

NOTICE OF MEETING

Meeting: PLANNING DEVELOPMENT CONTROL COMMITTEE

Date and Time: WEDNESDAY, 14 OCTOBER 2015, AT 9.00 AM*

Place: THE COUNCIL CHAMBER, APPLETREE COURT,
LYNDHURST

Telephone enquiries to: Lyndhurst (023) 8028 5000
023 8028 5588 - ask for Jan Debnam
E-mail jan.debnam@nfdc.gov.uk

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

Appletree Court, Lyndhurst, Hampshire. SO43 7PA
www.newforest.gov.uk

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 9 September 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) **Land at 68-74 Old Milton Road, New Milton (Application 14/11441) (Pages 1 - 16)**

Development of 7 dwellings comprised: 1 two-storey block of 4 flats; 1 two-storey block of 2 flats; 1 detached house; cycle/bin stores; parking; landscaping

RECOMMENDED:

Planning consent subject to conditions

(b) **Coppice, 90 Barton Lane, Barton-on-Sea, New Milton (Application 15/10601) (Pages 17 - 22)**

Single-storey side extension; use of garage as ancillary accommodation

RECOMMENDED:

Planning consent subject to conditions

(c) **Land Adjacent 4 Brockhills Lane, Ashley, New Milton (Application 15/10784) (Pages 23 - 38)**

7 detached houses; parking; landscaping; access from Brockhills Lane and Cullwood Lane

RECOMMENDED:

Planning consent subject to conditions

(d) **Spring Lodge, Spring Lane, Ashley, New Milton (Application 15/10834) (Pages 39 - 46)**

Removal of Condition 7 of Planning Permission 08/91825 to remove requirement to retain car parking

RECOMMENDED:

Planning Consent

(e) **58 Dale Road, Hythe (Application 15/10986) (Pages 47 - 54)**

Front dormers in association with new first floor; two-storey side extension; single-storey rear extension; basement garage; roof light; photovoltaic panels

RECOMMENDED:

Refuse

- (f) **2 Calmore Gardens, Totton (Application 15/11112) (Pages 55 - 60)**
House; detached garage; demolish existing
RECOMMENDED:
Planning consent subject to conditions
- (g) **Marchwood Wharf, Oceanic Way, Marchwood (Application 15/11254) (Pages 61 - 68)**
Installation and operation of an asphalt plant for a period of 5 years
RECOMMENDED:
Raise no objection
- (h) **Co-Op Store, 6-7 Oak Tree Parade, Bransgore (Application 15/11135) (Pages 69 - 74)**
Installation of 5 anti ram raid bollards
RECOMMENDED:
Planning consent subject to conditions
- (i) **4 Shakespeare Drive, Totton (Application 15/11190) (Pages 75 - 80)**
Single-storey rear extension
RECOMMENDED:
Planning consent subject to conditions
- (j) **7 Arnolds Close, Barton-on-Sea, New Milton (Application 15/11088) (Pages 81 - 86)**
Retention of garage roof alterations; re-clad garage walls
RECOMMENDED:
Planning consent subject to conditions

4. 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 J 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.

This page is intentionally left blank

Application Number: 14/11441 Full Planning Permission

Site: Land at 68-74 OLD MILTON ROAD, NEW MILTON BH25 6DX

Development: Development of 7 dwellings comprised: 1 two-storey block of 4 flats; 1 two-storey block of 2 flats; 1 detached house; cycle/bin stores; parking; landscaping

Applicant: Perbury Developments Ltd

Target Date: 12/12/2014

1 REASON FOR COMMITTEE CONSIDERATION

Previous committee consideration on 8th April 2015

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area
Town Centre

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

Core Strategy

- CS2: Design quality
- CS4: Energy and resource use
- CS7: Open spaces, sport and recreation
- CS8: Community services and infrastructure
- 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

- DM3: Mitigation of impacts on European nature conservation sites

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - The Delivery of Affordable Housing (on Development Sites) through the Planning Process
SPD - Design of Waste Management Facilities in New Development
SPD - Housing Design, Density and Character
SPD - New Milton Local Distinctiveness
SPD - Parking Standards
SPD - Mitigation of Impacts on European Sites.

6 RELEVANT PLANNING HISTORY

- 6.1 Change of use from police dwelling houses to offices for police use (37250)
Granted on the 22nd April 1988
- 6.2 Use as two dwellings - Prior Approval Application (11460) No details required

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: Recommend refusal - this is an important site for redevelopment in the town and the consistent architectural theme is supported, however the proposal amounts to over-development with insufficient green amenity space for future residents and insufficient parking spaces. The mass and forward siting of the block of 4 flats is considered over-bearing in the street scene.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer: No objections subject to conditions
- 9.2 Environmental Health (historic land use): No objection subject to condition
- 9.3 Tree Officer: No objection subject to details of new tree planting
- 9.4 Drainage Engineer: No objections subject to condition
- 9.5 Strategic Housing Officer: Under Policy CS15, the site should have 2 affordable dwellings on the site and a financial contribution.
- 9.6 Urban Design Officer: supports proposal – the scale, mass and intensity of development is now appropriate to this urban context. The layout offers external space subject to appropriate materials and landscaping. The internal courtyard will be fairly pleasant with some amenity value. Built form and proportions are respectful of the context.

10 REPRESENTATIONS RECEIVED

- 10.1 1 letter of objection concerned with loss of privacy and the scale and siting of the building to the rear of the site would have an unacceptable impact on their outlook. New trees and soft landscaping should be planted along the rear boundary of the site.
- 10.2 1 letter that raises no objection and is generally supportive of the application. The comments do highlight that their site creates a certain level of noise during operations and the developer will need to take this into account.

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 £10,368 in each of the following six years from the dwellings' completion, and as a result, a total of £62208 in government grant under the New Homes Bonus will be received. From the 6th April 2015, New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential development. Based on the information provided at the time of this report, this development has a CIL liability of £10,073.60.

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

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

The current application has been revised to address the concerns with the layout and design of the proposal. Officers have met the applicant and agent to identify a way forward which the revised proposal has considered. Officers can now support the proposal.

14 ASSESSMENT

This planning application was considered by the Planning Development Control Committee on the 8th April 2015 and the resolution was that the Head of Planning and Transportation be authorised to grant permission subject to the Section 106 Agreement to secure affordable housing (2 on site dwellings and a off site financial contribution of £51,080) and habitat mitigation monitoring contributions of £3850. The Section 106 Legal Agreement was not completed by the 30th August 2015 and accordingly, planning permission could not have been granted in accordance with the resolution. The Section 106 Agreement has now been completed and this application is only being brought back to Committee to enable the permission to be issued.

The following assessment repeats the report that was considered by the Committee in April.

- 14.1 The site lies within the town centre of New Milton and is occupied by the former police station and offices, which are now vacant. The site is laid out with the main station building sited to the front of the site. It is an attractive, traditional, two and a half storey brick building with a single-storey side element. The rear of the site comprises an attractive two storey office building, which was originally a pair of semi-detached police houses. This building makes a positive contribution to the character of the area. Just behind the station building there is a detached garage building with the remainder of the site occupied by car parking. A low front brick boundary wall spans across the sites frontage with some soft landscaping and tree planting behind and generally throughout the site.
- 14.2 The character of the area is very mixed in terms of land uses and property types and styles. There are offices, shops, residential flats and family dwelling houses, storage buildings, schools and other community buildings. Building types vary throughout, but generally, the properties are two storey in scale. To the rear of the site are the rear back garden areas of the residential properties in Compton Road.
- 14.3 Across the road there are some detached bungalows set in a relatively spacious residential setting. On either side of the site there are detached buildings used for business purposes, with one of the neighbouring sites incorporating a large building which appears to be used for storage purposes. Heading north east, towards the town centre, the density of the development increases where there is a three storey parade of shops, with offices and residential above and a recently built three storey residential block of flats. Buildings along this part of the road tend to be sited close to the road, spanning across the sites frontage and the overall intensity of development is much more significant here. To the south west of Old Milton Road the development

around Old Milton Green becomes more intensive with employment uses including offices, warehousing, and shops. Buildings vary throughout but generally building heights rise to two and two and a half storeys built up to the road frontage.

- 14.4 The planning application seeks to redevelop the former police station with 7 residential flats which would comprise 2 two storey buildings fronting Old Milton Road and a detached dwelling to the rear. A separate Prior Approval Application has been approved for the change of use of the existing two storey office building to the rear of the site into two residential properties. In total, there would be 9 residential flats on the site, but it should be noted that two of the units have already been permitted under the recent Prior Approval application.
- 14.5 The proposed layout of the site would include 2 two storey buildings fronting onto Old Milton Road with an internal access running between the buildings and two buildings to the rear forming a central court yard area. The central courtyard would be used for car parking and the layout does entail communal amenity and green areas to the rear of the dwellings. Visually, the proposed two storey buildings have been shown to be of a traditional design with fully hipped roof which would have a similar scale to the neighbouring buildings.
- 14.6 The main issues in this case are whether the loss of this community use and the principle of a residential use is acceptable; the effect on the character and appearance of the area; the effect on the living conditions of the adjoining neighbouring properties; and the effect on public highway safety. In addition, whether it is reasonable to seek contributions in light of the recent changes to government policy.
- 14.7 In assessing the policy position, the site is not allocated in the local plan but a Police Station is a community facility that provides employment. As set out above, there would be no objections to the loss of the offices to the rear of the site given that the change of use of this building to residential has already been considered under the Prior Approval process. In terms of the station building, Core Strategy Policy CS8 is applicable and relates to community uses. This policy states “there will be a presumption against any development that involves the loss of education, health, social and other publicly provided community services, except where it is part of a service providers plans to provide improved local services in equally accessible locations.”
- 14.8 The submitted application indicates that the site was recently sold following the Police Station becoming surplus to requirements and this forms part of the police service’s changes in policing areas within the community. It is stated that the focus continues to be centred around community policing but requiring more cost-effective solutions and there is a desire to move away from the traditional view of the Police Station. Instead it seeks to develop partnerships that enable policing to be maintained at the heart of the community while allowing the access to better quality and more appropriate work bases and core investment is continuing to be made in new purpose built custody centres to support these partnership bases. The supporting statement states that the New Milton Police Station was identified as a building that was surplus to requirements and that needed to be released to fund local public centre partnerships. Based on the case put forward, and on the basis that the police station site is vacant and currently provides no employment, and

the fact that the offices can be converted to residential uses, the loss of this facility would be acceptable.

- 14.9 In terms of the assessment of the character and appearance of the area, the New Milton Local Distinctiveness SPD, can be given significant weight as a material consideration. The site falls within character area 1; 'Town Centre'. Within the document there is nothing that relates specifically to the site, but there are general comments about the character of Old Milton Road. Paragraph 4.1.7 and the illustrative map picks up on the approach to the town centre from Old Milton Village and the commercial frontage, on either side of the road. The guidance references elements of the areas character and identity, including building up of building lines (with a few breaks in the frontage for access), the need for massing to be guided by neighbouring buildings and an acceptance of short courtyard gardens supplemented by balconies.
- 14.10 The design approach seeks to build up the frontage with two buildings which would follow the street pattern and create a central courtyard area fronted by buildings to the rear. The buildings to the front of the site would be set back from the road with open front green areas set behind the existing low brick wall and a hedgerow. The internal access would be a reasonable width to allow views to the existing attractive two storey building to the rear and enough space is also achieved to provide some soft landscaping between the buildings. The courtyard area would be largely screened but it is proposed to provide traditional paviers in this space, which would match the existing type of surfacing and several new trees would be planted with green areas. The residential units to the rear would have their own private rear gardens, and the dwellings to the front of the site would have communal gardens. The building to the rear of the site would follow the design concept for the site to achieve a courtyard layout and its siting and design would reflect the existing neighbouring former police house buildings.
- 14.11 Overall, while it is considered that the layout of the site is intensive, the site is currently dominated by hardsurfacing and buildings and the site does fall within the town centre where slightly higher densities would be more appropriate. Nevertheless, the submitted layout has shown space for greenery, trees and hedgerows to be provided which would soften the development and subject to the quality of the finishes and landscaping, the site would make a positive contribution to the character of the area. The level of garden space and amenity areas would be appropriate for the residential units in which the dwellings to the rear would benefit from larger and private areas. Balconies are provided to the front of the site for people to sit and there is enough space in the rear gardens to benefit from the midday and afternoon sun.
- 14.12 Visually, the proposed frontage dwellings would be two storeys in height rising to round 8 metres high constructed from brick under pitched clay tile roofs. The fenestration of the building is shown to be designed to a high standard with a number of windows, doors and balconies fronting onto Old Milton Road. The scale, proportion and appearance of the frontage buildings would blend into what is a varied context that would reinforce the streets building line. The overall quality of the buildings would be subject to the materials used and detailing on the building, which is a matter that can be controlled by a condition. Overall, it is considered that the retention of the existing former office building to the

rear is welcomed and the new built development has been shown to be designed to a high standard that would complement the character of the area.

