

NOTICE OF MEETING

Meeting: PLANNING DEVELOPMENT CONTROL COMMITTEE

Date and Time: WEDNESDAY, 9 SEPTEMBER 2015, AT 9.00 AM*

Place: THE COUNCIL CHAMBER, APPLETREE COURT,
LYNDHURST

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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 meeting held on 12 August 2015 as a correct record.

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) **50 Pylewell Road, Hythe (Application 15/10177) (Pages 1 - 14)**
2 retail units; 3 flats; balconies; roof terraces; cycle and bin store (Outline Application with details only of appearance, layout and scale)
RECOMMENDED: Planning consent subject to conditions
- (b) **Selwood Villa, Exbury Road, Blackfield, Fawley (Application 15/10216) (Pages 15 - 28)**
Development of 8 houses comprised: conversion and part demolition of existing buildings to create 1 terrace of 3 houses; 1 terrace of 4 houses; detached bungalow; associated parking
RECOMMENDED: Head of Planning and Transportation authorised to grant planning consent
- (c) **Land Opposite Chevron Business Park, Lime Kiln Lane, Holbury, Fawley (Application 15/10276) (Pages 29 - 42)**
24 houses; office; open space (Outline Application with details only of access and layout)
RECOMMENDED: Refuse
- (d) **Silver Mist, Ringwood Road, Sopley (Application 15/10563) (Pages 43 - 50)**
First-floor rear extension, rear dormer with Juliet balcony
RECOMMENDED: Refuse
- (e) **91-92 High Street, Lymington (Application 15/10755) (Pages 51 - 58)**
Bin store; entrance gates; railings; fenestration alterations
RECOMMENDED: Planning consent subject to conditions
- (f) **Little Orchard, Sway Road, Lymington (Application 15/10760) (Pages 59 - 64)**
Single-storey side and rear extension
RECOMMENDED: Refuse
- (g) **6 Jonathan Close, Lymington (Application 15/10822) (Pages 65 - 70)**
Single-storey rear extension; rooflights and fenestration alterations; porch
RECOMMENDED: Planning consent subject to conditions

(h) **24 Daniells Walk, Lymington (Application 15/10954) (Pages 71 - 78)**

Two-storey front and rear extensions; Juliet balconies; roof lights; fenestration alterations; flue; detached double garage

RECOMMENDED: Planning consent subject to conditions

(i) **115 Christchurch Road, Ringwood (Application 15/11016) (Pages 79 - 84)**

Use as dental practice; rear porch canopy; permeable hard surfacing; parking and cycle racks; low level boundary wall

RECOMMENDED: Planning consent subject to conditions

4. DATES OF MEETINGS

To agree the following dates for meetings in 2016/17:

Wednesday, 8 June 2016
Wednesday, 13 July 2016
Wednesday, 10 August 2016
Wednesday, 14 September 2016
Wednesday, 12 October 2016
Wednesday, 9 November 2016
Wednesday, 14 December 2016
Wednesday, 11 January 2017
Wednesday, 8 February 2017
Wednesday, 8 March 2017
Wednesday, 12 April 2017
Wednesday, 10 May 2017

In each case the meeting to start at 9:00 a.m. and to be held in the Council Chamber, Appletree Court, Lyndhurst.

5. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

To:

Councillors:

Councillors:

Mrs D E Andrews (Chairman)
Mrs C V Ward (Vice-Chairman)
P J Armstrong
Mrs S M Bennison
Mrs F Carpenter
A H G Davis
R L Frampton
L E Harris
D Harrison
Mrs A Hoare

Mrs M D Holding
J M Olliff-Cooper
A K Penson
W S Rippon-Swaine
Mrs A M Rostand
Miss A Sevier
R A Wappet
M L White
Mrs P A Wyeth

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: 15/10177 Outline Planning Permission

Site: 50 PYLEWELL ROAD, HYTHE SO45 6AQ

Development: 2 retail units; 3 flats; balconies; roof terraces; cycle & bin store
(Outline Application with details only of appearance, layout & scale)

Applicant: H & H Developments Ltd

Target Date: 03/04/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to policy; to agree the waiving of the affordable housing contribution

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up area, Primary Shopping Area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
2. Climate change and environmental sustainability
3. Housing
6. Towns, villages and built environment quality

Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS4: Energy and resource use
- CS6: Flood risk
- CS7: Open spaces, sport and recreation
- CS15: Affordable housing contribution requirements from developments
- CS20: Town, district, village and local centres
- CS24: Transport considerations
- CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

- DM1: Heritage and Conservation
- 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

SPG - Hythe - A Conservation Area Appraisal
SPD - Mitigation Strategy for European Sites

6 RELEVANT PLANNING HISTORY

- 6.1 1 three-storey block comprised of ground floor retail; first and second floor offices (94014) - refused 13/10/09 - appeal dismissed 16/11/10
- 6.2 2-storey building to create ground floor shop and first floor offices (97710) - refused 15/12/11
- 6.3 2-storey building to create ground floor shop and first floor offices (12/98367) - granted 25/4/12

7 PARISH / TOWN COUNCIL COMMENTS

Hythe & Dibden Parish Council:- Recommend permission

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer:- No objection subject to cycle parking condition
- 9.2 Environment Agency:- No objection, provided the Local Planning Authority are satisfied that the proposed development is safe; the Council must be satisfied that the Sequential Test is satisfied; if the local planning authority is not satisfied that the development can be considered safe without the provision of safe access and exit then planning permission should be refused.
- 9.3 Natural England:- No objection subject to mitigation of impacts on European sites
- 9.4 Land Drainage:- no comment
- 9.5 NFDC Waste Management: - there needs to be separate bin storage for the flats and shops, which will need to be of an adequate size.
- 9.6 Southern Gas Networks:- No comment
- 9.7 Estates & Valuation: - Consider that it would not be viable for the proposed development to make a contribution to affordable housing.

9.8 Conservation Officer: - Recommends refusal - design is felt to be inappropriate on the boundary of the Hythe Conservation Area; scheme feels awkward and incongruous, and the rear of the scheme appears confused.

9.9 Hampshire County Council (Emergency Planning):- Views awaited

10 REPRESENTATIONS RECEIVED

1 letter of objection from neighbouring dwelling:- concerns about impact on foundations and walls of adjacent building; concerns about boundaries and impact of construction on service road; applicant does not have a right of way to the rear of the building

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission and the dwellings built, the Council will receive £3456 in each of the following six years from the dwellings' completion, and as a result, a total of £20,736 in government grant under the New Homes Bonus will be received.

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 £14,377.60p

Tables setting out all contributions are at the end of this report

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

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

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 In this case, there have been discussions and negotiations with the applicants to secure an acceptable and viable design solution. Amended plans have been submitted during the course of the application to address initial design concerns.

14 ASSESSMENT

- 14.1 The application site fronts onto Pylewell Precinct, close to the corner of Pylewell Road and The Marsh. The rear of the site faces onto the New Road Car Park. The site is situated immediately adjacent to the Hythe Conservation Area boundary, and indeed a small part of the site is within the Conservation Area. The neighbouring 2-storey corner building (54 Pylewell Road) is identified as a Key / Important unlisted building within the Hythe Conservation Area Appraisal. This has a retail use on part of the ground floor and 4 residential flats occupy the remaining part of the ground floor and the whole of the first floor. The application site itself was previously occupied by a single-storey retail building, although this was demolished some time ago, and the site is now surrounded by hoardings. To the west of the site is a 3-storey terrace (38-48 Pylewell Road), which is in commercial use at ground floor, and with residential uses above. Other nearby premises are predominantly in commercial use, although there are some residential flats on upper floors. Cooper House to the south-east is 3-storeys high whilst properties on the north side of Pylewell Road are 2-storeys high.
- 14.2 There have been a number of previous planning applications affecting this site. In October 2009, planning permission was refused for a proposal to erect a 3-storey building on the site, with the ground floor in retail use and the upper 2 floors in office use. The application was considered to be harmful to the character and appearance of the Hythe Conservation Area and harmful to the amenities of neighbouring residential flats at 54 Pylewell Road. A subsequent appeal was dismissed. The appeal inspector agreed that "due to its height, massing, scale and appearance" this scheme would have had "an unacceptable effect on the character and appearance of the Hythe Conservation Area". The appeal inspector also felt that "due to its height, massing and siting" the proposal would have had an unacceptable effect on the living conditions of adjacent flats. Concern was also expressed that a first floor terrace would lead to unsatisfactory loss of privacy for the occupiers of 48 Pylewell Road. Subsequently, an application for a 2-storey building to create a ground floor shop and first floor offices was refused planning permission in December 2011. As a result of its design it was felt this proposal would have been harmful to the character and appearance of

the Hythe Conservation Area and again it was felt the development would have been detrimental to residential amenities. Thereafter, a further application was submitted for a 2-storey building to create a ground floor shop and first floor offices. The amount of first floor accommodation was reduced from the earlier refused proposal and the design was amended. With these changes, it was concluded that the proposed development would have an acceptable impact and the application was duly granted in April 2012.

- 14.3 The application that has now been submitted has similarities to the scheme approved in 2012. However, there are also material differences. Firstly, the application has been submitted as an outline application rather than as a full application. However, as the application seeks approval of appearance, scale and layout, the development is a fairly detailed outline application. Secondly, 2 smaller shops are proposed instead of 1 large retail unit. Thirdly, and more significantly, the application is proposing residential development by way of 3 flats on 2 upper floors rather than office development on a single upper floor. Externally, window designs have been amended and the roof has been modified to accommodate the additional second floor accommodation, thereby resulting in more significant areas of flat-topped roof that would be lit by rooflights. The application introduces roof terraces at the rear of the building. Cycle and bin store areas would also be given a different treatment. This all results in a materially different treatment to the rear aspect of the building.
- 14.4 There would be no policy objection to the mix of uses that are proposed. Residential uses are acceptable on upper floors within Primary Shopping Areas as part of a mixed use development.
- 14.5 In assessing this development proposal, it is first important to recognise the negative townscape impact the site has in its current condition. Since its demolition many years ago, the site has formed an unsightly gap in the streetscene. The hoardings surrounding the site are an incongruous intrusion within one of Hythe's main pedestrian streets. The hoardings screen a site that has a rather shabby appearance, with various materials strewn across the site, and weeds breaking through the hard surfaces. In its current, rather neglected state, the site significantly detracts from the character and appearance of the area including the character and appearance of the adjacent Hythe Conservation Area. The site's adverse visual impact has now been a feature of Hythe Town Centre for almost a decade. The site is one that needs to be developed, if the existing significant visual harm is to be addressed.
- 14.6 In assessing this proposal's design impact, it needs to be recognised that the scheme approved in 2012 was considered to be of an acceptable design quality. Policies on design have not changed materially since 2012, and therefore the 2012 scheme is very much a benchmark against which this scheme needs to be assessed. The Council's Conservation Officer has expressed concern with the treatment of the rear of the building, concluding that the flat roof terraces are cumbersome and too extensive in area. Whilst the flat roof terraces are indeed quite large, it is not felt that their visual impact would be any less appropriate than the single-storey flat-roofed projections that were accepted in 2012. Indeed, the flat roof terraces now proposed have more articulation than the previously approved flat roofs. They include pitched roofed features and

steel railings, which help to break up the mass of the rear projections. In addition, the bin storage and bike storage areas are considered to be better proportioned than the corresponding element of the previously approved scheme. Furthermore, a proposed brick wall enclosure on the rear boundary of the site (that was not previously proposed) would help to improve the rear aspect of this development as seen from the adjacent public car park. Therefore, as a whole, it is felt the rear projections would have an acceptable appearance, subject to the use of good quality materials and detailing.

- 14.7 The previously approved building was a 2-storey building, and the Council's Conservation Officer has expressed concern at the changes to the roof of the building that have resulted in the 3-storey building that is now proposed. However, it is important to note that the creation of an additional storey within the building has been largely achieved through internal changes (changes to floor heights), rather than through significant changes to the height of the building. The height of the building would still be appropriate and would allow for an appropriate transition between the taller 3-storey building to the west and the more traditional 2-storey building to the east. The more extensive areas of flat-topped roof and the associated roof lights that are proposed may not be ideal from a design perspective. However, these elements would be set fairly well back behind the main front facade and would, from street level, be largely screened by the frontage parapet walls. It is felt that these elements of flat-topped roof would therefore appear sufficiently recessive. The flat-topped roofed elements and rooflights would be appreciated from some longer distant views, but as the building would be seen against a backdrop of some taller flat-roofed buildings, it is not felt that the design would appear discordant.
- 14.8 The changes to window designs would not have a significant impact on the design quality of the building. Overall, notwithstanding the concerns of the Council's Conservation Officer, it is felt the development would be a contextually appropriate development that would be of an acceptable design quality. The development would result in a significant improvement to the site that will be very much beneficial to the visual amenities of the wider area. With appropriate materials and detailing, the development would enhance the appearance of the Pylewell Road precinct and would preserve the character and appearance of the adjacent Hythe Conservation Area.
- 14.9 A key concern is the impact of the development on neighbouring dwellings. As indicated earlier in this report, some previous applications at this site have been refused for their adverse impact on neighbouring dwellings. In particular, there were concerns that some previous applications were harmful to the outlook of 2-4 Meadow Flats to the east of the site. This application has a higher roof at the front of the site than the scheme approved in 2012. However, the eaves height at this point is actually slightly lower than before, and as the roof slopes away from the boundary it is not felt that the impact of this slightly higher front section would be unduly harmful to the amenities of neighbouring flats. The rear projections are also higher than previously (by about 0.7 metres). However, this additional height comes from the balcony railings, much of which would be of an obscure glass finish, and which would therefore be of a relatively lightweight appearance. Whilst the development would undoubtedly have some impact on the light and outlook of the adjacent

flats at 2-4 Meadow flats, it is felt that the size and depth of the development would not be so great as to cause unreasonable harm to the outlook and amenities of 2-4 Meadow Flats. The impact would not be comparable to the adverse neighbour impacts that were identified in the previously refused applications.

