms of other matters, the proposed development would be constructed over an existing public foul sewer which runs in front of the Community Centre. The proposal would need to divert the public foul sewer and while Southern Water does not raise any objection, they have requested that a condition or informative note is included for measures to be undertaken to protect the public sewer. In addition a water supply crosses the site which would need to be safeguarded.
- 14.14 In conclusion, the proposed development is supported in terms of its design and layout and it would provide a much needed community facility for the Town that urgently requires new facilities and would embrace the existing area of public open space. There would be no adverse impact on residential amenity, and the loss of existing car parking spaces is supported by the Highway Authority.
- 14.15 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the

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

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: 22632/05 Rev C and 22632/04 Rev E.

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 external play area hereby permitted shall not be used other than between the hours of 08:00 and 18:00 hours daily.

Reason: To safeguard the amenities of nearby residential properties in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).
5. In accordance with the submitted strategic landscape details on Drawing No22632/04 Rev E, the following additional details shall be submitted to and approved by the Local Planning Authority:
 - (a) a specification for new planting (species, size, spacing and location);
 - (b) areas for hard surfacing and the materials to be used;
 - (c) other means of enclosure including the railings and the colour finish to be provided;
 - (d) a method and programme for its implementation and the means to provide for its future maintenance;

No development shall take place unless these details have been approved and 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 a 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.

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 Local Plan for the New Forest District outside the National Park (Core Strategy) 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:

This decision relates to amended/additional plans received by the Local Planning Authority on 3rd May 2015

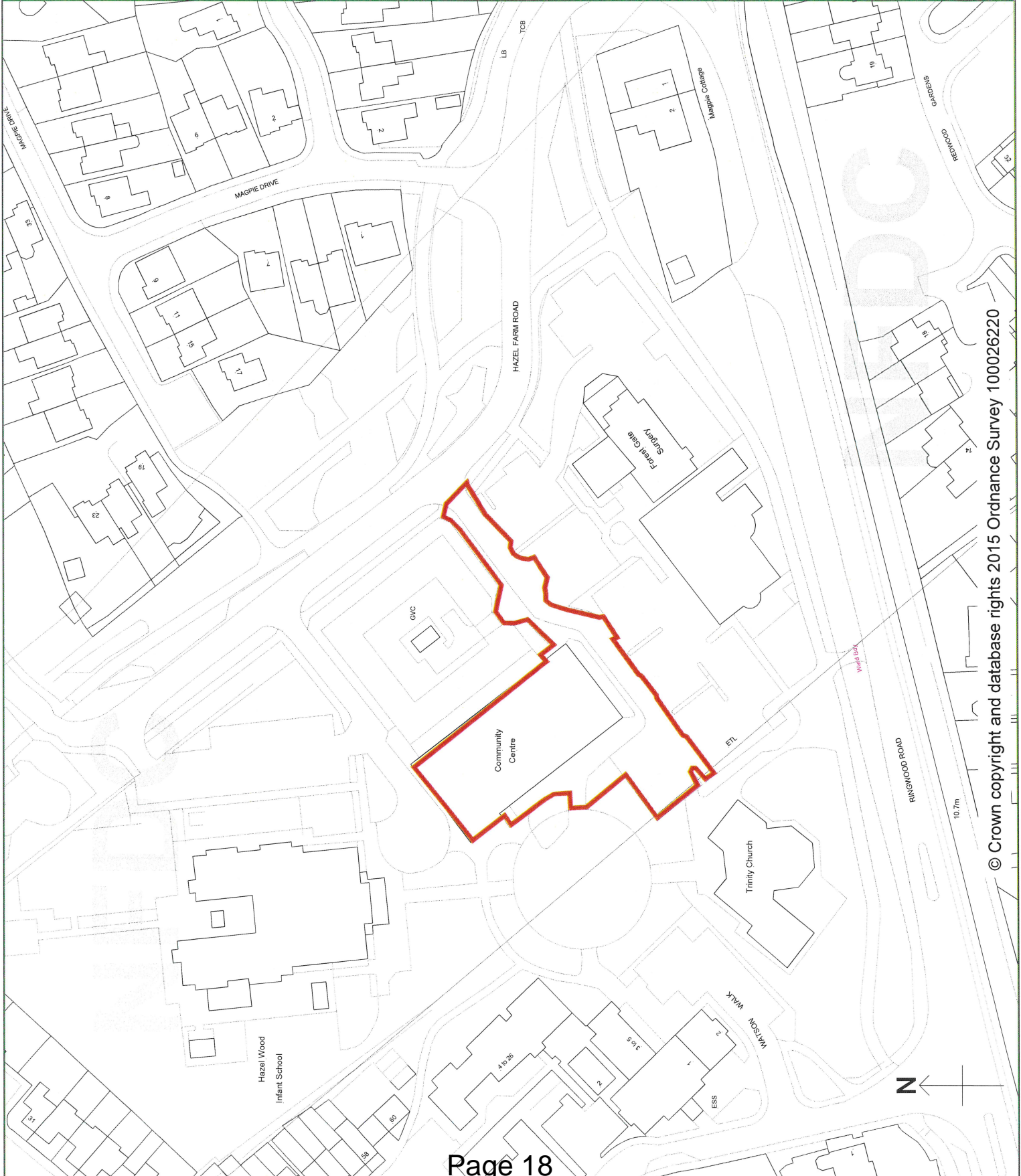
In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

The original submission was considered unacceptable and the applicant has worked closely with Officers to achieve a scheme which is supported by Officers.

Southern Water have advised that in order to protect water supply apparatus, it is requested that the applicant agrees prior to commencement, the measures to be undertaken to protect the public water supply main. In addition, a formal application for the connection to the public sewage system is required in order to service this development. The contents and details of what is required from Southern Water prior to commencement of development is set out on their letter of the 20th January 2015.

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)



Application Number: 15/10032 Full Planning Permission

Site: 59 STATION ROAD, NEW MILTON BH25 6JA

Development: Second floor & three-storey extensions to create 10 flats; parking

Applicant: Sheet Anchor Evolve Ltd

Target Date: 13/05/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council View

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Town Centre
Built up area
Primary Shopping Area
Adjacent protected trees

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
CS7: Open spaces, sport and recreation
CS8: Community services and infrastructure
CS10: The spatial strategy
CS15: Affordable housing contribution requirements from developments
CS17: Employment and economic development
CS20: Town, district, village and local centres
CS24: Transport considerations
CS25: Developers contributions

Local Plan Part 2

DM3: Mitigation of impacts on European nature conservation sites
DM14: Primary shopping frontages

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

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

6 RELEVANT PLANNING HISTORY

None of direct relevance

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: Recommend refusal

- (1) Inappropriate design, use of metal cladding and balconies at this important central site, therefore considered out of character as the building would become incongruous in the street scene;
- (2) Could create persistent pressure to prune the protected Oak tree.

Members support the principle of having one bedroom homes at this location (including affordable housing) but require a more aesthetically pleasing design and more traditional material usage.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer: No highway objections subject to condition
- 9.2 Tree Officer: No objection subject to condition
- 9.3 Land Drainage Engineer: No objection subject to condition
- 9.4 Strategic Housing Officer: The proposed development would require 40% for affordable housing which would equate to 4 units on site to be affordable
- 9.5 Urban Design Officer: The proposal is acceptable
- 9.6 Environmental Health (historic land use): No objection
- 9.7 Southern Water Authority: No objection subject to condition
- 9.8 Environment Agency: No objection

REPRESENTATIONS RECEIVED

1 letter of objection concerned that New Milton is built on a sand foundation and already the centre of town is crowded with buildings with poor access for emergency services. Examining the site there does not seem any available space for any more building and there is already a car park for the use of shop owners/lessees.

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 £11,520 in each of the following six years from the dwellings' completion, and as a result, a total of £69,120 in government grant under the New Homes Bonus will be received.

From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments. Based on the information provided at the time of this report this development has a CIL liability of £122,400.00.

13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of Town and Country Planning (Development Management Procedure) (England) Order 2015, 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 discussions with the applicants, revised and additional plans have been submitted to address design concerns and issues raised by the highway authority which have enabled a positive recommendation to be made.

14 ASSESSMENT

- 14.1 The site lies within the built up area of New Milton in the Primary Shopping Area of the Town Centre. The western part of the site contains a part single part two storey brick building with a flat roof currently in use as a bank, with separate uses including an estate agents office and a vacant retail unit, with offices on the first floor. Other than a landscape strip to the front of the site, the rest of it is hard surfaced and in use as a car park accessed from Ashley Road, although the exit is onto Station Road.
- 14.2 The proposal seeks to create ten residential flats by constructing a second floor on the existing building and a new three storey extension to the rear on part of the existing car park. The proposal would create 9 one bedroom flats and one two bedroom flat. It is proposed to retain the existing retail and office uses on the ground and first floors of the building. The proposed second floor would be constructed over the existing first floor and would be set slightly back from the edge of the building to enable an outside terrace to be created. The new three storey extension would rise to the same scale linking into the second floor addition with its main elevation facing onto Ashley Road.
- 14.3 Visually, the proposed structure would have a contemporary flat roof design constructed of grey metal vertical cladding with part horizontal timber cladding. A glazed balustrade would be provided around the perimeter of the terrace facing the two roads. The proposed extension would be constructed on concrete support columns so that car and cycle parking can be provided beneath and the extension would be built over approximately half the car park. Alterations are proposed to the car parking layout, with new tree and soft landscaping provided.
- 14.4 In terms of policy matters, the site lies within the town centre and the Primary Shopping Frontage. Within this defined area, policies in the local plan and the National Planning Policy Framework support new residential uses providing that there is no loss of existing commercial uses and residential uses are not provided on the ground floor. The proposal seeks to retain the existing retail, commercial and office spaces within the building, although there would be some loss of car parking spaces to these units.
- 14.5 In assessing the proposal against these policies, on the basis that the existing employment and retail activity is retained, it is considered that this is supported under Core Strategy Policy CS20 and Local Plan Part 2 Policy DM14. Indeed, the site lies within a town centre location with a large car parking area and the proposal to create additional residential units would make good use of the site. There are no policies that prohibit such a proposal. While there would be a loss of car parking spaces that serve the existing retail and commercial uses, it is considered that the proposed residential development would provide overriding benefits and that the small loss of spaces would not be unreasonable on a town centre site nor would it compromise the attractiveness or viability of these commercial units.
- 14.6 In terms of the effect on the character and appearance of the area, the site lies within Character Area 1 'Town Centre' of the New Milton Local Distinctiveness Document. The Local Distinctiveness SPD described one of the key defining features that characterise the town centre as the:

“Rhythms of built form and features along Station Road”. The guidance seeks that: *“Rhythm should be retained through window and facade patterns, articulation and detail that run vertically through the whole building and articulation of sky line”*.

- 14.7 The existing building occupies a very prominent position on the corner of two roads, including the main street in the town centre. The building is slightly set back from Station Road compared to other buildings in the street, and is constructed from brick under a flat roof, rising to two storeys. Along Station Road building types, materials and designs vary throughout, ranging between two and three storeys. Opposite the site, along the west side of Ashley Road, there is a predominantly two storey scale with additional accommodation in the roof space. The building opposite comprises a single terrace located close to the road frontage with its ridge running parallel with the road, and the shop fronts and window patterns are very similar. On the corner of Ashley Road, the building rises to three storeys where the building makes a statement on this corner junction and adds interest into the street scene.
- 14.8 Along the east side of Station Road, to the north of the site, the buildings tend to be more modern developments with residential flats above shops rising to three storeys, with hipped roofs, and glazed canopies over the shop units. Some of these modern developments do not positively contribute to the character of the high street in terms of their design, massing, scale and appearance. In particular the scale, design and massing of the building immediately to the north, known as Bursledon House is poor. This building extends at three storey level into the rear of that site.
- 14.9 Generally the buildings along Station Road are two and three storeys in scale, some with further accommodation in the roof space. There are also some four storey buildings along Station Road, but building heights vary throughout. Along Ashley Road there are large three storey residential flatted buildings. Accordingly, it is considered that there is no objection to a three storey building in this location, subject to design and respect for the rhythms of built form and features along Station Road. Moreover, it is considered that the proposal to create a second floor and a building over the existing car park would make good use of the site in this town centre location.
- 14.10 The proposed second floor would be constructed over the majority of the existing building but recessed back from the front elevation to provide an outside terrace which would help break up the massing of the building. The extension in the car park would be set back from the road and linked to the appearance of the second floor extension which is considered to be the correct design approach. The balconies would provide some outdoor space for the residents and enable the massing of the building to be recessive. Using glazed balconies at a low height, as shown, would be appropriate in this context. The design of the second floor, with its vertical cladding and fenestration in line with the first floor windows of the existing building, picks up the rhythms in the street and this would accord with the principles of the New Milton Local Distinctiveness Document. The proposed use of a darkish metal clad finish would contrast with the existing brick building, but this is felt to create a contemporary design approach which would add character and presence to the existing building and would be acceptable in this location. If the building was designed with brick

materials to match the existing building, this would be likely to exacerbate the scale and massing of the overall building. Accordingly, the design approach and use of materials which link in with the three storey building in the car park would not unacceptably detract from the character of the area and would be viewed as an innovative design solution to extend and alter the building so that it appears as an extension to the original building.

- 14.11 The proposal has very limited private amenity space for the proposed dwellings, but the residential flats would have outside terraced areas and balconies which would broadly accord with the Councils Supplementary Planning Document - Housing Design Density and Character. New tree planting and soft landscaping in the existing car parking area would help soften the views and outlook from these residential properties.
- 14.12 With regard to residential amenity, the proposed residential properties that are most likely to be affected are to the north at Bursledon House and to the rear at Shannock House, 1 Ashley Road.
- 14.13 The building to the north at Bursledon House comprises several residential flats and has a number of windows on the side elevation at first, second and third floor level facing the application site. The proposed second floor to be added to the existing frontage building would have some impact on the outlook from the residential flats at Bursledon House. There is currently a third storey dormer and second floor window nearest to the proposed extension and both these windows serve bedrooms which face the existing two storey building. The view from those windows would be onto the side elevation of the new extension which would extend approximately 3.7 metres above the existing two storey building. The distances from the existing windows at Bursledon House to the side elevation of the proposed second floor building would range from approximately 5.5 metres to 7 metres. Because of this close relationship and the design of the building with dark cladding, it is considered that there would be some loss of outlook from these windows, however the effect would not be so severe as to justify refusing planning permission. The windows serve bedrooms and are not main living rooms such as a lounge and the residential flats have their main windows facing Station Road or to the rear of the site. It is also considered that a minimum distance in excess of 5 metres would be reasonable and not result in a level of impact that would warrant a refusal of planning permission in a densely developed Town Centre location such as this.
- 14.14 In terms of the three storey extension in the car park, the rear elevation of the building would have first and second floor windows together with balconies facing the side elevation to Bursledon House, which has first, second and third level windows which serve bedrooms, bathrooms and kitchens facing the application site. The distance from the proposed windows on the rear elevation would be approximately 11 metres but the views from the windows would be slightly oblique given that the building at Bursledon House is set further back from the proposed building in the car park. There is a high leylandii hedgerow along the boundary which provides some screening but this landscape feature is very unattractive and in a poor condition and it is proposed to replace this with some new trees and a hedgerow. Given the distances involved between the properties and the oblique angled views, it is not considered that it would result in unacceptable overlooking. It should also be noted that overlooking is more apparent in town centre locations where buildings and residential properties tend to be at a higher density and located closer together.

- 14.15 Concerning Shannock House, 1 Ashley Road, there are several first and second floor windows proposed facing in the direction of these neighbouring residential flats, although part of the building incorporates angled windows which predominantly face to the front and rear of the site. In total, there would be eight windows facing east serving bedrooms and lounge areas. It is considered that there would be an element of overlooking of the neighbouring residential flats at Shannock House, but the impact would not be so severe as to justify the refusal of planning permission. The existing windows comprise small kitchen windows rather than main living or lounge areas. The proposed building would be approximately 12 metres away from these windows, which is considered to be an acceptable distance and not result in any loss of light or look in this Town Centre location.
- 14.16 In terms of public highway safety matters, the proposal would result in the provision of 10 apartments, (9 x one-bed and 1 x two-bed) together with 26 car parking spaces and a number of secure cycle spaces. Parking is sought in accordance with the NFDC document 'Parking Standards Supplementary Planning Document (SPD)' which sets a recommended average provision for residential car parking provision and recommended car parking provisions for all non-residential use classes. For one-bed dwellings the recommended provision is 1.4 per unit where shared/communal, rising to 2 spaces where allocated, for two-bed dwellings the shared/communal recommended provision is 1.5 with the allocated provision the same as for a one-bed dwelling.
- 14.17 However, given the close proximity of the site to local amenities, including public transport, together with the fact that the parking SPD provides a recommended average provision and does not seek to set minimum or maximum standards, the highway authority consider that an objection based upon an under provision of car parking for the proposed residential development would be neither appropriate nor sustainable. The transport statement indicates that the level of off-street parking would increase by 2 spaces, with 1 space allocated to each dwelling with the remainder allocated to the ground floor commercial units, which represents a loss of 8 spaces for the existing users, i.e. an approximate reduction of 33% in capacity. In order to substantiate this reduction in car parking capacity the applicant should provide secure and covered cycle parking for the existing commercial units, in order to encourage alternative modes of transport to the private car. The parking SPD provides minimum standards for both long and short stay cycle parking, for long stay this is 1 space & 1 loop/hoop per one-bed unit while the long stay provision rises to 2 spaces.
- 14.18 Due to the restricted widths of the existing vehicular access the car park operates under a one-way system with vehicular access being achieved from Ashley Road and egress onto Station Road. Given that both Ashley Road and Station Road are classified, together with the close proximity to the signalised crossroads, the highway authority considers that the continuation of this one-way system is necessary in highway safety terms and will need to be controlled and self policing. The plans show spring loaded recessed plates in the road to self police the one way system.
- 14.19 In terms of tree matters, situated to the east of the car park's entrance on the site's southern boundary is a large, mature Oak tree that provides a good level of public amenity. The tree is protected by TPO: 0033/13 and is considered as a constraint to the development of this site. The Tree Officer does not raise any objections subject to the imposition of a condition.

- 14.20 The proposed development would require contributions towards affordable housing under Policy CS15. The target minimum would be 40% of all dwellings to be for affordable housing which would equate to 4 of the 10 dwellings. The applicant has proposed 2 units on site for affordable housing and an offsite contribution of £22,750. While it is considered 4 units should be affordable on site, on the basis that the applicant is meeting the policy provision which includes both on site and a financial payment, it is considered that this approach would be acceptable. In addition a contribution towards habitats mitigation would be required as set out in the contributions table. The other contributions would be dealt with under CIL. The Section 106 Agreement has not been completed and is currently being progressed.
- 14.21 On the 28th November 2014 National Planning Practice Guidance was updated with regard to the charging of contributions for affordable housing. 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). 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, to comply with the policies in the adopted Local Plan.
- 14.22 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.
- 14.23 In conclusion, it is considered that the proposed development would be acceptable, and subject to the completion of a Section 106 Agreement for the required contributions the proposal would be acceptable.
- 14.24 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

Developers Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing	40%		
No. of Affordable dwellings	4	2	2
Financial Contribution	0	£22,750	0
Public Open Space			
On site provision by area			
Financial Contribution			
Transport Infrastructure			
Financial Contribution			
Habitats Mitigation			
Financial Contribution	£5500	£5500	0

CIL Contribution Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses	1530	0	1530	£122,400.00

15. RECOMMENDATION

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

i) the completion, by the 30th October 2015, of a planning obligation entered into by way of an Agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure affordable housing (2 on site dwellings and an offsite financial contribution of £22,750) and habitat mitigation and monitoring contributions of £5550.

ii) the imposition of the conditions set out below.

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

Reason(s) for Refusal:

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

2. The proposed development would fail to make any contribution toward addressing the substantial need for affordable housing in the District. The proposal would therefore conflict with an objective of the Core Strategy for the New Forest District outside the National Park 2009 and with the terms of Policies CS15 and CS25 of the Core Strategy.

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: 947/12 rev j, 947/10 rev i, 947/20 rev g, 947/21 rev h, 947/23 rev h, 947/22 rev h, 947/20 rev c .

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 to include the colour finishes to be applied and the details of the windows, doors and balconies 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 development hereby permitted shall not be occupied until the arrangements for parking within its curtilage have been implemented. These areas shall be kept available for their intended purposes at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety.
5. Prior to commencement of works (including site clearance and any other preparatory works) a scheme for the protection of trees in accordance with BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations' shall be submitted to the Local Planning Authority for approval. Once approved, the scheme shall be implemented and at least 3 working days notice shall be given to the Local Planning Authority that it has been installed.

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

6. In accordance with the submitted strategic landscape details on Drawing No 947/10 Rev 1, the following additional details shall be submitted to and approved by the Local Planning Authority:

- (a) a specification for new planting (species, size, spacing and location);
- (b) areas for hard surfacing and the materials to be used;
- (c) other means of enclosure;
- (d) a method and programme for its implementation and the means to provide for its future maintenance;

No development shall take place unless these details have been approved and 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 a 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. 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. The details shall include the future maintenance of the drainage system and the maintenance arrangements and full details of the responsible parties must be confirmed to the Local Planning Authority by the applicant prior to occupation of the penultimate dwelling. 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 Local Plan for the New Forest District outside the National Park (Core Strategy) 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:

This decision relates to amended / additional plans received by the Local Planning Authority on the 13th May 2015

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants. Following discussions with the applicants, revised and additional plans have been submitted to address design concerns and issues raised by the highway authority which have enabled a positive recommendation to be made.

Following discussions with the applicants, revised and additional plans have been submitted to address design concerns and issues raised by the highway authority which have enabled a positive recommendation to be made.

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



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Application Number: 15/10198 Full Planning Permission

Site: THE CHAPEL, FORDINGBRIDGE ROAD, WHITSBURY

Development: Use as 1 residential unit (Use Class C3); associated external alterations

Applicant: Mrs Mann

Target Date: 05/05/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Councillor & Parish Council View, and to agree the waiving of the affordable housing contribution.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside, 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
3. Housing
6. Towns, villages and built environment quality
7. The countryside

Policies

- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS8: Community services and infrastructure
- CS10: The spatial strategy
- CS15: Affordable housing contribution requirements from developments
- CS24: Transport considerations
- CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

- DM1: Heritage and Conservation
- DM3: Mitigation of impacts on European nature conservation sites
- DM20: Residential development in the countryside
- DM24: Loss of rural employment sites, shops, public houses and community facilities

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 Ground Floor extension (63460) - refused 29/4/98
- 6.2 Ground Floor Extension (65797) - granted 19/3/99
- 6.3 Use as 1 residential unit (Use Class C3); associated external alterations (14/11749) - withdrawn 12/2/15

7 PARISH / TOWN COUNCIL COMMENTS

Whitsbury Parish Council: - Considers the proposals are a sympathetic conversion of the building.

8 COUNCILLOR COMMENTS

Cllr Edward Heron: - Supports - The proposed residential conversion delivers a sympathetic and appropriate new use of the redundant chapel. The case for the reduced contributions, with the exception of environmental mitigation payments, put forward by the applicant is understood and reasonable. Whilst the loss of some trees is regrettable, the arboricultural report makes a coherent case and the loss of trees is acceptable to enable the preservation of this important building in the long term.

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer:- No objection subject to parking and cycle store condition
- 9.2 Tree Officer: - Objects - the proposed development threatens an important mature tree that contributes to local amenity.
- 9.3 Hampshire County Council Archaeologist:- No objection
- 9.4 Ministry of Defence:- No objection
- 9.5 Ecologist:- No objection subject to securing measures in Biodiversity Mitigation Plan
- 9.6 Policy: - In policy terms, a residential conversion will only be acceptable where it would be for a holiday let or for affordable housing to meet a local need.
- 9.7 Estates & Valuation:- Considers that it will not be viable for a contribution to affordable housing to be made; in the absence of an appropriate marketing exercise it has not been demonstrated that there is an absence of demand for possible alternative uses.

9.8 Environmental Design (Conservation & Design):- Objects to the removal of the historic boundary wall and railings, which would have an adverse impact on the character and appearance of the Conservation Area; the general works are otherwise supported with slight amendments.

10 REPRESENTATIONS RECEIVED

One letter from a neighbour who comments that they would prefer to see a permanent dwelling rather than a holiday let and off road parking would be sensible given the width of the road and large vehicles that use it.

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.

From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments. Based on the information provided at the time of this report this development has a CIL liability of £1,842.40.

13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, 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 discussion with the applicant's agent, but given the objections that have been identified, it has not been possible to negotiate on this application to secure an acceptable outcome.