- 14.13 With regard to residential amenity, the proposed residential building to the rear of the site identified as plot 3 would be sited close to the rear gardens of 35 and 37 Compton Road. There would be a gap of approximately 3 to 5 metres between the back of the proposed building and the rear boundary. The main part of the dwelling would rise to 7.6 metres to the ridge and the rear section would be lower, rising to around 7 metres. The distance from the rear elevation of the dwellings at 35 and 37 Compton Road to the rear of the building would measure more than 25 metres. It should also be noted that the more sensitive parts of the gardens are located closer to the dwellings. On balance, it is considered that there will be some impact on the residential properties at 35 and 37 Compton Road, but the impact would not be so severe as to refuse planning permission. In terms of overlooking, it is proposed to install one first floor window on the rear elevation facing the rear of these residential properties, however, the window is shown to be a high level bedroom window with the bottom of the cill to the floor level measuring around 1.7 metres in height. This is considered acceptable to ensure that the neighbouring residential properties would not suffer a material loss of privacy. The submitted plans indicate that some soft landscaping would be provided along the rear boundary of the site which would help soften the view from the neighbouring properties in Compton Road.
- 14.14 The neighbouring property to the north east, at No 66, comprises a detached building used as offices with a large warehouse to the rear. There does not appear to be any main windows on the side elevation and, accordingly, the impact on that property would be minimal. The proposed buildings have bathroom windows shown on the side elevation, which can be glazed with obscure glass to maintain a reasonable level of privacy.
- 14.15 Concerning the neighbouring property to the south west at No 80, the building appears to be used as a business on the ground floor with a residential flat above. It does not appear that there are any main windows on the side elevation of the building facing the site and, accordingly, the proposal would not compromise the available light or outlook of that neighbour. A first floor secondary dining room window is proposed and it would be reasonable for a condition to be imposed for the window to be fitted with obscure glass to maintain a reasonable level of privacy.
- 14.16 With regard to the car parking provision, the proposal does not fully accord with the recommended guidance for car parking space for residential development as set out in the Council's Supplementary Planning Document. A total of 11 car parking spaces are proposed within the courtyard. The recommended guidance states that around 15 spaces are required and the shortfall equates to 4 spaces. In cases where the level of car parking is below the recommended guidance, for this to be unacceptable, there would have to be harm demonstrated on public safety or environmental damage. The site is located in the town centre close to a number of amenities and facilities and it is considered that a proposal that provides less car parking would be acceptable and the Highway Authority does not raise any objections. Indeed, the level of

car parking space for this site in the town centre is reasonably high and the site also offers a cycle shelter to be provided within the courtyard.

- 14.17 The proposed development requires contributions towards affordable housing (2 on site dwellings and an offsite financial contribution of £51,070), and a habitat mitigation monitoring contribution of £3850, which are all considered fair and reasonable. The applicants are prepared to make these contributions, but the Section 106 Agreement has not been completed. The other contributions would be dealt with under CIL.
- 14.18 On the 28th November 2014 National Planning Practice Guidance was updated with regard to the charging of contributions for affordable housing. The changes are not strictly new national policy but they are “material considerations” when determining a planning application. As such when determining an application they have to be weighed against all other material considerations notably locally adopted policies in the Development Plan. The changes do not apply to Habitat Mitigation measures or site-specific requirements eg. an improved access on highway land that will continue to be applied in full. This is a complex issue. However, New Forest District Council’s evidence shows that small sites’ contributions are being varied when appropriate in response to site specific viability considerations (in accordance with our Local Plan policy). The loss of affordable housing provision from all small site developments would result in a reduced supply of affordable housing as small sites make a major contribution to our housing supply in this area. Developers not wishing to make a financial contribution do have the option of making provision on-site for affordable housing, to comply with the policies in the adopted Local Plan.
- 14.19 In these circumstances, and with an up-to-date Local Plan, it will generally be appropriate to conclude that the material consideration of the Government’s recent announcement does not outweigh the presumption in favour of following the Development Plan.
- 14.20 In conclusion, it is considered that the proposed development would be acceptable, and subject to the completion of a Section 106 Agreement for the require contributions the proposal would be acceptable.
- 14.21 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

Developers' Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings	2	2	0
Financial Contribution	off site financial contribution of £51,070	£51,070	0
Habitats Mitigation			
Financial Contribution	£3850	£3850	0

CIL Calculation Table

Use	Proposed GIA	Existing GIA	New Gain GIA	Chargeable Area	Multiplier	Sub Total Amount
Dwelling houses	498.16	372.24	125.92	125.92	£80/sqm	£10,073.60
TOTAL						£10,073.60

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: 13/1870/100 B, 13/1870/105A, 13/1870/104 A, 13/1870/102 B, 13/1870/101 B

Reason: To ensure satisfactory provision of the development.

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

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

4. The first floor windows on the side [north east] elevation of the approved building identified as unit 9 shall be obscurely glazed and other than fan light opening fixed shut at all times.

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

5. No other first floor windows other than those hereby approved shall be inserted into the rear elevation (north west) of the building identified as Unit 3 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 Core Strategy for the New Forest District outside the National Park.

6. The first floor window serving the bedroom/study on the rear (north west)elevation of the building identified as unit 3 shall at all times have a cill height of no lower than 1.7m above the floor of the room in which the window is installed.

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

7. 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.

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

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

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

- (a) the existing trees and shrubs which have been agreed to be retained;
- (b) a specification for new planting and tree planting (species, size, spacing and location);

- (c) areas for hard surfacing and the materials to be used;
- (d) other means of enclosure;
- (e) a method and programme for its implementation and the means to provide for its future maintenance.

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

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

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

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

11. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions relating to contamination no 12 to 14 have been complied with.

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 15 relating to the reporting of unexpected contamination has been complied with in relation to that contamination.

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

12. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The

investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

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

(ii) an assessment of the potential risks to:

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

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

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

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

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

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

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

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

15. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 12, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 13.

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

16. A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of years as stated in the remediation scheme, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and

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

Notes for inclusion on certificate:

1. This decision relates to amended plans received by the Local Planning Authority on the 28th January 2015
2. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.
3. The current application has been revised to address the concerns with the layout and design of the proposal. Officers have met the applicant and agent to identify a way forward which the revised proposal has considered. Officers can now support the proposal.

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)



© Crown copyright and database rights 2015 Ordnance Survey 100026220

This page is intentionally left blank

Application Number: 15/10601 Full Planning Permission

Site: COPPICE, 90 BARTON LANE, BARTON-ON-SEA, NEW MILTON
BH25 7PW

Development: Single-storey side extension; use of garage as ancillary
accommodation

Applicant: Mr West

Target Date: 27/08/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary view to Town Council

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up Area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

- CS1: Sustainable development principles
CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

New Milton Local Distinctiveness

6 RELEVANT PLANNING HISTORY

Single-storey side extension; use of garage as ancillary accommodation.
26/04/2012 Granted, subject to conditions.

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council Object:- Object due to the impact on visual amenity and living conditions of the nearby occupier from the additional height and fenestration changes to the front elevation.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

Land Drainage – No comment

10 REPRESENTATIONS RECEIVED

One letter has been received from a neighbouring resident to the rear at "Seamore" in Christchurch Road, raising objection on the grounds that;

- The extension will encroach on his property, blocking out light and invade privacy, and
- Devaluation of property

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

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

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 site is within an established built up area of Barton-on-sea, New Milton. It is at the north end of Barton Lane with a neighbouring bungalow to the south and opposite, and larger premises to the north which fronts onto Christchurch Road. A fence delineates the boundary with the adjacent bungalow and there is an existing side window on this neighbouring property. Separation is provided by the neighbouring driveway.
- 14.2 This application seeks consent for the erection of a single storey side extension and the use of the garage as ancillary accommodation. It follows an approved scheme under PA 12/98385 and seeks consent for changes, some of which have already been constructed.
- 14.3 Alterations to the design from that approved under PA 12/98385 comprise an increase in height of the side extension from a maximum of 2.6m as approved, to 3.0m. They also include the introduction of lantern lights; fenestration changes, with the omission of the side window and rearrangement of the door and window on the extensions front elevation.
- 14.4 The proposed development would overall be a comparatively modest addition to the existing property. In this case consideration also needs to be given to the increase in height of the proposal and fenestration changes, relative to the previously approved scheme. Although the increase in height will take the extension more notably above the existing eaves height of the property, given its set back positioning this would not result in any wider harm to the street scene. The extension would retain a visually subservient relationship with the main dwelling. On this basis the impacts on visual amenity would be acceptable.
- 14.5 The proposed extension would remain separated from the neighbouring premises to the south of the site by virtue of their existing driveway. Considering this with the relative height of the extension and orientation this would not lead to any harm through loss of light. Furthermore the proposal now sees the omission of any windows on the side facing this neighbouring , such that this would not lead to any loss of privacy.

- 14.6 Changes to the front elevation see alterations to provide a pair of French doors and a window, opposed to a single door and window. This would enable views onto the driveway towards the road. Given the separation from neighbouring residential premises on the other side of the road and staggered relationship, this would not lead to any harm through loss of privacy.
- 14.7 It is noted that a letter of objection has been received from a neighbouring resident to the north-east side of the site. Given the orientation and considerable separation present and the modest extent of the proposal it would not have any significant impact on the light to that property. Furthermore, no new window openings are proposed in the east end wall of the garage and as such this would not lead to any harm through loss of privacy.
- 14.8 Given the nature and layout of accommodation that would be provided by this development, it is considered appropriate to attach a condition to approval such that it shall only be used ancillary to the use of the application site as a single dwelling unit.
- 14.9 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: 409/PL/05; 409/PL/02; 409/PL/04; 409/PL/03; TPN/PE/05/15 Rev C; IPW/GFP/05/15 Rev D; IPW/CBE/05/15 Rev B; IPW/CFP/05/15/Rev D.

Reason: To ensure satisfactory provision of the development.

3. The render to be used as external facing material for the walls shall match that 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 development hereby approved shall only be used in conjunction with or ancillary to the use of the application site as a single dwelling unit.