- 14.10 Provided the balcony railings are glazed with obscure glass, it is not felt the neighbouring dwellings at 2-4 Meadow flats would be unduly overlooked, also taking into account the height of the wall around the roof terraces. With the application that was dismissed in 2010, the appeal inspector was concerned about overlooking of 48 Pylewell Road due to the close proximity of the first floor roof terrace to that property's kitchen window. The design now proposed is different to the previous application. Because of differences in levels, (the roof terrace of the proposed development being at a lower level than the roof terrace / first floor of 48 Pylewell Road), it is not considered that the privacy of 48 Pylewell Road would be unreasonably affected. Overall, it is considered this development would have an acceptable impact on the amenities of neighbouring residential and commercial properties.
- 14.11 The proposed development does not seek to provide any off-street parking. As such, the development would be a car free development. In this sustainable town centre location, the highway authority is satisfied that a car free development would have no adverse implications for highway safety. The application includes appropriate on-site cycle parking provision.
- 14.12 The proposed development is within an area at risk of flooding (a flood zone 3 area). The main risk to the site is from tidal flooding, although there is also a fluvial flood risk. In a 1 in 200 year tidal event, it is projected that in future the building could be flooded to a depth of 1.35 metres, leaving the site cut off and the occupants unable to achieve safe access and egress. The depth of flooding that could occur would represent a danger for all affected, including the emergency services. However, whilst the less flood sensitive retail units on the ground floor of the building would flood, the more flood sensitive residential units on the upper floors would be above the 1 in 200 year tidal flood event in 2115. These residential units would therefore have the potential to provide safe refuge. The applicants have submitted a Flood Response Plan, which will require all owners and residents to sign up to the Environment Agency's Flood Warning Scheme. Each residential unit will also have a flood plan in place. Although the views of the County Council's emergency planners are still awaited, the submitted Flood Response Plan is similar to others that have been recently accepted in Hythe Town Centre. Therefore, it is felt reasonable to conclude that the proposed development will be a safe development during a flood risk event.
- 14.13 In line with national and local policies, it is necessary to apply the Sequential Test in respect of flood risk. The purpose of the Sequential Test is to steer new development to areas at lowest risk of flooding. In essence, the provision of 2 shops and 3 additional dwellings in a Flood Zone 3 area would not satisfy the Sequential Test if there are reasonably available alternative sites where those 2 shops and 3 dwellings could be provided that are at lower risk of flooding. The National Planning Policy Framework makes it clear that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The applicant's

Flood Risk Assessment does not consider the Sequential Test adequately. However, notwithstanding this, given that most parts of Hythe and the Waterside are in lower flood risk areas than the application site, it would be reasonable to conclude that there are alternative sites at lower risk of flooding where the component parts of the development could be provided. As such, the application would not satisfy the Sequential Test, and if local and national planning policies are adhered to, then the development is not one that should be permitted.

- 14.14 In this case, to refuse planning permission due to a failure to comply with the Sequential Test would effectively preclude the viable development of this site, and the site would therefore continue to remain as it is now, namely an empty piece of ground with a negative townscape impact. It is felt that if the townscape is to be improved in what is an important town centre location, then a decision that is contrary to Sequential Test requirements will have to be made. In this case, it is felt the significant visual and environmental benefits of developing an empty and unsightly town centre site would materially outweigh the harm that would arise from a failure to satisfy the Sequential Test. In reaching this conclusion, regard has been had to the fact that the more sensitive residential elements of the scheme are on upper floors that will not flood and which will provide a safe refuge during a flood risk event.
- 14.15 In line with Core Strategy Policy CS15, the proposed development is one that would be expected to secure contributions to affordable housing. The target contribution in this case would be £22,830. However, the applicants have submitted a viability appraisal to support their belief that any affordable housing contribution would make their scheme unviable. The Council's estates and valuation team have considered the applicant's viability assessment and accept its conclusions. Therefore, it is felt that there would be a reasonable justification to completely waive the affordable housing requirement in this instance.
- 14.16 In accordance with the Habitat Regulations 2010 an assessment has been carried out of the likely significant effects associated with the recreational impacts of additional residential development (as provided for in the Local Plan) on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. In this case, if the applicants were to fund the Council's Mitigation Projects, they would need to secure a mitigation contribution of £7150 (part of which could potentially be met through CIL payments).
- 14.17 Overall, the proposed development would not be wholly consistent with the Council's Local Plan objectives and policies. Nor would the proposal be wholly consistent with National Planning Policy advice. This is because the development would not accord with policies on flood risk. However, this conflict with flood risk needs to be balanced against the economic and environmental benefits of redeveloping a derelict town centre site. In this case, it is felt the economic and environmental benefits arising from this scheme would materially outweigh the adverse impacts associated with the provision of a new building within a flood

zone 3 area. It is felt that the development would be of a sufficiently high design quality and one that would have an acceptable impact on the character and appearance of the Hythe Conservation Area. The development could be provided without detriment to the amenities of neighbouring dwellings. As such, the application is recommended for permission.

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

Section 106 Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings	0	0	0
Financial Contribution	£22,830	0	-£22,830
Habitats Mitigation			
Financial Contribution	£7150		

CIL Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses	179.72	0	179.72	£14,377.60

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

- The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the 'reserved matters' to be approved.

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

2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

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

3. Approval of the details of the access and the landscaping ("the reserved matters") shall be obtained from the Local Planning Authority before any of the development is commenced. The development shall only be carried out in accordance with the details which have been approved.

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

4. The development hereby approved shall only be implemented and occupied in accordance with the Sanders Design Ltd Flood Risk Assessment dated March 2015 and the Sanders Design Services Ltd Flood Response Plan (submitted August 2015).

Reason: To ensure that the development is safe from flooding, and to ensure the flood risk associated with the development is acceptable, in accordance with Policy CS6 of the Core Strategy for New Forest District outside of the National Park.

5. Before development commences, samples and 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 development in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park.

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

- a) Detailed drawings to a scale of at least 1:10 showing the treatment and external finishes of the shopfronts (including shop fascias), external doors, windows and porch;
- b) Detailed drawings to show the treatment and external finish of the string course, cills, lintels and parapet walls;
- c) Detailed drawings (notwithstanding the submitted details) to show the colour, dimensions and detailing of the rooflights that are to be installed on both sloping and flat roofs.

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

Reason: To protect the character and appearance of the area, including the Hythe Conservation Area in accordance with policies CS2 and CS3 of the Core Strategy for New Forest District outside of the National Park and Policy DM1 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

7. The first floor landing window and the glass balcony railings on the east elevation of the approved building shall at all times be glazed with obscure glass.

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

8. The development hereby approved shall not be occupied until the approved areas for the parking of cycles on site have been provided and these areas shall subsequently be kept available for their intended purposes at all times.

Reason: To promote sustainable travel and to comply with Policies CS1, CS2 and CS24 of the Core Strategy for the New Forest District outside the National Park.

9. No development shall be carried out until proposals for the mitigation of the impact of the development on the New Forest and Solent Coast European Nature Conservation Sites have been submitted to and approved in writing by the local planning authority, and the local planning authority has confirmed in writing that the provision of the proposed mitigation has been secured. Such proposals must:

- (a) Provide for mitigation in accordance with the New Forest District Council Mitigation Strategy for European Sites SPD, adopted in June 2014 (or any amendment to or replacement for this document in force at the time), or for mitigation to at least an equivalent effect;
- (b) Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing maintenance and monitoring of any Suitable Alternative Natural Green Spaces which form part of the proposed mitigation measures together with arrangements for permanent public access thereto.
- (c) The development shall be carried out in accordance with and subject to the approved proposals.

Reason: The impacts of the proposed development must be mitigated before any development is carried out in order to ensure that there will be no adverse impacts on the New Forest and Solent Coast Nature Conservation Sites in accordance with Policy DM3 of the Local Plan Part 2 and the New Forest District Council Mitigation Strategy for European Sites Supplementary Planning Document.

10. The development permitted shall be carried out in accordance with the following approved plans: Location Plan, sol sht 4 rev B, sol sht 2 rev B, sol sht 1 rev C, sol sht 3 rev C, sol sht 5 rev D, sol sht 6 rev B.

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.

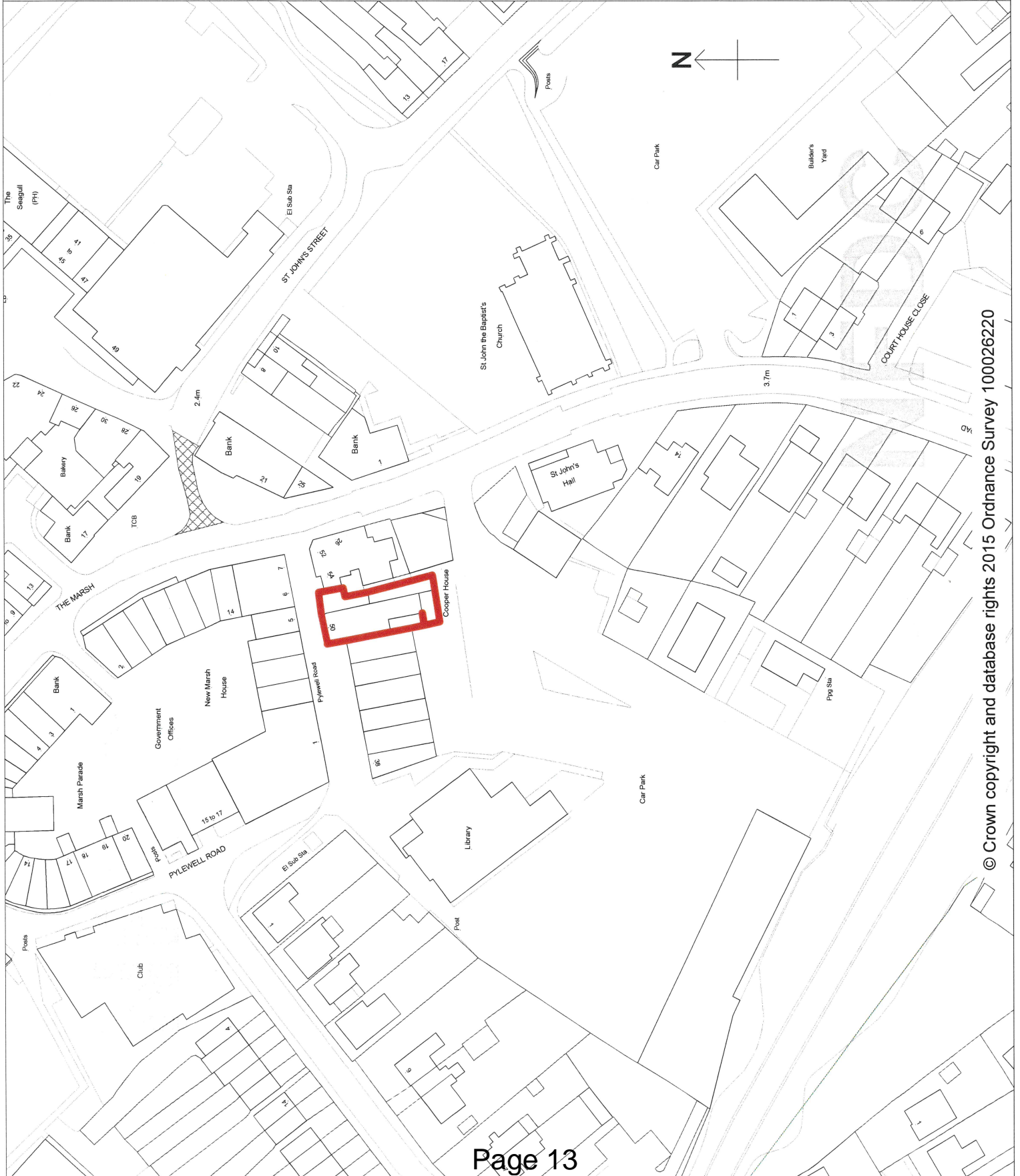
In this case there have been discussions and negotiations with the applicants to secure an acceptable and viable design solution. Amended plans have been submitted during the course of the application to address initial design concerns.