14 ASSESSMENT

- 14.1 Whitsbury Chapel is a redundant Methodist chapel that dates from 1901. The building, which fronts onto Whitsbury's main highway, is located within a relatively modest plot that is bounded by the large and mature gardens of 2 adjacent dwelling houses. There is a low wall with railings along the front boundary of the site, while to the rear of the site are a number of mature trees, including trees that are protected by a Tree Preservation Order. Beyond the site, the nearby highway is mainly bounded by mature hedgerows, and the area generally has an attractive rural character. The site is located within the Whitsbury Conservation Area and within a designated Area of Outstanding Natural Beauty.
- 14.2 The submitted application seeks to convert the redundant chapel to a single dwelling house. Various external alterations are proposed to the building, including the removal of an existing single-storey projection at the rear of the property, the provision of new ground floor bifold doors / full length windows within the newly exposed rear elevation, the creation of 2 new first floor round windows within the front and rear gables of the building, the insertion of a number of new conservation rooflights, and the infilling of some 'blind' window openings. Within the external areas of the site, it is proposed to reposition the existing front boundary railings to allow for a parking area to the front of the building, while to the rear it is proposed to remove a number of trees and provide a new timber decking area.
- 14.3 The proposed residential conversion would result in the loss of an existing community facility. Local Plan Part 2 Policy DM24 only allows for the loss of rural community facilities where certain criteria are met. In this case, none of the relevant criteria would be met and therefore the proposed development would not be in accordance with Policy DM24. However, the chapel has been redundant for a few years, and there seems to be little prospect that the building would continue to function as a place of worship. Although the applicant does not appear to have explored any alternative community uses, it seems unlikely that using the building for alternative community uses would be viable in this specific rural location, taking into account the absence of a dedicated parking area. In these circumstances, it is felt that permitting the loss of the existing community use would be justified, notwithstanding an apparent conflict with Local Plan Part 2 Policy DM24.
- 14.4 Policy DM20 of the Local Plan Part 2 only allows for new dwellings in the countryside where they are replacement dwellings, dwellings to meet local affordable housing need or dwellings for agricultural workers. The residential conversion that is proposed would not meet a local affordable housing need, and nor would it be a dwelling for an agricultural worker.

As such, the residential conversion that is proposed would be contrary to Local Plan Part 2 Policy DM20.

- 14.5 If it is accepted that the re-use of the building for community purposes is not practical or viable, then planning policy would favour the re-use of the building either for suitable employment uses in accordance with Local Plan Part 2 Policy DM22, or for visitor accommodation in the form of a holiday let in accordance with Local Plan Part 2 Policy DM13. With respect to these 2 potentially acceptable alternative uses, the holiday let use is considered to have the greater potential as there is likely to be a demand for additional holiday accommodation in this location, and it is also a use that could be provided without detriment to the surrounding rural context.
- 14.6 The applicant's main justification for permitting this proposal contrary to policy is that the building is unsuitable for conversion to other uses. Specifically, they consider that the building is not suitable for conversion to an employment or community use due to a lack of external parking, a lack of demand, and due to the chapel's unsuitable location. They recognise that conversion of the building to a holiday let would be possible, but having carried out a viability assessment they have concluded that conversion to a holiday let would not be an economically viable business proposition.
- 14.7 The Council's Senior Valuer, who has considered the applicant's viability arguments, has noted that the property has not been marketed as being potentially suitable for an employment use, and on this basis he considers that the case has not been made that there would be no demand for such a use. With respect to a holiday let use, it is considered that the applicants have presented an extreme case in their viability appraisal. The Council's Senior Valuer feels that it is not inconceivable that a local resident could see the chapel building as an opportunity to create a holiday let investment that they can run economically in their spare time. The Council's Senior Valuer suggests that marketing the property at an appropriate price and for an appropriate period would help to demonstrate the existence or absence of demand for alternative uses. It should be noted that although the building was marketed for a period in 2012, the price it was marketed at was too high to attract interest other than for conversion to a permanent dwelling. Therefore, the marketing that took place was at a price that failed to take into account the Council's policy restrictions, and on this basis the applicant's marketing evidence does not adequately demonstrate a lack of demand for alternative uses.
- 14.8 Given the conflict with policy, and the failure to adequately market the property for alternative uses that would be more policy compliant, it is felt the applicants have not made a sufficiently compelling case to permit a new permanent dwelling that would be contrary to Local Plan Part 2 Policy DM22. It is recognised that at a national level, there are now many circumstances where the conversion of buildings to residential dwellings is permitted development. However, such permitted development rights do not apply in this case, and as such, it is not seen that there is a reasonable justification to permit a residential conversion contrary to policy.

- 14.9 The existing chapel building is considered to make a positive contribution to the character and appearance of the Whitsbury Conservation Area. Most of the physical alterations to the chapel building are low-key, well-considered, and sympathetic to the site's historic context. However, the loss of the Chapel name plaque on the front gable, to facilitate a new window, is not considered to be a sympathetic or appropriate change. The Council's Conservation Officer has also expressed concern that the important original windows on the front elevation are to be replaced with new timber windows. It is felt unlikely that any replacement windows would be able to match the glazing profile of the windows being replaced. There is also concern that the new first floor within the building would have an awkward relationship with the front windows, as the floor would cut through the line of the windows. Therefore, although many of the proposed external alterations to the building would be acceptable, the alterations to the front elevation would erode the building's heritage interest to the detriment of the character and appearance of the Whitsbury Conservation Area.
- 14.10 A further significant concern is the applicant's proposal to relocate the historic front wall and railings to facilitate a parking space. The boundary wall and railings are a distinctive feature and a key characteristic of the Conservation Area. There are numerous examples of boundaries running along the back edge of the street and generally this gives a defined enclosure to properties within the Conservation Area. The proposed relocation of the front boundary would significantly weaken what is a strong boundary line and would erode the frontage with a tarmac surfaced parking space. It would create a boundary that would feel uncomfortably close to the chapel. It is felt this change would be unacceptable and would adversely impact on the character and appearance of the Conservation Area. The applicant has suggested that this change is needed to allow for off-street parking. However, taking into account the site's historic use, it is not considered that the provision of such off-street parking is essential in the interests of highway safety. Also the quiet rural character of Fordingbridge Road should be taken into account. In essence, it is felt that Heritage considerations outweigh the desire for off-street parking in this particular case.
- 14.11 Situated in the rear south-western corner of the site is a group of 3 yew trees protected by a Tree Preservation Order. The application seeks to remove all 3 trees. The removal of 2 of these trees (T2 and T3) is considered to be justified as neither of these trees provides public amenity value. However, by contrast, the remaining tree (T1) is considered to provide a good level of public amenity. The Tree Officer cannot see a reasonable justification for the removal of this tree and does not accept the safety arguments for removal that have been put forward by the applicants. The applicant has also suggested that the tree needs to be removed to facilitate adequate drainage arrangements for the new dwelling. However, this argument is not felt to be convincing. It is felt that the removal of a tree that makes a positive contribution to the character and appearance of the Whitsbury Conservation Area would cause unjustified harm to the visual amenities of the area.
- 14.12 The proposal would see the introduction of first floor accommodation. The rooflights on the side-elevations would not result in undue overlooking of neighbouring dwellings, given their distance from those neighbouring dwellings and the modest size and design of the rooflights.

Overall, it is considered the proposed conversion could take place without detriment to the amenities of neighbouring dwellings.

- 14.13 The application is accompanied by an ecological report. The Ecologist is satisfied that the proposed conversion would not harm any protected species and therefore, subject to conditions, the proposal is one that would not harm biodiversity interests.
- 14.14 The proposed development is one that would be expected to secure contributions to affordable housing in line with Core Strategy policies. In this case, the target affordable housing contribution would be £43,400. The applicants have argued that making such a contribution would render the proposed conversion unviable. The Council's Senior Valuer has considered the applicants' viability arguments and has concluded that it would not be viable for any affordable housing contribution to be provided in association with this proposed development. As such, it is considered that there is a reasonable justification to waive the affordable housing contribution in this instance.
- 14.15 The proposed development would have a potential impact on designated European sites that would need to be mitigated in line with Local Plan policies. In this case, as most of the Habitat Mitigation Contribution would be met through CIL, there is only a need to secure a Visitor Management and Monitoring Contribution of £550. At the time of writing, this contribution has not been secured.
- 14.16 Overall, it is not felt that the applicants have put forward an adequate justification for the proposed dwelling, given that the proposal would conflict with Local Plan policies. It is felt that other forms of conversion that would be consistent with the Council's local plan policies, particularly a holiday let conversion, should be explored more thoroughly before conversion to a permanent dwelling could be accepted in this sensitive rural location. Notwithstanding the use that is proposed, the alterations to the front elevation of the building, the resiting of the front boundary, and the removal of a protected tree are all considered to be detrimental to the character and appearance of the Whitsbury Conservation Area. As such, the application is recommended for refusal.
- 14.17 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

Developers' Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings	0	0	
Financial Contribution	£43,400	0	-£43,400
Public Open Space			
On site provision by area	0	0	0
Financial Contribution	0	0	0
Transport Infrastructure			
Financial Contribution	0	0	0
Habitats Mitigation			
Financial Contribution	£550	0	-£550

CIL Contribution Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses	84.75	61.72	23.03	£1,842.40

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposed development would result in an unjustified new permanent dwelling within an area of open countryside that forms part of a designated Area of Outstanding Natural Beauty, contrary to Policy DM20 of the New Forest District Local Plan Part 2: Sites and Development Management. The proposed dwelling would be unjustified, particularly as it has not been clearly demonstrated that the existing redundant building could not be reasonably used for alternative purposes that would be consistent with the Council's Local Plan policies.
2. The proposed development would be detrimental to the character and appearance of the Whitsbury Conservation Area because:-
 - a) the relocation of the historic front boundary wall and railings to provide parking area would result in a significant weakening of the existing front boundary, and would result in a boundary that would be uncomfortably close to the main chapel building, to the detriment of the setting of this building;
 - b) the alterations to the front elevation of the building, consisting of the loss of the existing Chapel plaque and the alterations affecting the front windows, would materially diminish the positive contribution that the existing chapel building makes to the character and appearance of the Conservation Area.

As such, the proposal would be contrary to Policies CS2 and CS3 of the Core Strategy for New Forest District outside of the National Park and Policy DM1 of the Local Plan Part 2: Sites and Development Management.

3. The proposed development would also be detrimental to the character and appearance of the Whitsbury Conservation Area because the proposal would result in the unjustified removal of a significant yew tree (T1) that is protected by a Tree Preservation Order. The loss of this tree would be detrimental to the visual amenities of the area, contrary to Policies CS2 and CS3 of the Core Strategy for New Forest District outside of the National Park.

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

Notes for inclusion on certificate:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

In this case, the application proposals were the subject of discussion with the applicant's agent, but given the objections that have been identified, it was not possible to secure an acceptable outcome.

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)



Application Number: 15/10240 Full Planning Permission

Site: ELINGFIELD HOUSE, 26 HIGH STREET, TOTTON SO40 9HN

Development: One & two-storey side extension; boundary wall; parking; ramp;
barrier; landscaping; access

Applicant: Mrs Hollingworth

Target Date: 20/04/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Town Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area
Listed Building

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

- CS1: Sustainable development principles
CS2: Design quality
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
CS8: Community services and infrastructure
CS10: The spatial strategy
CS20: Town, district, village and local centres

Local Plan Part 2 Sites and Development Management Development Plan Document

- DM1: Heritage and Conservation
DM10: Residential accommodation for older people
DM16: Within town centres, outside Primary Shopping Areas and Secondary Shopping Frontages

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

- Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework
Achieving Sustainable Development
NPPF Ch.2 - Ensuring the vitality of town centres
NPPF Ch. 7 - Requiring good design
NPPF Ch. 12 - Conserving and enhancing the historic environment

Section 66 General duty as respects listed buildings in exercise of planning functions.

Planning (Listed Buildings and Conservation Areas) Act 1990

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPG - Totton Town Centre - Urban Design Framework

6 RELEVANT PLANNING HISTORY

11/97906 - two-storey extension, parking, access ramps, 2m high boundary wall.
Granted 22.3.12

7 PARISH / TOWN COUNCIL COMMENTS

Totton and Eling Town Council - consider the extension acceptable but the car park unacceptable and recommend refusal on this basis.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

- 9.1 Natural England - no objection/comment
- 9.2 Ministry of Defence - no safeguarding objections
- 9.3 Environmental Health (Contamination) - no concerns
- 9.4 Drainage - no comment
- 9.5 Environment Agency - no comments
- 9.6 Hampshire County Council Highway Engineer - no objection subject to conditions
- 9.7 Environmental Design (Conservation) - raise some concerns but accept that there is an extant consent

10 REPRESENTATIONS RECEIVED

None

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council take a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome.

This is achieved by

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

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

14 ASSESSMENT

- 14.1 The site lies within the built up area of Totton in the Town Centre. It is a Grade II listed building in use as a nursing home. The application is identical to that approved under application 11/97906 and which was extant at the time this application was submitted. The proposal entails the provision of a two storey extension to enable 4 ensuite bedrooms at each of ground and first floor levels to be added. One existing room at each level would be removed in order to provide access into the extension which would incorporate a new lift, enabling the removal of the existing stair lift on the main historic staircase. The existing car parking area would be relocated to the rear of the building.
- 14.2 The application follows the granting of the previous scheme which was extant at the time of the submission of this scheme. The application has not been supported with information as to why the extensions are required although this was covered previously. However, the recent permission for the same development is material to the consideration of this proposal.
- 14.3 In principle, there are no objections to the proposed extension of a nursing home in this location. The proposal would provide additional bedrooms as well as providing more comfortable accommodation for existing residents. The Highway Authority has also advised that whilst the proposed parking level is less than standards require, there are no grounds for recommending refusal on a shortfall of parking spaces. Indeed, given the proposed car parking levels on a site of this size, additional parking would be inappropriate.

- 14.4 The comments of the Town Council have been noted although given the extant permission, it would be difficult to refuse permission for the reason of there being too much parking. Ideally, it would be preferable to retain more of the garden area, although a balance has to be struck between the ideal situation and making the listed property a viable concern. It is considered that the retention of a small landscaped garden area and patio, of benefit to residents in the dining and day rooms, together with a new area of planting to the front of the property, is adequate. It is of note that the Town Council did not raise parking as a concern when the permission was granted originally, they were concerned about grouped and contrived development and its impact on the Listed Building.
- 14.5 With regard to the physical extension to the building, the proposal has been designed having regard to the existing building. The addition enables the existing east/west corridor through the original property to remain with little alteration and provides a new corridor north/south in the addition together with a new lift. The double gable to the side elevation is retained and the massing of the proposed addition is therefore broken up as a result of this and the single storey element.
- 14.6 The previous approval was granted following the completion of a S.106 Agreement to secure transportation contributions. However, since the introduction of CIL in April 2015, this type of development does not generate a CIL payment nor a transportation contribution.
- 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. No development shall take place until samples or exact details of the facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority.

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

3. Before development commences a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :
- (a) the existing trees and shrubs which have been agreed to be retained;
 - (b) a specification for new planting (species, size, spacing and location);
 - (c) areas for hard surfacing and the materials to be used;
 - (d) other means of enclosure;
 - (e) a method and programme for its implementation and the means to provide for its future maintenance.

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

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

4. The extension hereby permitted shall not be occupied until the arrangements for the provision of cycle parking facilities within the curtilage have been implemented in accordance with a scheme to have been previously submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate parking provision is made in the interests of highway safety and in accordance with policies CS2 and CS24 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 CS2 of the Core Strategy for the New Forest District outside the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

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

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

7. The development permitted shall be carried out in accordance with the following approved plans: Planning, Design and Access Statement, Biodiversity Checklist, 140911/A, 09/504/12.A, 09/504/11.B, 09/504/01, 09/504/02.

Reason: To ensure satisfactory provision of the development.

Notes for inclusion on certificate:

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

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

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



New Forest
DISTRICT COUNCIL

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

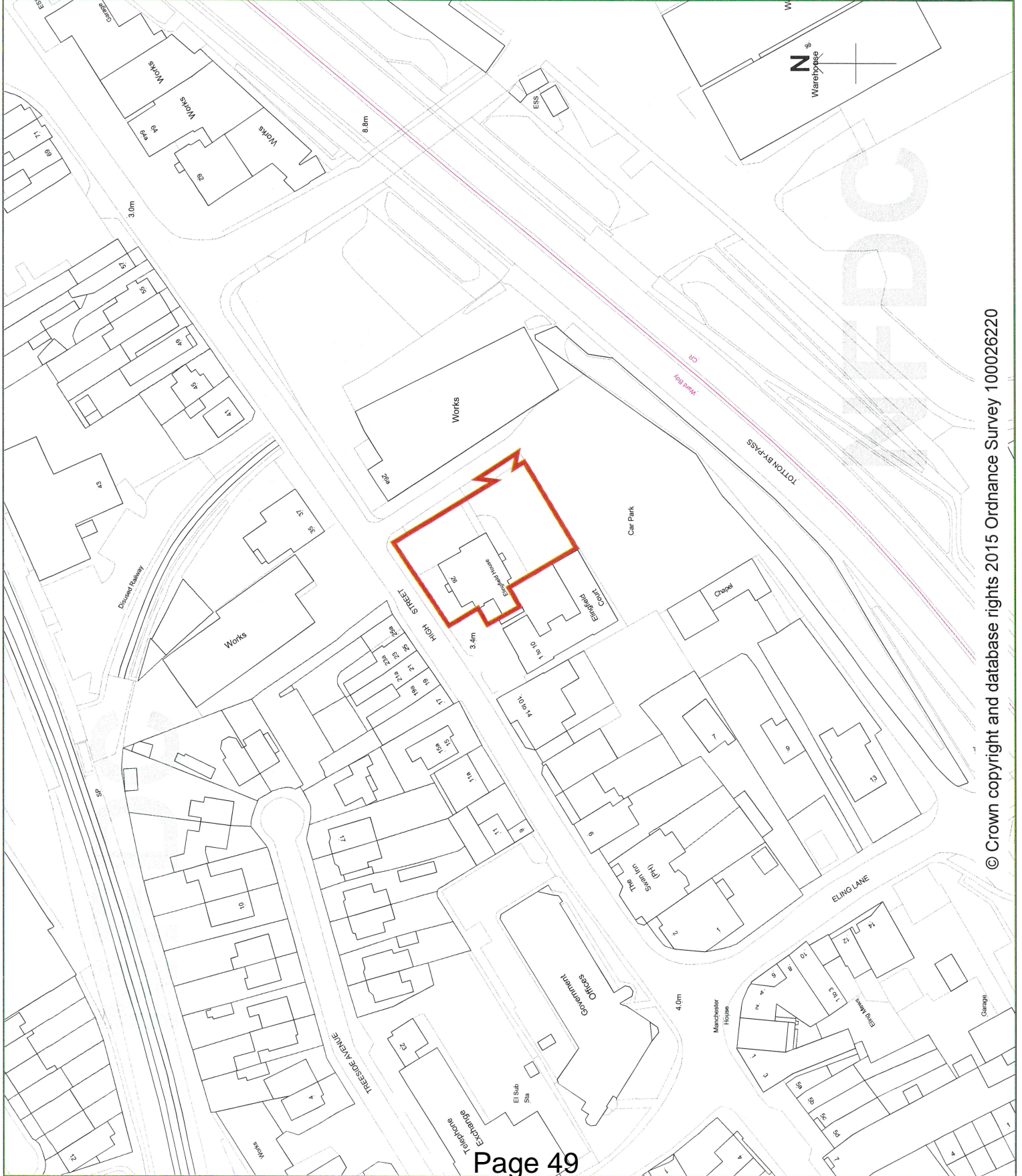
Chris Elliott
Head of Planning & Transportation
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee
June 2015**

Item No: 3e & 3f
Elingfield House
26 High Street
Totton
App No 15/10240/1
SU3613

Scale 1:1250

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



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Application Number: 15/10241 Listed Building Alteration

Site: ELINGFIELD HOUSE, 26 HIGH STREET, TOTTON SO40 9HN

Development: One & two-storey side extension; boundary wall; parking; ramp; barrier; landscaping; access; form two openings to extension
(Application for Listed Building Consent)

Applicant: Mrs Hollingworth

Target Date: 20/04/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Town Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area
Listed building

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

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

Local Plan Part 2 Sites and Development Management Development Plan Document

DM1: Heritage and Conservation

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework
NPPF Ch. 7 - Requiring good design
NPPF Ch. 12 - Conserving and enhancing the historic environment
Section 66 General duty as respects listed buildings in exercise of planning functions.
Planning (Listed Buildings and Conservation Areas) Act 1990

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPG - Totton Town Centre - Urban Design Framework

6 RELEVANT PLANNING HISTORY

97907 - (LBC) two-storey extension, access ramps, 2m high boundary wall.
Granted 9.2.12

7 PARISH / TOWN COUNCIL COMMENTS

Totton and Eling Town Council - recommend refusal due to concerns over car parking. Consider extension acceptable.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

9.1 Ministry of Defence - no safeguarding objections

9.2 Environmental Design (Conservation) - raise some concerns but accept there is an extant consent

10 REPRESENTATIONS RECEIVED

None

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council take a positive and pro active approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome.

This is achieved by

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

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

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

14 ASSESSMENT

- 14.1 The site lies within the built up area of Totton in the Town Centre. It is a Grade II listed property which has been in use as a nursing home for several years. The area is mixed and contains large industrial units, commercial premises, a Council owned car park and residential properties. The proposal entails the provision of a part two storey and part single storey extension, boundary wall, ramp, barrier and associated internal alterations.
- 14.2 This application follows the granting of the previous scheme which was extant at the time of the submission of this scheme. The application has not been supported with information as to why the extensions are required although this was covered previously. However, the recent permission for the same development is material to the consideration of this proposal.
- 14.3 However, of significance to the listed building are the proposed openings at ground and first floor level to facilitate access from the existing building into the extension and the proposed alterations to the main staircase. At present, the staircase has a stair lift attached and as part of the proposals, this would be removed and a lift provided in the new extension. This is considered to be a benefit to the building and would enable the restoration of the staircase.
- 14.4 The proposed new openings to facilitate the link between the existing building and the proposed extension would have an acceptable impact on the fabric of the Listed Building.
- 14.5 The extension is marginally subservient to the main building and has been designed to be distinct from the old building through the proposed link and set back. The details of the brick work in terms of corbelling, dentil courses and the parapet wall are important, together with the joinery of the proposed windows and rooflight.
- 14.6 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the

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

15. RECOMMENDATION

GRANT LISTED BUILDING CONSENT

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: biodiversity checklist, Planning Design and Access Statement, 09/504/11.B, 09/504/12.A, 09/504/02, 09/504/01, 140911/A.

Reason: To ensure satisfactory provision of the development.

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

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

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

Reason: To ensure that the development takes place in an appropriate way and to comply with Policies CS2 and CS5 of the Core Strategy for the New Forest District outside the National Park.

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

- a) Typical joinery details including all new windows;
- b) Brick detailing to include the parapet, corbels, window arches and dentil courses; and

- c) Restoration works to the main staircase including the removal of the stairlift

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

Reason: To protect the character and architectural interest of the Listed Building in accordance with policy DW-E18 of the New Forest District Local Plan First Alteration.

- 5. Before development commences, a sample panel of brickwork showing the brick, bond, mortar and joint details shall be made available on site for the inspection and approval by the Local Planning Authority. Development shall only take place in accordance with those details that have been approved.

Reason: To protect the character and architectural interest of the Listed Building in accordance with policy DW-E18 of the New Forest District Local Plan First Alteration.

- 6. No development shall take place until samples or exact details of the facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority.

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

Notes for inclusion on certificate:

- 1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, 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)

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Application Number: 15/10244 Full Planning Permission

Site: STRAWBERRY COTTAGE, BUTTS ASH LANE, HYTHE SO45
3QY

Development: Retention of extension to garage to form garden room; flue

Applicant: Mr Barry

Target Date: 20/04/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary view to Parish Council

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

No relevant policies

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

No relevant documents

6 RELEVANT PLANNING HISTORY

- 14/10499 Extension to garage to form garden room granted subject to conditions 28th May 2014
- 08/93028 Single storey rear extension 20th November 2008

7 PARISH / TOWN COUNCIL COMMENTS

Hythe and Dibden Parish Council recommend refusal. The Council objects to the flue because the emissions are unneighbourly to the adjacent property. There are no objections to the retention of the building.

Following the amended details the Parish Council was reconsulted and advised that they still recommended refusal. With regular inversion of the atmosphere, particularly during the summer months, the Committee believes that the position of the flue would have an adverse effect on the neighbouring property.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

Environmental Health – initially commented that there was no adverse impact on local amenity but recommended a condition to be applied for the cowl to be replaced with one which does not impede the dispersion of smoke and reduces down draught.