Reason: To ensure a separate use is not created which would be harmful to the amenities of the area and contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

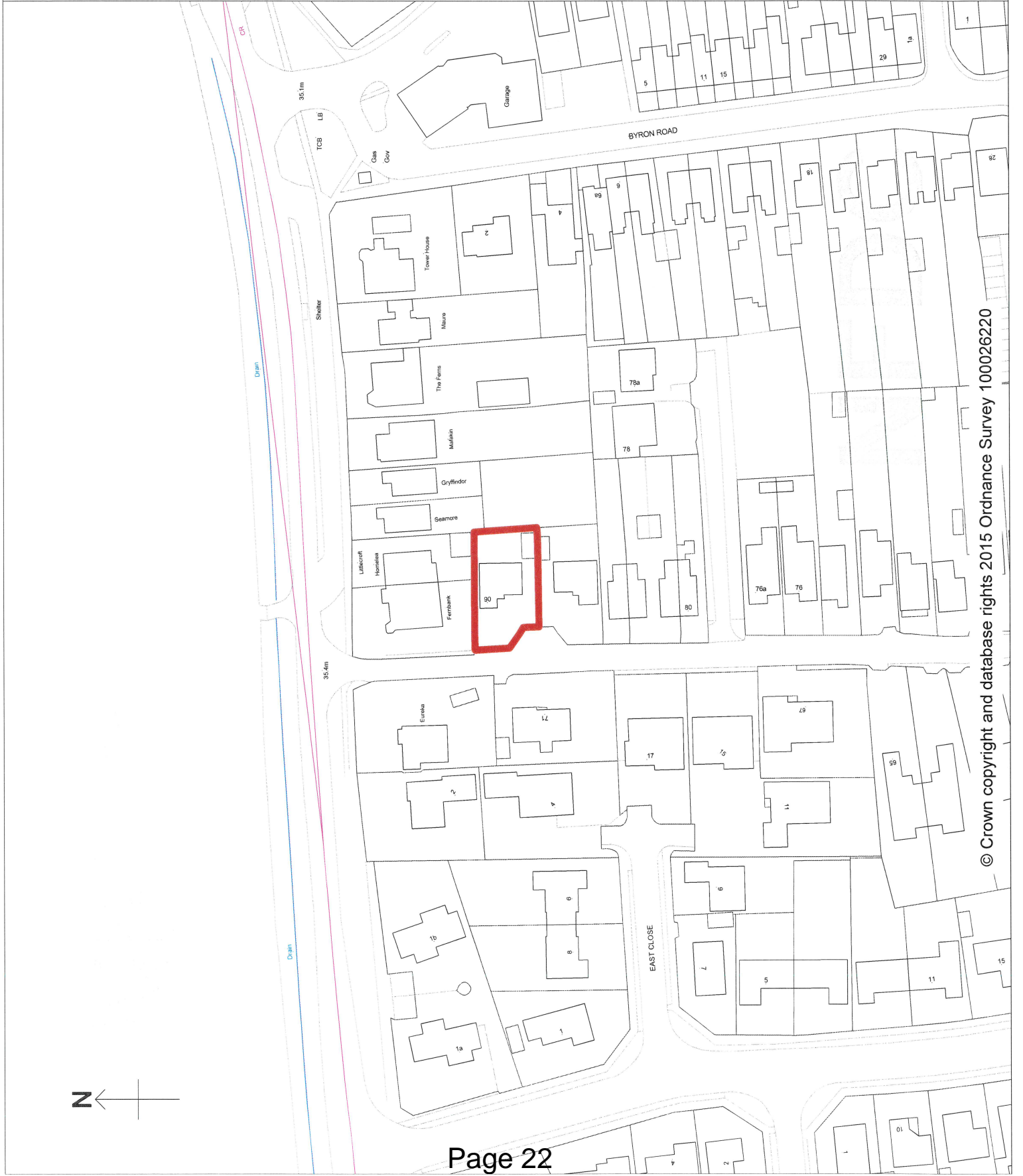
Notes for inclusion on certificate:

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



© Crown copyright and database rights 2015 Ordnance Survey 100026220



Application Number: 15/10784 Full Planning Permission

Site: LAND ADJACENT 4, BROCKHILLS LANE, ASHLEY,
NEW MILTON

Development: 7 detached houses; parking; landscaping; access from Brockhills
Lane and Cullwood Lane

Applicant: Solent Projects Ltd

Target Date: 03/08/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Town Council and Councillors views.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area
SINC

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

- CS1: Sustainable development principles
- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS6: Flood risk
- CS7: Open spaces, sport and recreation
- CS10: The spatial strategy
- CS15: Affordable housing contribution requirements from developments
- CS24: Transport considerations
- CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

- NPPF1: National Planning Policy Framework – Presumption in favour of sustainable development
- DM2: Nature conservation, biodiversity and geodiversity
- DM3: Mitigation of impacts on European nature conservation sites
- NMT14: Transport schemes

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework
Achieving Sustainable Development
NPPF Ch. 6 - Delivering a wide choice of high quality homes
NPPF Ch. 7 - Requiring good design
NPPF Ch. 11 - Conserving and enhancing the natural environment
Section 197 Trees
Town and Country Planning Act 1990

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

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

6 RELEVANT PLANNING HISTORY

- 6.1 10/96346 - 8 detached houses, associated parking. Refused 16.12.11, appeal dismissed.
- 6.2 10/95626 - 8 houses, 4 garages, parking, open space. Refused 17.8.10
- 6.3 07/89756 - 23 dwellings (11 houses, 12 flats), garages, cycle store, access. Refused 22.6.07
- 6.4 03/78539 - (O/L) 6 houses and garages. Refused.
- 6.5 98/64985 - 7 dwellings and new access. Refused 8.3.99, appeal dismissed.

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council - recommend refusal and would not accept a delegated approval. Contrary to policy, impact on SINC, amenity of trees are threatened, access would be dangerous, stepped turning circle is impractical, drainage issues not addressed.

8 COUNCILLOR COMMENTS

- 8.1 Councillors John Ward and Mrs Cleary - object to the proposal which is not thought through - inappropriate location due to designation as an SSSI. An application was turned down two years ago for these reasons.
- 8.2 Councillor Rice (HCC) - strongly objects

9 CONSULTEE COMMENTS

- 9.1 Drainage Engineer - request conditions and informatives
- 9.2 Tree Officer - object as the proposal threatens protected trees
- 9.3 Environment Agency - no objection in principle, request informative

- 9.4 Hampshire County Council Highway Engineer - no objection subject to conditions
- 9.5 Ecologist - no objection subject to appropriate mitigation
- 9.6 Environmental Design (Open Space) - on site public open space will be required, footpath to highway should be reinstated

10 REPRESENTATIONS RECEIVED

Objections have been received from 34 local residents concerned with the following:

- the land floods regularly
- the lane isn't suitable for heavy vehicles/increased traffic
- the applicant has no right of way
- residents in Cullwood Lane haven't been notified
- Brockhills Lane should be the sole access point
- Cullwood Lane is maintained by residents
- the red line doesn't relate to land ownership
- proposal conflicts with 1977 Area TPO and trees within this were unlawfully removed in 1986
- Brockhills Lane is dangerous near the site
- the meadow is home to much wildlife
- Cull Lane would become dangerous with construction traffic
- turning into Cullwood Lane is dangerous
- location of bin collection point is a health hazard
- developer has not made provision for the public right of way
- impact of the proposal on financial loss to other properties should be considered
- can't understand why proposal has been 'resurrected' given previous refusals
- many local residents are pensioners and access for emergency service vehicles could be compromised
- a previous Inspector said there should be no access from Cullwood Lane
- there would be a ramp at the end of Cullwood Lane
- impact on character of Cullwood Lane
- there are stag beetles on site
- large oak tree would require severe pruning and could sustain damage to its roots
- there will be a significant increase in traffic on Brockhills Lane as they are building at the pub too
- wildlife is only around the edge as they cut the grass
- loss of landscape amenity and damage to a SINC
- the proposal doesn't comply with affordable housing requirements
- there are inaccuracies in the application documentation
- wider consultation with residents is required
- tree survey is not complete
- foul sewer provision could harm off site trees
- inadequate thought given to turning circle
- Cullwood Lane is too narrow
- 1999 decision should still stand
- wrong location for play area; concerns regarding access over private land, future maintenance and whether there are sufficient children locally to justify its provision; associated noise and antisocial behaviour.

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission and the dwellings built, the Council will receive £8,064 in each of the following six years from the dwellings' completion, and as a result, a total of £48,384 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 £65,520.00.

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 pro active approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome.

This is achieved by

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

The agent was aware of concerns raised during the consultation process and additional information has been provided in order to address these issues relating primarily to bats and tree protection. Further details were subsequently requested in respect of the provision of on-site public open space and access. The application was subject to re-consultation on the 22nd September 2015 following receipt of amended plans.

14 ASSESSMENT

14.1 Site and proposal

14.1.1 The site lies within but on the edge of the built up area of New Milton. There are residential properties to the north and south although those to the north are separated by a band of woodland. The area of land between Otters Walk and The Fallows to the north and west of the site is designated as public open space and together with the site forms a Site of Importance for Nature Conservation (SINC). There is open countryside to the east of the site which is bound by Brockhills Lane with Cullwood Lane to the south western corner of the site. The lane turns into an informal footpath which runs along the west-north boundary of the site. The site contains protected trees, most significantly along the road boundary and also a large oak close to Cullwood Lane. The land slopes up from Brockhills Lane and there is a water course running through the northern part of the site which is culverted under the road. There are no buildings on site at present following the demolition of a bungalow approximately 30 years ago.

14.1.2 The proposal entails the provision of 7 detached dwellings, four accessed from Brockhills Lane and three from Cullwood Lane. All units would comprise a hall, WC, kitchen and lounge/dining room at ground floor level with four bedrooms (one ensuite) and a family bathroom at first floor level. They would each have an integral single garage and space for a car to park on the drive. Plots 2 and 3 are proposed to be affordable in accordance with policy CS15.

14.2 Background

14.2.1 The application follows a scheme for 8 dwellings and which was refused in 2010 by Members for the following specific reasons:

1. the positioning of plot 1 and its impact on the residential amenities of 14 Cullwood Lane and
2. the loss of the SINC.

In determining the subsequent appeal, the Inspector concluded 'that there would be no unacceptable harm to the living conditions of the adjoining neighbours'.

In dismissing the appeal, the Inspector was concerned that the ecological enhancements had been designed to fit in with the site layout rather than leading the design of the scheme.

14.2.2 Since the appeal decision, the applicant has worked with their ecologist and the Council's Ecologist in order to address this issue and the result is a scheme where the SINC and its associated flora and fauna has taken a priority in the layout of the development. The sole reason the appeal was turned down has therefore been addressed.

14.3 History

14.3.1 Comments have been received in response to the current application that reference to a further proposal in 1999 has not been made or seen as publicly available. Following an administrative correction in

terms of information viewable on the Council;s website application 98/64985 is now available. This application went to appeal where the main considerations related to whether the site could accommodate 7 dwellings due to the TPOs and whether the use of Cullwood Lane for access to all the dwellings would prejudice the safety and convenience of all road users. The Inspector concluded that there was insufficient information to demonstrate that the dwellings could be satisfactorily accommodated within the site without adversely impacting on the protected trees and that Cullwood Lane was 'inadequate to serve an additional seven dwellings and garages'.