2. In discharging condition No. 10 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here:-
<http://www.newforest.gov.uk/article/16478/Contributions-for-Habitats-Mitigation-and-the-Relationship-with-Community-Infrastructure-Levy-Payments>

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



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Application Number: 15/10216 Full Planning Permission

Site: SELWOOD VILLA, EXBURY ROAD, BLACKFIELD, FAWLEY
SO45 1XD (NB: PROPOSED LEGAL AGREEMENT)

Development: Development of 8 houses comprised: conversion & part demolition of existing buildings to create 1 terrace of 3 houses; 1 terrace of 4 houses; detached bungalow; associated parking

Applicant: Whitman Builders Ltd

Target Date: 23/04/2015

15/10216

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to policy

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area
HSE Consultation Zone -outer zone

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

Core Strategy

- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS7: Open spaces, sport and recreation
- CS10: The spatial strategy
- CS15: Affordable housing contribution requirements from developments
- CS17: Employment and economic development
- CS24: Transport considerations
- CS25: Developers contributions

Local Plan Part 2

- DM2: Locally designated sites of importance for nature conservation
- DM3: Mitigation of impacts on European nature conservation sites.

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

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

6 RELEVANT PLANNING HISTORY

- 6.1 Continued use as office - renewal temporary permission 71787 (77984)
Granted with conditions on the 16th June 2003
- 6.2 Change of use to private hire taxi booking office (71787) Grant temporary
permission on the 16th July 2001
- 6.3 Residential development (5 dwellings) (71252) Refused on the 19th April
2001. The development was proposed at the rear of the site with access
provided from the existing access driveway serving the residential
properties to the west. The existing property at Selwood Villa and part of
its garden was to be retained. The application was considered
unacceptable for several reasons including the impact on the spatial
character of the area.

7 PARISH / TOWN COUNCIL COMMENTS

Fawley Parish Council: Recommend permission

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer: No highway objections
subject to conditions
- 9.2 Health and Safety Executive: No comment received
- 9.3 Ecologist: An initial survey has been carried out but further survey work is
required in relation to bats and reptiles and details to provide for
mitigation/enhancement; it is not appropriate to condition.
- 9.4 Urban Design Officer: Support
- 9.5 Land Drainage: no objection subject to conditions.
- 9.6 Conservation Officer: support the retention of the existing frontage
buildings which have heritage value.

10. REPRESENTATIONS RECEIVED

1 letter of objection concerned with overlooking from the proposed first floor rear windows. The proposal would impact on the local character and landscape.

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 £5,760 in each of the following six years from the dwellings' completion, and as a result, a total of £34,560 in government grant under the New Homes Bonus will be received.

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 £18,195.96.

Tables setting out all contributions are at the end of this report.

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 original submission was considered unacceptable for several reasons, which included the impact on the character of the area, the effect on residential amenity and public highway safety. Officers have negotiated with the applicant's agent and the issues have now been resolved through the submission of revised plans.

14 ASSESSMENT

- 14.1 The site comprises a historic pair of two storey buildings, which fronts immediately onto Exbury Road and is set on a large plot within the built up area of Blackfield. The edges to that lane, including the lack of a path on one side, hedgerows and front gardens are generally sympathetic with a rural edge context. The existing properties appears to be vacant but were most recently used as a house and live work unit with part of the building used for commercial purposes. The building adjacent to the access at one time was used as a bakery and printing works with offices. There are various outbuildings to the side of the main frontage building and in the rear garden area. The existing garden area is very large in size both in terms of its width and depth. For the most part, the garden is open land laid to grass with some small trees.
- 14.2 The existing buildings fronting onto Exbury Road are visible from the forest approach and would have been among the very first dwellings to be built in the area, laid out on a simple grid with deep gardens and regular plot widths. It is considered that the existing buildings have heritage value. Although the buildings have had some poor alterations and are not in a good condition, the original features and heritage still remain. Some backland development has been built within the block in the past.
- 14.3 The character of the area is predominantly residential, although there is a community building across the road with a large car parking area. Immediately adjacent to the site to the west is a modern terrace of four dwellings which have their car parking provided to the rear served via an access driveway. This private access also serves two detached bungalows known as 'Cartref' and 'Byway' and a further pair of semi detached bungalows, which are all located in a backland location. To the east of the site there are very attractive pairs of two storey dwellings which are set back from the road and have long open front gardens and good sized rear garden. To the rear of the site are detached dwellings which back onto the site, some of which are located in a backland location.
- 14.4 The proposal is to provide a total of 8 dwellings, which would be comprised of the conversion and alterations of the existing buildings to the front of the site to create a terrace of 3 houses, 1 terrace of 4 houses to the rear of the site, and a detached bungalow. A single access is proposed leading to a central car parking area which would serve the majority of the development. Essentially the existing buildings to the front of the site would be restored, extended and renovated to form three dwellings with relatively short rear garden areas. The central area would form an internal courtyard with car parking spaces fronted by a detached bungalow and a terrace of four houses to the rear which would comprise longer rear garden area.

- 14.5 In policy terms, the site lies within the built up area and is not allocated for any purpose. On the basis of the planning history of the site, it has been used for commercial purposes in the past. Policy CS17 relates to employment and economic development and seeks to keep all existing employment sites and allocations for employment use. The proposal would result in the loss of an existing employment use, however the site lies within a predominantly residential area, consequently a residential scheme would be more appropriate in this location. In addition, the existing buildings to the front of the site are mainly residential and the actual loss of employment is minimal. Accordingly there is no policy objection to the loss of employment on the site.
- 14.6 In assessing the effect on the character and appearance of the area, both the Conservation Officer and Urban Design Officer consider that the existing building to the front of the site is of heritage value. The existing building was one of the first buildings to be built along this part of Exbury Road comprising a traditional cottage and a steam bakery with small industrial use. Although the building is currently in a relatively poor condition with some unsympathetic alterations, it still offers character and heritage value to the area, which should be retained.
- 14.7 Prior to the submission of the application, Officers worked with the applicant's agent, providing detailed guidance on how the heritage value and character that the existing buildings potentially offer to the area could be embraced through their renovation and a greater number of units in the form of a knit mews court type development on the site could be accepted. The proposed layout has reflected this general approach to retain and use as much fabric as possible of the existing heritage buildings (formerly the Steam Bakery) to create a justifiably higher density and closer relationship to the street, with subservient built forms enclosing a courtyard.
- 14.8 The proposed development is a high density development with units to the front of the site having small rear gardens, although the plots to the rear provide much longer rear garden areas with front lawns and soft landscaping. The large car parking area on the central part of the site would not be characteristic of the area, however, the extent of the area would be softened by landscaping and tree planting throughout the site. In addition, there has been some backland development generally in the area and accordingly the proposed dwellings to the rear of the site would pick up on the siting, form and appearance of the immediate dwellings at 'Sunnyville' and 'Ingleside' and the buildings to the west at 'Byway' and 'Cartref'..
- 14.9 With regard to residential amenity, there are several residential properties that could be affected by the proposal. In relation to No 1 Monks Row, this property has a blank side elevation facing the site and a small rear garden area with a detached garage to the rear. The proposed extensions and alterations to the frontage building would not have any impact on this property but the first floor window on the side elevation will need to be fitted with obscure glass to maintain a reasonable level of privacy. The proposed bungalow would be located on the far corner of No 1 Monks Row's garden and, given its scale and low height, it would not unacceptably compromise the light or outlook of that neighbour.

- 14.10 Concerning the neighbouring property to the east at 'Sunnyville', the proposed dwelling on plot 8 would largely 'straddle' the side elevation of this property. No first floor windows are proposed which would maintain a reasonable level of privacy. In relation to the residential property to the rear at 'Colliton' a number of first floor windows are proposed on the rear elevation of plots 5 to 8. The distances from the nearest proposed first floor window to the rear boundary measures approximately 19 metres and some 30 metres to the rear elevation of 'Colliton'. It is considered that these distances would be sufficient not to result in any unacceptable overlooking to this neighbour.
- 14.11 Concerning the neighbouring property at 'Byway', no first floor windows are proposed on the side elevation facing this neighbouring property which would maintain a reasonable level of privacy. The bulk of the side elevation of plot 5 would be located close to the side boundary of 'Byway' and while it is accepted that there would be some impact on this property in terms of loss of outlook, given the depth of the proposed building which measures some 6 metres, and the gap to the side boundary, it is not considered that it would be so significant as to justify refusing planning permission. In addition, the proposed building would not be directly in line with the neighbour's front windows or rear garden area. There is also adequate space for that resident to plant some vegetation or tree planting to screen the side elevation of the proposed building.
- 14.12 The proposed development would provide a total of 14 car parking spaces. Based upon the recommended number of car parking spaces, as set out in the Councils adopted SPD, the proposal would need to provide 14.4 spaces. A shortfall of 0.4 spaces would not be significant given that the standards are a guideline only. The Highway Authority does not raise any objections to the proposed access and visibility onto Exbury Road or the level of parking provided. The applicant has carried out speed surveys and the Highway Authority consider the visibility would be acceptable onto Exbury Road.
- 14.13 The proposed development requires contributions towards affordable housing, which would be two of the units on site together with an off-site financial contribution of £21,565. The Section 106 Agreement has not been completed but the applicants are prepared to enter into the agreement which is currently being progressed.
- 14.14 In terms of ecological matters, an initial survey has been carried out but the Ecologist considers further survey work is required in relation to bats and reptiles and details to provide for mitigation/ enhancement. It is not appropriate to condition this matter and accordingly the applicant's agent will carry out further survey work prior to the determination of the application. The additional survey work will be the subject of a further update, but if the survey is not completed before the Planning Committee, it will be for the Head of Planning and Transportation to authorise the submissions of the additional Survey with the acceptability of the Ecologist prior to formal determination
- 14.15 In accordance with the Habitat Regulations 2010 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse

effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard.

14.16 In conclusion it is considered that the proposal to restore and renovate the existing buildings to the front of the site for residential purposes should be welcomed as it would retain this heritage asset and this would support a higher density development to the rear of the site. The proposed development would not have an adverse impact on residential amenity or public highway safety. The proposed development would need to secure affordable housing through a Section 106 Agreement.

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 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
No. of Affordable dwellings	2	2	0
Financial Contribution	£21,565	£21,565	0

CIL Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses	491	179.4	311.6	£18,195.96
Social Housing	180	66.6	113.4	0

15. RECOMMENDATION

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

- i) the completion, by 30th November 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 2 on site affordable housing units and a financial contribution of £21,565 towards off site affordable housing.
- ii) the imposition of the conditions set out below.

- iii) the submission of further Ecological Survey work in relation to bats and reptiles and details of mitigation and enhancements, which shall be assessed and agreed by the Ecologist.

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: 27967 PD-101 Rev B, 27967-PD103 Rev A, 27967-PD102 Rev C, 27967-PD104 Rev C, 27967-PD105 Rev A, 27967-PD110 Rev B.

Reason: To ensure satisfactory provision of the development.

3. The development hereby permitted shall not be occupied until the spaces shown on plan 27967 PD-101 Rev B for the parking and garaging of motor vehicles have been provided. The spaces shown on plan 27967 PD-101 Rev B for the parking and garaging of motor vehicles shall be retained and kept available for the parking and garaging of motor vehicle for the dwellings hereby approved at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and in accordance with Policy CS2 and CS24 of the Local Plan for the New Forest outside of the National Park (Core Strategy).

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

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

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

5. All planting, seeding or turfing comprised in the approved details of landscaping as set out under condition 4 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.

6. The first floor window on the side [west] elevation of the approved building identified as plot 1 shall at all times be glazed with obscure glass.

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

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

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS2 of the 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.

8. Notwithstanding the submitted elevational plans, the external facing materials (brick/ render and roofing materials), the porch and front door details, rainwater goods, and the details and design of the windows to include materials, colour finish, window heads, cills and reveals to the dwellings hereby approved identified as units 1-3 shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development. Development shall only take place in accordance with those details which have been approved.

Reason: The benefit of restoring this original building is a key justification for permitting this proposal and it is therefore important that the proposed works to this building are implemented and to ensure that the development complies with Policies CS2 and CS3 of the Core Strategy for New Forest District outside the National Par

9. Before development commences, the proposed slab levels in relationship to the existing ground levels set to an agreed datum shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with those details which have been approved.