Following the replacement of the cowl the Environmental Health Officer advised that the anti-down draught cowl now fitted satisfied the need to apply a condition to this effect.

Land Drainage - no comment

10 REPRESENTATIONS RECEIVED

One letter of objection from the neighbour at 33 Heatherstone Avenue raised concern over the considerable smell and smoke going into their garden and rear windows which denies them the use of their garden and forces them to keep the windows closed. The prevailing wind means that the smoke invariably descends into their garden. Concern was raised regarding the impact the smoke, fumes and heat would have on the Maple tree in their garden. There is also an objection to the structure itself, which is detrimental to their outlook.

Following the replacement of the cowl the neighbours were reconsulted and no further comments were received.

11 CRIME & DISORDER IMPLICATIONS

No relevant implications

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, 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 comments received from the Environmental Health Officer the applicant replaced the cowl on the top of the flue. Amended details of the cowl were provided. The application became acceptable as submitted and no specific further actions were required.

14 ASSESSMENT

- 14.1 The property is a detached dwelling positioned at the end of a long narrow access road serving four other properties. A high hedge is positioned on the front boundary, with high fences defining the boundaries to the sides. A car port is positioned to the side of the property, with a garage attached. The garage has recently been extended to the rear to form a garden room
- 14.2 The main consideration when assessing this application is the impact on the neighbouring property. This application follows an approval for the garage extension in 2014 which has now been built. The applicant has installed a log burner and a flue has been inserted, which is the subject of this application.

14.3 The neighbour at number 33 Heatherstone Avenue is the closest to the flue and therefore the impact on their amenity is a consideration. This neighbour objected to the flue for the following reasons:-

- A. Because of the position of the flue immediately on their boundary there is considerable smell and smoke going into their garden and rear windows which denies them the use of their garden and forces them to keep the windows closed. The prevailing wind means that the smoke invariably descended into their garden.

The Environmental Health Officer visited the site when the log burner was lit and viewed the smoke from the garden of 33 Heatherstone Avenue. He observed that there was some transient odour of wood smoke detectable in the garden area, particularly during initial lighting. However it was generally evident that the height of the flue was permitting efficient dispersion and the appliance was operating efficiently, producing little in the way of smoke or odour, therefore no significant adverse impact was identified on the local amenity. The Officer did however note that the cowl fitted to the flue was impeding the emission of smoke and forcing it downwards. Therefore, in order to improve the dispersion of smoke from the flue it was recommended that a replacement cowl should be fitted and a condition applied to any approval to this effect. The applicant subsequently replaced the cowl and the Environmental Health Officer was reconsulted. He advised that in light of the anti-down draught type of cowl now fitted to the flue by the applicant, he could confirm that there was no need for a condition. The neighbour was reconsulted following the installation of the new cowl and no further comments were received.

- B. Concern was raised regarding the impact the smoke, fumes and heat would have on the Maple tree in their garden.

The tree is not protected by a Tree Preservation Order and, given that there is a gap between the tree and the flue, the impact on the tree is not considered significant.

- C. The visual impact of the structure is detrimental to their outlook. It is out of place in the environment and is visible from points of view from the neighbour's property and garden.

The flue is visible from the neighbour's garden but, given its limited size and that the tree within this neighbour's garden, which is in close proximity to the shared boundary, will provide some screening in the summer, the overall visual impact is acceptable

14.4 Hythe and Dibden Parish Council have objected to the application for the reason that the emissions are unneighbourly to the adjacent property. There are no objections to the retention of the building. Following the replacement of the cowl the Parish Council were reconsulted. Their continued view is that with regular inversion of the atmosphere, particularly during the summer months, the Council believes that the flue will have an adverse effect on the neighbouring property.

14.5 In conclusion, the Environmental Health Officer has not objected to the flue and is satisfied with the replacement cowl. Following the introduction of the new cowl no further comments were received from the neighbours.

Therefore the impact on the neighbouring property in terms of the smoke and smell is considered acceptable and the application is recommended for approval.

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

15. RECOMMENDATION

Grant

Notes for inclusion on certificate:

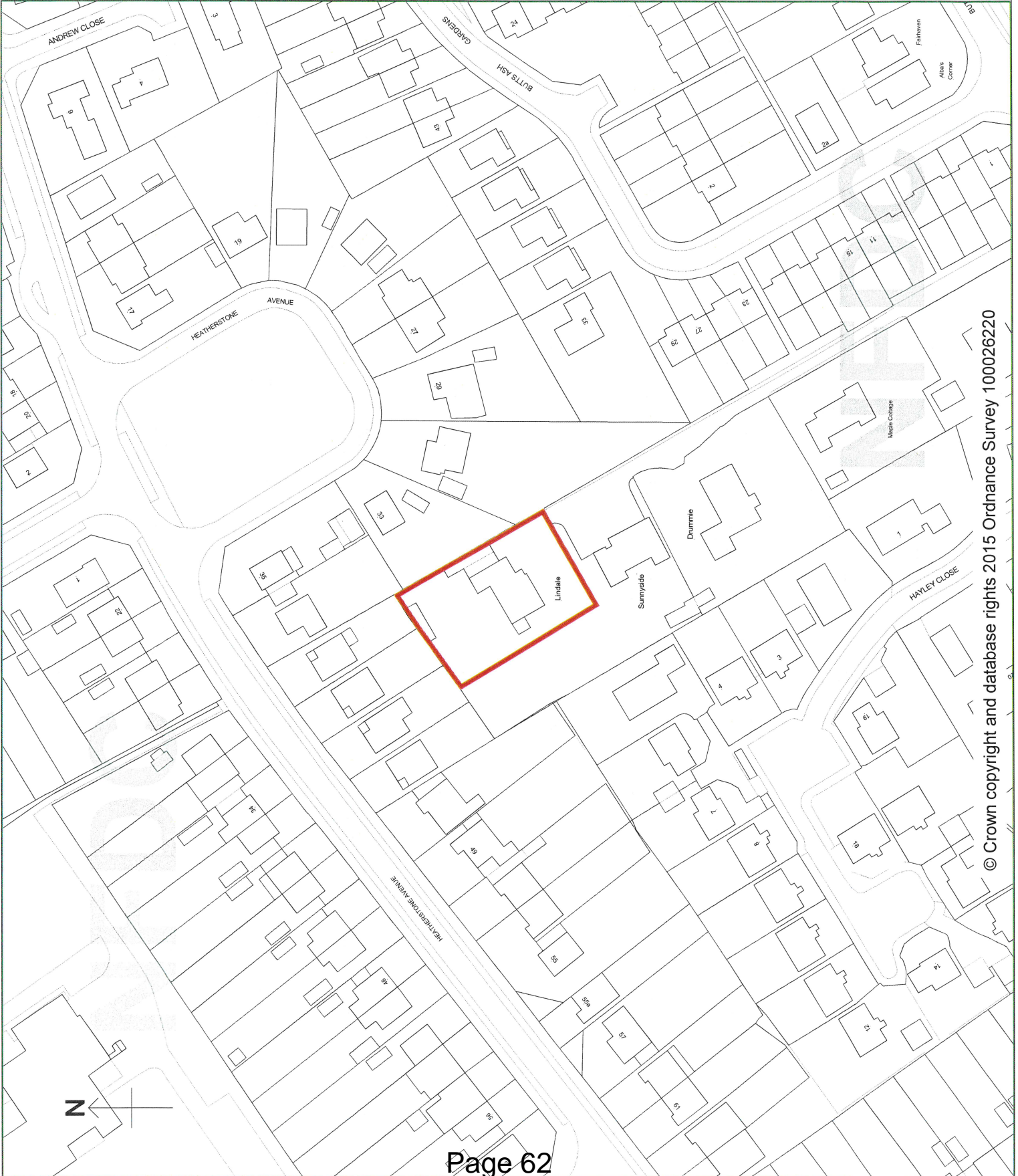
1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

Following the comments received from the Environmental Health Officer the applicant replaced the cowl on the top of the flue. Amended details of the cowl were provided. The application became acceptable as submitted and no specific further actions were required.

2. This decision relates to additional details received by the Local Planning Authority on 31st March 2015

Further Information:

Householder Team
Telephone: 023 8028 5345 (Option 1)



Application Number: 15/10274 Full Planning Permission

Site: 5 MAYFLOWER CLOSE, LYMINGTON SO41 3SN

Development: Two-storey side extension; single-storey front canopy;
single-storey rear extension

Applicant: Mrs Outhwaite

Target Date: 15/05/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council View

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Flood Zone
Plan 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
CS6: Flood risk

Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Lymington Local Distinctiveness

6 RELEVANT PLANNING HISTORY

12/98422 Two storey side extension (extension to time limit of planning permission 09/93571) granted subject to conditions 01/05/2012
09/93571 Two storey side extension granted subject to conditions 23/03/2009
06/87571 Two storey side extension granted subject to conditions 08/05/2006

7 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council: recommend refusal
Overlooking issues;
Over dominant;
Close proximity to boundary with neighbouring property

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

Drainage: no comment
Environment Agency: site falls within scope of Flood Risk Standing Advice

10 REPRESENTATIONS RECEIVED

3 objections from Nos.41, 43 and 45 Stanley Road

- over intrusive
- too close to rear boundaries of neighbouring properties in Stanley Road
- side windows would overlook back gardens of neighbouring properties in Stanley Road
- changes since previous consent - loss of screening created by Eucalyptus tree (removed with permission of NFDC due to disease)
- two storey extension at 45 Stanley Road was refused, so approval of this proposal would be inconsistent
- approved single storey extension at 45 Stanley Road has full height glazing and open plan across rear elevation, therefore allowing complete visibility from extension of 5 Mayflower Close if windows not fixed shut and obscure glazed
- scale not appropriate to the surrounding area and out of keeping with other properties in Mayflower Close
- would result in a much larger dwelling than others within immediate area
- overbearing

1 comment from No.4 Mayflower Close:

- please ensure that windows overlooking rear garden of 4 Mayflower Close are obscured.

Correspondence from applicant:

- floor levels no lower than existing and flood proofing has been considered

11 CRIME & DISORDER IMPLICATIONS

Not applicable

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, 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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- 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 apart from requesting a flood risk assessment, the application was acceptable as submitted so no specific further actions were required.

14 ASSESSMENT

- 14.1 The application site is a detached dwelling sited within the built up area of Lymington and is located just outside the King Saltern Conservation Area.
- 14.2 This planning application does not differ from the scheme approved under three previous consents granted in 2006, 2009 and 2012. These previous applications considered that the proposal would not have an adverse impact upon the character and appearance of the area and, subject to conditions, would have an acceptable impact upon the neighbouring properties' amenities. Furthermore, Lymington and Pennington Town Council did not raise any objection to the previous applications and, in relation to the most recent application in 2012, recommended permission.

- 14.3 The proposed side extension has been designed to be subservient to the host property and would not be out of context with the size and styles of properties surrounding the site within Mayflower Close. Also, the majority of the built form would not be visible from public vantage points within the King Saltern Conservation Area as views of the development from the wider area would be blocked by development fronting Stanley Road. Furthermore, no issues were raised previously with regards to the impact upon the visual amenities of the locality.
- 14.4 In terms of neighbour amenity, the previous consents conditioned the windows on the north-east and south east elevations to be obscure glazed and other than fan light opening fixed shut at all times to protect the neighbours' amenities. Accordingly, it would be justifiable to reapply this condition to the current application, especially as, since the last permission, an extension has been approved at 45 Stanley Road. Furthermore, it is now considered important to protect the privacy of adjoining properties from the potential overlooking that could otherwise occur in the future as a result of permitted development rights.
- 14.5 The loss of the Eucalyptus tree, even though removing screening of the extension, is not justification to refuse this application. Due consideration was given to the potential loss of screening at the rear of Nos.43 and 45 Stanley Road under the assessment of the planning application in 2009. It was concluded that even with the then current screening removed there would be no adverse visual impact upon the occupiers of properties in Stanley Road given the residential nature of the area. Furthermore, the properties in Stanley Road have reasonable sized rear gardens resulting in the proposed extension being set over 20m away from the backs of their dwellings. It is also worth noting that the proposed extension would be set a metre off the common boundary with these properties.
- 14.6 In conclusion, there have been no material changes in circumstances since the consideration of the last previously approved application to justify refusing permission in this case. The proposed extension is considered to be in character with the area and would cause no harm to the amenities of occupiers of neighbouring properties by way of loss of privacy through overlooking, and loss of light or additional visual impact. The application is, therefore, recommended for permission subject to appropriate conditions, including one to protect the privacy of adjoining neighbours.
- 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: 09/10.001, ML01A, ML02

Reason: To ensure satisfactory provision of the development.

3. The first floor windows on the north-east and south-east elevations of the approved extension shall be obscurely glazed and other than fan light opening fixed shut at all times.

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

4. No other windows or rooflights other than those hereby approved shall be inserted into the north-east and south-east elevations of the dwelling unless express planning permission has first been granted.

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

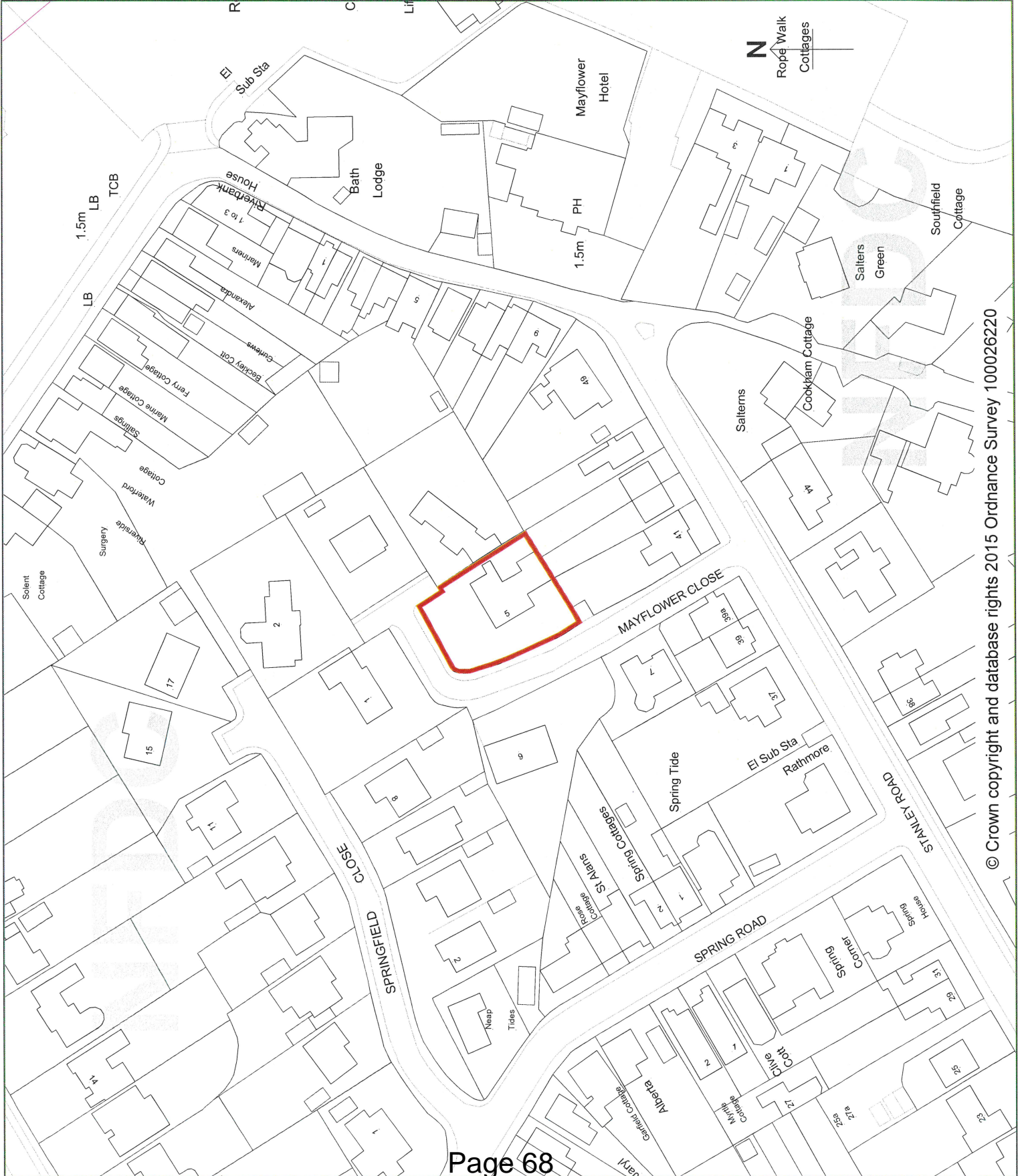
Notes for inclusion on certificate:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, 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 apart from requesting a flood risk assessment, the application was acceptable as submitted so no specific further actions were required.

Further Information:

Householder Team
Telephone: 023 8028 5345 (Option 1)



Application Number: 15/10275 Full Planning Permission

Site: 7 FAIRFIELD ROAD, BARTON-ON-SEA, NEW MILTON
BH25 7NJ

Development: Two-storey side extension

Applicant: Mr Mason

Target Date: 05/05/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Councillors views

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Plan Area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - New Milton Local Distinctiveness

6 RELEVANT PLANNING HISTORY

- 14/10242 Two-storey side extension; single-storey rear extension refused
16/04/2014
- 14/10805 Two storey side extension, single storey rear extension with roof
lights refused 17/07/2014 appeal dismissed 22 Sept 2014

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: Recommend permission but would accept the decision reached by the District Council Officer's under their delegated powers.
Acceptable

8 COUNCILLOR COMMENTS

Cllr Christine Ward: request goes to Committee if minded to refuse, as there is a lot of support for this application in the vicinity

Cllr Alan O'Sullivan: support - have approved similar extensions in the area. Current scheme much smaller than that which was refused and then dismissed at appeal.

Cllr Goff Beck: application should be approved. Overcomes previous refusal and subsequent dismissal at appeal

9 CONSULTEE COMMENTS

Drainage: no comment

10 REPRESENTATIONS RECEIVED

17 in support:

- application site has already been improved by works done on site and improved visibility round corner
- extension for local family not profit
- enhance look of area and blend in with surrounding dwellings
- varied style of dwellings within area, so lack of symmetry with no 5 would not be an issue. Extensions approved at no 1 Fairfield Road entirely changed character of the semi-detached bungalow.

1 objection:

- extension bulky and out of character with the adjoining and neighbouring properties and incongruous
- outside building line of no 9 and other properties on that side of the road
- hedge behind boundary wall will take a long time to mature adequately along its length to shield bulk of property from view
- no provision to increase driveway could increase pressure to park on road

Correspondence from agent

- modest 1½ storey side extension now proposed rather than previous full 2 storey extension, as such overcomes concerns with height
- design proposal is for subservient extension to the scale and mass of the built form
- ridge and eaves reduced in comparison to previous scheme
- previous extensions approved in area allow for 2 storey side extensions on corner locations, namely 37 Seaward Avenue and 18 Cliffe Road.

11 CRIME & DISORDER IMPLICATIONS

Not applicable

12 LOCAL FINANCE CONSIDERATIONS

Regulation 42 of the CIL Regulations 2010 (as amended) states that CIL will be applicable to all applications over 100sqm GIA, and those that create a new dwelling. Whilst the development is over 100sqm GIA under Regulation 42A developments within the curtilage of the principal residence and comprising up to one dwelling are exempt from CIL. As a result, no CIL will be payable provided the applicant submits the required exemption form.

13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, 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 current proposal was submitted following two previous refusals and an appeal decision supporting the refusal. Pre application advice was sought, when it was advised that the scheme as proposed would not be supported at officer level. Notwithstanding this advice the current application does not reflect the advice given and furthermore was not significantly altered. Further information has been submitted during the processing of the application giving examples of other approved extensions in the immediate area, and this has been given due consideration, as has the level of local support. Nevertheless this has to be balanced against the impact of the development on the character and appearance of the dwelling and surrounding area, and judged against the comments of the Inspector in the recent decision letter. As such it is considered that the previous reasons for refusal have not been overcome..

14 ASSESSMENT

- 14.1 The application site consists of a semi-detached house, situated in an established residential road in the built up area of Barton on Sea. The immediate area has a mixture of styles and periods of dwelling, but the application site and neighbouring property are the only pair of semi-detached dwellings in the road.
- 14.2 The existing dwelling has a front bay feature which extends the full height of the front wall with a small gable over, and has an attractive recessed porch, which is replicated on the other half of the semi. This pair of semi-detached properties has a hipped roof, and presents a well balanced and proportioned building. The site is situated on a corner plot and has garden area to the side and rear of the dwelling, and by reason of its position within the road has a larger plot than the other half of the semi. There is an existing small single storey element on the rear elevation. The plot is enclosed by a low wall to the front and part of the side boundary, and then this is continued with fencing (the wall replaces a previous hedge).
- 14.3 Two applications for a full height two storey side extension have been refused. The first proposal included a gable end, whereas the revised proposal retained the hipped roof form. Both these proposals also included a single storey rear extension element. The applications were refused solely on the two storey side element, on the grounds of its excessive width, height, depth and siting, resulting in the bulk of the building coming closer to the corner creating an imposing and intrusive form of development which would erode the spatial characteristics of the street scene. Also, the proposed side extension did not respect the scale and form of the pair of semis, disrupting the symmetry of the overall building. No issues were raised in respect of the proposed single storey rear extension. The latter application (ref 14/10805) was appealed and the decision of the Inspector dated 22 September 2014, upheld the refusal and dismissed the appeal.
- 14.4 A two storey side extension is still proposed, albeit with a lower ridge line with half hip on the end elevation which would reflect the existing eavesline of the host dwelling. Part of the side elevation would be timber clad and drawing no 14-890-014 indicates that this treatment would also be applied in part to the existing front elevation, but this is not shown on the proposed elevations. The two storey extension would extend past the front and rear walls of the existing dwelling, with a single storey extension to the rear. A rear dormer is proposed on the rear elevation of the extension with a front rooflight and small first floor window on the side elevation.
- 14.5 By virtue of the corner position of the existing dwelling, the proposed two storey extension would be sited towards the road and the single storey rear extension would be set off the side boundary with the neighbouring property. Due to the relationship of the proposed extensions with neighbouring properties, there is no identified impact on neighbour amenity. The proposed additional rear dormer would not create issues in relation to the dwelling to the rear, as this is sited at a distance of over 18m and by reason of its siting within its plot, views would only be achievable over the front garden.

- 14.6 The appeal decision on the previous application is a material consideration in the assessment of any future applications relating to this site, and as such the view is that no two storey side extension would be achievable in this location following on from the appeal Inspector's comments, in which he emphasised the importance of the building lines of the adjoining houses and bungalows to both the south and west. He went on to state at para 6:

Although the proposed two storey side extension would be set back from the northern boundary of the side garden, it would project beyond the building line formed by the adjoining properties to the west. This, combined with the size, height, and corner location of the proposed extension, would make it a harmfully dominant and intrusive feature in the area.

- 14.7 The agent has stated that this application cannot be viewed as a two storey extension, but even though now subservient in ridge height to the host dwelling it would still result in two storey accommodation, with an eaves height the same as that of the existing building. Furthermore the built form of the building would still be coming out the same width as previously proposed, and therefore forward of the building line of dwellings to the west of the application site. The current design of the extension does not respect the depth of the side elevation of the existing house, resulting in a disproportionately wider elevation which, together with its inappropriate building form, would be out of character of the existing pair of semi detached properties.
- 14.8 By reason of its corner location, the dwelling is prominent in the street scene and the current scheme, by reason of its siting, height, width and depth, would still result in an intrusive and imposing development in this setting to the detriment of the street scene. Furthermore, the design and form of the proposed extension would result in it appearing out of scale, overly large and out of character with the existing dwelling detracting from its symmetry with its attached semi. The introduction of cladding would exacerbate these concerns as it would not be characteristic of the area or existing building.
- 14.9 Pre application advice was sought prior to the proposal being submitted, but the advice given at that stage was that the scheme could not be supported at officer level, being mindful of the Inspectors comments on the recent decision. The only revisions to the scheme subsequently submitted was the omission of the front dormer, otherwise pre-application advice has been disregarded. There may be scope for single storey side and rear extensions within the site, but this possibly has not been presented by the applicant
- 14.10 With reference to the examples quoted by the applicant in respect of previous extensions, namely 37 Seaward Avenue and 18 Cliffe Road, these are both detached properties and therefore not directly comparable to the application site (a view shared by the Appeal Inspector); though they are on corner plots both these properties are on the junctions of two separate roads of differing characters. These two approvals were dated 2001 and 2006 respectively, and were not subject to current policies which place a greater emphasis on design namely CS2 of the Core Strategy for the New Forest District outside the National Park and Chap 7 of the National Planning Policy Framework. Furthermore the New Milton

Local Distinctiveness Supplementary Planning Document, 2010 now provides guidances identifying and safeguarding the distinctive character of identified areas. Reference has also been made to 3 Fairfield Road, by the current owners who advise was subject of a planning application for two storey extensions but no planning history has been found with regard to this. However, as already referred to in the Inspectors decision this is not comparable. A letter of support also drew attention to unsympathetic roof additions to 1 Fairfield Road which were approved in 2000. Even though these were not resisted at the time this underlines the importance of extensions being appropriate in scale and design to the host dwelling.