- 14.3.2 There are several differences between the 1999 scheme and the current one which suggest that it does not carry weight as a material consideration given that the proposal was in outline form and limited information as to the siting of the 7 dwellings was submitted; there was no arboricultural report and the proposal was indicated as having all 7 dwellings accessed off Cullwood Lane. In addition Policies and Highways documents and standards were different. The current scheme proposes just three additional dwellings off Cullwood Lane and, in addition to being a full planning application, has been supported with a full arboricultural report.
- 14.3.3 A further proposal in 2003 proposed just 6 dwellings, all to be accessed off Brockhills Lane. This scheme was refused for reasons including inadequate information relating to trees, inadequate visibility splays and that the proposed density (14 dwellings per hectare (dph)) fell far short of the required 30dph.
- 14.3.4 Local residents are also concerned with land ownership issues with regard to Cullwood Lane (which is maintained by residents), rights of access along Cullwood Lane and the access from Cullwood Lane along the footpath. However, ownership is not a planning matter and the application has served the appropriate notice in respect of land outside the applicants ownership. Residents are also concerned about protected trees that were removed from the site in 1986.
- 14.4 **Residential and visual amenity**
- 14.4.1 The dwellings have been designed with just one ensuite first floor window in the north elevations and no windows in the southern elevation of any dwelling resulting in no overlooking towards Brockhills Lane or Cullwood Lane dwellings. The front elevation of plots 1-3 are over 30m from the boundary with Cullwood Cottage and the proposal is not considered to give rise to overlooking. Similarly, as the dwellings are at least 16m from any residential boundary, there would not be any overbearing impact or loss of light as a result of the development. With regard to noise and disturbance, the provision of three additional dwellings to Cullwood Lane is unlikely to cause adverse impacts on nearby residents who presently may be affected by vehicles turning outside their properties due to the lack of a proper turning head. This issue would be resolved by the proposal which would incorporate a turning head. The only residential amenity issue previously of concern has been addressed and in any case, had been dismissed by the Inspector as having no unacceptable impact.
- 14.4.2 Visually, the design of the dwellings reflects the brick and render detailing of others in the area and although Cullwood Lane has more of

a variety of dwelling types, they are considered appropriate in this location having regard to the simple roof forms of adjoining housing as noted in the New Milton Local Distinctiveness SPD.

14.5 **Highways**

14.5.1 It is accepted that many local residents are concerned with the principle of using both proposed access points for reasons including the narrow nature of the road, bends and speed of traffic. However, the Highway Authority did not object to 8 dwellings, nor has it objected to the current scheme for 7. Further, in dismissing the appeal, the Inspector did consider the impact of 4 additional dwellings on Cullwood Lane concluding that 'the level of traffic involved with an additional four houses would not be significant and, as a result I do not consider that the proposal would lead to any concerns in respect of highway and pedestrian safety'. Given the reduction in the dwellings proposed to use this access point, it would not be possible to sustain an objection on this ground.

14.5.2 The proposed visibility splays to Brockhills Lane include a 'y' distance of 37m. The submitted speed survey, utilising the formula in Manual for Streets, has resulted in the safe stopping distance 35.8m. Given the proposal has a longer 'y' distance than figures suggest is appropriate, the Highway Authority has no objection to this part of the proposal. This was the case for the previous proposal where no objections were raised by the Highway Authority and this was accepted by the Inspector

14.5.3 The proposed turning head would enable all vehicles, including service and emergency vehicles to gain access to/egress from Cullwood Lane in a forward gear. This offers an improvement on the current situation and is acceptable to the Highway Engineer.

14.5.4 The Council's parking standards supplementary planning document recommends 2.5 parking spaces per dwelling. The proposal offers 2 spaces per dwelling, a shortfall of 3.5 spaces. Whilst the SPD only recommends an average provision, the Highway Authority consider it would be inappropriate and unsustainable to object to the lack of parking. A condition to retain the proposed parking is requested as per the previous application in order to ensure there is no unmet demand for parking on Brockhills Lane where it could cause safety concerns.

14.6 **Trees**

14.6.1 The site contains several statutorily protected trees under TPO 68/01. Earlier Tree Preservation Orders within the site were reviewed in accordance with government guidance prior to the current one being designated. Comments received with reference to unlawful tree removal in the mid-1980's have been noted although it is unclear how it was resolved. However, as 68/01 is the only TPO covering the site at present, it is under this order that the application has to be considered.

14.6.2 The main areas of concern with regard to this application relate to the large oak close to the Cullwood Lane entrance and the row of trees along the Brockhills Lane frontage. The arboricultural report specifies the use of special measures in relation to surfacing where turning heads and driveways are proposed within the root protection area (rpa)

of protected oak trees that form the woodland edge. The special measures entail the use of a cellular confinement system (CCS). This form of construction within the rpa of retained trees is generally acceptable and together with the additional clarification stated in the consultant's letter of August 13th 2015, the Arboriculturist is satisfied that the CCS can be installed without compromising nearby trees, namely the large oak to the west of the site and those either side of the access off Brockhills Lane.

14.6.3 The positioning of plots 1-3 is similar to the previously proposed plots 2-4 when no arboricultural objections were raised. However, plots 1 and 2 are angled slightly differently or set back from the position of plots 2 and 3 of the previous scheme whilst plot 3 is approximately 0.5m further forwards than plot 4. These slight differences in positioning should not give rise to significant concerns with regard to the long term retention of the large oak tree. Negotiations are ongoing in relation to trees and this will be the subject of an update at the meeting.

14.7 **Ecology**

14.7.1 The sole reason that the last appeal was dismissed was on ecology grounds. The site's designation as a Site of Importance for Nature Conservation (SINC) (not a SSSI as suggested by the Ward Members) was only established during the course of the last application and as a result, the Inspector concluded that the previous scheme had not properly considered the SINC in its layout. Whilst mitigation measures were proposed, they were added onto the scheme rather than considering the necessary mitigation necessary before determining the proposed layout. Policy DM2 of the Local Plan Part 2 states that development that results in damage to or loss of a SINC will not be permitted unless the benefits of the development outweigh the harm it would cause to the site, and the loss can be mitigated to achieve a net gain in biodiversity/geodiversity.

14.7.2 Having regard to this designation in terms of wildlife and the appeal Inspector's comments, the applicant has now demonstrated that ecological input was used to aid the design and layout of the current proposal. It is therefore considered that the local wildlife value of the site has been adequately considered and conditions are recommended to ensure the appropriate management of ecological features. The Council Ecologist is satisfied with the proposals following detailed negotiation.

14.7.3 With regard to protected species, additional information was requested with regard to bats and, whilst there is some evidence that a nearby roost is not in use, the use of roosts is transitory. The suggested mitigation and compensation measures appear suitable and would ensure that the proposal is not detrimental to the maintenance of the species. Conditions will be required to secure the mitigation measures along with the translocation of reptiles found within the site, the provision of further roosting opportunities and biodiversity enhancements.

14.8 Contributions

- 14.8.1 The proposal generates a requirement for contributions to be made towards the provision of on site public open space, affordable housing and habitats mitigation. It is also CIL liable. As stated above, the proposal includes two on site affordable houses with a further financial contribution secured through the S.106 Agreement which is presently being drafted. The submitted plans also indicate an area of public open space which includes children's play equipment and which would be accessible from both Brockhills Lane and Cullwood Lane. The lack of play equipment within the previous submission was raised as a concern and a full financial contribution sought as an alternative. The public open space provision would also be secured through the S.106 Agreement along with details of its maintenance provisions.
- 14.8.2 The requirement for habitats mitigation is detailed below. Much of the contribution (for its provision) is collected through the CIL payment although the management and monitoring parts of the contribution require a S.106 Agreement as these elements cannot be collected through CIL. In view of the possibility of a CIL exemption form being submitted (following a favourable determination of a proposal) reducing the payment to below the necessary level of habitat mitigation, a further S.106 Agreement would be sought by condition for *all* aspects of habitat mitigation following an approval.

14.9 Conclusion

- 14.9.1 Whilst several objections have been raised to various elements of the proposal, particularly in respect of the trees and access provisions, it should be noted that the last application did not raise any formal objections from consultees in respect of either the impact of the scheme on the trees or the access provisions within and to the site. Members did not refuse the previous scheme for either reason and highlighted residential amenity and loss of the SINC as the concerns. At appeal, only the SINC issue was upheld and the current scheme is now considered to have addressed this issue without causing demonstrable harm to any other aspect of consideration. Many issues raised by the public are not planning issues and there is only one issue to resolve following the previous appeal decision, in relation to ecological matters which have now been resolved.
- 14.9.2 In addition to addressing the reason for refusal, the proposal would provide two affordable units of accommodation and an area of public open space with play facilities. The proposal is therefore considered to comply with policy and approval is recommended.
- 14.9.3 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

Developers' Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings	2	2	0
Financial Contribution	£77,880	£77,880	0
Public Open Space			
On site provision by area	To follow		
Financial Contribution			
Habitats Mitigation			
Financial Contribution	£37,450	£37,450	0

CIL Contribution Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses (Affordable)	234	0	234	£18,720.00
Dwelling houses	585	0	585	£46,800.00

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: Dusk and Dawn Echolocation Study Report, Ecology Mitigation, Enhancement and Management Plan, Planning and Design Statement, Arboricultural Impact Assessment, sewer record, 2009-35-30, 2009-35-34B, 2009-35-32A, 2009-35-31, 2009-35-33, 2009-35-36.

Reason: To ensure satisfactory provision of the development.

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

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

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

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

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

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

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

6. Visibility splays of 2.4 metres by 37 metres shall be provided at the junction of the proposed private shared vehicular access with Brockhills Lane before development commences and this visibility splay shall thereafter be kept free of any obstacles over 600mm in height 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).

7. Before use of the development is commenced provision for turning to enable vehicles to enter and leave in a forward gear shall have been provided within the site in accordance with the approved plans and shall be retained thereafter.

Reason: To ensure adequate provision for turning 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).

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

Reason: To ensure adequate 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).

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

Reason: To ensure adequate provision within the site and in accordance with policy CS2 of the New Forest District Council Core Strategy.

10. The works hereby approved shall be undertaken in full accordance with the provisions set out within the Arboricultural Impact Assessment reference [D1531A1Aa] dated [11th August 2015] or as may otherwise be agreed in writing with the Local Planning Authority.

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

11. 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.

12. Before development commences details of the means of the future maintenance of the drainage system approved under condition 11 above shall be submitted to the Local Planning Authority. The maintenance arrangements and full details of the responsible parties must be confirmed to planning by the applicant prior to occupation of the penultimate dwelling.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS6 of the 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.

13. Before development commences details of the future maintenance of the watercourse within the site shall be submitted to the Local Planning Authority. The maintenance arrangement and full details of the responsible parties must be confirmed to the Local Planning Authority by the applicant prior to occupation of the penultimate dwelling.

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

14. 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.

Notes for inclusion on certificate:

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

The agent was aware of concerns raised during the consultation process and additional information has been provided in order to address these issues relating primarily to bats and tree protection. Further details were subsequently requested in respect of the provision of on-site public open space and access.

2. Under the terms of Section 109 of the Water Resources Act 1991, and the Southern Region Land Drainage and Sea Defence Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the 'Danes Stream', which is designated a main river.

Please be aware that the Environment Agency has up to two months to determine applications for consent made under Section 109 of the Water Resources Act 1991 and you are therefore advised to contact the local Environment Agency office as soon as possible to discuss making an application. Consent will only be issued if the works do not pose a flood risk to people and property, and do not conflict with the Environment Agency's other duties.