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

10. A visibility splay of 2.4 x 36 metres shall be provided in a westerly direction at the junction of the proposed shared private vehicular access with Exbury Road, in accordance with the details shown on drawing 27967 PD-101 Rev. B, before the commencement of the development and this splay shall be kept free from any obstruction greater than 600mm high at all times.

Reason: In the interest of highway safety and in accordance with Policy CS2 and CS24 of the Local Plan for the New Forest District outside of the National Park (Core Strategy).

11. The development hereby approved in relation to plots 4-8, shall be constructed from the following materials, unless otherwise agreed in writing by the Local Planning Authority:

Plots 4-8

Facing brick = Ibstock Cumber Red

Roofing= Marley Eternit Rivendale - blue/black

Rainwater downpipes and gutters = UPVC black

Windows = UPVC white

Fascia= UPVC white

As illustrated on drawing No 27967-PD102 Rev C

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.

12. No windows or rooflights on the rear (west) elevation other than those hereby approved shall be inserted into the roofspace of the dwelling identified as plot 4 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).

13. Before development commences a detailed schedule of works for the refurbishment and renovation of the retained building (the dwelling and former steam bakery identified as plots 1-3) to the front of the site (to include all those works shown on drawing 27967-PD102 Rev C) shall be submitted to and approved in writing by the Local Planning Authority and this schedule of works shall be implemented in full before any dwelling pursuant to this permission is occupied unless otherwise agreed in writing by the Local Planning Authority.

Reason: The benefit of restoring this original building is a key justification for permitting this proposal and it is therefore important that the proposed works to this building are implemented and to ensure that the development complies with Policies CS2 and CS3 of the Core Strategy for New Forest District outside the National Park.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any re-enactment of that Order) no extension (or alterations) otherwise approved by Classes A, B or C of Part 1 of Schedule 2 to the Order, garage or other outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order, or means of enclosure otherwise approved by Class A of Part 2 of Schedule 2 to the Order shall be erected or carried out to the dwellings hereby approved on plots identified as 1-3 without express planning permission first having been granted.

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

15. No development shall be carried out until proposals for the mitigation of the impact of the development on the New Forest and Solent Coast European Nature Conservation Sites have been submitted to and approved in writing by the local planning authority, and the local planning authority has confirmed in writing that the provision of the proposed mitigation has been secured. Such proposals must:

- i) Provide for mitigation in accordance with the New Forest District Council Mitigation Strategy for European Sites SPD, adopted in June 2014 (or any amendment to or replacement for this document in force at the time), or for mitigation to at least an equivalent effect;
- ii) Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing maintenance and monitoring of any Suitable Alternative Natural Green Spaces which form part of the proposed mitigation measures together with arrangements for permanent public access thereto.
- iii) The development shall be carried out in accordance with and subject to the approved proposals.

Reason: The impacts of the proposed development must be mitigated before any development is carried out in order to ensure that there will be no adverse impacts on the New Forest and Solent Coast Nature Conservation Sites in accordance with Policy DM3 of the Local Plan Part 2 and the New Forest District Council Mitigation Strategy for European Sites Supplementary Planning Document.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any subsequent re-enactment thereof, the existing access to the site shall be permanently stopped up and closed with the footway provided, in accordance with details which have been submitted to and approved by the Planning Authority immediately after the completion of the new access and prior to occupation of the buildings.

Reason: In the interest of highway safety and in accordance with Policy CS2 and CS24 of the Local Plan for the New Forest District outside of the National Park (Core Strategy).

17. The development hereby permitted shall not be occupied until the arrangements for the provision of cycle parking facilities within the curtilage of the proposed dwellings have been implemented in accordance with a scheme to be agreed by the Local Planning Authority. These parking spaces shall be provided and, thereafter, be retained and kept available for their intended purposes at all times.

Reason: To ensure adequate parking provision is made in the interests of highway safety and to comply with Policy CS2 of the Core Strategy for the New Forest District Outside the National Park.

Notes for inclusion on certificate:

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

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

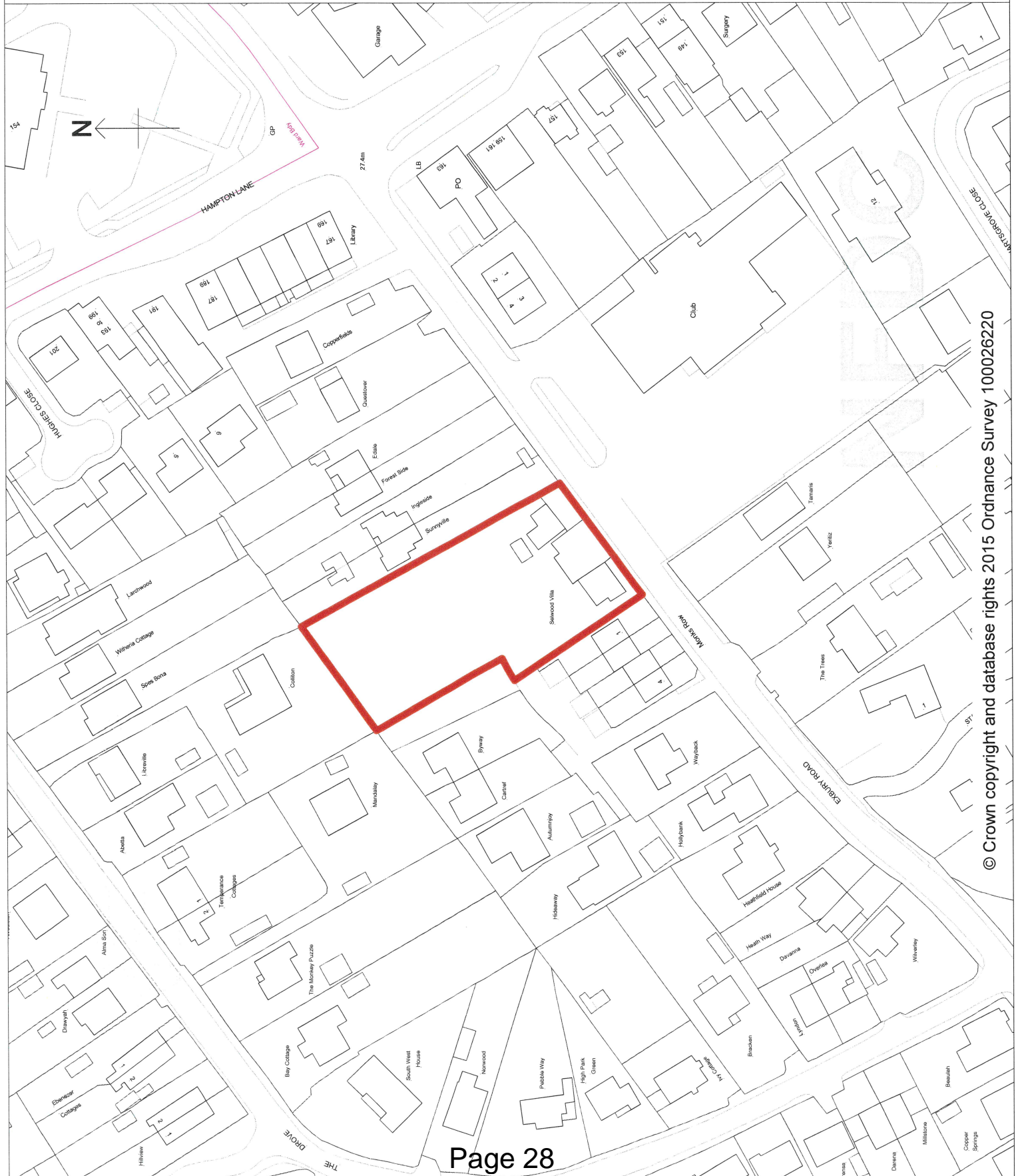
3. In discharging condition No. 15 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/Contributions-for-Habitats-Mitigation-and-the-Relationship-with-Community-Infrastructure-Levy-Payments>

4. The applicant should be aware of the requirement to apply to the Highway Authority for the appropriate licence in respect of the works within the highway.

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



Application Number: 15/10276 Outline Planning Permission

Site: Land Opposite CHEVRON BUSINESS PARK, LIME KILN LANE,
HOLBURY, FAWLEY

Development: 24 houses; office; open space (Outline Application with details
only of access and layout)

Applicant: LONDON & REGIONAL DEVELOPMENTS (DOLLIS HILL)
LIMITED

Target Date: 11/09/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council View

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS5: Safe and healthy communities
- CS7: Open spaces, sport and recreation
- CS10: The spatial strategy
- CS15: Affordable housing contribution requirements from developments
- CS17: Employment and economic development
- CS24: Transport considerations
- CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

- DM2: Nature conservation, biodiversity and geodiversity
- DM3: Mitigation of impacts on European nature conservation sites
- HAR1: Land adjoining Hardley Industrial Estate

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

6 RELEVANT PLANNING HISTORY

- 6.1 67 dwellings, garages, 6 office/industrial buildings; associated highway works & open space (00/68900) - granted 15/5/01
- 6.2 Erection of 40 dwellings for affordable housing with some units including work related accommodation. Construction of access road to Lime Kiln Lane. Provision of Public Open Space (01/73687) - refused 14/3/02
- 6.3 3 buildings for B1 (Business Use) and B8 (storage or distribution) use (07/90281) - granted 13/9/07
- 6.4 3 buildings for B1 (Business Use) and B8 (storage or distribution) use (10/95910) - granted 4/11/10
- 6.5 1 three-storey block 70 bed care home (Use Class C2); 14 dwellings comprised terraces of 5, 4 and 3 houses; access; parking; landscaping (12/99387) - withdrawn 14/3/13

7 PARISH / TOWN COUNCIL COMMENTS

Fawley Parish Council:- Recommend permission

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer: - Recommend refusal - plans do not adequately demonstrate that all vehicles can safely traverse the first section of the new access road.
- 9.2 Environment Agency:- No comment
- 9.3 Land Drainage:- No objection subject to conditions
- 9.4 Hampshire County Council (Education):- No objection - there are sufficient school places in the area, and therefore would not anticipate a need to expand local schools as a result of the development.
- 9.5 New Forest National Park Authority: - Proposal is unlikely to impact on the setting of the New Forest National Park; the proposal is, however, likely to have effects on the New Forest Special Protection Area, which will need to be mitigated.

- 9.6 Waste & Recycling Manager: - Properties require rear access; accessways must be constructed to an adoptable standard; hammerheads must be designed to enable safe turning by a refuse vehicle.
- 9.7 Environmental Health (contaminated land):- No objection subject to conditions.
- 9.8 Southern Gas Networks: - objects until the position of a pipeline in the vicinity of the development has been established and measures have been put in place to safeguard the security of this pipeline.
- 9.9 Tree Officer:- No objection subject to conditions
- 9.10 Policy - The site is the only employment allocation in this part of the district; residential development on this site would be contrary to development plan policy.
- 9.11 Cyclist Touring Club: - would like to see secure cycle storage for each home, covered visitor cycle storage, and a joint cyclepath and footpath between Lime Kiln Lane and Roman Road.
- 9.12 Southern Water: - No objection subject to conditions / informatives; advise that sewer might need to be diverted.
- 9.13 Hampshire County Council (Rights of Way):- No objection although advises that the definitive route is further north than the walked footpath route; therefore suggests informally rerouting the path onto the walked line or reinstating the path on the definitive line.
- 9.14 Ecologist: - Objects - insufficient evidence to demonstrate accordance with Policy CS3.
- 9.15 Environmental Design (Public Open Space):- Public Open Space (POS) should include play equipment; contributions are required towards maintenance of POS.
- 9.16 Development & Acquisitions Manager:- Supports
- 9.17 Environmental Health (pollution):- objects - existing adjacent industrial uses are likely to have a significant adverse impact on the proposed dwellings; an acoustic report should be submitted to address these concerns
- 9.18 Health & Safety Executive:- No objection
- 9.19 Environmental Design (Urban Design):- final views awaited - although it appears that a reasonable layout can be designed, have concerns with some of the proposed details.
- 9.20 Estates & Valuation: - it has not been demonstrated that there is no demand from potential industrial occupiers; considers that a marketing strategy should be agreed, and that the results be carefully monitored and submitted to the Council.

10 REPRESENTATIONS RECEIVED

4 letters of objection / concern from local residents: - queries lack of shared ownership opportunities; additional office space is deemed to be unnecessary; concerns about pedestrian and cycle safety; highway safety concerns arising from additional traffic; concerns that Public Right of Way should be retained; concerns about maintenance of Public Open Space; drainage concerns; would like to see contributions made to allotments.

11 CRIME & DISORDER IMPLICATIONS

See Assessment report below.

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission and the dwellings built, the Council will receive £27,648 in each of the following six years from the dwellings' completion, and as a result, a total of £165,888 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 £165,312.00.

Tables setting out all contributions are at the end of this report.

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, there are significant in-principle objections to the proposed development, and therefore it would not be possible to negotiate on all of the concerns identified to secure an acceptable outcome.