- 14.11 The strength of support locally and from Councillors has been considered, but on balance this does not outweigh the identified harm that this proposal would result in to the character and appearance of the dwelling and surrounding area, and therefore a refusal is recommended.
- 14.12 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

By reason of its excessive height, width, depth and siting, the proposed two storey side extension would result in the bulk of the building coming closer to the corner, creating an imposing and intrusive form of development in this location which would erode the spatial characteristics of the street scene. Furthermore, the two-storey side extension would not respect the existing scale and form of the pair of semi-detached houses, disrupting the symmetry of these properties, and the introduction of timber cladding would further exacerbate the harm. Therefore, the two storey side extension would adversely impact upon the local distinctiveness of the street scene and general character of the area. As such the proposals are contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

Notes for inclusion on certificate:

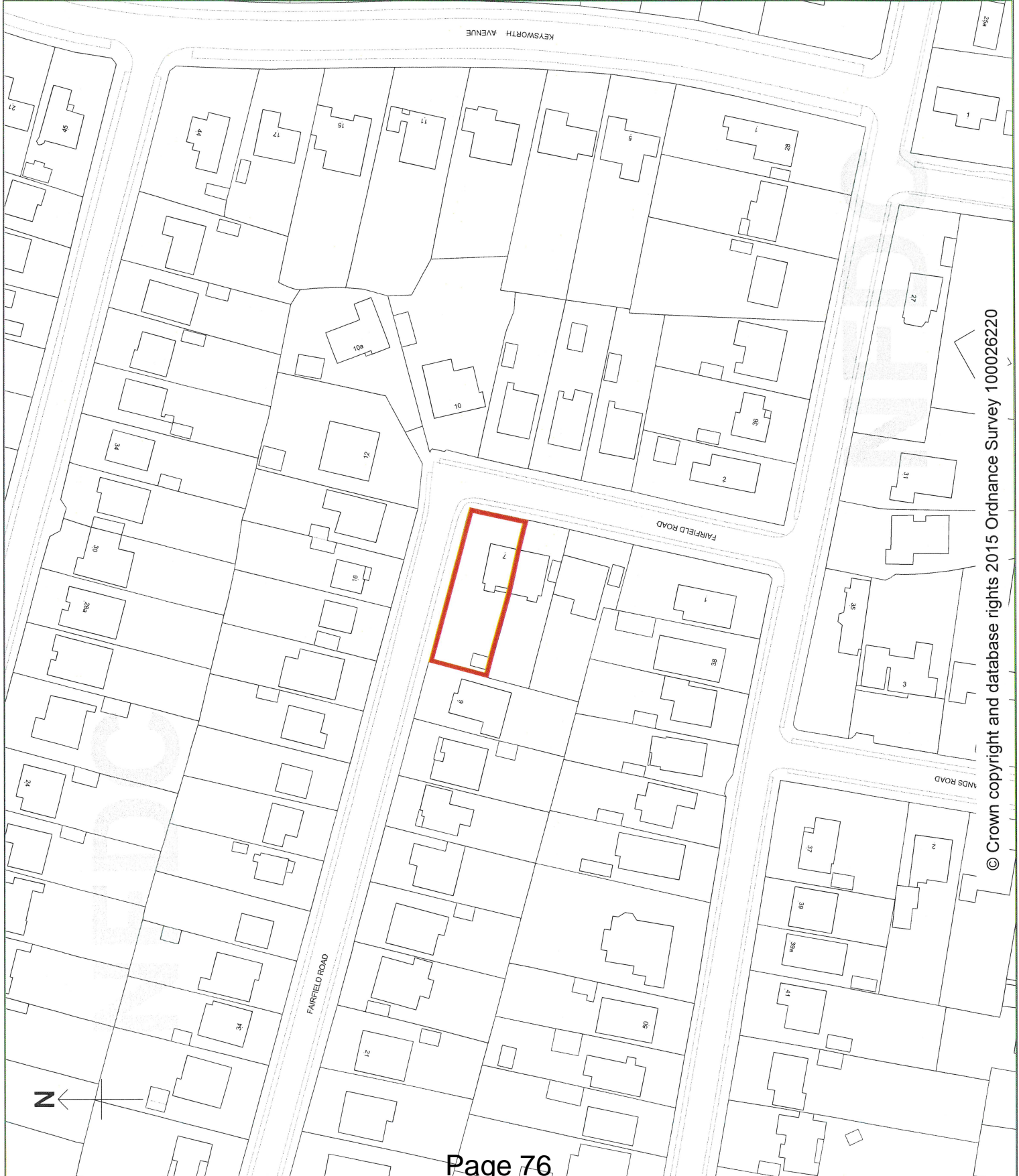
1. New Forest District Council has adopted a Community Infrastructure Levy (CIL) charging schedule and any application now decided, including those granted at appeal, will be CIL Liable. CIL is applicable to all applications over 100sqm and those that create a new dwelling. Under Regulation 42A developments within the curtilage of the principal residence are likely to be exempt from CIL so CIL may not be payable provided the applicant submits the required exemption form prior to commencement of the development.
2. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, 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 current proposal was submitted following two previous refusals and an appeal decision supporting the refusal. Pre application advice was sought, where it was advised that the scheme as proposed would not be able to be supported at officer level. Notwithstanding this advice the current application does not reflect the advice given and furthermore was significantly altered. Further information has been submitted during the application process giving examples of other approved extensions in the immediate area, and this was given due consideration as was the level of local support. Nevertheless this has to be balanced against the impact of the development on the character and appearance of the dwelling and surrounding area, and judged against the comments of the Inspector in the recent decision letter. As such it is considered that the previous reasons for refusal have not been overcome.

Further Information:

Householder Team

Telephone: 023 8028 5345 (Option 1)



Application Number: 15/10297 Full Planning Permission

Site: ST BARBE MUSEUM AND ART GALLERY, NEW STREET,
LYMINGTON SO41 9BH

Development: Serpentine wall & outside seating area terrace to eastern facade;
landscaping

Applicant: The Lymington Museum Trust

Target Date: 08/05/2015

1 REASON FOR COMMITTEE CONSIDERATION

Discretion of the Head of Planning and Transportation and contrary Town Council view.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Lymington Town Centre
Lymington Conservation Area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

Core Strategy

- CS1: Sustainable development principles
- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS5: Safe and healthy communities
- CS8: Community services and infrastructure
- CS19: Tourism
- CS20: Town, district, village and local centres

Local Plan Part 2 Sites and Development Management Development Plan Document

- NPPF1: National Planning Policy Framework – Presumption in favour of sustainable development
- DM1: Heritage and Conservation
- DM13: Tourism and visitor facilities

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework
Section 72 General duty as respects conservation areas in exercise of planning functions Planning (Listed Buildings and Conservation Areas) Act 1990

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

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

6 RELEVANT PLANNING HISTORY

Alterations, additions and conversion to museum and visitor information centre (94/NFDC/55370) granted 09/11/94.

7 PARISH / TOWN COUNCIL COMMENTS

Lymington and Pennington Town Council: recommend approval on the understanding that modern engineering bricks will not be used and that reclaimed brick similar to that used to construct the original school building will be used.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

- 9.1 Conservation Officer: objects as the scheme would impact on the significance of the historic street frontage and also cause irreparable loss and damage to this locally important building. This damage would be through the screening of the frontage and the damage caused by the by the insertion of the new glazing elements.
- 9.2 Hampshire County Council Archaeologist: due to the small scale of likely ground works no issue is raised.
- 9.3 Land Drainage Engineer: no comment.
- 9.4 Hampshire County Council Highway Engineer: raise no objection.
- 9.5 Estates and Valuation Manager: from a landlord/landowner perspective no objection is raised and is supportive of the proposal to develop the museum. Legal issues that arise out of the lease are being addressed.
- 9.6 The Lymington Society: submitted a detailed commentary about the proposals. The Society has taken the views expressed by its members. And accepting that a significant number of members and residents may have reservations which they have not expressed to the Lymington Society Committee, are prepared not to object to the proposed design.

10 REPRESENTATIONS RECEIVED

- 10.1 27 letters of support have been received saying that the proposal represents a good design and that it is important to create a new image for the museum for the future. One of these letters is from a previous conservation advisor to the Council and another is from a conservation advisor appointed by the applicant. They both fully support the proposals and see them as a positive enhancement to Lymington's heritage and because the proposal would sustain and reinforce the cultural heritage value of the museum which would far outweigh any perceived negative aesthetic or architectural impact.
- 10.2 18 letters of objection have been received raising the following concerns: the proposals would result in an unsympathetic structure of an unimaginative design that would ruin the character of the old school house and other neighbouring property, the wall would be ugly and very obtrusive in the Conservation Area, part of the history and local significance of the building would be lost, museum floorspace would be lost, it would be out of place and proportion, concerns about the structural integrity of the structure and it would be better to spend money on a simpler structure.

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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- 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 pre-application advice was sought and initially support was given for the scheme by a former conservation advisor to the Council. Subsequent discussions took place with two subsequent conservation advisors to the Council who raised concerns about the scheme as set out in the assessment. The applicants have been made aware of these concerns and suggestions were made about possible revisions to the proposals as originally envisaged, no changes have been made, and as a result there is little potential to negotiate.

14 ASSESSMENT

- 14.1 This is a prominent building located on the west side of New Street on the corner of School Lane within Lymington Conservation Area. The building was originally built as a school in 1835, subsequent wing extensions took place in the mid-19th Century with later extensions to the east and west which provide a varied built form. Most of these extensions are fairly simple although the post-1850 room on the south-east corner in New Street has a more interesting gable end with a tri-partite window and decorated bargeboard. Although this is not a statutory listed building it is a building of local historic interest and a local landmark in the Conservation Area. The area is very mixed in character comprising a mixture of commercial and residential uses with the public conveniences located immediately to the south of the site in New Street.
- 14.2 The proposal is to provide a new entrance facade and increase the width of the opening/entrance to the building to make a feature of the entrance by forming an outside seating area, the erection of a high wall (about 6.5 metres high [7 metres above street level], in the form of a crinkle crankle wall), a further section of brickwork at right angles to the road with the name of the museum attached (also 6.5 metres high), a canopy over the entrance along with other associated works to improve the museum and gallery. The existing porch which was built in the mid-1990's would be removed.
- 14.3 The main issue for consideration in respect of this proposal is the impact of the development on the character and appearance of the Conservation Area and this building of local importance. Other issues include highway and archaeological implications.
- 14.4 In assessing the impact of the proposals on the character and appearance of the Conservation Area it is important to understand the significance of the building and its history and the policy position in assessing such proposals.
- 14.5 In terms of policy, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires "that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of" the conservation area. In relation to conserving and

enhancing the historic environment, paragraph 131 of the National Planning Policy Framework states that "in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Policies in the Core Strategy and the Local Plan Part 2 (CS3 and DM1 respectively) seek to ensure that proposals such as this do not adversely impact on the heritage asset and its significance. In assessing the impact, consideration needs to be given to whether the public benefits of the proposal outweigh any harm caused to the heritage asset. Policies also support the improvement of facilities such as this museum subject to the assessment of the impact on the character and appearance of the Conservation Area. In addition, the Lymington Local Distinctiveness Document identifies this building as being a locally distinctive building with important street frontages to both New Street and School Lane.

14.6 In interpreting this guidance and in the approach taken to the alterations of this building it is clear that there is a substantial difference between the views of different conservation advisors. A former conservation advisor to the District Council, who has now left the authority, was supportive of the scheme when she worked here. She has written in a private capacity to support the current application. The applicants have also commissioned another conservation advisor who has also written a report in support of the scheme. Against this, the current conservation advisor to the District Council is strongly opposed to the proposed scheme and has set out clearly in his report why he thinks it should be refused. A balanced decision on this case requires a careful consideration of the merits of the two different points of view. Ultimately this report supports the advice of our current conservation advisor but the alternative position is equally sustainable and therefore a balanced judgement from Councillors is required.

14.7 The context of the street in this part of the conservation area is for buildings to strongly define it spatially. The character moves from strong enclosure at the back edge of the pavement near the High Street to a more varied enclosure near to the St Barbe Museum. While there is a little more variety here, a recurring feature of the street is the large gable frontages of various buildings that face the street. Furthermore, one of the defining features of this former school building is again its strong gable profiles which face both key street frontages to the north (School Lane) and the east (New Street). The articulation of these gables with windows is also an important contextual feature with both doors and frontages actively engaging with the street. The building dates from 1835 with a number of additions through the 19th century, but resulting in an important contribution to the conservation area and street corner. Materials and details consist of rich orange/red brick construction with a variety of gables, well-proportioned windows and steep overhanging eaves with slate roof. The significance of the building is clear in its contribution and connection to the street scene and the wider context. It

is historically important to urban and social development of Lymington and a local landmark within the conservation area. The materials, gabled form and associated 19th century details of the structure are an intrinsic part of that significance.

- 14.8 As stated above the proposal seeks to create a new entrance, new forecourt and several alterations on the eastern elevation facing New street. It is recognised that the more recent gable entrance lobby onto New Street is somewhat dated and does not present a welcome focal space to the museum. The proposal seeks to remove a number of features on this elevation from the street scene. This would be achieved with the use of a large screen wall positioned in front of the Museum and the removal of large areas of the east elevation fabric to provide glazed entrances. While bold in its impact the rationale for using what is a boundary garden wall feature like the crinkle-crankle and applying it in a somewhat over scaled version along the main frontage of the building is unclear. The proposed wall would screen this elegant building along with key features and details. The wall would obscure the roof line of the two gables on this elevation at either end and would be visible in views along School Lane. It appears that the design rationale does not respond to the proportions and character of the street and the building. The proposed interventions relate mainly to new circulation space and improvements to access and much of this could be created without many of the damaging alterations to the existing building. It is considered that the changes proposed lack clear justification for the proposals submitted.
- 14.9 The proposal would result in the new opening in the existing building, behind the proposed wall, cutting across the existing window openings and the two historic elevations on this frontage. This removes large areas of the historic fabric of this elevation and associated historic window features and details. A further concern is that it would not sit well with the existing architectural form and this may be why the large screen wall has been applied to mask or hide this intervention.
- 14.10 The proposed large signage fin appears to involve the rebuilding of an element of the former school wall. This wall is a robust feature within the street scene and it is more likely that this section of wall would need to be rebuilt creating an issue of matching the new and the old and potentially causing an unsightly scar in the wall.
- 14.11 The improved disabled access is supported but it is rather unfortunate that it is being sent around the back of the screen wall. Integrating this in a more prominent position and without the screen wall would be a much more positive approach to inclusive access.
- 14.12 In terms of archaeological implications, the Archaeologist at Hampshire County Council has commented that due to the small scale of likely ground works no objection is raised.
- 14.13 The Highway Engineer has been consulted about the proposals and has raised no objection.
- 14.14 In coming to this conclusion there is no doubt the proposal changes would result in a dramatic change to the appearance of the site. On balance having considered the mixed views received from the community and the differing views of the Conservation Officers it is felt that permission should be refused.

14.15 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that 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:

The proposed alterations would result in an adverse impact on the significance of the historic street frontage and also cause irreparable loss and damage to this locally important building through the screening of the existing facade and the damage caused by the insertion of new glazing elements. As a result the proposal would not respond positively to the character of this heritage asset or the Lymington Conservation Area/ The development would therefore fail to comply with Policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park, Policy DM1 of the Local Plan Part 2, the Lymington Local Distinctiveness Document and the National Planning Policy Framework.

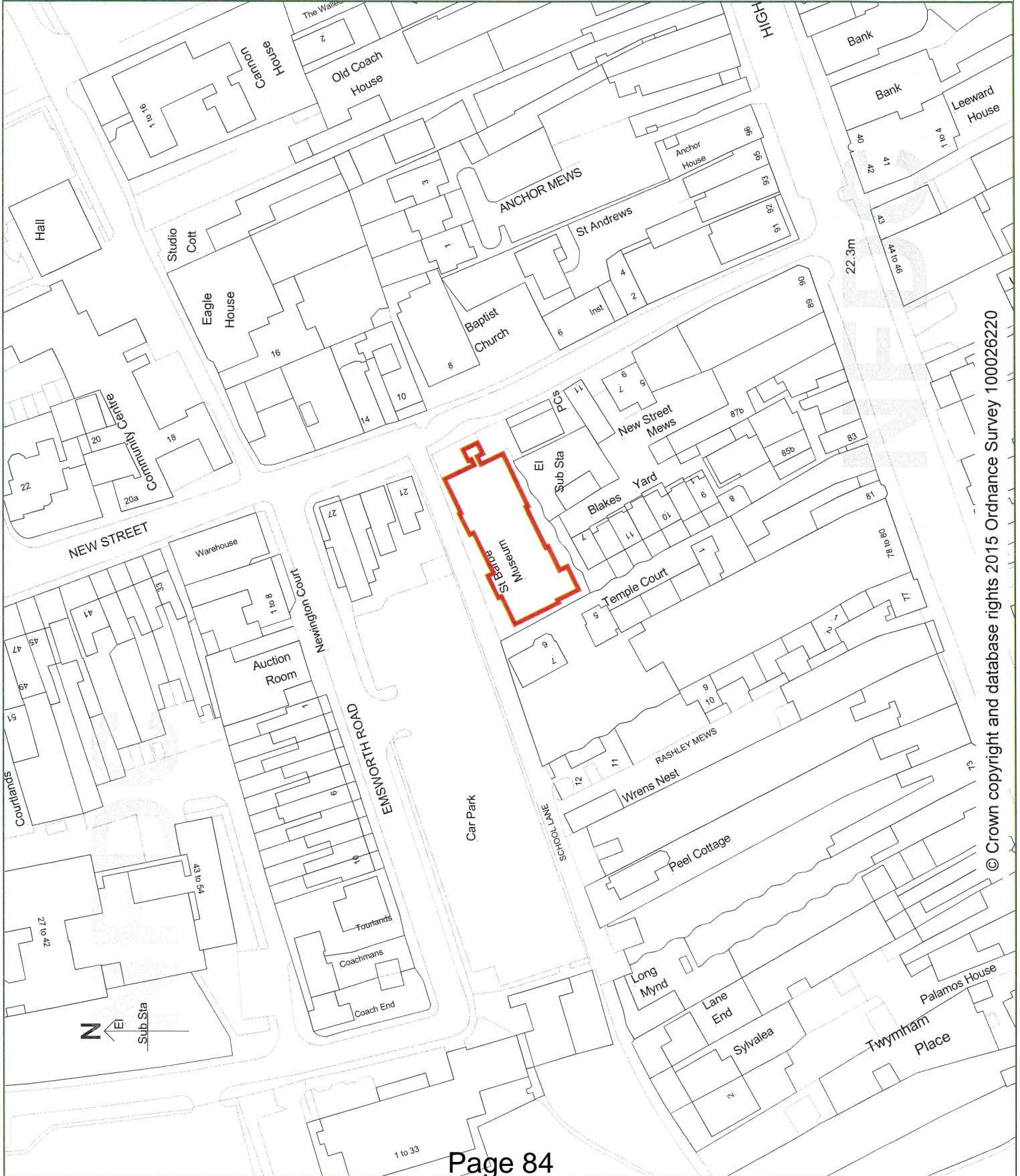
Notes for inclusion on certificate:

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In this case pre-application advice was sought and initially support was given for the scheme by a former conservation advisor to the Council. Subsequent discussions took place with two subsequent conservation advisors to the Council who raised concerns about the scheme as set out in the assessment. The applicants have been made aware of these concerns and suggestions were made about possible revisions to the proposals as originally envisaged and as a result there is little potential to negotiate.

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)



Application Number: 15/10339 Full Planning Permission

Site: DENELEA, 9 DUNCAN ROAD, ASHLEY, NEW MILTON BH25
5AW

Development: Dormers in association with new first floor; roof lights; fenestration alterations; use of garage as ancillary accommodation

Applicant: Mr & Mrs Seaward

Target Date: 02/06/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Historic Land Use
Plan 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
- CS5: Safe and healthy communities

Local Plan Part 2 Sites and Development Management Development Plan Document

DM5: Contaminated land

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

New Milton Local Distinctiveness

6 RELEVANT PLANNING HISTORY

82/NFDC/21286 Erection of 2 bungalows with integral garages.
19/03/1982 Granted, subject to conditions.

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council – PAR4: Object. The front dormers would be out of character with the immediate vicinity.

8 COUNCILLOR COMMENTS

None received.

9 CONSULTEE COMMENTS

Environmental Health: -No concerns with this application regarding land contamination.

Land Drainage – No comment

10 REPRESENTATIONS RECEIVED

None received

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments. Based on the information provided at the time of this report this development is not CIL liable.

13 WORKING WITH THE APPLICANT/AGENT

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- 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 acceptable as submitted and no specific further actions were required.

14 ASSESSMENT

- 14.1 The site is within an existing residential area in Ashley, New Milton. Duncan Road is a small lane off Ashley Common Road, characterised by generally bungalow style development, some of which have been subject to roof alterations and extensions. The property is on the southern side of the road and is one of a pair of bungalows orientated parallel to the road. It is externally clad in brick under a concrete tile roof and has an existing driveway and parking area at the front of the property with an integral garage. Neighbouring premises include the bungalow to the west and other premises to the south, along Ashley Meads and east, along Denmead. Separation from neighbouring sites is provided by timber fencing and hedgerow with some trees on the neighbouring side to the east. A wall and hedgerow providing some immediate screening from the lane.
- 14.2 The proposed dormer additions to the roof of the property would be of a proportionate size and modest form, and in their arrangement they would provide a balanced appearance to the property's frontage. It is appreciated that other properties in Duncan Road do not have dormer additions, however there are other examples of dormer additions in the vicinity and such alterations would not be inconsistent with the wider street scene in such a residential area. Alterations at ground floor level would be in keeping with the character of the existing property and would have limited impact on its overall appearance. As such it is considered that the impacts on visual amenity would be acceptable. This proposal would see the loss of the existing garage however it is noted that sufficient parking space would remain on site.
- 14.3 Due to the relative orientation and separation from neighbouring premises it is considered that new ground and first floor dormer windows would not result in any significant adverse impacts as a result of loss of privacy to neighbouring occupiers. It is noted that a significant distance of separation exists from premises on the opposite side of the road. Given the closer relationship with neighbouring premises to the rear of the site, the proposed new and retained rear elevation roof lights, with the intensification of use of this attic area, would likely result in a significant impact in terms of increased overlooking. It is noted that, at present, the existing roof light serves a storage area as opposed to habitable accommodation. As such it is considered appropriate to ensure that these windows are maintained with obscured glass and that, given the intensification of use of this upper floor area as habitable accommodation, permitted development rights for any new window openings are removed.

- 14.4 Given the nature of the proposals these would not result in any significant increase in overshadowing of neighbouring sites, and as such would not result in any significant adverse impacts as a result of loss of light to neighbouring occupiers.
- 14.5 The Council's records show that the site may have had past contaminative uses and as such the Environmental Health Officer has been consulted. They have no concerns with this application regarding land contamination and as such it is considered that this is not a constraint to development in this instance.
- 14.6 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: Location Plan; 01/02/15-4; 01/02/15-3; 01/02/15-2; 01/02/15-1.

Reason: To ensure satisfactory provision of the development.

3. The first floor roof light windows on the rear elevation of the approved development 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 Local Plan for the New Forest District outside the National Park (Core Strategy).

4. No other upper floor windows or rooflights other than those hereby approved shall be inserted into the rear elevation roof slope of the dwelling unless express planning permission has first been granted.