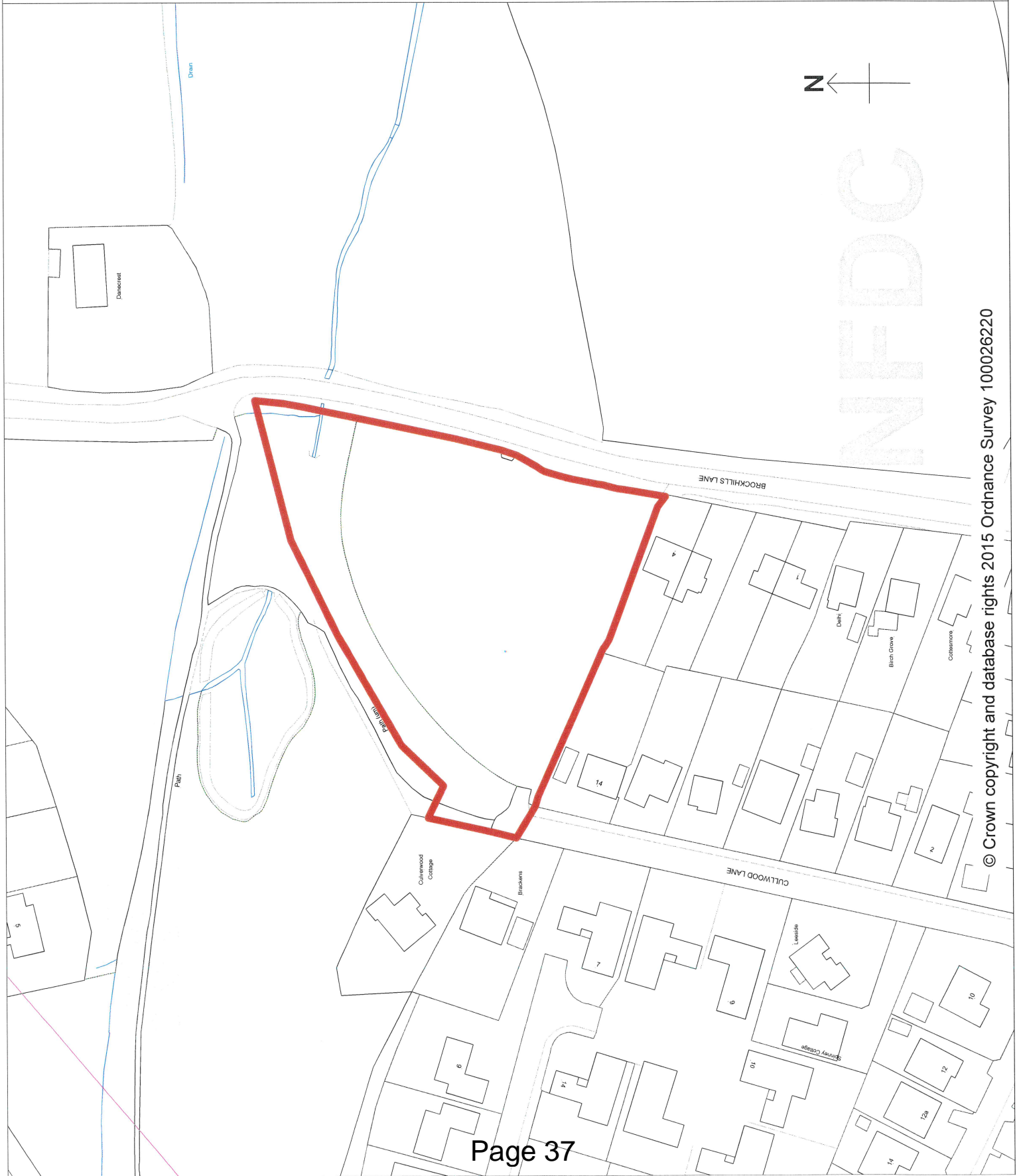
3. This Householder application may require Flood Defence Consent. Under the terms of Section 109 of the Water Resources Act 1991, and the Southern Region Land Drainage and Sea Defence Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 20 metres of the top of the bank of a main river or any proposed works or structures within 15 metres of a sea defence. This permission is separate from planning permission and cannot be considered retrospectively.

4. The Developer must contact Hampshire County Council if he intends to pipe, culvert or alter any part of a ditch or watercourse. Generally the presumption is against piping of watercourses except in locations where there is no alternative such as access crossings.

5. In discharging condition No. 14 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/>

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)



This page is intentionally left blank

Application Number: 15/10834 Variation / Removal of Condition

Site: SPRING LODGE, SPRING LANE, ASHLEY, NEW MILTON
BH25 5QB

Development: Removal of Condition 7 of Planning Permission 08/91825 to
remove requirement to retain car parking

Applicant: Mrs Eggington

Target Date: 21/08/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Historic Land Use

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
CS24: Transport considerations

Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

New Milton Local Distinctiveness

6 RELEVANT PLANNING HISTORY

14/10544 Removal of Condition 7 of Planning Permission 08/91825 to remove
requirement to retain car parking. Refused 26/08/2014

13/11374 Parking space to front of property. Withdrawn by applicant 18/02/2014

08/91825 House. Granted, subject to condition. 10/04/2008

The planning enforcement history is summarised in Para. 14.12 - 14.16.

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: OBJECT

Spring Lodge would not have received planning permission to build had parking not been provided on-site, given the nature of this rural lane.

The Town Council cannot get involved in boundary disputes or other associated civil issues.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

Hampshire County Council Highways Engineer - No objection (no conditions).

The records maintained by the highway authority indicate that Spring Lane is unclassified - unadopted, i.e. not a highway maintainable at public expense.

Furthermore, given that it has not been recorded as prospectively maintainable under the New Roads and Street Works Act 1991, the conclusion must be that there are no public rights over this road either by vehicle or foot.

On this basis the highway authority has neither direct jurisdiction nor control over the impact of the removal of Condition 7 upon the safety and convenience of users of this private road. So on this basis the highway authority consider that to raise an objection to the removal of the condition would not be sustainable and could open up the local planning authority to an award of costs on the grounds of unreasonable behaviour, should an appeal be lodged. It should also be noted that in this instance, having due regard to the above, should the local planning authority determine to refuse the current application the highway authority would decline to be party to the defence of any subsequent appeal.

Southern Gas Networks – No comment

Land Drainage – No comment

Environmental Health (Land Contamination) – No concern

10 REPRESENTATIONS RECEIVED

11 Letters of representation have been received, objecting to this application for the following reasons;

- This would lead to parking on the lane and obstructions and delays to emergency vehicles and Andrew Lane is not a suitable alternative access route.

- Owners of Sunshine Cottage will have nowhere to park and parking on Lower Ashley Road will cause a traffic hazard
- Residents have only right of access over the lane and the established situation is that residents do not park on the lane.
- The fact that this is a private road should not alter highways considerations
- Matters concerning parking on private land opposite the site.
- If no on-site parking were provided then this would set a precedent for other development along the lane, leading to parking on the lane endangering highway safety, wildlife and detrimental to the outlook of neighbouring residents.
- Other properties along Spring Lane have parking provided.
- There has been no change in circumstances and as such the condition should remain and NFDC should take enforcement action.
- Matters concerning boundaries associated with new development.
- Matters concerning the removal of the front boundary fence of Sunshine Cottage
- Sale of the property without parking provision breach of planning consent.
- Parking on the lane would result in accidents due to the absence of street lighting

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

14 ASSESSMENT

- 14.1 The application site is located within the built up area and is one of a row of mixed detached residential properties accessed along Spring Lane, an unadopted, unmade road. The application site consists of a two storey detached house known as Spring Lodge which was constructed in the grounds of Sunshine Cottage (granted consent under planning approval 08/91825).
- 14.2 When planning permission was granted for Spring Lodge in 2008 a condition (No 7) was attached relating to parking on the site. This condition states:
- "The development hereby permitted shall not be occupied until the arrangements for parking within its curtilage have been implemented. These areas shall be kept available for their intended purposes at all times."*
- The reason for this condition was : *"To ensure adequate parking provision is made in the interests of highway safety and to comply with policies DW-T8 and DW-T9 of the adopted New Forest Local Plan First Alteration"*
- 14.3 The application detailed on the approved plans show the provision of two parking spaces specifically for Sunshine Cottage to the rear of Sunshine Cottage with access gained from the access to the east side of Spring Lodge
- 14.4 The Council understands that further to its construction, Spring Lodge and Sunshine Cottage remained within the same ownership. However, subsequently Sunshine Cottage was sold off separately and the land parcel for Sunshine Cottage did not include the parking spaces subject to condition 7. There has been a long enforcement history largely relating to this planning condition.
- 14.5 Subsequent to the sale of Sunshine Cottage, applications have been submitted seeking to remedy this situation. In 2013 under PA 13/11374 an application to create parking in the front garden area of Sunshine Cottage was submitted. This was however subsequently withdrawn as the works detailed, in the laying of hardstanding would have constituted permitted development. Furthermore, in the event that alternative parking was provided condition 7 of PA 08/91825 would still apply.

- 14.6 On this basis an application was then made for the removal of Condition 7 from PA 08/9182. This application was refused due to concerns over highway safety raised by the Highway Authority, more specifically that in the absence of on-site parking provision this would encourage parking on Spring Lane which would interrupt the free flow of traffic.
- 14.7 The current application was submitted by the applicant, again seeking to remove condition 7 from PA 08/91825. There was an informal lay-by on the opposite side of the road staggered to the south-east of the site. This lay-by has recently been closed off, with a fence delineating a land ownership boundary. This has resulted in a narrowing of the track which forms Spring Lane at this point with the remainder of the lane remaining unaffected.
- 14.8 As highway safety is the key consideration the Highway Authority have been consulted. They have reviewed their position and advise that as this is an unclassified unadopted road that they have neither direct jurisdiction nor control over its use. On this basis they cannot sustain an objection to the removal of the condition and would be unable to support the Council at appeal should the application be refused on highway safety grounds.
- 14.9 The new fence reduces the width of Spring Lane but the parking of vehicles on the lane cannot be controlled by the Highway Authority. Indeed, this is normal practice in most residential areas where on street parking is not restricted. The width of the road outside of Sunshine Cottage is now approximately 4.6m. Given that a 1.8 metre width for on street parking would be ample for most cars, a minimum of 2.8 metres would remain for vehicles to pass. Sunshine Cottage is a modest two bedroom property and so the likely parking generation will be limited. Therefore any parking of cars could restrict but not block the lane
- 14.10 In response to other matters raised through representation any matters relating to land ownership, the sale of land and boundary disputes are private civil issues. These are outside of the scope of planning control. Furthermore in respect of comments relating to the consequences of parking on the lay-by opposite as this has now been fenced it is no longer possible to park a vehicle in this area
- 14.11 Given the above and on the basis of the Highway Authority's comments, it is not considered that the Council can resist the removal of the condition on highway safety grounds and as such, approval of this application is recommended.
- 14.12 Enforcement History
An enforcement case relating to non-compliance with condition 7 was first opened in 2009. There were numerous site visits and extensive correspondence and in 2011 it was concluded that the parking spaces for Sunshine Cottage were, in fact, available. A new case was opened in 2011 following further complaints and it was subsequently concluded that it would not be expedient to take enforcement action.
- 14.13 A further case was opened in 2014 and, after a review, it was concluded that there was a breach of condition. There was consultation with the interested parties and a corporate decision was

made that the Council would not take enforcement action. It was at this time that the owner of Spring Lodge was invited to make a new application for removal of the condition.

14.14 Conclusion

On the basis of the above it is not considered that the Council can resist the removal of the planning condition on highway safety grounds, it is recommended that this application is approved.

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

15. RECOMMENDATION

GRANT the VARIATION of CONDITION

Notes for inclusion on certificate:

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

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

Further Information:

Householder Team
Telephone: 023 8028 5345 (Option 1)



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

**Planning Development
Control Committee
October 2015**

Item No: 3d
Spring Lodge
Spring Lane
Ashley New Milton
15/10834
SZ2594

Scale 1:1250

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



This page is intentionally left blank

Application Number: 15/10986 Full Planning Permission

Site: 58 DALE ROAD, HYTHE SO45 5DQ

Development: Front dormers in association with new first floor; two-storey side extension; single-storey rear extension; basement garage; roof light; photovoltaic panels

Applicant: Mr & Mrs Lovell

Target Date: 28/08/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Councillor and Parish Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

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

None relevant

6 RELEVANT PLANNING HISTORY

None relevant

7 PARISH / TOWN COUNCIL COMMENTS

Hythe & Dibden Parish Council: Recommend PERMISSION but would accept the decision reached by the DC Officers under their delegated powers.