14 ASSESSMENT

- 14.1 The application site is an undeveloped parcel of land which lies to the east side of Lime Kiln Lane. To the south side of the site are the residential properties of Harrier Green. The surroundings are otherwise largely industrial, with premises to the north, west and east of the site in employment use. There is a public footpath which crosses the northern side of the site, which separates the site from the employment premises beyond. A footpath also runs adjacent to the eastern boundary of the site. The site is now somewhat overgrown with rough vegetation. There is a line of mature trees along the northern edge of the site, which are protected by a Tree Preservation Order. There is also a group of protected trees on the site's eastern boundary.
- 14.2 There have been a number of planning applications affecting the site over the past 15 years. In 2001, planning permission was granted for 6 offices and industrial buildings, with a total floorspace of just over 2100 square metres. These offices / industrial units were granted under the same planning permission that was given for the residential development that has subsequently been built to the south of the site. Because the residential element of the scheme was implemented, the 2001 planning permission to build offices / industrial units on the application site remains extant. A subsequent 2002 application for 40 affordable dwellings on the site was refused as being contrary to policy.
- 14.3 In 2007, planning permission was granted for 3 office / industrial / storage buildings with a combined floorspace of just over 3700 square metres. This permission was renewed in 2010, but has now lapsed. More recently, an application to build a 3-storey 70 bedroom care home facility and 14 two-storey dwellings was withdrawn in March 2013.
- 14.4 The application that has now been submitted seeks to develop the application site with 24 dwellings and a single office building that would have a floorspace of 480 square metres. Based on the proposed footprint of the building, this level of accommodation could only be provided within a 3-storey building. Access to the development would be from Lime Kiln Lane. The development incorporates areas for vehicular parking, landscaping and public open space. The application has been submitted as an outline planning application. Both the access and the layout are matters for detailed consideration at this stage.
- 14.5 The application site is subject to a site specific policy within the Local Plan (Policy HAR1) which allocates the site for industrial, office and business development subject to a number of criteria. These include a

requirement for the existing trees and footpath along the northern boundary of the site to be retained and a requirement for a landscape buffer to be provided between the site and the adjacent dwellings to the south. There is also a more general requirement that the development be designed to minimise impact on residential amenities. The mainly residential development that is now proposed would be quite clearly contrary to this policy. The proposal would also be contrary to Core Strategy Policy CS17, which seeks to retain all existing employment sites and allocations for employment use. As such, planning permission should be refused for this proposal unless there are material considerations to justify making a decision that would be a departure from policy.

- 14.6 The applicants recognise their proposal conflicts with Local Plan policy HAR1. However, they feel that their proposals are justified because there is no substantial demand for new employment development in the Holbury / Hardley area. In the absence of such a demand, they do not believe there is any likelihood that the site would be developed for employment purposes. They point to the fact that the site has remained empty for many years, thereby illustrating a lack of interest in developing the site for employment purposes. They also point to the presence of other properties in the local area, which would potentially be available for new employment developments. The applicants believe their proposals would be consistent with Paragraph 22 of the National Planning Policy Framework (NPPF), which states that "Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose." This paragraph of the NPPF goes on to say that "Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits, having regard to the market signals and the relative need for different land uses to support sustainable local communities."
- 14.7 To support their case, the applicants have submitted a Market and Financial Justification Report, which has been prepared by Gully Howard Chartered Surveyors. This report concludes that the possibility of developing this site for employment purposes does not exist due to the significant cost of development far outweighing the end capital value that could be reasonably demonstrated.
- 14.8 Although the application site has remained empty for many years, there have been previous applications to develop the site for employment purposes, indicating that there has been previous interest in developing this site for its allocated use. It is not clear why these previous permissions were not pursued. However, it is noteworthy that the industrial estate to the north and Chevron Business Park to the west of the site show very high levels of occupancy. The Council are also actively pursuing options for a large empty site at Unit 8 Hardley Industrial Estate, so that if this site is developed, and if the application site is developed for housing, there would then be no employment land availability in the locality.
- 14.9 There were no objections to the continued allocation of the application site as an employment site during the Local Plan Part 2's progress towards adoption. Given this is a recently adopted plan, and as this is the only employment allocation in this part of the district, it is felt that the

development of this site for predominantly residential purposes would be significantly harmful to the Council's economic and employment objectives for this part of the district. It is considered that the applicants have failed to make a compelling case for permitting a residential development on this site. In particular, the applicant's case lacks real weight due to a failure to demonstrate that the site has been appropriately marketed. Indeed, the applicant has not provided any evidence to show that there has been any recent marketing of the site for employment purposes. The Council's Senior Valuer notes that demand levels have been recovering recently, and therefore he considers that there would be sound expressions of interest in the application site if the land were to be appropriately marketed at a reasonable price. As such, taking all of these factors into consideration, it is felt that there is a reasonable prospect of the site being used for its allocated purpose, and accordingly, to resist the development of this site for residential purposes would not be inconsistent with national planning policies.

- 14.10 The applicants have suggested that they may be willing to provide a scheme that is a 100% affordable housing development, although they have not been absolutely categorical on this point, in that they have not confirmed a willingness to enter into a Section 106 legal agreement on this basis. The normal requirement on this site would be for 40% of the dwellings (10 in total) for affordable housing on site. However, even if the scheme were to be 100% affordable, it is not felt the benefits of additional affordable housing would outweigh the economic harm arising from the loss of a significant area of employment land that is the only allocated employment site in this part of the district, taking into account the lack of marketing. Furthermore, it is not felt that the office accommodation that is proposed as part of this scheme would be an adequate level of employment floorspace, given the whole site is allocated for employment purposes. Accordingly, it is felt the Council's policies should prevail.
- 14.11 There is a design logic to the broad layout that is proposed. Units 8-24 at the eastern end of the site would respond to the layout and form of dwellings to the south at Harrier Green. Units 3-7 would address both the new street and an area of public open space on the north side of the new road. Units 1-2 would provide appropriate interest at the entrance to the new development. However, whilst the layout works in broad terms, it does, as a whole, feel rather too intensive. The footprints of the dwellings are typically quite deep, resulting in negligible front garden spaces, and with the areas to the front of dwellings being dominated by large areas of parking. Rear garden sizes would be rather small (as little as 8-9 metres in the case of some dwellings), and the green areas that are indicated along the street and within the parking areas would not be sufficient to adequately soften the visual impact of this intensity of development. There is also concern with the scale of the proposed office building. The intended floorspace can only be achieved with a 3 storey building. A 3-storey building set so close to Lime Kiln Lane would appear rather intrusive and would also relate awkwardly to the likely 2-storey scale of the proposed residential dwellings. As such, it is not felt the layout proposed would deliver a scheme of a sufficiently high design quality. In essence, it is felt the development would feel too intensive and too hard edged, to the detriment of the character and appearance of the area.

- 14.12 Based on the Council's recommended car parking standards, the office element of the proposed development should secure 16 on-site car parking spaces, whilst the residential element should secure 36 car parking spaces. The proposed scheme would secure only 10 on-site car parking spaces for the office element and 29 car parking spaces for the residential element. The level of proposed car parking would therefore be somewhat less than the council's recommended standards. However, the Highway Authority do not consider the shortfall in on-site parking provision would be detrimental to highway safety, having regard to national planning policy guidance that suggests that "local planning authorities should only impose local parking standards for residential and non-residential development where there is a clear and compelling justification that it is necessary to manage their local road network". Given the Highway Authority's conclusion on this matter, it is considered that the level of on-site parking would be acceptable.
- 14.13 The proposed development is one that would be expected to secure on-site cycle parking provision. The application proposes a cycle storage area for the offices, but does not specifically proposed any cycle parking in association with the dwellings. This lack of residential cycle parking would conflict with policy.
- 14.14 The Highway Authority is satisfied that the proposed vehicular access onto Lime Kiln Lane would have adequate visibility. This access position reflects the access position that was approved for the 6 light industrial units that were granted in 2001. However, whilst the access would have adequate visibility, the Highway Authority is concerned that the horizontal alignment of the new access road may not be able to safely accommodate all vehicles, including fire appliances and refuse vehicles. The Highway Authority has objected to the application on this basis, but have indicated that this objection could potentially be addressed if the applicant were to provide a swept path analysis for this area.
- 14.15 The Ecologist has objected to the scheme. The ecology report that has been submitted with the application is a Phase 1 report that includes recommendations for a further survey of reptiles. In the absence of an appropriate and up to date reptile survey, the Ecologist is not satisfied that the development could take place without adversely affecting reptiles, which are protected species. As such, due to the potential adverse impact on reptiles, the proposal would be contrary to Core Strategy Policy CS3. It is likely that this objection could be addressed with further survey work, but in the absence of this further survey work, it would not be appropriate to grant planning permission.
- 14.16 The proposed development would relate acceptably to most adjacent dwellings to the south of the site. There are no main windows on the north side elevations of the adjacent dwellings at 25, 40 and 41 Harrier Green. Therefore, the development would not adversely affect the light, outlook or amenities of these adjacent dwellings. The dwellings at 21-24 Harrier Green would be set about 26-28 metres away from the rear elevations of plots 4-7. This would be an acceptable degree of separation and sufficient to maintain the reasonable privacy of these neighbouring dwellings. Units 1-2 would be side on to 16-19 Harrier Way at a distance of 12-15 metres. This would again be an acceptable degree of separation. The most affected neighbouring dwelling would be 20 Harrier Way, which would have its first floor rear windows about 22 metres away from the likely first

floor rear windows in Plot 3. A ground floor conservatory would be even closer, being only about 19 metres away. On balance, it is felt that this would be too close. Although the exact position of first floor windows is not known, there is a reasonable expectation that there would be first floor windows on the rear of unit 3 that would affect the privacy of the occupants of 20 Harrier Way to an unreasonable degree, given their proximity to the rear of this property.

- 14.17 The Council's Environmental Health Officer has expressed concern that residential dwellings are being sited closer to existing industrial units (with a B2 General Industrial use) to the north of the site and a builder's yard to the north and east of the site. These adjacent uses have the potential to generate noise that would be detrimental to the amenities of the occupants of the new dwellings. The application is not accompanied by a noise assessment. Due to the lack of such a noise assessment, there is reasonable doubt that the development could be provided without resulting in unsatisfactory living conditions, particularly for those dwellings closest to the northern and eastern boundaries of the site. On this basis, the proposal would not accord with Core Strategy Policy CS2.
- 14.18 The Tree Officer is satisfied that there is adequate separation between the protected trees on the northern and eastern boundaries of the site and the proposed dwellings. As such, the proposed dwellings could be provided without detriment to these protected trees. Any footpath works and street lighting along the northern side of the site could also take place without detriment to these trees subject to use of specialist constructions. As such, subject to appropriate conditions to ensure construction takes places in an appropriate manner, the development is one that would safeguard the important existing trees around the site's boundaries.
- 14.19 The proposed development could be provided without adversely affecting the route of the public footpath to the north side of the site. Whilst the aspect from this footpath would change, the footpath route would not be unduly enclosed by the new buildings and the route would, moreover, have adequate natural surveillance.
- 14.20 The application site is within the Fawley Major Hazard (middle) Consultation Zone. The Health and Safety Executive have not objected to the application and therefore, the proposed development would be consistent with Core Strategy Policy CS5 on this specific point.
- 14.21 Southern Gas networks advise that there is a gas pipeline in the vicinity of the proposed development (along the Lime Kiln Lane Frontage). In the absence of a detailed survey, they are concerned that the development could impact on the security of this pipeline, which could have implications for public safety. This objection may well be resolvable with further work, but as things stand, the development would not comply with Core Strategy Policy CS5 on this specific point.
- 14.22 In accordance with Core Strategy Policy CS7, the proposed development is one that would generate a requirement to secure 0.15 hectares of on-site public open space, including provision for children's play. The applicants are offering an area of 0.23 hectares of public open space. However, a significant part of this area of land should already have been provided as public open space under Planning permission 00/68900. This means that the completely new public open space that would now be

provided is actually less than current requirements. However, because the public open space that should have been secured previously was actually well in excess of what was required at that time, it is felt the level of public open space being provided now would be acceptable.

- 14.23 Whilst the applicants are proposing an adequate area of public open space, they have not secured it, or its future maintenance with appropriate maintenance contributions, through a completed Section 106 legal agreement. Nor have they secured any affordable housing through a completed Section 106 legal agreement. The proposal would therefore conflict with Core Strategy Policies CS7 and CS15.
- 14.24 In accordance with the Habitat Regulations 2010 an assessment has been carried out of the likely significant effects associated with the recreational impacts of additional residential development (as provided for in the Local Plan) on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission were to be granted for the proposed development, a condition would be required that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise by providing mitigation to an equivalent standard. In this case, if the applicants were to fund the Council's Mitigation Projects, they would need to secure a mitigation contribution of £99,100 (part of which could potentially be met through CIL payments).
- 14.25 Overall, the proposed development would not be consistent with the Council's local plan objectives and policies. Development of an allocated employment site for mainly residential purposes would be detrimental to the Council's economic and employment objectives. It is not felt that applicants have put forward an appropriate justification for the loss of this employment site, demonstrated by a lack of marketing. The scheme would also be of an unduly poor design quality, it would adversely affect a neighbouring dwelling, and it would be detrimental to ecological interests and highway safety. There is a likelihood that future occupants of the dwellings would be subject to undue noise disturbance. The development would fail to secure adequate cycle parking or appropriate provision towards public open space and affordable housing. As such, the application is recommended for refusal.
- 14.26 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.