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

Notes for inclusion on certificate:

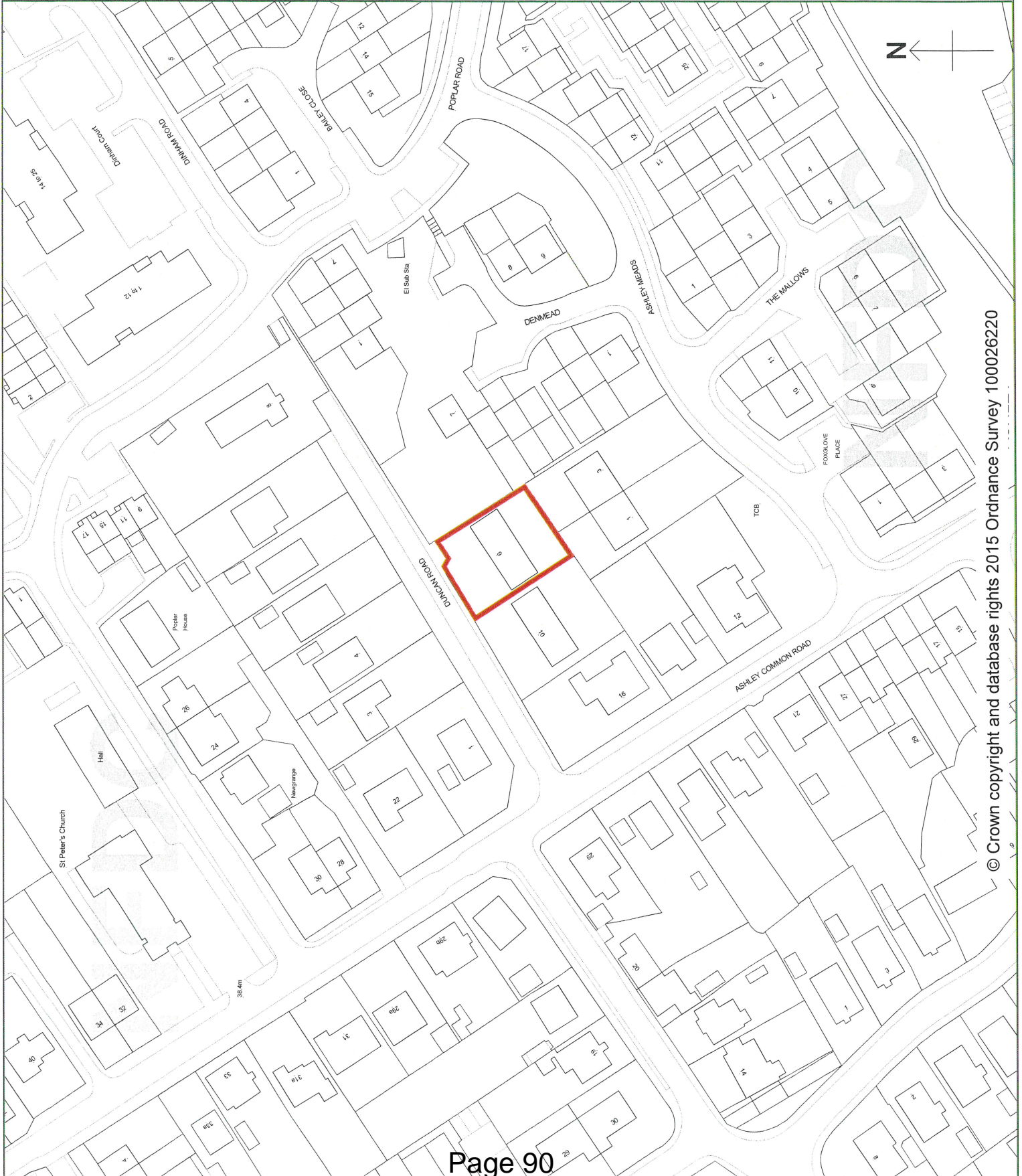
1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising 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 acceptable as submitted no specific further actions were required.

Further Information:

Householder Team

Telephone: 023 8028 5345 (Option 1)



Application Number: 15/10348 Full Planning Permission

Site: 19 DANIELLS WALK, LYMINGTON SO41 3PP

Development: Retention and alteration of approved landscaping details; raise ground level; front fence

Applicant: Mrs Hemsley-Gills

Target Date: 08/05/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Town Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

CS1: Sustainable development principles

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework
Achieving Sustainable Development
NPPF Ch. 7 - Requiring good design
Section 197 Trees
Town and Country Planning Act 1990

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Lymington Local Distinctiveness

6 RELEVANT PLANNING HISTORY

14/10059 - two-storey dwelling (demolition of existing) . Granted 3.4.14

7 PARISH / TOWN COUNCIL COMMENTS

Lymington and Pennington Town Council - recommend refusal - concern over drainage issues and support neighbour objections

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

Drainage - no comment

10 REPRESENTATIONS RECEIVED

10.1 Objections have been received from three local residents. Their concerns are as follows:

- the boundary used to be a stream and water puddles there
- the levels have increased more than they state
- fence should be provided at the lower level with the hedge no more than 1m above the top
- holm oak and eucalyptus should be removed
- there could be increased run off
- the protected tree should take priority over revised landscaping
- submitted plan is now out of date as additional planting has occurred

10.2 Support has been received from two local residents commenting on how the landscaping is instantly mature and that it is possible to have adequate privacy with houses behind.

10.3 A letter of support has been submitted on behalf of the Applicant stating that the drains and soakaways have been installed in accordance with Planning and Building Regulation requirements, the rear boundary is within the neighbours ownership (not the applicant), restricting the height of the hedge would not be enforceable and the Applicant does not wish to remove the oak tree (as suggested by a neighbour). It is also stated that the Applicant is simply seeking privacy through landscaping which is generally accepted as the most suitable and sympathetic way of achieving privacy.

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 35 of Town and Country Planning (Development Management Procedure) (England) Order 2015, 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 submitted scheme did not include all the planting which has been provided on site and additional planting has since taken place. Following a concern from the Arboriculturist, an amendment to the planting has been requested and the plan corrected.

14 ASSESSMENT

- 14.1 The site lies within the built up area of Lymington in a residential area. Permission was granted last year for the replacement of the previous dwelling and works are now nearing completion. During the course of the works, there have been changes made to the levels in the back garden area and the proposal is to ameliorate this situation as well as to agree a revised landscaping scheme.
- 14.2 To the rear of the property are a large statutorily protected oak, an ash and there was previously a small cherry tree. The previously agreed landscaping included replacements for the ash and cherry following excavation works which impacted upon the roots of these trees. Although the cherry has now been removed, the ash is still in situ and, to the untrained eye, does not appear to be suffering through this damage although it is likely that its demise will occur eventually. The rear boundary is relatively low level (approximately 1.2m high) and belongs to the neighbour. The approved landscaping indicated a 2m high replacement for this fence with a 3m high hedge inside the site, although it is understood that there was some confusion as to who owned what at the time of its submission and this proposal was never likely to occur.
- 14.3 The application has been supported with drawings showing previous and existing levels. Locally, there is some confusion with these figures as they show limited increases in the levels, although this is likely to be due to excavation works undertaken in order to provide the retaining wall

which, in places, is almost 1m high rather than the 310mm stated on the plan. The hedge has been provided on top of this retaining wall and much of it is already at a height of 3m.

- 14.4 In addition to this hedge, the garden includes much low level planting as well as larger shrubs and trees, the latter having been located specifically to minimise the potential for overlooking from various windows in the new property to the house at the rear which has a conservatory and accommodation in the roof. Once these trees and hedge have matured, both the site and dwelling to the rear would have reasonably secluded gardens.
- 14.5 In view of the lower level of properties in Gold Mead Close to the rear, drainage is of concern. However, the approval for the new house included a condition relating to the drainage of the site and this has been implemented as agreed by Drainage. It is also understood that additional French drains have been provided within the rear garden area to help minimise the impact of the proposal on gardens to the rear.
- 14.6 The proposal as implemented so far provides a substantial screen between the site and properties to the east and this will mature in the future and is considered appropriate in this context.
- 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. 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 Local Plan for New Forest District outside the National Park (Core Strategy).

3. The development permitted shall be carried out in accordance with the following approved plans: 2014-32-01 revA, 8362/100A.

Reason: To ensure satisfactory provision of the development.

Notes for inclusion on certificate:

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, 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 submitted scheme did not include all the planting which has been provided on site and additional planting has since taken place. Following a concern from the Arboriculturist, an amendment to the planting was requested and the plan corrected.

Further Information:

Householder Team
Telephone: 023 8028 5345 (Option 1)



Application Number: 15/10350 Full Planning Permission

Site: 44 WEST PARK LANE, DAMERHAM SP6 3HB

Development: Two-storey side extension; single-storey front extension

Applicant: Mr & Mrs Eyres

Target Date: 25/05/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Parish Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

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

CS1: Sustainable development principles
CS2: Design quality
CS10: The spatial strategy

Local Plan Part 2 Sites and Development Management Development Plan Document

DM20: Residential development in the countryside

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

None relevant

6 RELEVANT PLANNING HISTORY

05/83788 Two-storey side extension 21/03/2015 Refused

7 PARISH / TOWN COUNCIL COMMENTS

Damerham Parish Council - PAR 3 : Recommend approval. The Parish Council agrees that this application fails the DM20 Policy, but the dwelling at No.42 has had a similar extension in 2000, therefore the two blocks of properties 41 and 42, 43 and 44 will look similar from the street scene. This is a family home that are looking to stay in the village, this application is to allow this. The Parish Council supports applications within reason that allow family resident to remain in the village as this allows for a better age spread of its population.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

Land Drainage - No comment

Ministry of Defence - No safeguarding objections

10 REPRESENTATIONS RECEIVED

Further comment received from the applicants making reference to;

- Previous extensions permitted at No.40
- Relationship with neighbouring premises
- Visual impacts on the street scene
-

Nine representations have been received from neighbouring residents in support of the application, noting that the proposal would:

- Be similar to other alterations made along West Park Lane
- Offer improvement to the village housing stock
- Enable the family to remain in the village.

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11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments. Based on the information provided at the time of this report this development is not CIL liable.

13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, 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 applicants did not submit a pre-application enquiry and concerns raised were made publically available in the case officer's initial briefing. Changes to address concerns raised could not be dealt with under the scope of this current application submission and as the applicants have not requested the withdrawal of the application, it is being determined on the basis of the plans submitted.

14 ASSESSMENT

- 14.1 This is a semi-detached property located in the village of Damerham. The site is in the countryside, outside of the built up area and within the Area of Outstanding Natural Beauty. It is one of a row of properties of related design dating from the mid C20 which provide character and identity to the street scene. The property is externally clad in brick under a tile roof and has been previously extended with a conservatory on the rear elevation.
- 14.2 The site is in the countryside, whereby 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. A dwelling may be permitted to exceed this limit, provided the increase in floorspace will not result in a dwelling in excess of 100m². In this case the existing floor area is 71.41m² and a 30% increase would allow a total of 92.83m² as such an increase above 30% may be permissible. However, the proposed additions including the existing conservatory addition, would see a total floor area of 126.53m², 26.53m² above the 100m² limit set under Policy DM20 for smaller dwellings. In total, additions to the property would constitute approximately a 77% increase in the floor area over that of the existing dwelling, which would represent a significant increase in its size. On this basis the proposal would fail to meet the requirements under Policy DM20.

- 14.3 It is noted that policy DM20 allows flexibility in the case of conservatory extensions provided they meet with the policy design criteria and are acceptable in their visual impacts. As such, if it were the case that the floor area of the conservatory alone was accountable for the extra floorspace over the prescribed limit, then this could be addressed by condition. This would enable the development to be acceptable by ensuring that the conservatory remains as such and by the removal of future permitted development rights for any subsequent extensions. However the floorspace of conservatory alone is 9.92 m² and the proposal would remain a further 16.61m² over the maximum floorspace limit.
- 14.4 In response to the applicant's further comments on the floor space, it is noted that a similar proposal on this site was refused in 2005 under App 05/83788 for reasons of its excessive increase in floor area under the prevailing policies at that time. Extensions to neighbouring properties have been reviewed by the case officer, including those at No.40. It is noted that a similar extension was permitted under App 00/68179 however in that case the extension was narrower and there were no existing extensions to consider, which gave a total proposed floor area of 100.08m², within the limits of the prevailing policy at that time. Furthermore the latter conservatory extension under 06/87153 met with the exception which was allowed for conservatory additions under the prevailing policy at that time.
- 14.5 In visual terms the proposed extension would unbalance this pair where the established sense of symmetry and the gaps between pairs of related properties in this row provide character to the street scene. This being said, previously approved alterations at neighbouring properties, in particular No.40 under App 00/68179, have seen similar albeit smaller alterations and as such this proposal would not be out of keeping with the street scene. The Parish Council comments and further comments from the applicant are noted in this respect. As such, on balance this would not result in harm to visual amenity and the street scene. Given the residential context of the site, this proposal would not result in any harm to the wider landscape character within the Area of Outstanding Natural Beauty.
- 14.6 The proposed extension would be close to the boundary with the neighbouring property to the north, where it is noted there are opposing window openings. As a result of the proximity, scale and relative orientation there are concerns that this proposal would result in a visually overbearing impact and also result in a loss of light. However the extension would remain set back from the boundary and have a staggered relationship in relative positioning. Considering this relationship and that it is understood these opposing windows do not serve principle habitable rooms, this would not, on balance, result in such loss of light that would result in significant adverse impacts and warrant refusal on these grounds.
- 14.7 On the basis of the above although this proposal would be acceptable in its impacts on visual amenity and the living conditions of neighbouring occupiers, the proposed significant enlargement of the dwelling in this rural location would be contrary to the objectives of the adopted local plan. Comments from the Parish Council regarding the aspirations of the current owners to extend so that they can remain in the village are

appreciated, however, as in the case of No.40 it should be possible to extend the property and provide this accommodation while meeting with the objectives of the adopted local plan.

- 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. 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.

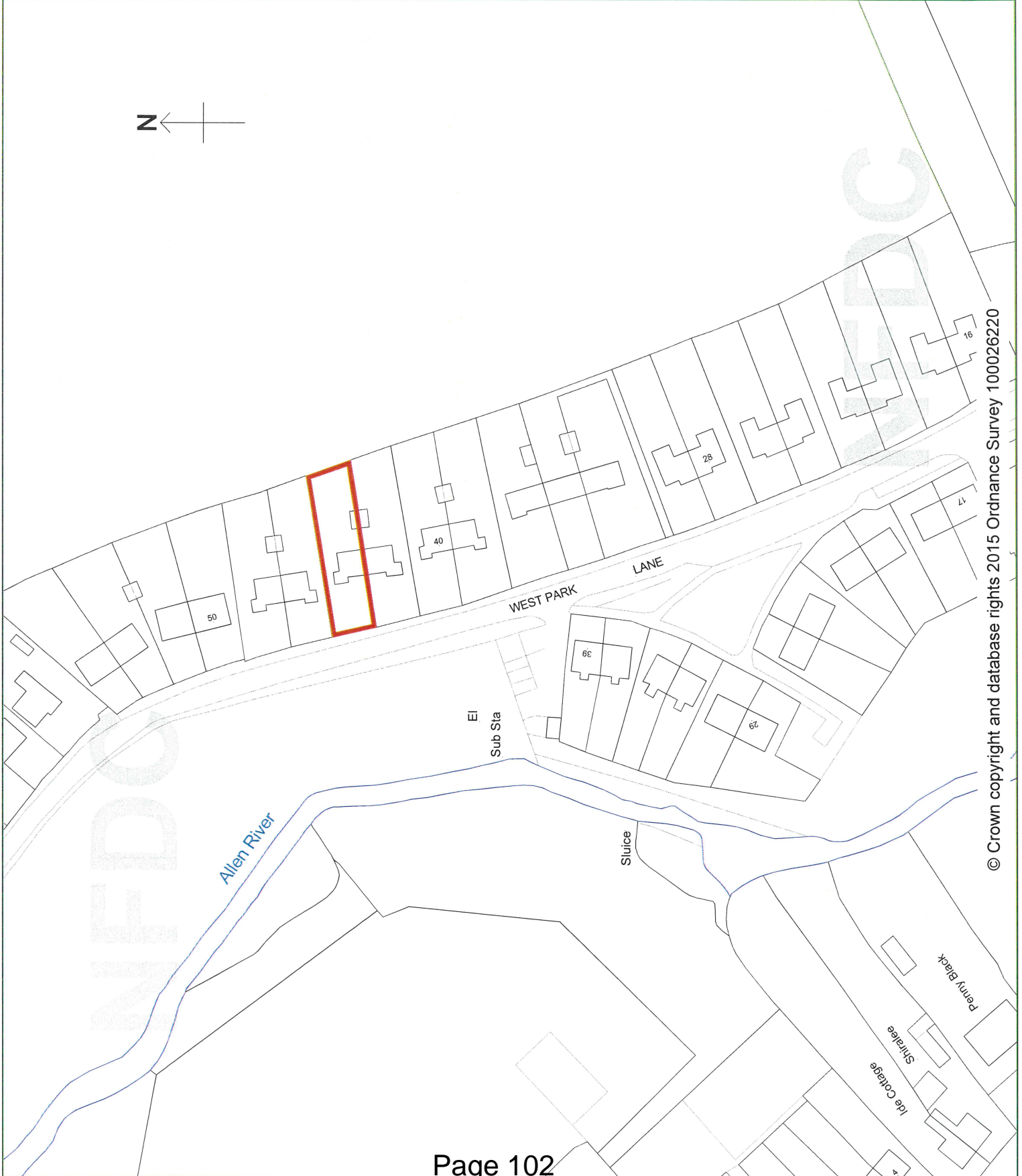
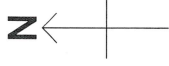
Notes for inclusion on certificate:

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In this case the applicants did not submit a pre-application enquiry and concerns raised were made publically available in the case officer's initial briefing. Changes to address concerns raised could not be dealt with under the scope of this current application submission and as the applicants did not request the withdrawal of the application, it was determined on the basis of the plans submitted.

Further Information:

Householder Team
Telephone: 023 8028 5345 (Option 1)



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Application Number: 15/10367 Full Planning Permission

Site: Land rear of 46 WHITSBURY ROAD, FORDINGBRIDGE SP6 1LA

Development: single storey dwelling; access

Applicant: Mr & Mrs Hardy

Target Date: 25/05/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council View and 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
6. Towns, villages and built environment quality
8. Biodiversity and landscape

Policies

- CS2: Design quality
- CS10: The spatial strategy
- CS15: Affordable housing contribution requirements from developments
- CS24: Transport considerations
- CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

DM3: Mitigation of impacts on European nature conservation sites

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

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

6 RELEVANT PLANNING HISTORY

6.1 House, access (10122) Withdrawn on the 16th March 2015

6.1 1 pair of semi-detached houses (95418) Withdrawn on the 12th July 2010

7 PARISH / TOWN COUNCIL COMMENTS

Fordingbridge Town Council: Recommend permission. The Town Council recommend that the application be supported as it is a good use of a redundant site and the replacement of the various outbuildings on the site with a modern dwelling with eco-friendly design would enhance the area.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

9.1 Hampshire County Council Highway Engineer: no objection subject to conditions

9.2 Land Drainage Engineer: No objection subject to condition

9.3 Councils Valuer: The viability appraisal is acceptable

9.4 Ecologist: No objection subject to condition

10 REPRESENTATIONS RECEIVED

1 letter of objection concerned that the proposed development is incongruous and out of character and would be an inappropriate use of a residential garden and open space. The proposal would result in the loss of amenity. Concerns over the design of the building, provision of parking, noise and pollution.

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.

From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments. Based on the information provided at the time of this report this development has a CIL liability of £7,558.40.

13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, 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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- 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 informed that the application is to be considered by the Planning Development Control Committee with a recommendation for refusal. Pre application advice was given that there are in principle objections to a new dwelling on the site and that revised or amended plans would be unlikely to address the concerns.

14 ASSESSMENT

- 14.1 The site forms part of the rear garden area of the residential property at 46 Whitsbury Road in Fordingbridge. The site is irregular in shape and partly wraps around the garden to No.44 Whitsbury Road and extends up to the edge of a car parking courtyard accessed from Queens Gardens. The site is mainly laid to lawn with some small outbuildings and polytunnels and some scattered trees enclosed by boundary fencing and hedgerows. There is an existing access to the end of the rear garden from Queens Gardens which provides a single car parking space. The existing property at No.46 also has car parking spaces accessed from Whitsbury Road. Apart from the boundary to the private car parking courtyard, the site is bounded on all sides by existing residential gardens.
- 14.2 The proposal is to construct a detached single storey dwelling on land that currently forms part of the rear garden to No.46 Whitsbury Road. The proposed dwelling would be sited at the far end of the rear garden positioned so that the dwelling would front onto the existing car parking courtyard in Queens Gardens. The existing garden would be divided with the existing dwelling at No 46 and the proposed dwelling having similar sized rear garden areas. The existing access would be used to serve the

proposed dwelling and there would be space for two cars. The proposed dwelling would be behind the existing 1.6 metre high brick wall which fronts the parking courtyard.

- 14.3 Visually, the proposed building would be of a contemporary and innovative design with a steep sloping pitched roof and single storey flat roof elements constructed from timber cladding under a sedum roof. When viewed from the courtyard the proposed dwelling would rise to approximately 5.6 metres high but its height descends steeply to around 3.5 metres. High level windows would be installed on the front elevation of the building to add interest from the courtyard.
- 14.4 The main issues in this case are the effect on the character and appearance of the area, the effect on the living conditions of the adjoining and nearby residents and the effect on public highway safety.
- 14.5 In assessing the effect on the character and appearance of the area, the properties along Whitsbury Road are typically 20th Century semi-detached dwellings fronting onto the road and have long rear garden areas backing onto the modern housing estate in Queens Gardens. For the most part the rear gardens of these properties are open, but there are some small detached outbuildings such as sheds and workshops. These rear garden areas to the dwellings in Whitsbury Road, including the application site, form a large collective garden group and the application site forms part of a wider group, which cumulatively contribute to the character of the area, by virtue of their openness, greenery, and vegetation. There are no other dwellings which have encroached into this space or been developed in the rear garden areas in Whitsbury Road.
- 14.6 In Queens Gardens the character of the area is very different and the context comprises a more modern, high density, development of semi-detached dwellings and terraces with the buildings fronting onto the cul de sac road in a more uniform design and layout. In Alexandra Road, the dwellings have slightly shorter rear garden areas, with outbuildings and garages located to the rear, immediately adjacent to the private car parking area.
- 14.7 In assessing the impact on the character and appearance of the area, it is considered that the introduction of a new dwelling within the rear garden area would be out of context with and harmful to the character of the area. There are currently no dwellings located in the rear garden areas in this location and by introducing a new dwelling this would unacceptably encroach into part of the open rear garden areas and would appear in isolation from the rest of the development. While the design of the dwelling is innovative, with low sloping roofs constructed with timber cladding, there is a the principle of concern about locating a new dwelling that would destroy the pattern of development in the area which is distinguished by large deep rear gardens. The Town Council have commented that replacing the outbuildings with a dwelling would enhance the area, however, it is not considered that this would be sufficient justification to allow a new dwelling having regard to the fact that the outbuildings are typical of this area of back gardens.
- 14.8 The proposed dwelling would also be sited to the rear of a private car parking courtyard which provides parking for the nearby residential

properties in Queens Gardens and access to the rear gardens of the dwellings in Alexandra Road. There are two particular concerns. It is considered that the proposed dwelling would be sited behind a high wall with no windows on the front elevation to provide any outlook from the dwelling or active frontage. It is also considered inappropriate to position a dwelling facing onto a private car parking courtyard and rear access that serves the neighbouring development, which would not create an acceptable frontage, with views onto a stark parking area.

- 14.9 In terms of the plot size of the existing dwelling and proposed dwelling, this is considered to be reasonable and would provide large garden spaces which would not appear cramped or overdeveloped. Both properties would have over 20 metre rear garden areas.
- 14.10 With regard to residential amenity, the proposed dwelling would be sited close to the residential properties at Nos 48 Whitsbury Road and No.3 Queens Gardens. Given that the proposed building would be sited at the far end of No.48's plot, the design of the building with a low profile, and the level of screening provided, it is not considered that the proposal would have any adverse impact on these residents. No windows are proposed on the side elevation facing north and the other proposed ground floor windows would be screened by existing or proposed boundary fencing. The windows on the front elevation facing the courtyard would be high level providing light into the ground floor rooms.
- 14.11 Concerning the impact on the neighbouring property at No 44, the proposed building is located a sufficient distance away not to result in any adverse impact of overlooking, loss of light or outlook. Whilst concerns have been raised that the proposal would result in additional noise and disturbance, the site is currently used as a garden and the proposal would position the garden area in the same location. Accordingly, the proposal would not give rise to an unacceptable increase in noise or disturbance to the neighbouring property at No 44.
- 14.12 In terms of highway safety matters, the existing dwelling at No 46 would retain two car parking spaces and the proposed dwelling would incorporate two spaces which would broadly accord with the recommended car parking standards as set out in the Council's adopted Supplementary Planning Document. Access into the site would be across a private car parking courtyard which links onto Queens Gardens. The Highway Authority have commented that the proposed development would not prejudice public highway safety given that access would be onto a quiet courtyard which currently provides car parking to some of the dwellings in the area.
- 14.13 The proposed development requires contributions towards affordable housing which in this case would be a financial contribution of £24,000. The applicants have made a viability case that should the full contributions be made towards affordable housing this would make the scheme unviable. In response, the Council's Valuer states that if the Affordable Homes contribution is removed from the equation the residential Development Land Value of the site resulting from the proposed development is in approximate equilibrium with the threshold Site Value. Therefore it is concluded that the S106 Affordable Housing Contribution is not viable in this case. This is mainly due to the high costs of development relative to the end value of the proposed dwelling.