8 COUNCILLOR COMMENTS

Councillor A Wade: This application is perfectly acceptable. The house is surrounded by properties on both sides of the road that have similar or larger extensions. It does not overlook at the back as Dale road is significantly lower than the property behind it. From The rear of the property the extension will not be out of keeping or be higher than 56 Dale road which has a higher roof line. It is not over development or out of keeping and I think it should be accepted. I have visited the property and can see that the application would be of a benefit to the property and not be negative to the street scene.

9 CONSULTEE COMMENTS

Land Drainage: Recommend approval

It is noted the surface water will be taken to a new soakaway and not to any surface water system.

10 REPRESENTATIONS RECEIVED

2 Support subject to:

- works are undertaken in accordance with Party Wall Act
- any damage to neighbouring property rectified to neighbours satisfaction
- any works that could potentially impact should be given notice so neighbours vehicles and other property can be moved to ensure not damaged

Representation from agent:

- extensions required to accommodate growing family
- dwellings in proximity of application site that have been enlarged and converted
- couple of dwellings in Copsewood Road which have similar roof forms which are visible within the immediate area due to undulating levels of the area
- varied style of dwelling within Hollybank Estate
- proposed extensions would not adversely impact on the varying street scene or surrounding area

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. 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. As a result, no CIL will be payable provided the applicant submits the required exemption form.

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

No pre application advice was sought prior to the application being submitted. The concerns with the proposal were expressed in the initial briefing, and the agent took the opportunity to submit comments. These have been taken into consideration, along with all the representations received during the application process. Notwithstanding these comments, it is considered that the proposed extensions would create a justifiable level of harm to both the street scene and the character of the area, and as such has resulted in a recommendation for refusal.

14 ASSESSMENT

- 14.1 The application site consists of a hipped roof detached bungalow, situated on an established residential estate. The existing dwelling is sited in a row of detached hipped roof bungalows, which though differ in style have strong similarities. There are examples of two storey dwellings and roof alterations in the area to allow for first floor accommodation and also there are examples of gable ended dwellings, but the prevailing character is of hipped roof dwellings in the immediate vicinity of the application site.

- 14.2 The existing bungalow is set back from the front boundary, on a similar siting to neighbouring properties, and the land levels incline to the rear boundary. There is a driveway to the side of the dwelling which accesses a single storey garage sited adjacent to the boundary with no 60 Dale Road, and the neighbouring properties have a similar layout which contributes to the spatial characteristics of the site.
- 14.3 The proposal would extend the height of the roof by 2m and remodel the form of the roof from hip to gable. The eaves height to the front elevation would be retained at existing, whilst the eaves on the rear elevation would be raised by a further 2m to allow for first floor windows on the rear elevation and the upper half of the rear elevation would be timber clad, as would the side gables. PV panels are proposed on the rear roof slope. A single storey rear extension, extending out by 1.5m, would span the majority of the rear extension. Two gable fronted dormers are proposed on the front elevation which would be also finished in cladding whilst the ground floor front and rear elevations would be render. The dwelling would be extended to the side over the existing drive, resulting in the extended dwelling spanning the majority of the plot. A basement garage is also proposed, made feasible by the incline of the land levels.
- 14.4 By reason of the elevated position of the dwelling on the application site due to the land levels, the change of hip to asymmetrical gable and coupled with the increase in the ridge height of the dwelling would result in an overly large and intrusive form of development, out of keeping with the neighbouring properties. Furthermore, the proposed dormers are over bulky and unbalanced and would be disproportionate to the resulting roof slope. The increase in the width of the dwelling would erode the spatial characteristics of the site and give the appearance of cramped development, to the detriment of the character of the area. The overall increase in the mass of the dwelling (including squaring off the front elevation) would result in an overly dominant building within the street scene, and the introduction of the basement garage would only emphasise the height of the dwelling. The proposed use of cladding would further emphasise the extensions, exacerbating the harm to the street scene and the general character of the area.
- 14.5 The dwelling to the east of the application site, no 56 is a similar style hipped roof bungalow with projecting front gable, which is set off the side boundary with the application site by a drive width leading to a detached garage which abuts the side boundary with the application site, and there is a small window on the side elevation facing the application site. Due to the land levels this neighbouring property appears to be at a higher level to the existing dwelling on the application site. The change in hip to gable would result in the expanse of the side wall increasing, but on balance this would be adjacent to the drive and should not result in an overbearing form of development to this neighbour.
- 14.6 To the other side of the site is a similar detached hipped roof bungalow which is also set a drive width off the boundary with the application site. Even though the mass of the building would be coming closer to the side boundary with this neighbour, by reason of the relationship of these properties it should not adversely impact upon their amenities, and this neighbour has written in to support the application.

- 14.7 To the rear of the site is a split level dwelling incorporating first floor windows on the rear elevation. Due to the land levels this dwelling is higher than the application site, and taking into account the depth of the rear garden and established hedging on the rear boundary there are no concerns with regard to impact on this neighbour.
- 14.8 The agent submitted further comments in support of the application. It is noted that the extensions are required for a growing family and the extensions would provide a 4th bedroom, but the level of harm that would be caused by this form of extension outweighs the personal circumstances of the applicant in this instance.
- 14.9 The site has been visited during the application, and consideration given to other dwellings along Dale Road that have been extended. Most notable of these are 66 and 63 Dale Road. No 66 is sited to the west of the application site, at a distance of approximately 35m. This dwelling is sited at the end of Dale Road, in a much wider plot. No 63 is sited on the other side of the road at the junction with Malwood Road West, and again appears to be situated in a larger plot, and is not located within a row of dwellings. Furthermore, on the opposite side of the junction, no 61 is a detached gable ended house (which appears to be the original form of this dwelling). Both these extended dwellings, though more dominant in the street scene have a balanced form and furthermore their characteristics and siting are not comparable to the application site. Also, it should be noted that the materials used in their construction are brick and tile thereby not emphasising the extensions by the introduction of contrasting materials.
- 14.10 Reference has been made to similar dwellings within Copsewood Road, though these have not been identified individually. Copsewood Road is not read in context with the application site, and has a much more varied street scene incorporating maisonettes, bungalows and houses. There do appear to be two similar dwellings to the current proposal though these were potentially originally built in this form and by reason of their position within the street are at a lower level to the dwellings opposite. Furthermore, the pitch of the roofs appears shallower, the ridge being set further back. As such, the view is that these do not set a precedent for the proposed development.
- 14.11 In conclusion, notwithstanding that the proposed extensions would not adversely impact upon neighbour amenity, there would be a significant level of harm to the street scene and the character of the area due to the proposed form and mass of the extensions, which would be further emphasised by the introduction of contrasting materials.
- 14.12 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

CIL Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Self Build (CIL Exempt)	137.16	21	116.16	0

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposed extensions would introduce asymmetrical gable ends and increase the ridge height of the dwelling, resulting in a highly visible and incongruous form of development, which would be out of keeping with the street scene and detrimental to the character of the area. This harm would be further compounded by the over bulky dormers on the front elevation, the increase in the width of the dwelling which would virtually span the width of the plot eroding the spatial characteristics of the site and contributing to an appearance of cramped development. Furthermore, the introduction of cladding to the side gables and overly large dormers would further emphasise these features. As such, the proposal would be contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park and Chap 7 of the National Planning Policy Framework.

Notes for inclusion on certificate:

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

No pre application advice was sought prior to the application being submitted. The concerns with the proposal were expressed in the initial briefing, and the agent took the opportunity to submit comments. These have been taken into consideration, along with all the representations received during the application process. Notwithstanding these comments, it is considered that the proposed extensions would create a justifiable level of harm to both the street scene and the character of the area, and as such has resulted in a refusal of planning permission.

Further Information:

Householder Team
Telephone: 023 8028 5345 (Option 1)



This page is intentionally left blank

Application Number: 15/11112 Full Planning Permission

Site: 2 CALMORE GARDENS, TOTTON SO40 8ER

Development: House; detached garage; demolish existing

Applicant: Mr & Mrs Legg

Target Date: 22/09/2015

15/11112

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Town Council comment.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

CS1: Sustainable development principles

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Parking Standards

6 RELEVANT PLANNING HISTORY

- 6.1 15/10204 - house, detached garage, demolish existing. Refused 22.4.15

7 PARISH / TOWN COUNCIL COMMENTS

Totton and Eling Town Council - whilst the design is improved, it was considered that the height is out of keeping and the garage would impact on the neighbours. Refusal is recommended.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

9.1 Drainage Engineer - recommend approval subject to condition

9.2 Ministry of Defence - no safeguarding objections

10 REPRESENTATIONS RECEIVED

Two objections have been received from local residents concerned with the impact of the proposal on their property in terms of loss of light and overbearing impact.

One also considers the design to be out of keeping.

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments. Based on the information provided at the time of this report this development has a CIL liability of £4,003.20.

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

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

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

14 ASSESSMENT

- 14.1 The site lies within the built up area of Totton in a residential area. It contains a detached bungalow with flat roofed garage to the rear. There is a fence to the front of the site and timber fences of varying heights to the rear garden which has been recently cleared. The proposal entails the replacement of both bungalow and garage and follows a refusal earlier this year which was considered inappropriate in terms of its design, bulk and massing.
- 14.2 The design has been amended and the previously proposed half hip to the front has been replaced with a more traditional full hip with roof lights and this is considered to maintain the character of the front elevation at the beginning of a row of hipped bungalows. Previously, the bungalow was shown as having a full length ridge from front to back even though the accommodation would be to the front only. The vaulted ceiling to the rear has now been reduced in height bringing the ridge of the slightly narrower rear section down a little. The combination of reducing the ridge and making the rear section narrower has the impact of reducing the bulk and breaking up the massing of the proposed dwelling.
- 14.3 The proposed garage would be located to the rear of the existing garage siting. This would be adjacent to the small rear garden of 53 Calmore Road rather than no.51. Whilst it is accepted that the proposal would have an impact on the outlook from the rear of this property, which has kitchen and living room windows facing the site, it is not considered that this impact is significant to the extent it warrants refusal of the scheme. The previous application was not refused for this reason and the garage height is no greater than the previous scheme. The eaves height of the garage would be just 0.2m above the height of a permitted fence and the roof would then slope away from the boundary.
- 14.4 In conclusion, it is considered this revised proposal would overcome the concerns raised in respect of the previous scheme in relation to the design, bulk and massing and in addition the proposals would have no adverse implications for neighbours.

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

CIL Contribution Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses	181.35	131.31	50.04	£4,003.20

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: ADP/1426/P/00A, ADP/1426/P/01, ADP/1426/P/02, ADP/1426/P/03A, ADP/1426/P/04A, ADP/1426/P/05A.

Reason: To ensure satisfactory provision of the development.

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

Reason: To ensure that the approved buildings will have an acceptable appearance prior to commencement in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park.

4. 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 prior to the provision of the dwelling and in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

Notes for inclusion on certificate:

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

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

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)



Application Number: 15/11254 Minerals (County Matter)

Site: MARCHWOOD WHARF, OCEANIC WAY, MARCHWOOD SO40
4BD

Development: Installation and operation of an asphalt plant for a period of 5
years

Applicant: Tarmac Trading Limited

Target Date: 20/10/2015

15/11254

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council View

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS5: Safe and healthy communities
- CS6: Flood risk
- CS17: Employment and economic development
- CS24: Transport considerations

Local Plan Part 2 Sites and Development Management Development Plan Document

- DM5: Contaminated land
- DM11: Sites for marine-related businesses and access to the water
- DM12: Maintaining access to the water
- MAR5: Marchwood Industrial Park

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

None

6 RELEVANT PLANNING HISTORY

- 6.1 Mixed development of business (B1), Industrial (B2) and Storage and distribution (B8), Community Centre and non-residential licensed premises & access alterations (99/65908o/l) - granted 9/4/01
- 6.2 Retention of Marchwood Wharf on adjacent land (02/76840) - granted 12/3/03

7 PARISH / TOWN COUNCIL COMMENTS

Marchwood Parish Council:- Recommend refusal - increase in traffic levels and associated noise and emissions associated with this; increased emissions would adversely affect the health of the residents of Marchwood; potential contamination problems with water runoff; lorry movements both at night and during the day will adversely affect residential amenities; concerns about lack of consultation.