Section 106 Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings	10		
Financial Contribution	0	0	0
Public Open Space			
On site provision by area	0.15		
Financial Contribution	0	0	0
Transport Infrastructure			
Financial Contribution	0	0	0
Habitats Mitigation			
Financial Contribution	£99,100		

CIL Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses	2066.4		2066.4	£165,312.00

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposed development would result in the unjustified loss of an allocated employment site, which would be detrimental to the provision of employment opportunities in the local area, and harmful to the economic well-being of the area, contrary to Policy CS17 of the Core Strategy for New Forest District outside the National Park and Policy HAR1 of the New Forest District Local Plan Part 2: Sites and Development Management. Furthermore, it is not considered that the evidence provided in support of this application would justify a departure from policy.
2. The proposed development would be an unduly harsh and intensive development in this particular context, being characterised by inappropriately hard-edged and car dominated spaces to the front of dwellings that would have rather deep footprints. The development's intensive character would be further emphasised by some fairly small garden sizes and insufficient areas of greenery to soften the visual impact of the parking courtyards and new street. Furthermore, an office building of the floorspace proposed would, by necessity, be of a 3-storey scale that would

appear intrusive and discordant in this particular context. As such, the development would be an unsatisfactory design that would be detrimental to the character and appearance of the area, contrary to Policy CS2 of the Core Strategy for New Forest District outside of the National Park.

3. Insufficient information has been submitted with the application to demonstrate that the proposed development would not adversely affect protected species (reptiles) that could potentially be present on the site, and as such, the proposed development would be contrary to Policy CS3 of the Core Strategy for New Forest District outside of the National Park and policy DM2 of the Local Plan Part 2: Sites and Development Management.
4. It has not been adequately demonstrated that the first section of the new access road would be able to safely accommodate all vehicles, due to the horizontal alignment of the access road at this point. As such, the Local Planning Authority is not satisfied that the proposed development could be provided without detriment to the safety and convenience of users of the highway, and the proposed development would, therefore, be contrary to Policy CS24 of the Core Strategy for New Forest District outside of the National Park.
5. Adequate provision is not made on the site for the parking of cycles and the proposed development would therefore fail to adequately promote sustainable modes of travel, contrary to Policies CS2 and CS24 of the Core Strategy for New Forest District outside the National Park and the Council's Supplementary Planning Document 'Parking Standards'.
6. The proposed development would be likely to be detrimental to the amenities of a neighbouring dwelling and would potentially fail to secure appropriate levels of amenity for the occupants of the proposed development. Specifically, as a result of the proximity of the rear of unit 3 to 20 Harrier Green, it is probable that the development would result in undue overlooking of this neighbouring property, to the detriment of the amenities of the occupants of this dwelling. Furthermore, in the absence of an appropriate noise assessment, the Local Planning Authority is not satisfied that occupants of the proposed development would enjoy satisfactory living conditions, due to the proximity of the proposed development to potential noise generating commercial units to the north and east of the site. As such, the proposal would be contrary to Policy CS2 of the Core Strategy for New Forest District outside of the National Park.
7. It has not been adequately demonstrated that the proposed development could take place without adversely affecting a gas pipeline along the site's Lime Kiln Lane frontage, and the proposal would therefore potentially be detrimental to public safety, contrary to Policy CS5 of the Core Strategy for New Forest District outside of the National Park.
8. The proposed development would fail to secure an appropriate 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.

9. The proposed development would fail to secure the provision of public open space on the site or make any contributions towards its future maintenance, which is considered necessary to meet the needs of the occupants of the development for public open space. The proposal would therefore be contrary to an objective of the Core Strategy for the New Forest District outside the National Park 2009 and with the terms of Policies CS7 and CS25 of the Core Strategy.

Notes for inclusion on certificate:

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, there are significant in-principle objections to the proposed development, and therefore it would not be possible to negotiate on all of the concerns identified to secure an acceptable outcome.

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



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Application Number: 15/10563 Full Planning Permission

Site: SILVER MIST, RINGWOOD ROAD, SOPLEY BH23 7BE

Development: First-floor rear extension; rear dormer with Juliet balcony

Applicant: Mr Hughes

Target Date: 03/08/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary view to Parish Council

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside outside the New Forest

Green Belt

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

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
NPPF Ch. 7 - Requiring good design
NPPF Ch. 9 - Protecting Green Belt land

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

Residential Design Guide for Rural Areas of the New Forest District

6 RELEVANT PLANNING HISTORY

11/96992	Conservatory Silver Mist, Ringwood Road, Sopley BH23 7BE	20/06/2011	Refused Appeal allowed with conditions
05/86365	Dormer on side elevation Silver Mist, Ringwood Road, SOPLEY BH23 7BE	23/12/2005	Granted Subject to Conditions
05/86253	Single-storey rear extension Silver Mist, Ringwood Road, SOPLEY BH23 7BE	14/12/2005	Granted Subject to Conditions

7 PARISH / TOWN COUNCIL COMMENTS

Sopley Parish Council: generally support this application. They cite a couple of concerns on this application. First, the potential impact on the conservatory of River Views to the south. This is unlikely to cause much issue, as the sun does not track across the north. The second is the height of the new gable, which is higher than the existing building. It is not clear why the proposal needs to be designed in this way, or what it delivers but the aforementioned neighbouring property is two storey. All in all, the design is pleasant and does not impact their front elevation. The rear elevation looks out on fields. Based on correspondence and discussion, Sopley Parish Council generally support this application.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

Land Drainage - no comment

10 REPRESENTATIONS RECEIVED

None received

11 CRIME & DISORDER IMPLICATIONS

No relevant implications

12 LOCAL FINANCE CONSIDERATIONS

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

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. The development is under 100 sq metres and is not for a new dwelling and so there is no CIL liability in this case.

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

The applicant did not use the pre-application advice service available from the Council. The Officer's initial briefing was published on the Council's website which indicated some of the Case Officer's concerns with the proposal. Given the scale of the proposal and the issues raised there was no opportunity for the applicant to amend the application within the Government's time scale for decisions. No request to withdraw the application was received.

14 ASSESSMENT

- 14.1 The property is a detached chalet bungalow located within the Countryside outside the New Forest and the Green Belt. The area has a mixture of properties with fields opposite and open farmland to the rear. The property has been previously extended with a single storey rear extension and a conservatory. Dormer windows are positioned on the rear roof slope. The rear garden which contains a garage has boundaries which are defined with high hedges and fences.
- 14.2 The main considerations when assessing this application were neighbour amenity, overall design and the impact on the Countryside and Green Belt.

- 14.3 The neighbour to the north, Green Vale (previously named Afta Thawt), is a two storey property and has been extended with a conservatory. Ground floor windows are positioned on the side elevation facing the application site. The proposed extension would be set away from this neighbour and therefore the impact in terms of loss of light and visual intrusion would be acceptable.
- 14.4 The neighbour to the south, River view, is a two storey dwelling which is set further forward on the plot in comparison to Silver Mist. This neighbour has been extended with a conservatory which is close to this shared boundary. The proposed extended ridge and accompanying built form would be positioned close to this shared boundary and whilst there would not be a loss of light, as it is located to the south of Silver Mist, the proposed extension would be visually imposing and detrimental to this neighbour's outlook.
- 14.5 Whilst new full length windows and a Juliet balcony would be introduced to the rear, as there is already a rear facing dormer on this property and other 2 storey properties with rear facing windows, it would be difficult to argue additional harmful overlooking as a result.
- 14.6 In terms of design the proposed rear dormer would be bulky in design and excessive in height, higher than the existing ridge, it would appear out of scale with the roof slope where it would be sited and consequently would form an incongruous and disproportionate addition which would be visually imposing within this location. It is appreciated that the proposed development would be to the rear of the property but as there is open countryside to the rear and with the proposed dormer being higher than the ridge the proposed addition would be visible within the wider area, and from the streetscene it would therefore have a harmful and detrimental impact on the Countryside and Green Belt.
- 14.7 The existing conservatory is not currently shown on the elevation and floor plans but is indicated on the block plan. This was granted permission on appeal in 2011 following a refusal (application number 11/96992). The property was previously extended with a single storey rear extension following planning permission in 2005 (05/86253). The property is located within an area designated as Countryside outside the New Forest and 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. Policy DM-20 of the Local Plan Part 2, Sites and Development Management Plan, seeks to limit the increase of floorspace allowed to 30% from the floorspace in July 1982. This calculation does not include the floor space of the conservatory as Local Policy does allow for the addition of a conservatory over and above the limits, provided it does not impact on the local area. The 2011 appeal Inspector determined that the small conservatory complemented the existing dwelling and did not have an adverse impact on the Green Belt or Countryside. However as the property has already been extended at ground floor the proposed alterations would increase the floorspace further and the total increase in floorspace including the proposed extension would be 51%, this would be contrary to Policy and would have a harmful impact on the Countryside.

- 14.8 On the basis of the above the proposal would not be acceptable because of the impact on visual amenity and the inappropriate design which would be visually intrusive in this location being of an inappropriate design and scale. Furthermore the proposed significant enlargement of the dwelling in this rural location which would be contrary to the objectives of the adopted local plan Policy DM20. Therefore the application is recommended for refusal.
- 14.9 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposed development because of its excessive height and the depth of the resultant built form in close proximity to the neighbouring property, River View, would result in a detrimental impact on their amenity by reason of visual intrusion contrary to the requirements of Policy CS2 of the Core Strategy for the New Forest District outside the National Park.
2. The proposed development, by reason of its excessive height, bulk and scale, would be an incongruous and disproportionate form of development which would be harmful to the character and appearance of the countryside and Green Belt in which the site is located. For this reason, the proposal is contrary to policy CS2 of the Core Strategy for the New Forest District outside the National Park and the core principles number 7, Requiring good design, and number 9, Protecting Green Belt Land, of the National Planning Policy Framework.
3. 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.

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 did not use the Pre-application advice service available from the Council. The Officer's initial briefing was published on the Council's website which indicated some of the Case Officer's concerns with the proposal. Given the scale of the proposal and the issues raised there was no opportunity for the applicant to amend the application within the Government's time scale for decisions. No request to withdraw the application was received.

Further Information:

Householder Team
Telephone: 023 8028 5345 (Option 1)



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Application Number: 15/10755 Full Planning Permission

Site: 91-92 HIGH STREET, LYMINGTON SO41 9AP

Development: Bin store; entrance gates; railings; fenestration alterations

Applicant: Aqua House 22LLP

Target Date: 05/08/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Lymington Conservation Area
Primary Shopping Area
Town Centre Boundary
Archaeological Site

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

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

Local Plan Part 2 Sites and Development Management Development Plan Document

DM1: Heritage and Conservation
DM14: Primary shopping frontages

National Planning Policy Framework

NPPF Ch. 1 - Building a strong, competitive economy
NPPF Ch. 2 - Ensuring the vitality of town centres

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPG - Lymington - A Conservation Area Appraisal

6 RELEVANT PLANNING HISTORY

- 6.1 14/11365 - Use of first & second floors as 12 flats (Prior Approval Application) - prior approval not required November 2014, otherwise planning history limited to various commercial uses of the land and buildings.

7 PARISH / TOWN COUNCIL COMMENTS

Lymington Town Council - Recommend Refusal considering the use of common brick in between concrete piers to be ugly and not in keeping with the immediate area and the forthcoming redevelopment of the St Barbs Museum frontage. The property has a prominent position at the corner of New Street and the High Street and the materials used need to be carefully considered within the context of this position.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Environmental Design (Conservation) - Initial concerns raised in relation to the thickness of the replacement window profiles and the appearance of the railings and new walling in the undercroft area. Following receipt of amended plans, no objections are raised, subject to conditions requiring railing details to be agreed, provision of sample panels of colour for renders, railings and windows and the soldier course detailing to be agreed prior to construction.
- 9.2 Land Drainage Section – No comments
- 9.3 Southern Gas Networks - No objections, but give informatives
- 9.4 Hampshire County Council Highway Engineer - no objection subject to conditions.

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.

In this case, the applicant sought the Planning Authority's view on the form of proposed development, prior to submission of this application. The proposals were generally supported by the Council, subject to clarification of materials, colours and window dimensions. Following negotiation with the applicant, amended plans were submitted to address the concerns raised by the Conservation Team and Highway Authority, which resulted in the scheme being considered acceptable.