- 14.14 The proposed development does require contributions to be made towards maintenance and monitoring for habitat mitigation, which would have to be secured through a Section 106 Agreement. This application has not secured a Section 106 Agreement and accordingly the proposal would fail to comply with policy.
- 14.15 In conclusion, while the proposal is of an innovative design and the plot sizes would be reasonable for the existing and proposed dwellings, the principle of siting a dwelling on land that forms part of a large garden group to the dwellings fronting onto Whitsbury Road would be unacceptable and out of context with and harmful to the character of the area. The proposal would have an acceptable relationship with the adjoining neighbouring properties and it is not anticipated that the proposal would prejudice public highway safety.
- 14.16 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

Developers Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings			
Financial Contribution	£24,000	0	-£24,000
Public Open Space			
On site provision by area			
Financial Contribution			
Transport Infrastructure			
Financial Contribution			
Habitats Mitigation	£550	0	-£550
Financial Contribution			

CIL Contribution Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses	94.48		94.48	£7,558.40

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. By virtue of its size, openness, and greenery, the site positively contributes to the wider character of the area and forms part of the large cumulative area of garden groups and spaces to the rear of the dwellings fronting Whitsbury Road. The proposed dwelling would unacceptably encroach into this area and as such the proposed development would detract from the undeveloped open quality of the locality and be an inappropriate form of development. In addition the proposed dwelling would be sited behind a high brick wall with no active frontage and would result in a building fronting onto a rear service access and private car parking courtyard which would result in an undesirable and poorly planned development. For this reason, the proposal is contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park.
2. The recreational impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area, the New Forest Ramsar site would not be adequately mitigated and the proposed development would therefore be likely to unacceptably increase recreational pressures on these sensitive European nature conservation sites, contrary to Policy DM3 of the New Forest District Local Plan Part 2: Sites and Development Management.

Notes for inclusion on certificate:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, 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 informed that the application is to be considered by the Planning Development Control Committee with a recommendation for refusal. Pre application advice was given that there are in principle objections to a new dwelling on the site and that revised or amended plans would be unlikely to address the concerns.

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)



Application Number: 15/10369 Full Planning Permission

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

Development: Retention of ramp; smoking shelter; shed

Applicant: Cordline Services Ltd

Target Date: 12/05/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Town Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

- CS1: Sustainable development principles
CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - New Milton Local Distinctiveness

6 RELEVANT PLANNING HISTORY

14/11580 - retention of ramp, smoking shelter, shed. Withdrawn 12.2.15

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council - recommend refusal and would not accept a delegated approval. Concerned that Environmental Health conditions would not

be enforced and that the boundary vegetation strips are wholly inadequate to provide replacement screening.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

9.1 Drainage Engineer- no comment

9.2 Environmental Health (Pollution) – no objection subject to an informative note.

10 REPRESENTATIONS RECEIVED

Objections have been received from three local residents raising the following concerns:

- main concerns relate to parking situation
- over development of site
- visual intrusion
- loss of vegetation
- noise
- privacy

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 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council take a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome.

This is achieved by

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

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

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

14 ASSESSMENT

- 14.1 The site lies within the built up area of New Milton in a residential area. It is a care home which has undergone significant extension and refurbishment in recent months. Residents have gradually been moved in over the last few months. The proposal entails the retention of a replacement shed in the rear garden, a new smoking shelter and the retention of the ramped area enabling DDA compliant ground floor doorways. Further to the previously withdrawn application, the ramp is proposed to be reduced in size in order to provide a hedge to the west side of the property (the associated landscaping details are under consideration separately).
- 14.2 Prior to the implementation of application 98928, although the grounds were overgrown due to the property having been vacant for some time, there were three sheds along the boundary with 43 Seaward Avenue (approximately long 13m in total). The principle of the retention of the shed and provision of an additional structure in the corner is therefore not considered to be an issue in terms of visual amenity as the previous sheds took up the majority of this section of the western boundary.
- 14.3 However, the smoking shelter has resulted in concerns being raised by local residents and the Town Council due to its proximity to neighbouring gardens. Additional information received previously stated that the shelter would be for the use of up to 5 residents only between the hours of 7am and 9pm. Environmental Health have considered this and are satisfied that the impact on residential amenity can be controlled through conditions. In considering the proposed location for the shelter, although the applicants have not submitted any supporting information, it should be noted that the shelter would be at least 28m from the front/rear elevation of the nearest dwellings. Further, given the home will be for the care of dementia patients, it is unlikely that a shelter in front of the secure gates, which have been provided either side of the building, would be an acceptable alternative. The location shown would therefore appear to be the most favourable option as elsewhere would be closer to adjoining residential properties.

- 14.4 The retention of the ramp is a slightly less straight forward consideration. Previously, the main building was largely surrounded by tarmac although this did not extend up to the boundary to the west. To the eastern side, although there was some planting/hedgerow, this would have been the drive to the original dwelling, leading to a garage (now demolished). The approved landscaping following the granting of application 98928 indicated the retention and trimming of the mature hedges to the western, eastern and southern boundaries together with additional hedgerow planting to the east where the garage was to be removed. All trees (including three on the western boundary) were to be retained.
- 14.5 Since this landscaping was approved (January 2013), works have been implemented and most of the vegetation has been cleared from the site leaving just two trees to the west, one in the rear garden and no hedges either side of the building. The provision of the ramp has taken up all the available planting space, which has resulted in the site having a particularly harsh impact on the street scene from Channel Court to the west, Woodlands Road to the east and Barton Wood Road itself. Since the previous application was withdrawn, discussions have taken place and although the revised landscaping scheme is currently under consideration as revised details under 98928, it is considered that the removal of 500mm of tarmac adjacent to the western boundary is adequate in order for a reasonable planting scheme to be provided to improve the setting of the building and residential amenity for 10, Channel Court. There is no objection to the principle of each ground floor doorway having a level threshold and, subject to the works being implemented in accordance with the revised landscaping details, it is considered that the solution provided is acceptable.
- 14.6 During the initial implementation of the changes in levels, concerns were expressed locally (Woodlands Road) with regard to potential overlooking from residents on their individual terraces given the increased height of ground levels and limited boundary treatments. However, the site does now benefit from boundary screening which maintains privacy levels.
- 14.7 In conclusion, subject to appropriate conditions relating to the use of the smoking shelter and timing of removing the western section of tarmac, the proposal is considered acceptable.
- 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.

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: SC/OB/07/11/14/02, SC/OB/07/11/14/01 REVA13/03/15.

Reason: To ensure satisfactory provision of the development.
3. The use of the smoking shelter hereby permitted shall be for a maximum of five residents only at any one time and between the hours of 0700h and 2100h only.

Reason: To safeguard the amenities of nearby residential properties in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).
4. The removal of 500mm of tarmac to the western side of the site as shown on the approved plans shall be undertaken within 3 months of the date of this permission.

Reason: In order to enable the provision of a suitable landscaping scheme and in the interests of the visual amenities of the area in accordance with policy CS2 of the New Forest District Council Core Strategy.
5. Following the removal of the 500mm strip of tarmac to the western boundary, the approved landscaping scheme under application 98928 (dated January 2013) or any subsequently approved landscaping scheme shall be fully implemented in the next available planting season.

Reason: In the interests of the visual and residential amenities of the area and in accordance with policy CS2 of the New Forest District Council Core Strategy.

Notes for inclusion on certificate:

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

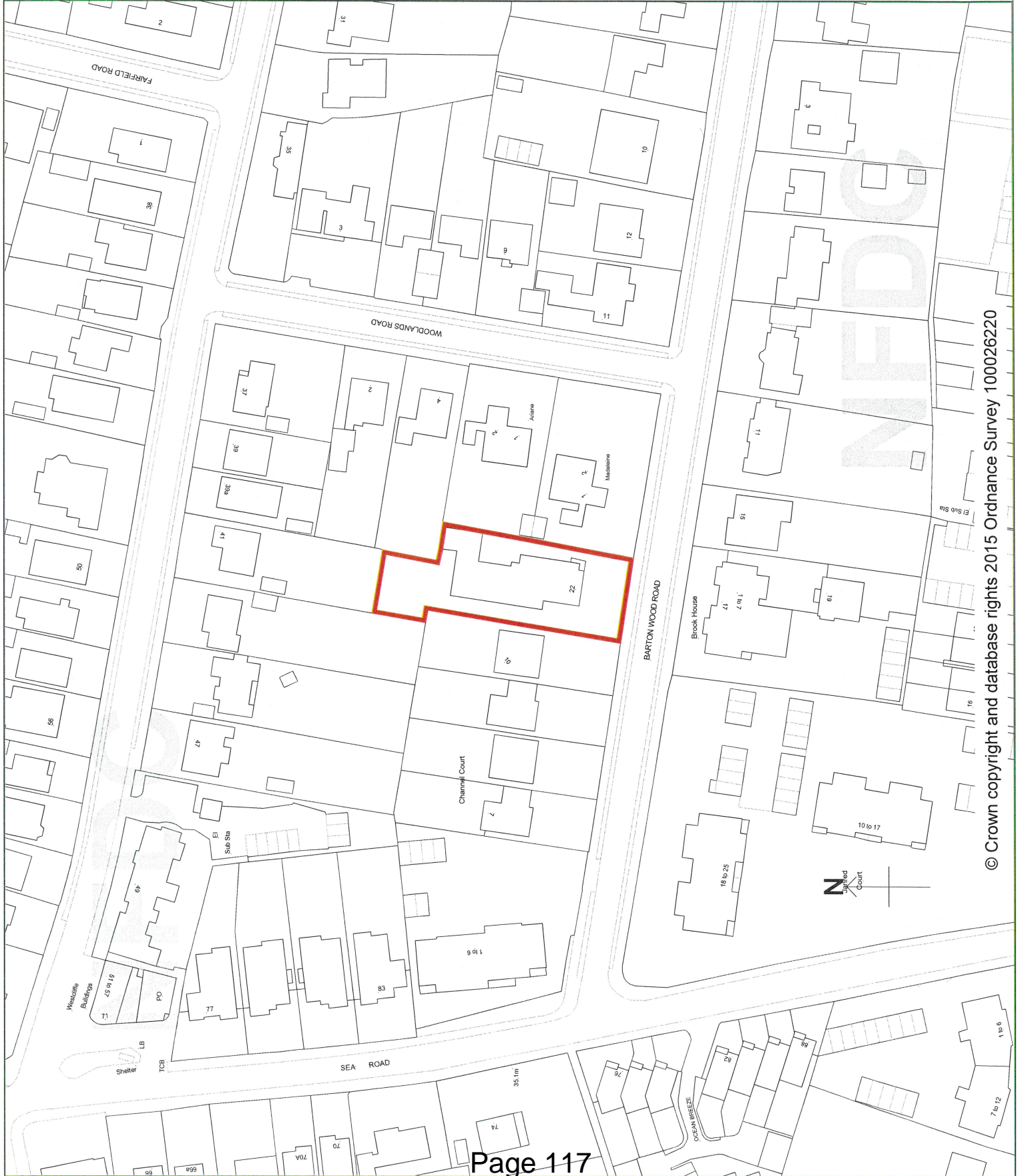
In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

2. It is recommended that the owner of the site ensures that the smoking shelter complies with the relevant requirements within the Health Act 2006 prior to using it for smoking to ensure that it is neither enclosed nor substantially enclosed.

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



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Application Number: 15/10392 Variation / Removal of Condition

Site: Plot G3, AMPRESS LANE, LYMINGTON SO41 8QF

Development: Variation of Condition 6 of Planning Permission 12/98611 to allow occupation achieving a BREEAM 'very good' standard

Applicant: Westfield Properties (Hampshire) Ltd

Target Date: 15/05/2015

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

- 2. Climate change and environmental sustainability
- 4. Economy

Policies

CS4: Energy and resource use

Local Plan Part 2 Sites and Development Management Development Plan Document

LYM07: Ampress Park, Southampton Road

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

1 block of 4 industrial units (Use Classes B1, B2 & B8); bike and bin store; parking; associated external works (12/98611) - granted 14/12/12

7 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council:- Recommend refusal - agreement to this reduction in standard would set a dangerous precedent

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

9.1 Environment Agency:- No comment

9.2 Natural England:- No comment

9.3 Land Drainage:- No comment

9.4 Environmental Health (contaminated land):- No concerns

9.5 Policy:- In this instance, so long as the structural elements of the building can meet the 'excellent' BREEAM standard, then this would be a satisfactory interpretation of policy. Given that the BREEAM policy was adopted back in 2009 we would normally expect new proposals to have factored this into the specifications for new development.

10 REPRESENTATIONS RECEIVED

1 letter of support from neighbouring business unit: - although not wishing to see a precedent set, considers that the developer should be supported in completing the project to the best possible standard within practicable and viable limits of expectation.

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 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council take a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome.

This is achieved by

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

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

In this case, additional information has been sought from the applicant since the application was registered, and as all the above apply and as the application was otherwise acceptable as submitted, no specific further actions were required.

14 ASSESSMENT

14.1 The application site, which measures 0.29 hectares, is situated on the eastern edge of the Ampress Business Park. In April 2012, Planning permission was granted at this site for a block of 4 industrial units and associated external works. The approved development is now nearing completion. The industrial units have been built and the associated external works are being finished off. The site's surroundings have a mixed character. To the south side of the site is the Lymington Hospital, which is set within its own fairly generous spatial setting. To the west side of the site are other industrial units. The land to the north side of the site (Plot G2) is used for hospital parking while to the east of the site is an area of mature riverside woodland, which is outside of the built-up area and within the New Forest National Park. This adjacent land to the east forms part of a Site of Special Scientific Interest (SSSI) and a Special Protection Area (SPA). There is also a public footpath just outside the site, which runs adjacent to the site's eastern boundary.

14.2 The 2012 planning permission was subject to a number of conditions. Condition 6 states that:-

"The building hereby approved shall achieve a BREEAM 'excellent' standard. The building shall not be occupied until a final BREEAM certificate has been submitted to and approved in writing by the Local Planning Authority certifying that the building has achieved a BREEAM 'excellent' standard.

The stated reason for the condition was:-

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

14.3 The application that has now been submitted seeks to vary the aforementioned condition. Instead of complying with the BREEAM 'excellent' standard the application proposes that the development complies only with the lesser BREEAM 'very good' standard.

- 14.4 To support their proposal, the applicants have set out why they are unable to achieve a BREEAM 'excellent' standard. Current market conditions mean that the applicant is offering the building as a 'shell and core' development. Due to the nature of the assessment regime, the applicant has suggested that it is unviable to achieve a 'BREEAM 'excellent' standard, although they are able to achieve a reasonably high score within the 'very good' bracket of the BREEAM standards. A report suggests that the developer has incorporated all possible sustainability and energy efficiency measures across the whole build. This includes the provision of a 60 kW Photo Voltaic system and the incorporation of the most energy efficient pre-insulated panel system currently available on the market. Accordingly, the development scores very highly in a number of areas, but because of the Shell and Core build and because site specific credits like transport connections cannot be achieved on account of the location of the site, a requirement to achieve "Excellent" is felt to be unachievable as this would have a negative impact on the viability of the development. The applicants also feel that if the condition is not varied, the building is likely to remain empty, which would be detrimental to the Council's economic goals. The applicants have also pointed out that the as-built building is less than 1000 square metres and is therefore below the policy threshold where BREEAM would apply. The approved building had a gross internal floorspace of 1008 square metres. However, it is understood that a small mezzanine floor area shown on the original plans has not been built, in which case the building would indeed fall below the 1000 square metres where BREEAM applies.
- 14.5 Had the Local Planning Authority approved a building of less than 1000 square metres, a BREEAM condition would not have been imposed. The as-built building is apparently less than 1000 square metres due to the exclusion of a mezzanine area, in which case the building in its current condition should not be subject to a BREEAM condition. This is an important consideration, but it is also relevant to note that the missing mezzanine floor could potentially still be created at some point in the future. Therefore, it is not felt the BREEAM condition can be waived completely. However, given the clear difficulties in achieving an 'excellent' rating in this particular instance, and the obvious efforts the applicants have made to ensure the building is energy efficient, it is felt that there would be a reasonable justification to accept occupation of the building on the basis that it meets a BREEAM 'very good' rating rather than a BREEAM 'excellent' rating, taking into account the particular economic and viability considerations that have been put forward by the applicants.
- 14.6 Overall, the proposed development would not be wholly consistent with the Council's Core Strategy objectives. However, balancing sustainability objectives against economic objectives, it is felt that there is a reasonable justification to vary the condition in line with what the applicants have requested, taking into account the specific circumstances that apply in this case.
- 14.7 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed.

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

15. RECOMMENDATION

GRANT the VARIATION of CONDITION

Proposed Conditions:

1. The building hereby approved shall achieve a BREEAM 'very good' standard. The building shall not be occupied until a final BREEAM certificate has been submitted to and approved in writing by the Local Planning Authority certifying that the building has achieved a BREEAM 'very good' standard.

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

2. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA), produced by Gyoury Self Consulting Engineers, project ref. F15762 and dated 23/03/2012 and the following mitigation measures detailed within the Flood Risk Assessment:-

- a) Compensatory Flood Storage shall be provided at Plot G1 Ampress as set out within Section 5 of the FRA, on a level for level and volume for volume basis to compensate for any loss of storage volume at Plot G3.
- b) The Finished floor levels of the approved building shall be set no lower than 3.3 metres above Ordnance Datum (AOD).

These mitigation measures shall be fully implemented prior to the first occupation of the approved development unless an alternative timescale for implementing the mitigation measures is otherwise agreed in writing with the Local Planning Authority.

Reason: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided and to reduce the risk of flooding to the proposed development and future occupants and to comply with Policy CS6 of the Core Strategy for New Forest District outside the National Park.

3. The development hereby permitted shall not be occupied until the approved arrangements for the parking of vehicles (cars, motor-cycles and cycles) on site have been implemented. These approved 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, to promote sustainable modes of travel and to comply with Policies CS2 and CS24 of the Core Strategy for New Forest District outside the National Park.

4. All doors and windows on the south elevation of the approved building shall remain closed at all times except for emergency access and egress.

Reason: To minimise the impact of potential noise on the adjacent hospital and to comply with Policy CS2 of the Core Strategy for New Forest District outside the National Park.

5. No goods, plant, or machinery shall be stored in the open on the site unless details of the precise location and the maximum height of any open storage area has first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of the amenities of the locality and to protect the visual amenities of the adjacent New Forest National Park, in accordance with policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park.

6. 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.

7. The development hereby approved shall be carried out strictly in accordance with the recommendations of the Ecosa Phase 1 Ecological Survey dated April 2012 (Specifically recommendations 4.4.3, 4.5.3, 4.7.3 and 4.8.3) unless otherwise agreed in writing with the Local Planning Authority.

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

8. The surface water drainage arrangements, the foul sewerage disposal arrangements, the bike/bin store details, the tree protection details, the Cellular Confinement details, the landscaping details, and the external lighting details shall be fully in accordance with those details approved under planning permission 12/98611.

Reason: To safeguard the amenities of the area in accordance with policies CS2 and CS6 of the Core Strategy for New Forest District outside of the National Park.

9. The development permitted shall be carried out in accordance with the following approved plans: 019/D101, 019/D102, 019/D103, 019/D104, 019/D105 rev B, 019/D106, 019/D107 rev B, 019/D108 rev C, 019/D109, 019/D110, 403.02 rev A, 403.01 rev B, LP 019 01.

Reason: To ensure satisfactory provision of the development.

Notes for inclusion on certificate:

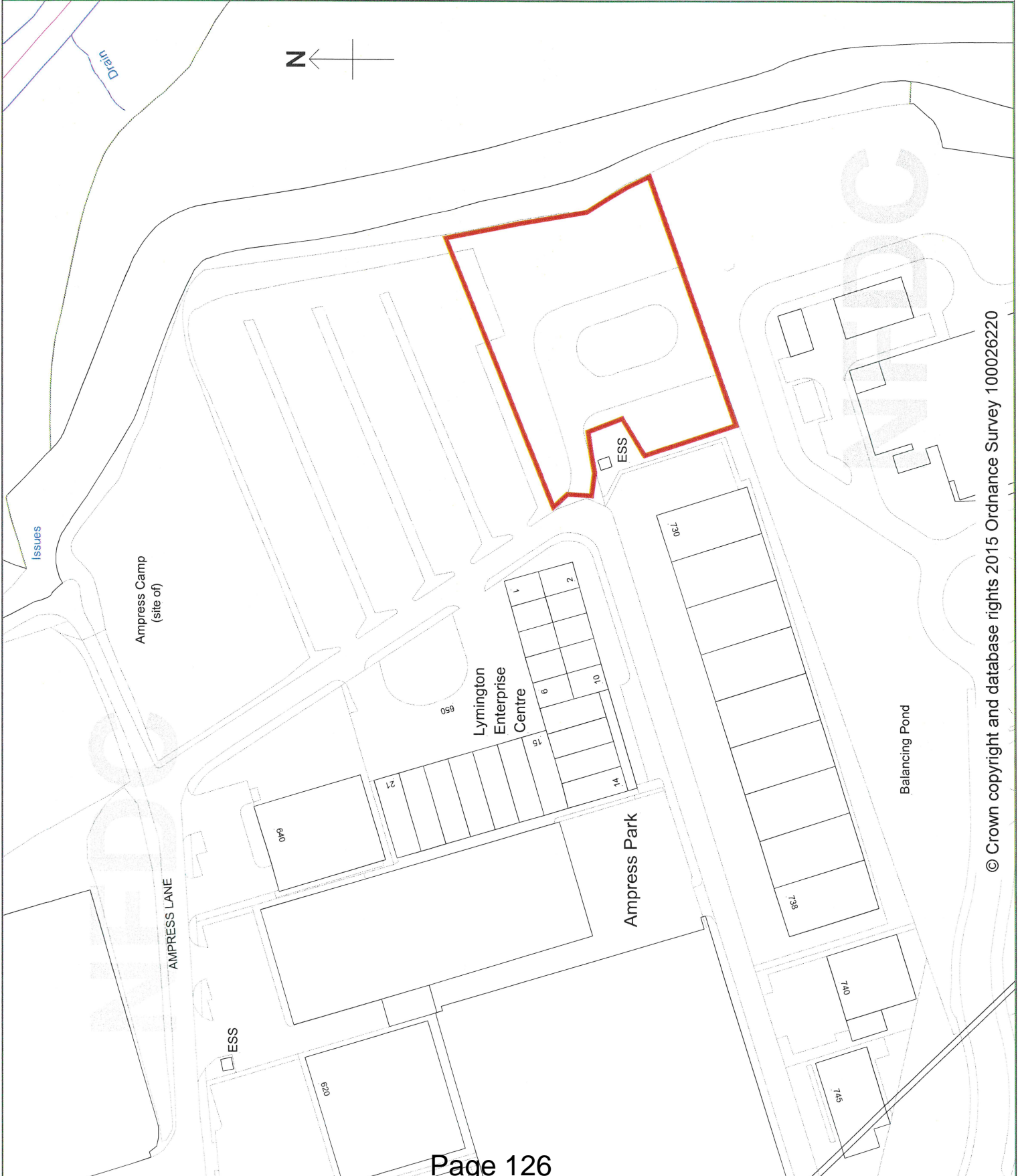
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In this case, additional information has been sought from the applicant since the application was registered, and as the application was otherwise acceptable as submitted no specific further actions were required.

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



Application Number: 15/10397 Full Planning Permission

Site: 4 PINWOOD ROAD, HORDLE SO41 0GP

Development: First floor side & rear extension; front porch

Applicant: Mr & Mrs Ross

Target Date: 15/05/2015

1 REASON FOR COMMITTEE CONSIDERATION

NFDC employee

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

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

Circular 11/95 Use of conditions in planning applications

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Hordle Village Design Statement

6 RELEVANT PLANNING HISTORY

98/64056 First floor addition granted 15/07/1998

7 PARISH / TOWN COUNCIL COMMENTS

Hordle Parish Council: We recommend Permission but would accept the decision reached by the Planning Officers under their delegated powers.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

Drainage: no comment

10 REPRESENTATIONS RECEIVED

None received

11 CRIME & DISORDER IMPLICATIONS

Not applicable

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council take a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome.