8 COUNCILLOR COMMENTS

Councillor Bennison:- Would like the following issues to be considered:- increased traffic movements; has questions about access and hours of operation; queries the employment opportunities that would be generated and distance of site from residential properties; notes that residents are concerned about health issues, smells and noise pollution; notes that residents are also concerned that temporary permission could become permanent; queries whether the local road network can handle any more HGV traffic.

9 CONSULTEE COMMENTS

- 9.1 Environmental Health (pollution):- recommends that an acoustic assessment is undertaken to ensure there is no adverse noise impact; dust and odours could be regulated by the Local Authority with conditions attached to an Environmental Permit under the Pollution, Prevention and Control regime, but this assumes a 25 metre high stack; lighting details will need to be submitted to ensure there is no light pollution.
- 9.2 Environmental Health (air quality):- advise that the applicant would need to submit an air quality assessment in respect of the increased HGV movements if there would be more than 100 additional HGV movements per day.
- 9.3 Environmental Health (contaminated land):- No objection subject to contaminated land conditions
- 9.4 Land Drainage:- recommends an informative

10 REPRESENTATIONS RECEIVED

- 10.1 5 letters of objection from local residents:- increased health risks to local residents; increased noise disturbance to detriment of residential amenities; smells and odour nuisance; additional traffic and lorry movements resulting in increased congestion and increased risks to

highway safety; temporary permission is likely to become permanent; employment opportunities would be limited; flood risk concerns; increased light pollution.

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

In this case, the application is a Hampshire County Council application.

14 ASSESSMENT

- 14.1 The application site is situated on the Marchwood Industrial Estate and forms part of Marchwood Wharf, which is a waterfront site covering an area of 3.5 hectares. The application specifically relates to a vacant 0.8 hectare of land that is rectangular in shape and which was previously occupied by an aggregate bagging facility. The surroundings are

industrial, the site lying close to both the Marchwood Incinerator and the Marchwood Power Station.

- 14.2 The submitted application is one that is to be determined by Hampshire County Council. New Forest District Council are a consultee. The proposal seeks to use the site for the installation and operation of an asphalt plant for a period of 5 years. The annual output from the Plant would be between 100,000 and 150,000 tonnes, which would equate to between 2000 and 3000 tonnes per week. The applicants suggest this would result in 100 to 150 heavy goods vehicle loads per week. The proposed asphalt plant would consist of a number of individual elements of modular plant, that would be of variable heights. The tallest element of plant (a fan and stack) would be 17 metres in height. The application also proposes some small ancillary buildings of a modular design.
- 14.3 The supporting details accompanying the application indicates that the majority of materials used in the manufacture of asphalt (approximately 90% of the material requirement) will be brought to the site by ship and unloaded across the existing wharf. The remainder of the material comprising bitumen, sand and a small percentage of filler will be imported by road. The applicants seek to operate the asphalt plant without restrictions for 24 hours a day and 7 days a week in line with the operating hours on the existing wharf. The Plant will provide 4 additional full-time posts employed on the site, as well as employment for a further 5 HGV drivers. The asphalt produced on the site would be used to serve the applicant's highway contracts.
- 14.4 Marchwood Wharf is an established and recognised permanent aggregate wharf. The proposed asphalt plant would, in principle, be a use that would be consistent with Local Plan policies that allocate this site and adjacent land for industrial, business and storage uses. The use would also be consistent with the Hampshire Minerals and Waste Plan, particularly Policy 19, which seeks to maximise the capacity of existing Aggregate Wharves including Marchwood Wharf.
- 14.5 Use of the site as an asphalt plant raises a number of environmental concerns. The first concern relates to the impact of additional traffic movements. The application is accompanied by a Transport Statement, which assesses the highway impacts of the development. The Transport Statement suggests that the proposed development would result in between 40 and 100 HGV movements per day on the local road network. The Transport Statement suggests there is sufficient capacity on the local road network to accommodate the additional traffic that would be generated, and it concludes that the residual cumulative impact of the development on the local highway network would not be severe. It will be for Hampshire County Council to decide whether the additional traffic that would be generated by the development would be acceptable from a highway safety perspective. However, it is not just the highway safety impact of additional traffic that needs to be considered, but also the impact that the additional traffic will have on local residents, particularly through noise, and particularly if that noise occurs at night.
- 14.6 Whilst the majority of HGV road traffic movements to the site would be during the day and during the normal working week, a proportion would be at night and on Sundays. The applicants indicate that approximately 20% of materials supplied to the Hampshire Contract are at night and that between 12 and 20 Sundays are used for asphalt deliveries.

Provided that HGV movements do not exceed the levels suggested and provided that lorries travelling to and from the site use a dedicated route (avoiding residential areas), it is felt that the additional noise generated from traffic movements is likely to be within acceptable limits. However, it is not clear that the adjacent wharf area would always be available to allow the transportation of materials by ship. The application site does not have a direct water frontage, and should the number of lorry movements increase over and above anticipated levels because it is not possible to use the adjacent wharf area to transport materials by water, then road traffic movements would be likely to impact on residential amenities to a degree that would be unacceptable. Therefore, it is considered important that the access to the adjacent wharf area / waterside is secured in connection with this application to ensure that traffic movements remain at a level that would not give rise to adverse effects.

- 14.7 The applicant's supporting statement suggests that the development is likely to generate less noise than the majority of businesses surrounding the site. However, it is also indicated that plant will need to be fitted with noise suppression systems. The Council's environmental health officer is concerned that without appropriate mitigation, the development is one that could generate noise that would be harmful to residential amenities, particularly given that the plant will regularly operate during the night time period, and at weekends. Although it is noted that the existing adjacent developments are not restricted in terms of their hours of operation, and although the site is about 600 metres away from the nearest residential properties, it is felt that it would be appropriate to require a noise assessment to be submitted to ensure noise from the development is satisfactorily minimised, and to ensure possible adverse noise impacts are adequately mitigated.
- 14.8 The applicant's supporting statement indicates that odours and dust emissions would be managed through an Environmental Permit issued under the Pollution, Prevention and Control Act 1999 and its associated Regulations. The Council's Environmental Health Officer has confirmed this to be the case. However, the existing Permit that would apply has been issued on the basis of a 25 metre high stack, whereas the application that has been submitted only proposes a 17 metre high stack. Therefore, it is not clear that dust and odours from the proposed development would be adequately controlled. As such, it is not felt the applicants have adequately demonstrated that the development could take place without resulting in dust and odours that could have a harmful impact on residential amenities and the wider environment.
- 14.9 The Council's environmental health officer has drawn the Local Planning Authority's attention to Air Quality Guidance that advises that developments that contribute more than 100 heavy duty vehicles per day should provide an air quality assessment to determine the potential impact of the development on local air quality. In this case, it would appear that the development would not result in more than 100 heavy duty vehicle movements per day, and on this basis it is not felt that an air quality assessment in respect of the impact of additional traffic movements is necessary. However, to ensure that additional traffic movements do not harm local air quality, the number of HGV traffic movements would need to be restricted by condition.

- 14.10 As the plant would operate regularly during the night, there will be a need for lighting. No lighting details have been submitted with the application. It is felt that a lighting scheme would need to be submitted and agreed to ensure there is no adverse impact on local amenities arising from additional light pollution.
- 14.11 With respect to contamination, the Council's environmental health officer advises that the site would be expected to have some land contamination due to the nature of previous uses. The Council's environmental health officer has indicated that there would be a need to impose standard contaminated land conditions to ensure the site is suitable for the proposed use.
- 14.12 Given the site's heavily industrialised context, which includes a range of tall structures, the development is one that would have an acceptable impact on the visual amenities of the area.
- 14.13 The development site is set some distance away from sites designated for their nature conservation interest. There is no evidence that the development would harm nature conservation interests.
- 14.14 The site is within a Military Explosives Consultation Zone and within a Health and Safety Executive Hazard Consultation Zone. It would be for Hampshire County Council to consult the Ministry of Defence and the Health and Safety Executive to ensure the development has no adverse implications for public safety.
- 14.15 The site is within an Area at Risk of Flooding. It would be for Hampshire County Council to consult with the Environment Agency to ensure the flood risk associated with the development is acceptable.
- 14.16 Concerns have been raised that if a temporary 5 year permission is granted, then a permanent planning permission could well follow in 5 years time. The Local Planning Authority can only consider an application on the basis of what has been submitted. Therefore, whilst it is entirely conceivable that the applicants would in future seek to make a temporary permission permanent, at present one can only assess this proposal on the basis that the permission would be for 5 years. A temporary permission would at least have the benefit of enabling the full impact of the proposal to be monitored before any permanent permission were to be given.
- 14.17 Overall, the proposed development, is one that gives rise to a number of environmental concerns. It is felt imperative that Hampshire County Council seek additional information and assurances on a number of points, otherwise the development has the potential to result in unacceptable environmental impacts. Specifically, there is considered a need to ensure that the adjacent wharf areas are permanently available to meet the transportation needs of the proposed development, otherwise the proposal could result in adverse noise and traffic impacts arising from additional HGV movements. Further information on dust and odours is needed as the proposed 17 metre high stack may not be sufficiently high to adequately mitigate dust and odour nuisance, and if not, there would then be a need for a taller stack. A noise assessment also needs to be agreed to ensure operational noise levels do not adversely affect residential amenities, and there also needs to be controls

on HGV movements if air quality levels are to remain acceptable. In addition, there is a need for lighting details to be agreed and for standard contaminated land conditions to be applied.