14 ASSESSMENT

- 14.1 The application property at 91-92 High Street, Lymington is a three storey, relatively modern building, situated within the defined urban area of Lymington and its Conservation Area. It benefits from prior approval for change of use from offices to dwellings under a permission issued in November 2014. That proposal related to a B1(a) (office) premises at first and second floor levels, with Costa Coffee and undercroft parking occupying the ground floor space. It facilitated conversion of the first and second floor office accommodation to residential (C3) accommodation, with no physical changes to the external appearance of the building, providing 12 no. flats comprised of 4 no. 2 bed units and 8 no. 1 bed units. Off-street parking is to be provided within a communal undercroft parking area beneath the offices, accessed from New Street.

- 14.2 This application is made partially retrospectively, as some of the brickwork is already in situ. The proposal seeks permission for operational development affecting the external envelope of the building namely:
- Erection of a low red brick wall and railings on the New Street frontage of undercroft parking area;
 - Subdivision of Costa Coffee parking from the residential parking area;
 - Creation of bin store;
 - Rendering and painting of concrete columns;
 - Replacement of existing bare aluminium windows with powder coated RAL7006 (bronze) windows;
 -
 - Insertion and alteration of new window apertures
- The building is the subject of an integrated project of renewal and the proposal needs to ensure the protection and enhancement of the conservation area, highway safety and adjoining amenity in accordance with Policies CS2, CS3 and DM1 and the Lymington Conservation Area Appraisal.
- 14.3 In terms of impacts upon the character and appearance of the conservation area, the Council's Conservation Officer raised initial reservations over the proposal. However, following receipt of amended plans, including lowering the existing low wall fronting New Street and narrowing of the proposed window frames, no objections are raised, subject to conditions requiring railing details to be agreed, colours to be agreed and the soldier course detailing to be agreed prior to construction. The proposal consequently adheres to the provisions of Policies CS3, DM1 and the Conservation Area Appraisal. The views of the Town Council are noted. However, it is felt that the use of brickwork and railings between existing piers would be contextually appropriate. It is not felt this detail would have an adverse impact on the character and appearance of the Lymington Conservation Area. Conditions would ensure the brickwork and railings are of a suitably high design quality.
- 14.4 The County Highway Engineer raised initial concerns over the proposed gate and visibility upon egress from the parking spaces proposed for use by Costa Coffee. The issues have been resolved following receipt of amended plans deleting the gate and removing one of the parking spaces to give adequate visibility along New Street. No objections are raised by the Highway Authority, subject to conditions.
- 14.5 With regard to adjoining amenity, there would be no adverse impacts upon adjoining occupiers as a result of the proposed works to the undercroft area and windows, in accordance with Policy CS2.
- 14.6 In conclusion, the proposed changes would result in an improvement to the appearance of this prominent building in the Conservation Area.
- 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: BG3461-100, BG3461- 201 Rev D, BG3461- 202 Rev G, BG3461- 203 Rev G, BG3461- 301 Rev A, BG3461- 302 Rev A and BG3461- 401

Reason: To ensure satisfactory provision of the development.

3. No gates shall be provided to the vehicular access to the undercroft parking area unless plans and particulars showing details have been submitted to and approved in writing by the Local Planning Authority.

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

4. No further development shall be undertaken on site in respect of parking provision until plans and particulars showing details of the cycle storage area accessed directly off New Street have been submitted to and approved in writing by the Planning Authority. The development shall be carried out in accordance with the approved details before the use of the development is commenced and shall be retained thereafter.

Reason: The condition is required as full details of these matters were not submitted with the application and are required prior to their installation in the interest of highway safety and in accordance with (Policy CS24 of the Core Strategy for the New Forest District outside the National Park).

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

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

6. No further development shall proceed in respect of railing installation, rendering, brickwork or window installation until full details of the railings (including colour), colours of render and windows and soldier course detailing have been submitted to and been approved in writing by the Local Planning Authority. Thereafter, the development shall only proceed in accordance with the approved details unless otherwise first agreed in writing by the Local Planning Authority.

Reason: The condition is required as full details of these matters were not submitted with the application and are required prior to their installation to ensure the materials and colours are sympathetic to the appearance of the character and appearance of the Conservation Area, in accordance with Policy CS3 of the Core Strategy for the New Forest District outside the National Park and Policy DM1 of Local Plan Part 2 Site and Development Management Plan.

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, following negotiation with the applicant, amended plans were submitted to address the concerns raised by the Conservation Team and Highway Authority, which resulted in the scheme being considered acceptable.

2. Southern Gas Networks advise that the applicant must comply with CDM Regulations and HSG47 guidance at the appropriate stage in their construction planning.

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
September 2015**

Item No: 3e
91-92
High Street
Lymington
15/10755
SZ3295

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



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Application Number: 15/10760 Full Planning Permission

Site: LITTLE ORCHARD, SWAY ROAD, LYMINGTON SO41 8NN

Development: Single-storey side & rear extension

Applicant: Mr Fairbairn

Target Date: 26/08/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside outside the New Forest

Green Belt

Conservation Area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

CS2: Design quality

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

Local Plan Part 2 Sites and Development Management Development Plan Document

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
NPPF Ch. 7 - Requiring good design
NPPF Ch. 9 - Protecting Green Belt land

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

Residential Design Guide for Rural Areas of the New Forest District

6 RELEVANT PLANNING HISTORY

90/46138 Erect 1 & 2 storey additions and detached double garage granted subject to conditions 19th November 1990

7 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council recommend permission

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

9.1 Arboricultural Officer - No objection

9.2 Land Drainage - No comment

9.3 Conservation Officer - No objection.

10 REPRESENTATIONS RECEIVED

None received

11 CRIME & DISORDER IMPLICATIONS

No relevant implications

12 LOCAL FINANCE CONSIDERATIONS

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

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. The development is under 100 sq metres and is not for a new dwelling and so there is no CIL liability in this case.

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

The applicant did not use the Pre-application advice service available from the Council. The Officer's initial briefing was published on the Council's website which indicated some of the Case Officer's concerns with the proposal. Given the scale of the proposal and the issues raised there was no opportunity for the applicant to amend the application within the Government's time scale for decisions. No request to withdraw the application was received.

14 ASSESSMENT

- 14.1 The property is a large detached dwelling located on a large plot within the Green Belt, Countryside outside the New Forest and Lymington Conservation Area. The boundaries consist of high hedges and trees making the property screened from the road. The ground floor has been extended following planning consent in 1990 (the two storey addition has not been implemented). There are a number of trees around the site.
- 14.2 The main considerations when assessing this application were design, floor space increase and the impact on the designated area.
- 14.3 Given the location of the property there would not be any neighbour amenity issues.
- 14.4 There are a number of trees on and around the site and therefore the Council's Arboricultural Officer was consulted but raised no objection.
- 14.5 The property is located within an area designated as Countryside outside the New Forest and 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. Policy DM-20 of the Local Plan Part 2, Sites and Development Management Plan, seeks to limit the increase of floorspace allowed to 30% from the floorspace in July 1982. From our records it would appear that the property had an existing garage attached to the property which

was converted to living accommodation and it was accepted in 1990 that this was part of the pre 1982 floor space. This garage was replaced with a larger side extension following planning consent in 1990, this permission also included a two storey rear extension which was never built.

- 14.6 The proposed addition would increase the floor space by a further 54.4 square metres. The overall increase of floorspace from the 1990 addition (excluding the 2 storey addition) and what is proposed would increase the floor space by 39% which would be contrary to policy. It should be noted that this calculation does not include the two storey addition which has not been built but as the 1990 consent was implemented this could be added at a later date. Therefore if the current application is approved a legal agreement would be needed to prevent the further expansion of the property by the previously approved two storey element.
- 14.7 This extension has the effect of architecturally balancing the building and is in keeping with the existing property. Furthermore, it is not visible from a public vantage point. Whilst the proposed addition is in keeping with the property and would not impact on the street scene it would however be contrary to Policy DM20 which looks to prevent the excessive increase in the size of properties within the Countryside. Therefore the proposed significant enlargement of the dwelling in this rural location would be contrary to the objectives of the adopted local plan and detrimental to the Green Belt and Countryside and the application is recommended for refusal.
- 14.8 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

15. RECOMMENDATION

Refuse

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.

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 did not use the Pre-application advice service available from the Council. The Officer's initial briefing was published on the Council's website which indicated some of the Case Officer's concerns with the proposal. Given the scale of the proposal and the issues raised there was no opportunity for the applicant to amend the application within the Government's time scale for decisions. No request to withdraw the application was received.

Further Information:

Householder Team
Telephone: 023 8028 5345 (Option 1)



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Application Number: 15/10822 Full Planning Permission

Site: 6 JONATHAN CLOSE, LYMINGTON SO41 9DY

Development: Single-story rear extension; rooflights and fenestration alterations;
porch

Applicant: Mr & Mrs Pegler

Target Date: 10/08/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Lyminster Local Distinctiveness

6 RELEVANT PLANNING HISTORY

None relevant

7 PARISH / TOWN COUNCIL COMMENTS

Lyminster & Pennington Town Council: recommend permission
Subject to obscure glazing to window in response to the objection from the neighbour

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

Land Drainage: No comment

10 REPRESENTATIONS RECEIVED

1 Objection:

The window/door to the side of the new extension will look straight into our lounge. There is a small tree but that does not provide any screening particularly during the winter months when there are no leaves.

11 CRIME & DISORDER IMPLICATIONS

Not applicable

12 LOCAL FINANCE CONSIDERATIONS

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

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. The development is under 100 sq metres and is not for a new dwelling and so there is no CIL liability in this case.

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 relates to a detached bungalow situated in the built up area of Lymington. The immediate area is characterised by two storey detached dwellings on one side of the street and detached bungalows on the other side. The bungalow is situated at the very bottom end of the cul-de-sac and is set back from the road with parking to the front with an attached side garage.
- 14.2 The rear garden slopes to the rear (northwards) and is enclosed with fencing. There are trees around the boundary with neighbouring properties to the west. The proposal is to replace the existing rear extension with a flat roofed single storey rear extension with 3 rooflights, the addition of 2 rooflights to the eastern roof slope, a new front porch and alterations to the window on the front end of the eastern elevation. The main consideration in assessing this application is the impact on the neighbouring properties and character of the area.
- 14.3 The neighbouring properties would be screened from the proposed single storey rear extension by trees and a high fence. The scale of the proposed extension would not adversely impact on the neighbouring properties. The proposed rooflights would not cause any issues of overlooking and would provide light to the dining area.
- 14.4 The proposed front porch would be screened from the street scene by the hedges and tree to the front. The window on the eastern elevation would be replaced with a round window and would be much smaller than the existing. These elements would not adversely affect the neighbouring property no 7. No other neighbours would be adversely affected by the proposed development.
- 14.5 There are various types of front and rear extensions on this road; the proposed single storey rear extension would however, introduce a different material (timber cladding) than the host dwelling. However, on balance as this would be to the rear of the dwelling, therefore would not have an adverse impact on the street scene.
- 14.6 One letter of objection was received from the neighbour at No. 94 Lower Buckland Road regarding potential overlooking from the proposed window/door on the western elevation. This neighbour is located at right angles to the application site and has a garden of a minimum of 11 metres in length. The proposed single storey rear extension would however reduce the amount of fenestration on this side elevation compared to the existing conservatory and it would not extend any

further than the existing conservatory from the original rear wall. Furthermore the proposed window would be set lower than the existing fenestration on the conservatory and that of the existing dwelling due to the rearward sloping nature of the land. In this instance, imposing a condition for the use of obscure glass as recommended by the Town Council would not be justifiable in this instance.

- 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: P01, P02, P03, P04, P05a, S01, S02, S03, S04 and S05a.

Reason: To ensure satisfactory provision of the development.