This is achieved by

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

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

14 ASSESSMENT

- 14.1 The application site consists of a detached house, situated in an established residential road in the built up area of Hordle. The road is a mixture of detached houses and bungalows, but there is consistency in set back and open frontages.
- 14.2 The existing dwelling has a flat roofed single storey attached garage to the side of the dwelling and this element continues past the rear elevation and wraps around part of the back wall of the house. The proposal is to extend over this element, so the footprint of the dwelling would not be altered. The side extension would have a subservient ridge line to the host dwelling and would be set back from the front wall. The rear extension would consist of a projecting gable with a first floor window. A pitched roof porch is proposed on the front elevation.
- 14.3 The proposed side extension would be appropriate in form and design to the existing dwelling. Although increasing the built form across the plot at first floor level, as it neighbours a bungalow which is set away from the side boundary a degree of spaciousness is retained. It is noted that there are examples of larger houses on the opposite side of the road, and, as the original form of the dwelling is respected, this form of development would not detract from the street scene or be out of character with the immediate area.
- 14.4 The neighbouring property, no 6 Pinewood Road is a detached bungalow set a drive width away from the side boundary with the application site. The proposed extension would bring the bulk of the building closer to this neighbour, but by reason of the orientation of the properties it would not adversely impact upon their amenities. There is an existing first floor window on the side elevation which would be removed, improving the relationship with this neighbour. To the rear of the site is a bungalow which backs onto the application site. There are existing first floor windows on the house which already look towards this bungalow. However, although the additional first floor windows would be slightly closer to the rear boundary, this would not exacerbate the existing potential for overlooking to an unacceptable degree, given the existing back to back distance of over 30m.
- 14.5 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: 241-1-15, 241-2-15, 241-6-15, 241-5-15, 241-7-15, 241-4-15, 241-3-15

Reason: To ensure satisfactory provision of the development.

3. Before the development is commenced, details of the colour of the proposed weatherboard and tile hanging shall be submitted to and approved by the local planning authority. The development shall only be implemented in accordance with the details so approved.

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.

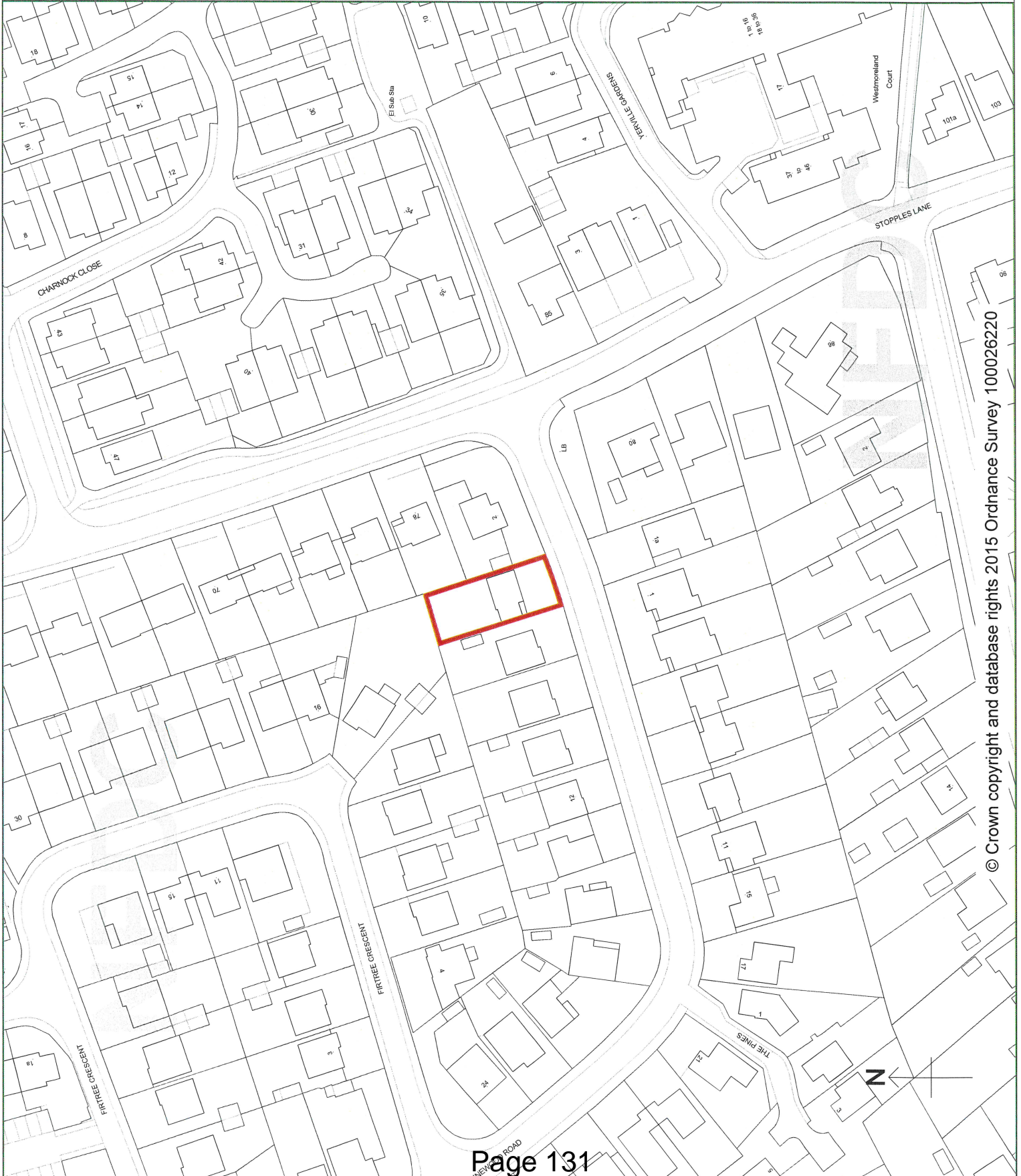
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In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

Further Information:

Householder Team
Telephone: 023 8028 5345 (Option 1)



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Application Number: 15/10428 Full Planning Permission

Site: 31 MALWOOD ROAD WEST, HYTHE SO45 5DF

Development: Roof alterations and rooflights in association with new first floor;
single-storey side and rear extension

Applicant: Mr & Mrs Hampton

Target Date: 20/05/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Plan 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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

None relevant

6 RELEVANT PLANNING HISTORY

15/10143 Roof alterations in association with new first floor; roof lights (Lawful Development Certificate that permission is not required for proposal)
05/03/2015 Was Lawful

12/98517 Use of existing garage as ancillary accommodation; pitched roof to existing garage; create underground garage. 18/06/2012 Granted, subject to conditions

11/97100 Roof alterations in association with new first floor; front and rear dormers. 21/06/2011 Refused. Appeal Dismissed

7 PARISH / TOWN COUNCIL COMMENTS

Hythe and Dibden Parish Council - PAR4: Recommend REFUSAL.
The Committee believes that this is overdevelopment both of the footprint and by bulk onto a very tight site on a prominent corner.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

Land Drainage – No comment

10 REPRESENTATIONS RECEIVED

None received

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments. Based on the information provided at the time of this report this development is not CIL liable.

13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, 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 acceptable as submitted no specific further actions were required.

14 ASSESSMENT

- 14.1 The site is located in an established residential area, characterised by bungalow style development. This is a detached bungalow located in a triangular corner plot which narrows to the rear. It is elevated from road level and has an open frontage with enclosed rear garden area which is largely laid to decking. There is an existing conservatory at the rear of the property a car port on its west side and an attached garage to its east. Neighbouring premises are on both sides of the site with separation provided by their respective driveways.
- 14.2 It is noted that this property has been subject to a number of applications for extensions over recent years. The current proposal would see a change in the appearance of the dwelling in the street scene however, it is noted that alterations to the main roof would be permitted development as was established under the recent application for a certificate of lawfulness. Given the fall-back position, the Council could not reasonably object to this element of the proposals in this instance.
- 14.3 The extension at the side and rear of the property would, given its positioning and relative scale, have limited direct impact on the street scene. In the proposed design this would represent a sympathetic and proportionate addition consistent with the form and appearance of the existing property. As such the impacts on visual amenity would be acceptable. Although this proposal would see cumulative additions to the property these would be of an acceptable form and would retain adequate amenity space. As such this would not be representative of overdevelopment of the site.
- 14.4 Given the separation from neighbouring premises and the nature and scale of the proposals, this would not result in any significant adverse impacts on the residential amenity of neighbouring occupiers. The ground floor extension would extend close to the boundary, however, considering its single storey scale and relative orientation, this should not result in any significant adverse effects as a result of loss of light. New first floor roof lights in the front elevation would look across the road and should not result in any significant adverse impacts as a result of loss of privacy. That on the rear elevation would serve a bathroom and the privacy of neighbouring residents could be maintained through the use of obscure glazing. However, given that this rooflight would be permitted development it would be inappropriate to control the glazing by way of a planning condition.

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

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

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

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.

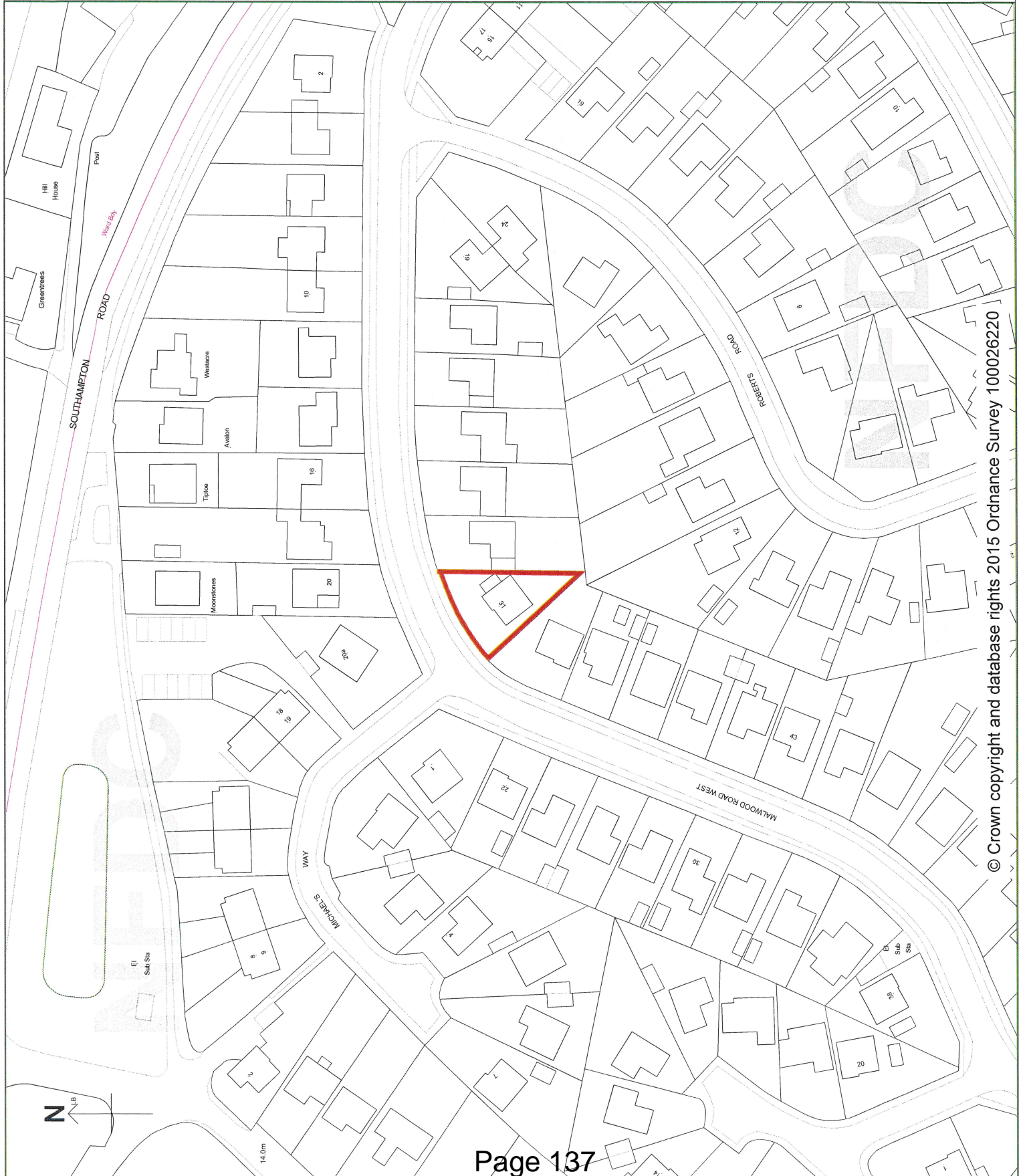
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In this case the application was acceptable as submitted no specific further actions were required.

Further Information:

Householder Team
Telephone: 023 8028 5345 (Option 1)



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Application Number: 15/10474 Full Planning Permission

Site: Land of 29 TITHE BARN, LYMINGTON SO41 9ED (NB:
PROPOSED LEGAL AGREEMENT)

Development: Three-storey house; bin store; garden store; landscaping

Applicant: Mr & Mrs Butterworth

Target Date: 26/05/2015

15/10474

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
2. Climate change and environmental sustainability
3. Housing
5. Travel
6. Towns, villages and built environment quality

Policies

- CS1: Sustainable development principles
CS2: Design quality
CS10: The spatial strategy
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
National Planning Practice Guidance

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

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

6 RELEVANT PLANNING HISTORY

None

7 PARISH / TOWN COUNCIL COMMENTS

Lymington Town Council: Recommend refusal. Concerns re parking

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

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

9.2 Land Drainage Engineer: No objection subject to condition

9.3 Environmental Health (historic land use): No objection subject to conditions.

9.4 Councils Valuer: The submitted viability report is acceptable

10 REPRESENTATIONS RECEIVED

1 letter of objection concerned that the proposed development would cause overlooking, would be imposing, would result in the loss of light. It would be out of character with the area and would be built on area that is too small. There would also be noise problems during the construction works.

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 £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.

From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments.

Whilst it is understood the dwelling would be a starter home this is not confirmed or guaranteed at this time. Therefore until such time as a formal CIL relief is made the full payment of habitat mitigation is made.

13 WORKING WITH THE APPLICANT/AGENT

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

The applicant's agent was advised that the application would be considered by the Planning Development Control Committee in June. Issues raised during the application process in relation to contaminated land is still being considered by the Councils Environmental Health Department as to whether no planning conditions are required and this will be resolved and updated before Committee. No pre application advice was sought and concerns that the size of the site is too small to acceptably accommodate a dwelling as highlighted in the Parish Briefing Notes are so fundamental it was not appropriate to seek amendments.

14 ASSESSMENT

- 14.1 The site comprises part of the garden area of a semi-detached dwelling at the end of a residential street known as Tithe Barn. The dwelling at No 29 is one of many semi-detached dwellings in Tithe Barn which front onto the street in what is a very uniform and planned pre 1945 residential area. The property has a slightly shallower rear garden area compared to others in Tithe Barn but does have a larger side garden area where there is a small outbuilding enclosed by fencing and vegetation. The property does not have any on site car parking spaces but there are a number of shared or communal spaces in the street. The rear and part of the east boundaries of the site are bounded by the rear gardens of properties in Broomfield Lane and there is a car parking area in front of the site.

- 14.2 The proposal is to construct a three storey detached dwelling on part of the side garden of No 29. The existing dwelling at No 29 would retain its rear garden area and the site would be severed. Although the proposed dwelling would rise to three storeys, part of the lower section of the building would involve excavation works through the creation of a lower floor section and, from the road, the building would appear as a two storey building. The proposed dwelling would have two bedrooms and would be built as a family starter home.
- 14.3 The proposed dwelling would be of a contemporary design constructed of facing brick, white render and vertical Louvre blades on the elevations, under a shallow hipped plain tile roof. The height of the overall building would rise to just below the ridge line of the adjacent host dwelling at No 29. A single storey flat roof front porch with glass roof is proposed with the main front elevation of the building sited in line with No 29. The site layout shows the garden area would be provided to the rear and side and no on site car parking is proposed.
- 14.4 The proposal raises issues with regard to design, residential amenity, parking, vitality and habitat regulations.

14.5 Design and character

- 14.5.1 In assessing the effect on the character and appearance of the area, Tithe Barn is a pre 1945 residential street consisting of predominantly two storey semi-detached and terraced houses (including terraces of three and four). The buildings in the street are very uniform in their design and form built as wide fronted buildings with a shallow depth. The buildings are symmetrical in their design including evenly distributed fenestration, centralised chimneys, hipped roofs and brick construction (some white painted brick). Buildings are generally built close to the side boundaries of the site although there are some open side gardens and gaps on the corner plots. Properties tend to have short front and long rear garden areas. There has been some recent new infill housing that has occurred along the entrance of Tithe Barn, with dwellings built on small plots, and this was carried out at a time where local and government policies encouraged higher density development. It is considered that some of this recent development does detract from the style and rhythm of the majority of the other properties in the street but it is not felt this justifies further out of character development.
- 14.5.2 The site lies within Character Area 2 of the adopted Lymington Local Distinctiveness Document. The illustrative map highlights Tithe Barn as a '*planned connective type street pattern*' and under the subheading it describes the importance of appearance, rhythms and details and that consistency is important in small estate groups on connected street types.
- 14.5.3 The site differs from the majority of the properties in the street in that the rear garden area is very short but it has a wide side garden area. In support of the application, it is stated that the garden area is sloping land surplus to requirements. However, the land is currently used as a garden area laid to grass and there is a small shed which does not appear as surplus land. The dwelling and garden area at No 29 is located on a slightly lower ground level, set behind a low hedgerow, and there is a single storey outbuilding to the east which relates to one of the dwellings

to the rear in Broomfield Lane. However, the existing pair of houses at No 29 and 30 Tithe Barn do reflect the strong character of the area in that the building is a symmetrical pair under a hipped roof with a chimney.

14.5.4 The proposal to construct a detached two storey dwelling would not reflect the immediate character of the area and would be seen as a cramped form of development on this site. The existing plot is one of the smallest sites in the street and the proposed development would result in a building that has a significant plot coverage with little space around the building. The proposed building would be located close to the pavement edge to the front of the site, with a distance ranging from 3.5 to 5 metres from the building to the side and rear boundaries of the site. The existing site is small in size in terms of width and depth, and the front part of the site is further impinged by the pavement edge making the site very restricted and irregular in shape.

14.5.5 Visually, the proposed development would be at odds with the other properties in the street which are typically designed as symmetrical semi detached or terraced houses. The proposed dwelling would be lower in height compared to the host dwelling at No 29, but the building would have a very high eaves line and shallow hipped roof which does not reflect the form of the majority of the dwellings in the street. The proposed materials on the building would range from brick and render with a collection of vertical Louvre blades attached to the side elevation of the building. The building would also incorporate a front porch which would protrude 2 metres out from the building with a glass roof. Visually the proposed design of the dwelling is contemporary however, its design with high eaves line and shallow hipped roof and the use of contrasting materials would differ from the character and form of properties in the street and appear incongruous in its setting. Properties in the street mainly consist of brick or painted brick and using a collection of materials on the external elevations would disrupt the simple appearance of the buildings in the street. Overall it is considered that the combination of the detached form of the dwelling, its design, appearance and proportions would unacceptably detract from the rhythm and symmetrical form of the semi detached and terraced houses which contribute to the local distinctiveness of Tithe Barn.

14.6 Residential amenity

14.6.1 With regard to residential amenity, the main residential properties that would be affected by the proposed development are to the rear in Broomfield Lane. The proposed design of the dwelling is such that the window panes to the stairway on the rear elevation would be glazed with obscure glass and the window to the bedroom and dressing room would be high level with a minimum height of 1.7 metres from the finish floor level to the bottom of the sill. On the side elevation, obscure glazing would be used for the two bedrooms to mitigate overlooking and the vertical Louvre blades would be added which would direct views from within the building to the road. Accordingly it is considered that the design of the proposed development would not result in any unacceptable overlooking.

14.6.2 In terms of loss of light and outlook, the rear elevation of the proposed dwelling would be visible from the rear elevations and garden areas to

the properties in Broomfield Lane. The proposed dwelling would be set back from the rear boundary with the nearest point measuring less than 4 metres and there would also be a gap of around 16 metres from the rear elevation of No 22 Broomfield Lane. The existing dwelling at No 22 would be sited to the south of the proposed dwelling and accordingly, the proposal would not result in an unacceptable loss of light. However, it is considered that the proposed dwelling would have an overbearing impact on the adjoining neighbouring property at No 22 to the detriment of their outlook. The property and garden area to No 22 lies at a lower land level than the application site and, given that the proposed dwelling would rise to two storeys in height and be sited less than 4 metres from the boundary the proposed development would be visually imposing from the rear garden area and rear windows of No 22.

14.7 Car parking and highway safety

- 14.7.1 In terms of car parking and public highway safety, the existing dwelling at No 29 does not have any on site car parking spaces and it is understood that the space in front of the properties is used for car parking. Generally in Tithe Barn, car parking is either on the street or provided within the large communal parking areas with only a few properties that have on site car parking.
- 14.7.2 The proposed development would not provide any on site car parking facilities, although provision has been shown for cycle parking within the curtilage.
- 14.7.3 Based on the Council's adopted residential car parking standards Supplementary Planning Guidance, the proposed two bedroom dwelling would require two on site parking spaces and, accordingly, the proposal is two spaces short of the recommended guidance. In cases where there is a shortfall in car parking spaces, if the total provided is significantly less than the recommended provision consideration will need to be given as to whether there is likely to be an unsatisfied demand which could lead to severe road safety hazards or serious environmental damage.
- 14.7.4 In assessing the effect on public highway safety, the Highway Authority have commented that it is not anticipated that an additional dwelling would put such significant pressure on the highway network as to justify refusal of planning permission. Tithe Barn is a relatively quiet cul de sac with slow moving traffic and the demand for one or two further on street spaces would not result in a danger to public highway safety. In addition, it is not considered that the proposal would lead to any environmental damage given that the roads are generally hard surfaced and there is no risk to grass verges or grassed areas to be used as parking spaces.

14.8 Viability

- 14.8.1 The proposal requires an affordable housing contribution (£31,925), and a financial contribution towards monitoring and maintenance for habitat mitigation (£550). The applicant has carried out a viability appraisal which states that the affordable housing contribution would make the development unviable and this has been assessed by the Council's Valuer.

14.8.2 The Councils Valuer states that the proposed development plot is a small area of irregularly shaped garden land and it is estimated that the Current Use Value is quite nominal at around £10,000. In view of the low Current Use Value, this results in a benchmark Site Value of £14,00. In considering any additional land value created by the grant of planning permission for development it is necessary to take into account the local authority's objective of providing affordable homes, as set out in planning policy, as well as the land owner receiving sufficient revenue from the disposal in order to provide appropriate incentive for it to be sold for development and the developer making a competitive return. The Councils Valuer concludes that if an affordable homes contribution is included within the appraisal, the Residential Development Land Value would fall below the threshold SV and accordingly, it is not possible for this development to make an affordable homes contribution.

14.8.3 The proposed development would still require contributions towards monitoring and maintenance for habitat mitigation and in the absence of a completed Section 106 Agreement, the proposal fails to comply with policy. The applicant is willing to complete an agreement but this is not yet concluded. It would cover the management and monitoring requirements only. If a CIL relief exemption was subsequently sought an additional amount to cover habitat infrastructure would be required.

14.9 Other matters

14.9.1 A number of points have been raised by the applicant's agent during the application. The applicants agent has questioned why Officers are concerned with the level of amenity space when the Council have already approved a development at 'Lymington Shores' which is currently building 25 units with less amenity space than this current proposal. In addition, the proposal is compliant with government advice which is set out within the application. The applicant's agent also states that the spaces between the adjoining buildings are compliant with the BRE Guidelines for Site Layout Planning for Sunlight and Daylight to adjoining properties.

14.9.2 In response, Officers are not raising concerns with the level of amenity space for people to use and enjoy but are concerned that because of the small size of the site, the proposed building would take a large portion of the sites curtilage leaving very little space around the building which would appear cramped. The fact that a site being developed at 'Lymington Shores' with less amenity space is a consideration, but this site is a considerable distance away from application site and is a comprehensive development being built within a completely different context. The comments made regarding daylight and sunlight have been considered and Officers do not raise an objection on the basis of harm to the neighbouring residential properties on these grounds. Concerns are raised that the proposed scale and close proximity of the dwelling to the immediate neighbour at No 22 Broomfield Lane is unacceptable and would result in an overbearing impact and an unacceptable loss of outlook.