15. RECOMMENDATION

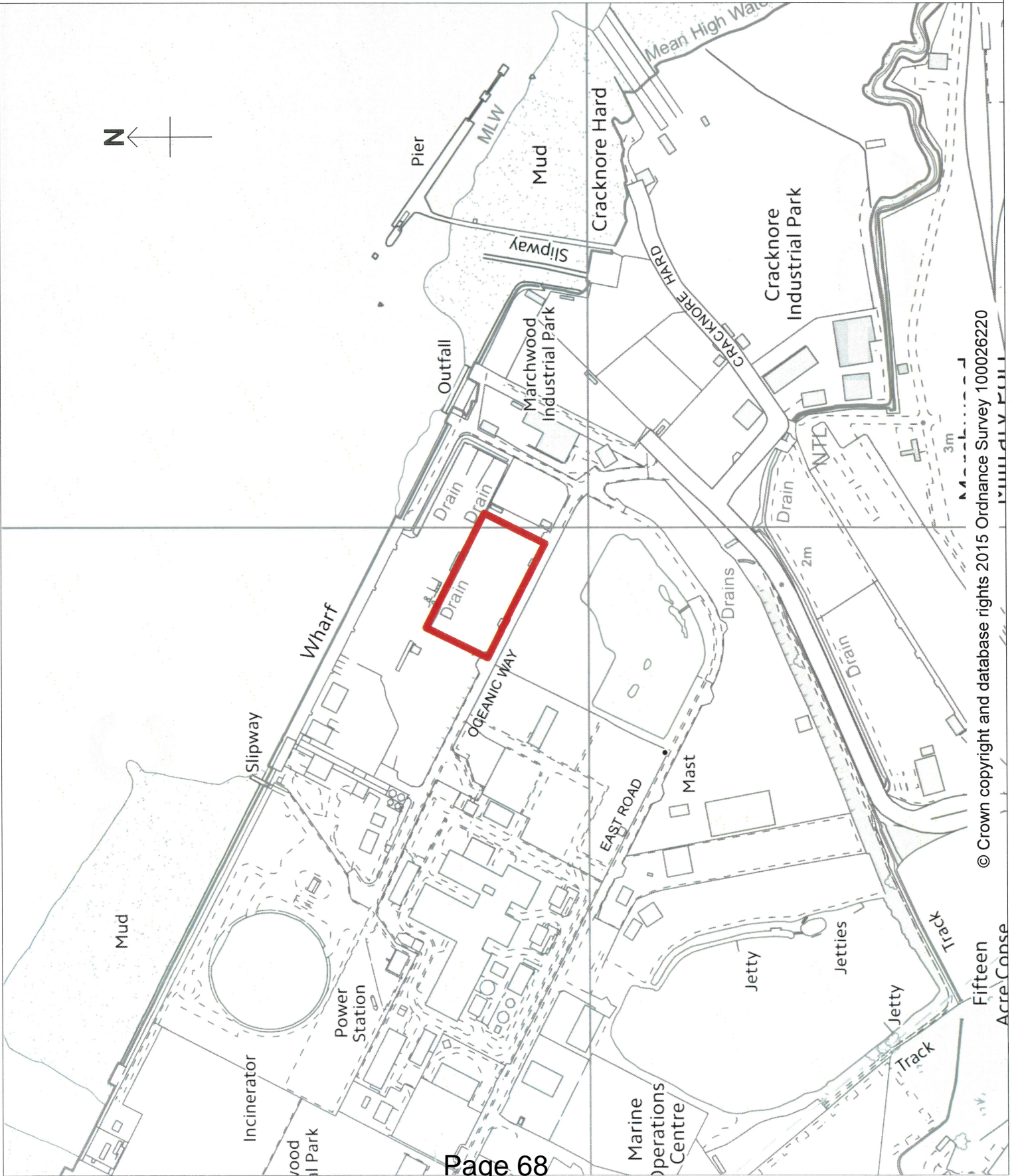
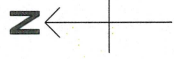
Raise the concerns set out in the following note:

Notes for inclusion on certificate:

1. The Local Planning Authority would wish the County Council to consider carefully the following concerns before they come to a decision on this application. Specifically, we have the following concerns:-
 - a) We are concerned that there should be no impediment to use of the adjacent wharf / waterside to enable materials to be transported to the site by ship, as we would not want to see a situation where all, or the majority of materials are transported to and from the site by HGV's using the local road network, as we feel this would have adverse implications for residential amenities and potentially highway safety;
 - b) We are concerned that the applicants have not provided adequate assurances to demonstrate that the proposed development will not adversely residential amenities as a result of dust and odour nuisance, given that the proposed stack height of 17 metres is materially lower than the 25 metre stack that is anticipated under the existing Environmental Permit that applies in this case;
 - c) In the absence of an appropriate noise assessment in respect of the operation of the proposed development, we are concerned that is has not been adequately demonstrated that noise from the development will be adequately mitigated so as to avoid adverse impacts on residential amenities;
 - d) In the absence of an appropriate air quality assessment, we are concerned that daily HGV movements should be restricted to more than 100 movements per day, failing which the proposal could generate levels of traffic that would be harmful to air quality.
 - e) We are concerned that lighting details should be agreed to ensure the development does not cause unacceptable light pollution
 - f) We are concerned that contaminated land conditions should be applied in line with the advice of our Environmental Health Officer.

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)



Application Number: 15/11135 Full Planning Permission

Site: CO-OP STORE, 6 -7 OAK TREE PARADE, BRANSGORE
BH23 8AB

Development: Installation of 5 anti ram raid bollards

Applicant: The Co-operative Group

Target Date: 24/09/2015

1 REASON FOR COMMITTEE CONSIDERATION

Councillor interest in land

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

- CS1: Sustainable development principles
CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

None relevant

6 RELEVANT PLANNING HISTORY

The shop front was replaced approximately 4 years ago.

7 PARISH / TOWN COUNCIL COMMENTS

Bransgore Parish Council - no objection and would not accept a delegated refusal

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

9.1 Drainage Engineer - no objection

9.2 Hampshire County Council Highway Engineer - no objection

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 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 Bransgore and forms part of a local shopping parade. It is currently in use as a supermarket with access to the Ringwood Road frontage. The proposal entails the provision of 5 bollards along this frontage, including two adjacent to the existing sliding entrance doors. There are two bollards in situ adjacent to the doors although it is understood that these will be replaced should permission be forthcoming.
- 14.2 The proposed bollards would be black (as the existing ones are) and would contrast with the white shop front ensuring visibility yet in keeping with downpipes and a litter bin attached to the front of the unit. The pavement along this shopping parade is of sufficient width for the bollards not to impact upon the movement of pedestrians and the Highway Authority do not have any concerns in this respect.
- 14.3 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: Design and Access Statement, bollard specification, 2893.01, 2893.03, 2893.02.

Reason: To ensure satisfactory provision of the development.

Notes for inclusion on certificate:

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

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

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



This page is intentionally left blank

Application Number: 15/11190 Full Planning Permission

Site: 4 SHAKESPEARE DRIVE, TOTTON SO40 3NT

Development: Single-storey rear extension

Applicant: Mrs Drake

Target Date: 21/10/2015

1 REASON FOR COMMITTEE CONSIDERATION

The property is the home of an Elected member

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

None relevant

6 RELEVANT PLANNING HISTORY

None relevant

7 PARISH / TOWN COUNCIL COMMENTS

Totton Town Council: Recommend permission but would accept the decision reached by the DC Officers under their delegated powers.

The proposed rear extension would have a degree of impact on the neighbourhood amenity, particularly due to the close proximity to the boundary of number 2 Shakespeare Drive, however, the extension is single storey and does not project excessively far to the rear and allowing space for the plot to accommodate the addition comfortably.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

Drainage: No comment

Ministry of Defence: Has no safe guarding objections to this proposal

10 REPRESENTATIONS RECEIVED

None received

11 CRIME & DISORDER IMPLICATIONS

Not applicable

12 LOCAL FINANCE CONSIDERATIONS

Regulation 42 of the CIL Regulations 2010 (as amended) states that CIL will be applicable to all applications over 100sqm GIA and those that create a new dwelling. 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 site consists of a semi-detached dwelling in the built up area of Totton. The immediate area is predominately characterised by semi-detached and terraced dwellings. The dwelling is set back from the road and benefits from a side entrance on the northern boundary leading to a good size fence rear garden. The proposal is for a single storey rear extension. The main issues to take into consideration when assessing this application are the impact on the neighbouring properties amenities and the impact on the character of the area.
- 14.2 There's an existing rear conservatory and a single storey rear element which would be demolished. The proposed extension would not span the full width of the rear wall; it would be set back from the boundary with the neighbouring properties. The proposed would extend by 4.2m from the rear wall and would be 3.45m high to the main flat roof. The proposed extension would be set back from the northern boundary with no 6 Shakespeare Drive by 2m and due to this degree of separation, there should be no adverse impact on this neighbour's amenities.
- 14.3 The proposed extension would be set back from the boundary with the neighbouring property to the south, no 2 Shakespeare Drive by approximately 500mm at it's deepest point. Due to it's close proximity with this neighbour and the height of the proposal, consideration should be given to the likely impact this may have on that neighbour. However, taking into account that it would be a single storey structure sited to the north of no.2 and would have a pitched roof to its rear elevation, there would not be a loss of light of outlook sufficient to justify refusal. Furthermore the gardens of these properties are large enough for the development not to compromise living conditions for the occupiers of no.2.
- 14.4 There would be no adverse impact on the street scene as the proposed development is to the rear of the existing dwelling. The extension would appear not to cause any justifiable harm to the character of the area. As there are large trees beyond the rear fence of the application site, the tree officer has been consulted. However, due to their distance of some 19 metres from the proposed extension, the trees would not be threatened.
- 14.5 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is

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

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: 15100-01-01, 15100-01-02 rev A, 15100-01-03 rev B and 15100-01-04 rev B.

Reason: To ensure satisfactory provision of the development.

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

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

Notes for inclusion on certificate:

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

The block plan submitted indicated a terrace area, clarification was sought whether this was raised more than 300mm above the ground level. An amended plan was submitted by the agent without the terrace area.

2. This decision relates to amended / additional plans received by the Local Planning Authority on 11 September 2015.

Further Information:

Householder Team
Telephone: 023 8028 5345 (Option 1)



This page is intentionally left blank

Application Number: 15/11088 Full Planning Permission

Site: 7 ARNOLDS CLOSE, BARTON-ON-SEA, NEW MILTON
BH25 7JW

Development: Retention of garage roof alterations; re-clad garage walls

Applicant: Mr A Saliba

Target Date: 17/09/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Plan Area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

- CS1: Sustainable development principles
CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

New Milton Local Distinctiveness

6 RELEVANT PLANNING HISTORY

15/10886 Roof alterations; rear dormer in association with new first floor; single-storey rear extension. - Application under consideration

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: Strongly object
(1) Detrimental to the amenities of number 9
(2) Unneighbourly.

Members expressed frustration that the development had already commenced on site.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

Land Drainage - No comment

10 REPRESENTATIONS RECEIVED

One letter of representation has been received from occupiers at No.9 Arnolds Close raising objection to the proposal for the following reasons;

- Overshadowing, loss of light to lounge and kitchen
- Loss of outlook
- Question how walls can be 're-clad' when they have never been previously clad.

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

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

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 the applicant did not seek pre-application advice from the Council. Further to the submission of additional details the application was acceptable and no specific further actions were required.

14 ASSESSMENT

- 14.1 The site is located within the built up area in an established residential part of Barton-on-Sea, Arnolds Close being characterised by bungalow style development.
- 14.2 The property is a detached bungalow, externally clad in render above a brick plinth under a concrete tile roof. It has an open parking / driveway area to its front with driveway to its side leading to a detached garage which appears to be partially complete. The rear garden area is enclosed by a combination of timber fencing and hedgerow planting.
- 14.3 This application seeks consent for alterations to the existing garage. These incorporate the re-cladding of three of its external walls in shiplap timber and a revised roof form, with increase in height to form a steeper pitch and provide a tiled finish, replacing the original asbestos roofing. At the time of the case officer's visit it was noted that works had already commenced.
- 14.4 The proposal would not see any increase in the footprint of the garage and a modest increase in its maximum height, by 600mm, which results in a garage of proportionate appearance. Furthermore the proposed cladding would be acceptable in this residential context. As such the impacts on visual amenity would be acceptable.
- 14.5 The garage is positioned adjacent to the site's north-west boundary and it is recognised that the increase in height with the proximity and orientation, would lead to some addition overshadowing. This said, given the modest scale of the increase, separation of the garage from the neighbouring dwelling and size of their garden area this would not lead to such loss of light that would be significantly detrimental to the enjoyment of their living environment. Given the separation from the

neighbouring premises to the south this would not lead to any additional overshadowing impacts. Given the nature of the development the proposal would not see any loss of privacy to neighbouring occupiers.

- 14.6 In terms of outlook it is noted that the roof of the garage is immediately visible from the neighbouring lounge patio windows and garden area. However, it is noted that the garage only extends along part of this side boundary and that the increase in height is of such modest extent that the resulting visual impact is not overly dominating or oppressive.
- 14.7 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: Location Plan; 01A; 02; 03.

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 the applicant did not seek pre-application advice from the Council. Further to the submission of additional details the application was acceptable and no specific further actions were required.

2. This decision relates to amended / additional plans received by the Local Planning Authority on 01/09/2015

Further Information:

Householder Team

Telephone: 023 8028 5345 (Option 1)