Notes for inclusion on certificate:

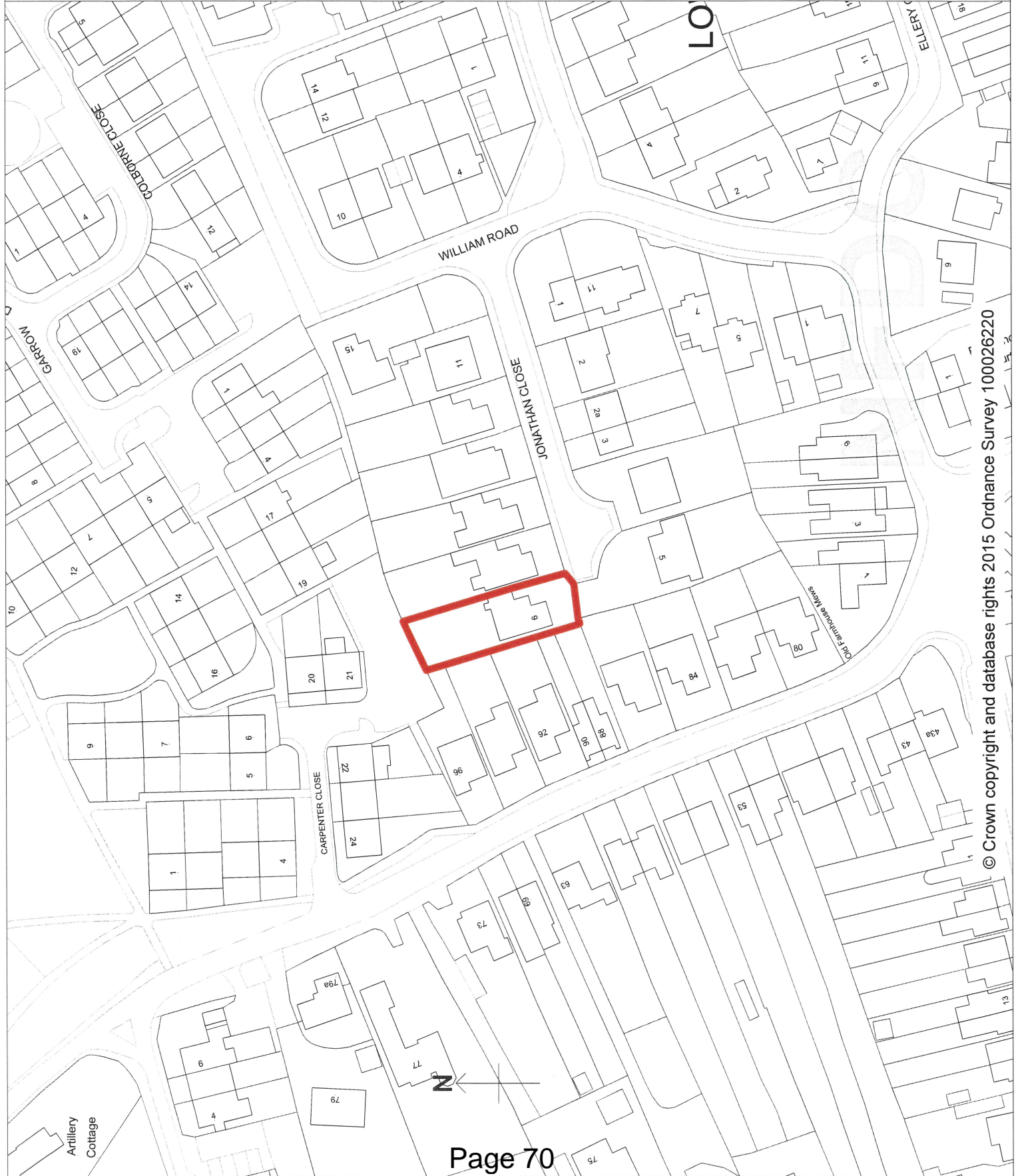
In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in 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:

Householder Team

Telephone: 023 8028 5345 (Option 1)



Application Number: 15/10954 Full Planning Permission

Site: 24 DANIELLS WALK, LYMINGTON SO41 3PN

Development: Two-storey front and rear extensions; Juliet balconies; roof lights; fenestration alterations; flue; detached double garage

Applicant: Mr & Mrs S Muskett

Target Date: 24/08/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council View

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Lymington Local Distinctiveness Supplementary Planning Document

6 RELEVANT PLANNING HISTORY

01/72580 Extension to existing garage granted subject to conditions 27th
September 2001

7 PARISH / TOWN COUNCIL COMMENTS

Lymington and Pennington Town Council: recommend refusal. The shading, intrusive impact of the excessive height of the extension upon the neighbours amenity; concerns regarding the windows on ground and first floor overlooking neighbouring private space.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

Land Drainage - No comment

Arboricultural Officer - No objection

10 REPRESENTATIONS RECEIVED

None received

11 CRIME & DISORDER IMPLICATIONS

No relevant implications

12 LOCAL FINANCE CONSIDERATIONS

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

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. (Based on the information provided at the time of this report this development has a CIL liability of £8,080.00). Whilst the development is over 100sqm GIA under Regulation 42A developments within the curtilage of the principal residence and comprises up to one dwelling are exempt from CIL. Furthermore, it would be a self build, the relevant Exemption form has been claimed as it relates to a self build extension and the required form submitted. As a result, no CIL will be payable.

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 agent supplied additional plans to demonstrate the potential impact of the proposals and therefore in this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

14 ASSESSMENT

- 14.1 The property is a modest detached bungalow in an area where there is a mixture of styles and sizes of dwellings. Many have been considerably altered. A detached garage is located to the rear, sited behind a car port side extension. The front boundary consists of mature hedging and trees.
- 14.2 The main considerations when assessing this application are the impact on the neighbouring properties and on the street scene.
- 14.3 The neighbour at number 22 is a modest bungalow, positioned to the north and set back on its plot in comparison to number 24. This neighbouring property has had an application for alterations and a detached garage approved in 2014. This has not been implemented. There are windows at ground floor and first floor on the elevation facing the application site and therefore the proposed rear extension, because of its height and bulk would be likely to have an impact on their amenity. However as there is a gap of approximately 5.5 metres between the properties and the roof would be pitched away a balanced view has been taken and the visual impact on this neighbour would therefore be considered acceptable. Furthermore, the agent has provided shadow plans to demonstrate that the impact, in terms of loss of light, would be limited.
- 14.4 The proposed first floor rooflights on the north-east elevation serving the bathroom are shown as obscurely glazed and, as they are close to the existing first floor window, would not cause an additional loss of privacy. The proposed rooflight to the rear of the development would serve a bedroom and is shown as 1.7 metres above floor level and therefore, given the height would have limited views over this neighbour's rear garden, so as not to unreasonably impact on their amenity.
- 14.5 The proposed Juliet balcony on the rear elevation would increase potential overlooking to the rear but given other existing rear facing first floor windows, existing boundary treatment and that this is not an

uncommon situation in residential areas, no overriding objection is raised.

- 14.6 The neighbour at No.26 has a detached garage within the front garden built up to the shared boundary with No.24. There is a first floor window on the side elevation of this neighbour but as this faces the main part of the dwelling at No.24 there would not be a significant visual impact on it from the proposed extensions. As this neighbour is to the south there would not be harmful loss of light.
- 14.7 The two new rooflights which would face No.26 are shown as obscurely glazed and therefore any increase in overlooking is limited. The proposed rooflights serving the bathroom and ensuite rooms are shown on the plans as obscure glazed and with their position alongside the neighbouring property would have limited impact in term of overlooking. It is however appropriate to add a suitable condition.
- 14.8 The proposed front alterations would be in keeping with other properties in the area and being set back from the road would not impact on the street scene.
- 14.9 While the proposed garage is within the front garden it is similar to others in the area and, therefore, would not impact on local distinctiveness or undermine the existing character of the area. The high boundary treatments would provide some screening so that there would not be an adverse impact on the street scene.
- 14.10 The proposed two storey rear extension would have an eaves height higher than the existing height of the property. While this increased height and bulk does not relate well to the existing dwelling it is to the rear of the property and as such would not be clearly viewed within the street scene. Furthermore there are other properties with large bulky roof forms within the immediate area and therefore the resulting property would not be out of keeping or adversely impact on the local distinctiveness.
- 14.11 Overall, the proposed development would be consistent with Core Strategy policies and objectives and as such, the application is recommended for permission.
- 14.12 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

CIL Contribution Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Self build (CIL Exempt)	297	196	101	£0

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development permitted shall be carried out in accordance with the following approved plans: 376/1, 376/2A, 376/3A, 376/4 & 376/5A

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 Local Plan for the New Forest District outside the National Park Core Strategy.
4. The first floor rooflight windows on the north east and south west elevations of the approved building (extension) shall at all times be glazed with obscure glass except where the lowest cill level of the rooflights exceeds 1.7 metres above finished floor level.

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.

The agent has supplied additional plans to demonstrate the potential impact of the proposals and therefore 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: 15/11016 Full Planning Permission

Site: 115 CHRISTCHURCH ROAD, RINGWOOD BH24 3AQ

Development: Use as dental practice; rear porch canopy; permeable hard surfacing; parking & cycle racks; low level boundary wall

Applicant: Mr Gollings

Target Date: 02/09/2015

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

CS1: Sustainable development principles
CS2: Design quality
CS8: Community services and infrastructure

Local Plan Part 2 Sites and Development Management Development Plan Document

None

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

Ringwood Local Distinctiveness Document
Parking Standards SPD (Oct 2012)

6 RELEVANT PLANNING HISTORY

No relevant planning history

7 PARISH / TOWN COUNCIL COMMENTS

Ringwood Town Council - recommended refusal: raise concerns about the practicalities of using the proposed parking spaces and the impact this could have on the access and egress to/from the site onto a very narrow and busy

section of Christchurch Road. The likely meeting of cars entering/exiting the site, and the location of the space at the front of the property, could result in vehicles reversing into the road, which would be highly dangerous in this location. There is also concern about the loss of a residential dwelling.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

9.1 Land Drainage Section – No objections

9.2 Environmental Health (Pollution) – No concerns raised regarding the proposed use as a dental surgery, provided there is no external equipment such as external compressors or similar employed at the premises. A dental surgery comes under the D1 use class, a class which contains a wide variety of uses, including day nursery/ creche and other such uses, which, if sited at this location in such close proximity to residential properties, would be expected to result in a significant adverse impact on these residential properties. Therefore it is recommended that a condition be applied to any granted planning permission to restrict use of the premises to that of a dental surgery only.

9.3 Environmental Health (Contaminated Land) – no objections

9.4 Hampshire County Council Highway Engineer - No objection subject to car and cycle parking being provided in accordance with the approved plans.

10 REPRESENTATIONS RECEIVED

Two letters have been received in support of this proposal.

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 The applicant sought the Planning Authority's view on the form of development proposed, prior to making the formal submission, the principle of which was supported. All the above apply and as the application was acceptable as submitted no specific further actions were required.

14 ASSESSMENT

- 14.1 The site lies within the built-up area of Ringwood, outside any other designated area. The area is characterised by predominantly commercial land uses fronting Christchurch Road, with residential uses adjoining to the north east and north west. There is an existing vehicular access to the site directly from Christchurch Road.
- 14.2 The proposal seeks planning permission for a change of use from C3 (dwelling) to D1 (Dental practice), with operational development involving provision of off-street parking to the front and rear, a small extension to the rear, cycle parking facilities and landscaping to the front.
- 14.3 Among other things Policy CS2 of the Core Strategy seeks to ensure that all new development is appropriate and sympathetic to its setting and shall not cause unacceptable effects to adjoining land uses. In terms of the impact of the proposal upon the character and appearance of the area, the extension to the rear is unlikely to cause any adverse effect due to its very modest size and relationship to neighbouring property. The car parking area to the rear is acceptable in character terms, though the scheme submitted does appear to cover much of the rear garden in hardstanding, although this would be permeable. It is noted that the area to the front is already laid to hardstanding, although the presence of parked vehicles in this location would do little to enhance the street scene. The application shows provision of a low wall and planting to the back of the pavement, which would partially screen parked vehicles and result in a small enhancement to the appearance of the area. This would be in accordance with the Local Distinctiveness Document, which identifies the site within the Southern Approach Character Area, which needs pockets of green space restored where possible through new

development. No specific details of the planting species, spacing, numbers and planting medium are provided, which can be addressed by condition. Otherwise, the proposal complies with the character related provisions of Policy CS2 and the Local Distinctiveness Document.

- 14.4 The proposed use appears to be sufficiently far away and detached from existing properties, so as not to give rise to a loss of privacy, light or overbearing impact. However, the proposal would introduce vehicles to the back garden, via an access immediately adjoining the boundary with 113 Christchurch Road. The two sites are separated by a 2m high brick wall with trellis above. No objections have been raised in respect of this relationship and the Environmental Health Section raise no concerns, subject to a condition to restrict the use to a dental practice only. The amenity impacts of the proposal comply with the provisions of Policy CS2 of the Core Strategy.
- 14.5 In respect of the concerns raised by the Town Council, the Highway Authority raise no concerns with regard to the proposed parking, access and turning arrangements, subject to a condition to ensure car and cycle parking is provided in accordance with the submitted plans. The Planning Authority could not resist the proposed development simply on grounds that a dwelling would be lost.
- 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: SBA.3453-7-1

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 Local Plan for the New Forest District outside the National Park Core Strategy.

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

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

Reason: A pre-commencement condition is required as precise details of the landscaping arrangements were not submitted with the application and these are required to ensure that the development takes place in an appropriate way and to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and the Ringwood Local Distinctiveness Document.

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

Reason: To ensure adequate on-site car and cycle parking provision for the approved development.

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

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)