14.9.3 In conclusion, it is considered that the plot is of insufficient size to acceptably accommodate a detached dwelling and would result in a cramped form of development that is out of context with and harmful to the character of the area. In addition, the design, appearance and

detached form of the dwelling would appear out of keeping with the uniform and symmetrical character of the area which is distinguished by terraced and semi detached houses. It is also considered that the proposed dwelling would have an overbearing impact on the property to the rear. Apart from the lack of a contribution towards habitat mitigation, the proposal would be acceptable in other respects.

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

Developers' Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings			
Financial Contribution	£31,925	0	-£31,925
Public Open Space			
On site provision by area			
Financial Contribution			
Transport Infrastructure			
Financial Contribution			
Habitats Mitigation			
Financial Contribution	£550	0	-£550

CIL Contribution Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Self Build (CIL Exempt)	98.51	0	98.51	0

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. By reason of its detached form, proportions and design with high eaves and shallow hipped roof, and the use of contrasting materials, the proposed development would be wholly out of context with the character and form of the properties in Tithe Barn and would appear incongruous and harmful in the street scene. In addition, the proposed development would be cramped with inadequate space around the building to the detriment of the character and appearance of the area. For these reasons the proposed development would fail to comply with Policy CS2 of the Core Strategy for the New Forest District outside the National Park and the Lymington Local Distinctiveness Document Supplementary Planning Document.
2. 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.
3. By reason of its close relationship, and scale, the proposed dwelling would have an overbearing impact on the adjoining property at No 22 Broomfield Lane and lead to a loss of outlook to the detriment of the amenities of the occupiers of those properties. For this reason, the proposal is contrary to policies CS2 and 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 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

The applicant's agent was advised that the application would be considered by the Planning Development Control Committee in June. Issues raised during the application process in relation to contaminated land is still being considered by the Councils Environmental Health Department as to whether no planning conditions are required and this will be resolved and updated before Committee. No pre application advice was sought and concerns that the size of the site is too small to acceptably accommodate a dwelling as highlighted in the Parish Briefing Notes are so fundamental it was not appropriate to seek amendments.

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)



Application Number: 15/10539 Minerals (County Matter)

Site: Land at Bleak Hill, Somerley, ELLINGHAM, HARBRIDGE &
IBSLEY

Development: Variation of Conditions 1, 10, 12 & 19 of planning permission
14/10309 to revise the working and restoration schemes at 1 and
II Quarry, Somerley

Applicant: Cemex UK Operations

Target Date: 11/06/2015

1 REASON FOR COMMITTEE CONSIDERATION

Discretion of the Head of Planning and Transportation.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside outside the New Forest

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

7. The countryside

Policies

CS1: Sustainable development principles

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

DM2: Nature conservation, biodiversity and geodiversity

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

Achieving Sustainable Development

NPPF Ch. 11 - Conserving and enhancing the natural environment

NPPF Ch. 13 - Facilitating the sustainable use of minerals

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

None relevant

6 RELEVANT PLANNING HISTORY

- 6.1 03/78402 - review of minerals planning permissions, application for determination of conditions. Granted by County 6.8.03
- 6.2 09/94574 - retention of the existing aggregate processing plant - condition 46 of 78402 and application to vary condition 5 of 78402. Granted by County 15.10.10
- 6.3 14/10309 - variation of condition 4 of 94574 to allow 24 hour operation of generator for dewatering pump. Granted by County 16.6.14

7 PARISH / TOWN COUNCIL COMMENTS

Ellingham, Harbridge and Ibsley Parish Council - due May 27th

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

None

10 REPRESENTATIONS RECEIVED

None

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, 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 application is a County Matter and any negotiation would be undertaken by Hampshire County Council.

14 ASSESSMENT

- 14.1 The site lies within the countryside outside the New Forest close to the Ringwood Forest and Home Wood Site of Importance for Nature Conservation. It forms part of a wider area used for the extraction of minerals. The proposal entails the variation of several conditions which relates to the time limit and restoration programme (1), the working scheme (10), site margins (12) and levels (19).
- 14.2 The proposed changes to these conditions are not significant and have been proposed due to the nature of the material and final levels being higher than expected. Overall, the proposed changes would create an additional 7ha of UK Biodiversity Action Plan Priority Habitats and a 48% increase in new hedgerows over and above the approved scheme. The timing of the proposed works is not proposed to change.
- 14.3 Given the improvements to biodiversity, it is recommended that this authority does not raise any objection to the proposal.

15. RECOMMENDATION

Raise No Objection

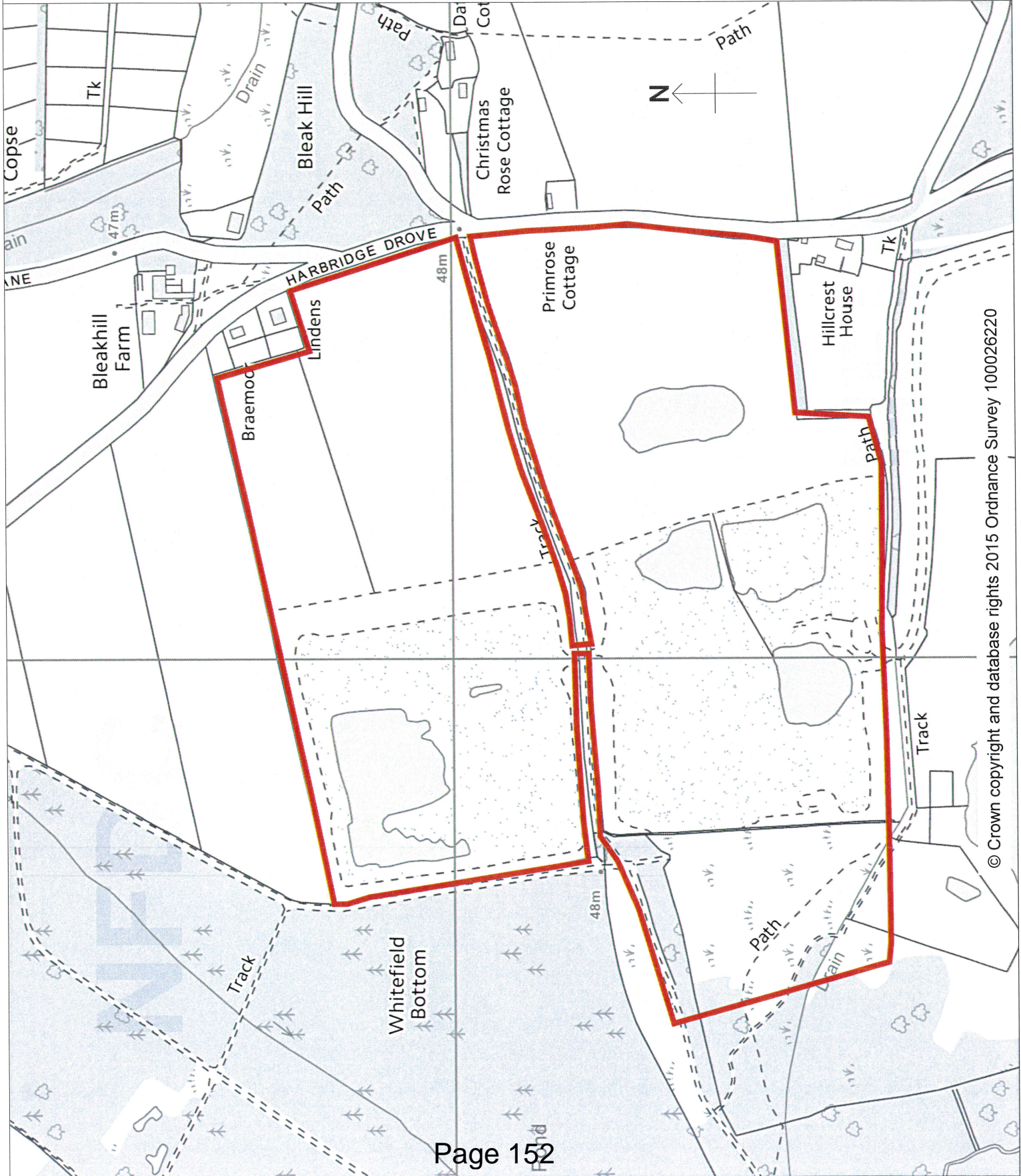
Notes for inclusion on certificate:

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and pro active approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

The application is a County Matter and any negotiation would be done by Hampshire County Council.

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)



PLANNING DEVELOPMENT CONTROL COMMITTEE – 10 JUNE 2015.

DELEGATION OF POWERS TO OFFICERS.

1.0 INTRODUCTION

- 1.1 The Council operates an extensive scheme of delegation of powers to officers to allow routine business to be completed in a timely and efficient manner. The current scheme of delegation of powers to officers needs to be updated to reflect recent changes in the structure of the Planning and Transportation service.
- 1.2 The proposed changes to the scheme of delegation of powers are set out in Appendix 1 to this report. Officers who are being added to a particular delegation are show in bold italics. Deletions are shown struck through.

2.0 CRIME AND DISORDER, ENVIRONMENTAL, EQUALITY AND FINANCIAL IMPLICATIONS

- 2.1 None arising from this report.

3.0 RECOMMENDED:

- 3.1 That the scheme of delegation of powers to the officers be updated as shown in the schedule attached as appendix 1 to this report.

For further information contact:

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Planning Policy Manager
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Jan Debnam
Committee Administrator
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E-mail: jan.debnam@nfdc.gov.uk

Background Papers:

None.

FUNCTIONS WHICH ARE DELEGATED TO THE PLANNING DEVELOPMENT CONTROL COMMITTEE

No	Source	Power Delegated	Delegated to	Minute Reference
PDC 9 (Old ref 251)	Town and Country Planning Act 1990 Planning (Listed Buildings and Conservation Areas) Act 1990	To deal with minor modifications to approved plans, and to vary or to discharge conditions imposed on consents	Head of Planning and Transportation, or Development Control Manager, or Area Planning Officer, or Development Control Team Leader, or Principal Planning Officer, or Planning Enforcement Team Leader, or Senior Planning Officer, or Planning Officer, or Assistant Planning Officers, or Planning Policy Manager, or Environmental Design Manager, or Senior Arboriculturist, or Conservation Architect	Council 75. of 22/04/02 Council 63. of 28/04/03 Plg.Dev.Con.Cttee 33. of 9/11/05 Plg.Dev.Con.Cttee 64. of 10/05/06 Council 22. of 21/07/08
PDC 19 (Old ref 259)	Planning (Listed Buildings and Conservation Areas) Act 1990 s.3(1)	To serve Building Preservation Notices	Head of Legal and Democratic Services or, in his or her absence, Solicitors, or Employed Barrister, in consultation with the Planning Policy Manager, or Head of Planning and Transportation, or Conservation Officer Architect, or Environmental Design Manager	Council 75. of 22/04/02 Council 63. of 28/04/03 Council 21. of 19/07/04 Plg.Dev.Con.Cttee 64. of 10/05/06 Council 22. of 21/07/08

FUNCTIONS WHICH ARE DELEGATED TO THE PLANNING DEVELOPMENT CONTROL COMMITTEE

No	Source	Power Delegated	Delegated to	Minute Reference
PDC 20 (Old ref 260)	Planning (Listed Buildings and Conservation Areas) Act 1990 s.4(1)	To serve a Building Preservation Notice by affixing it to the building	Head of Legal and Democratic Services or, in his or her absence, Solicitors, or Employed Barrister, in consultation with the Head of Planning and Transportation, or Planning Policy Manager, or Conservation Architect, or Environmental Design Manager, or Conservation Officers	Council 75. of 22/04/02 Council 63. of 28/04/03 Council 21. of 19/07/04 Plg.Dev.Con.Cttee 64. of 10/05/06 Council 22. of 21/07/08
PDC 25 (Old ref 265)	Planning (Listed Buildings and Conservation Areas) Act 1990 (s.54(1))	To authorise execution of works urgently necessary for the preservation of an unoccupied Listed Building	Head of Planning and Transportation, or Planning Policy Manager, or Conservation Architect, or Environmental Design Manager, or Conservation Officers	Council 75. of 22/04/02 Council 63. of 28/04/03 Plg.Dev.Con.Cttee 64. of 10/05/06 Council 22. of 21/07/08
PDC 26 (Old ref 266)	Planning (Listed Buildings and Conservation Areas) Act 1990 (s.54(5))	To give notice of intention to carry out the works	Head of Planning and Transportation, or Planning Policy Manager, or Conservation Architect, or Environmental Design Manager, or Conservation Officers, in consultation with the Head of Legal and Democratic Services, or Solicitors, or Employed Barrister	Council 75. of 22/04/02 Council 63. of 28/04/03 Council 21. of 19/07/04 Plg.Dev.Con.Cttee 64. of 10/05/06 Council 22. of 21/07/08

FUNCTIONS WHICH ARE DELEGATED TO THE PLANNING DEVELOPMENT CONTROL COMMITTEE

No	Source	Power Delegated	Delegated to	Minute Reference
PDC 29 (Old ref 270)	Town and Country Planning Act 1990 (s.172) Planning (Listed Buildings and Conservation Areas) Act 1990 (s.38)	To determine whether it is expedient to take enforcement action	Head of Legal and Democratic Services, or Solicitors, or Employed Barrister, or Head of Planning and Transportation, or Development Control Manager, or Area Planning Officer, or Development Control Team Leader, or Principal Planning Officer, or Planning Enforcement Team Leader, or Senior Planning Officer, or Planning Officer, or Planning Policy Manager or Conservation Architect, or Environmental Design Manager	Council 75. of 22/04/02 Council 63. of 28/04/03 Council 21. of 19/07/04 Plg.Dev.Con.Cttee 64. of 10/05/06 Council 22. of 21/07/08
PDC 30 (Old ref 271)	Town and Country Planning Act 1990 (s.172) Planning (Listed Buildings and Conservation Areas) Act 1990 (s.38 and s.74)	Issue and service of enforcement notices	Head of Legal and Democratic Services, or Solicitors, or Employed Barrister, in consultation with the Head of Planning and Transportation, or Development Control Manager, or Area Planning Officer, or Development Control Team Leader, or Principal Planning Officer, or Planning Enforcement	Council 75. of 22/04/02 Council 63. of 28/04/03 Council 21. of 19/07/04 Plg.Dev.Con.Cttee 64. of 10/05/06 Council 22. of 21/07/08

FUNCTIONS WHICH ARE DELEGATED TO THE PLANNING DEVELOPMENT CONTROL COMMITTEE

No	Source	Power Delegated	Delegated to	Minute Reference
			Team Leader, <i>or Planning Policy Manager</i> or Environmental Design Manager	
PDC 31 (Old ref 272)	Town and Country Planning Act 1990 (s.173A) Planning (Listed Buildings and Conservation Areas) Act 1990 (s.38 and s.74)	Variation to, or withdrawal of, enforcement notice	Head of Legal and Democratic Services, or Solicitors, or Employed Barrister, in consultation with the Head of Planning and Transportation, or Development Control Manager, or Area Planning Officer, or Development Control Team Leader, or Principal Planning Officer, or Planning Enforcement Team Leader, <i>or Planning Policy Manager</i> or Environmental Design Manager	Council 75. of 22/04/02 Council 63. of 28/04/03 Council 21. of 19/07/04 Plg.Dev.Con.Cttee 64. of 10/05/06 Council 22. of 21/07/08
PDC 34 (Old ref 275)	Town and Country Planning Act 1990 (s.187B) Planning (Listed Buildings and Conservation Areas) Act 1990 (s.44A and s.73(3))	To seek an injunction	Head of Legal and Democratic Services, or Solicitors, or Employed Barrister, in consultation with the Head of Planning and Transportation, or Development Control Manager, or Area Planning Officer, or Development Control Team Leader, or Principal Planning Officer,	Council 75. of 22/04/02 Cabinet 21. of 19/07/04 Plg.Dev.Con.Cttee 64. of 10/05/06 Council 22. of 21/07/08

FUNCTIONS WHICH ARE DELEGATED TO THE PLANNING DEVELOPMENT CONTROL COMMITTEE

No	Source	Power Delegated	Delegated to	Minute Reference
			or Planning Enforcement Team Leader, or Planning Policy Manager or Environmental Design Manager	
PDC 35 (Old ref 276)	Town and Country Planning Act 1990 (s.97 and 99) Planning (Listed Buildings and Conservation Areas) Act 1990 (s.23) and (s.74(3))	To make an order to revoke or modify Planning Consent, Listed Building Consent or Conservation Area Consent	Head of Legal and Democratic Services, or Solicitors, or Employed Barrister, in consultation with the Head of Planning and Transportation, or Development Control Manager, or Area Planning Officer, or Development Control Team Leader, or Principal Planning Officer, or Planning Enforcement Team Leader, or Planning Policy Manager or Environmental Design Manager	Council 75. of 22/04/02 Council 21. of 19/07/04 Plg.Dev.Con.Cttee 64. of 10/05/06 Council 22. of 21/07/08
PDC 36 (Old ref 277)	Town and Country Planning Act 1990 (s.198, 199 and 201)	(i) To make, modify, confirm, decide not to confirm, vary and revoke tree preservation orders	Head of Planning and Transportation, or Planning Policy Manager or Environmental Design Manager, or Head of Legal and Democratic Services, or Solicitors, or Employed Barrister, or Democratic Services Manager	Council 75. of 22/04/02 Council 21. of 19/07/04 Plg.Dev.Con.Cttee 64. of 10/05/06 Council 22. of 21/07/08

FUNCTIONS WHICH ARE DELEGATED TO THE PLANNING DEVELOPMENT CONTROL COMMITTEE

No	Source	Power Delegated	Delegated to	Minute Reference
		(ii) To decide whether a tree preservation order should be made at the request of a District Councillor, when the arboricultural officers do not consider there is justification	Head of Planning and Transportation, or Planning Policy Manager or Environmental Design Manager , in consultation with the Chairman and Vice- Chairman of Planning Development Control Committee and Head of Legal and Democratic Services	Council 75. of 22/04/02 Plg.Dev.Con.Cttee 64. of 10/05/06 Council 22. of 21/07/08
PDC 39 (Old ref 280)	Town and Country Planning Act 1990 (s.198 and s.211) and Planning (Listed Buildings and Conservation Areas) Act 1990, s.69	To determine applications to do works to trees that are subject to protection by a Tree Preservation Order, and to impose such conditions on any consent as he or she deems appropriate	Head of Planning and Transportation, or Environmental Design Manager , or Senior Arboriculturist	Plg.Dev.Con.Cttee 13. of 13/07/05 Plg.Dev.Con.Cttee 64. of 10/05/06 Council 22. of 21/07/08
PDC 40 (Old ref 281)	Town and Country Planning Act 1990 (s.211) Planning (Listed Buildings and Conservation Areas) Act 1990, s.69	To determine whether or not to object to prior notification of an intention to do works to a tree within a conservation area	Head of Planning and Transportation, or Environmental Design Manager , or Senior Arboriculturist	Plg.Dev.Con.Cttee 13. of 13/07/05 Plg.Dev.Con.Cttee 64. of 10/05/06 Council 22. of 21/07/08
PDC 41 (Old ref 282)	Planning (Listed Buildings and Conservation Areas) Act 1990 (s.89)	To require information on interests in land and its use	Head of Legal and Democratic Services, or Solicitors, or Employed Barrister, or Head of	Council 75. of 22/04/02 Council 63. of 28/04/03

FUNCTIONS WHICH ARE DELEGATED TO THE PLANNING DEVELOPMENT CONTROL COMMITTEE

No	Source	Power Delegated	Delegated to	Minute Reference
	Town and Country Planning Act 1990 (S.330(1) and S.330(2)) Miscellaneous Provisions Act 1976 (s.16)		Planning and Transportation, or Development Control Manager, or Principal Planning Officer, or Planning Enforcement Team Leader, or Planning Policy Manager or Environmental Design Manager	Council 21. of 19/07/04 Plg.Dev.Con.Cttee 33. of 9/11/05 Plg.Dev.Con.Cttee 64. of 10/05/06 Council 22. of 21/07/08
PDC 45 (Old ref 286)	Environment Act 1995 (s.97) Hedgerow Regulations 1997 (Reg.5)	To issue notices of authority to remove all or part of a hedgerow	Head of Planning and Transportation, or Development Control Manager or Environmental Design Manager following written consultation with appropriate Town or Parish Councils and Local Ward Members	Council 75. of 22/04/02 Plg.Dev.Con.Cttee 64. of 10/05/06 Council 22. of 21/07/08
		In the event of disagreement between the officers and the town and parish council and/or local ward members, to issue notice of authority to remove all or part of a hedgerow	Head of Planning and Transportation, or Development Control Manager or Environmental Design Manager following consultation with the Chairman and Vice-Chairman of Planning Development Control Committee	Council 75. of 22/04/02 Plg.Dev.Con.Cttee 64. of 10/05/06 Council 22. of 21/07/08
PDC 46	Environment Act	To issue hedgerow retention	Head of Planning and	Council

FUNCTIONS WHICH ARE DELEGATED TO THE PLANNING DEVELOPMENT CONTROL COMMITTEE

No	Source	Power Delegated	Delegated to	Minute Reference
(Old ref 287)	1995 (s.97) Hedgerow Regulations 1997 (Reg.5)	notices in respect of hedgerows falling within the definition of an important hedgerow	Transportation, <i>or</i> Development Control Manager or Environmental Design Manager following written consultation with appropriate Town or Parish Councils and Local Ward Members	75. of 22/04/02 Plg.Dev.Con.Cttee 64. of 10/05/06 Council 22. of 21/07/08
PDC 47 (Old ref 288)	Environment Act 1995 (s.97) Hedgerow Regulations 1997 (Reg.5)	To withdraw hedgerow retention notices in respect of hedgerows	Head of Planning and Transportation, <i>or</i> Development Control Manager or Environmental Design Manager following written consultation with appropriate Town or Parish Councils and Local Ward Members	Council 75. of 22/04/02 Plg.Dev.Con.Cttee 64. of 10/05/06 Council 22. of 21/07/08
PDC 49 (Old ref 290)	Environment Act 1995 (s.97) Hedgerow Regulations 1997 (Reg.8)	To issue notices requiring the planting of a replacement hedgerow	Head of Planning and Transportation, <i>or</i> Development Control Manager or Environmental Design Manager	Council 75. of 22/04/02 Plg.Dev.Con.Cttee 64. of 10/05/06 Council 22. of 21/07/08

FUNCTIONS WHICH ARE DELEGATED TO THE PLANNING DEVELOPMENT CONTROL COMMITTEE AUTHORISATION TO ENTER PREMISES

No	Source	Power Delegated	Delegated to	Minute Reference
PDC Auth1 (Old ref 301)	Town and Country Planning Act 1990 Planning (Listed Buildings and Conservation Areas) Act 1990 Planning (Hazardous Substances) Act 1990 Planning and Compulsory Purchase Act 2004	In respect of any function which is delegated to the Committee, to enter premises for the purposes of the Acts and any amending statutes or regulations made pursuant to the Acts	Executive Director, Head of Planning and Transportation, Development Control Manager, Area Planning Officers, Development Control Team Leaders, Planning Enforcement Team Leader, Principal Planning Officer, Senior Planning Officers, Planning Officers, Assistant Planning Officers, Planning Technicians, Principal Building Control Surveyor, Senior Building Control Surveyor, Assistant Building Control Surveyors, District Building Control Surveyors, Planning Enforcement Officer, Enforcement Officer, Planning Policy Manager, Principal Policy Planner, Senior Policy Planner, Planning Policy Officer, Environmental Design Manager, Conservation Architect, <i>or</i> Design Team Leader,	Council 75. of 22/04/02 Plg.Dev.Con.Cttee 33. of 9/11/05 Plg.Dev.Con.Cttee 64. of 10/05/06 Council 22. of 21/07/08

FUNCTIONS WHICH ARE DELEGATED TO THE PLANNING DEVELOPMENT CONTROL COMMITTEE AUTHORISATION TO ENTER PREMISES

No	Source	Power Delegated	Delegated to	Minute Reference
PDC Auth2 (Old ref 302)	Environment Act 1995 (s.97) Hedgerow Regulations 1997 (Reg.12)	Authorisation to Enter Premises	Conservation Officers, Landscape Architect, Urban Designer, Landscape and Open Space Project Officer, Employed Barrister, Solicitors, Head of Legal and Democratic Services, Committee Administrator.	Council 75. of 22/04/02 Plg.Dev.Con.Cttee 33. of 9/11/05 Plg.Dev.Con.Cttee 64. of 10/05/06 Council 22. of 21/07/08
			Executive Director, Head of Legal and Democratic Services, Head of Planning and Transportation, Committee Administrator, Solicitors, Development Control Manager , Environmental Design Manager , Urban Designer , Landscape Architect, Landscape and Open Space Project Officer, Planning Policy Manager	

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