

NOTICE OF MEETING

Meeting: PLANNING DEVELOPMENT CONTROL COMMITTEE

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

Place: THE COUNCIL CHAMBER, APPLETREE COURT,
LYNDHURST

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

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

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Chief Executive

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

AGENDA

Apologies

1. MINUTES

To confirm the minutes of the meeting held on 11 November 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) **East Mills, Southampton Road, East Mills, Fordingbridge (Application 15/11026) (Pages 1 - 14)**
Use of office block as 1 dwelling and associated alterations
Recommended: Planning consent subject to conditions
- (b) **Devon Way, 11 Lime Kiln Lane and Land Rear of 201-209 Long Lane, Holbury, Fawley (Application 15/11072) (Pages 15 - 26)**
7 houses; access; demolition of existing (Outline application with details only of access)
Recommended: Planning consent subject to conditions
- (c) **Land of Normandy House, Barnes Lane, Milford-on-Sea (Application 15/11075) (Pages 27 - 36)**
House; access
Recommended: Planning consent subject to conditions
- (d) **Field adjacent Hilbury Wood, Midgham Farm, Midgham Road, Fordingbridge (Application 15/11265) (Pages 37 - 44)**
1 safari tent for 6 months of the year, for use of camping.
Recommended: Refuse
- (e) **Butt Lawn Farm, Frog Lane, Fordingbridge (Application 15/11271) (Pages 45 - 50)**
Variation of Condition 1 of Planning Permission 12/98711 to allow extension of time until 30th August 2018 for 3 polytunnels and agricultural building.
Recommended: Temporary planning consent subject to conditions
- (f) **15 Barrs Avenue, New Milton (Application 15/11326) (Pages 51 - 58)**
Two-storey and single-storey front, side and rear extensions; roof alterations; fenestration alterations
Recommended: Planning consent subject to conditions
- (g) **Stocks Cottage, High Street, Damerham (Application 15/11353) (Pages 59 - 66)**
Use of garage as ancillary living accommodation; dormers and fenestration alterations to garage/outbuilding; relocation of fence and gates
Recommended: Refuse

- (h) **Salterns, Kings Saltern Road, Lymington (Application 15/11386) (Pages 67 - 72)**

Car port

Recommended: Refuse

- (i) **Office rear of 10A, The Parade, Ashley Road, Ashley, New Milton (Application 15/11444) (Pages 73 - 80)**

Use of building as physiotherapist or chiropractors and external alterations (Use Class D1)

Recommended: Planning consent subject to conditions

- (j) **33 Albert Road, New Milton (Application 15/11405) (Pages 81 - 86)**

Use as swimming tuition business; retractable pool cover; garage extension; parking

Recommended: Refuse

- (k) **33 Albert Road, New Milton (Application 15/11406) (Pages 87 - 92)**

Two-storey rear extension; Juliet balconies; side and rear extension to existing detached garage

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.

Planning Development Control Committee

Item 3 a

Application Number: 15/11026 Full Planning Permission

Site: EAST MILLS, SOUTHAMPTON ROAD, EAST MILLS,
FORDINGBRIDGE SP6 2JS

Development: Use of office block as 1 dwelling & associated alterations

Applicant: Mr Durber

Target Date: 03/09/2015

1 REASON FOR COMMITTEE CONSIDERATION

To agree the waiving of the affordable housing contribution.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside outside the New Forest
Site of Special Scientific Interest
Flood Zone 2 and 3
SAC

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

CS1 Sustainable development principles
CS2 Design quality
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
CS5: Safe and healthy communities
CS6: Flood risk
CS10 The spatial strategy
CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

DM2: Nature conservation, biodiversity and geodiversity
DM3: Mitigation of impacts on European nature conservation sites
DM4: Renewable and low carbon energy generation
DM20: Residential development in the countryside

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

Residential Design Guide for Rural Areas of the New Forest
SPD - Fordingbridge Town Design Statement
SPD - Mitigation Strategy for European Sites

6 RELEVANT PLANNING HISTORY

No relevant history

7 PARISH / TOWN COUNCIL COMMENTS

FORDINGBRIDGE TOWN COUNCIL : Recommend permission but would accept the decision reached by Officers under their delegated powers

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Environmental Design (Conservation) - Raised concerns over the proposed alterations and extension to Meadow Cottage and suggested enhancements to the design and appearance of the office building.
- 9.2 Ecologist - Given that the major issue of bats has been addressed and considering the scale and nature of works now covered by the consent, any remaining issues can be addressed by conditioning a Construction Environment Management Plan which could address any issues in terms of pollution affecting the designated sites and management of any reptile issues. No objection, subject to condition.
- 9.3 Land Drainage Engineer - As this change of use from an office to a dwelling will result in the proposal being a highly vulnerable development as it is located in an Environment Agency's Flood Zone 2/3, the Environment Agency must be consulted.
- 9.4 Hampshire County Council Highway Engineer - no objections, subject to car and cycle parking conditions.
- 9.5 Environment Agency – The proposed development will only meet the requirements of the National Planning Policy Framework if the measures as detailed in the Flood Risk Assessment (PFA Consulting, June 2015) are implemented and secured by way of a planning condition on any planning permission. Also give informatives.
- 9.6 Natural England – no objections, subject to contributions and conditions.
- 9.7 Ministry of Defence – No safeguarding objections
- 9.8 Environmental Health Section (Contaminated Land) – no objections in principle to the proposed development as submitted, but consider that permission should only be granted if conditions are imposed. Without these conditions, the proposed development on this site could pose risks to human health and/or the environment.

10 REPRESENTATIONS RECEIVED

None

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission and the dwellings built, the Council will receive £1,152 in each of the following six years from the dwelling's completion, and as a result, a total of £6,912 in government grant under the New Homes Bonus will be received.

From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments. Based on the information provided at the time of this report this development has a CIL liability of £0.00, under the vacancy test.

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

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

In this case, following amendments made to the design and appearance of the building subject to this application, the proposal was considered acceptable.

14 ASSESSMENT

- 14.1 The application relates to a site within a wider complex of former mill buildings within the open countryside, to the south east of Fordingbridge. The wider site is bisected by the River Avon (SSSI and SAC) and the site is accessed via a bridge from a track from Southampton Road. The site adjoins flood meadows to the north and is separated from the meadow by a small curtilage area bound by a post and rail fence. The building appears to be of some age and is constructed of red brick and slate. It may be the case that the building subject to this application was constructed as a mill building, associated with the historic use of the East Mills area, although its character and use has changed over the years. The other building was last used as B1 offices, recently vacated by the Environment Agency and is currently vacant.
- 14.2 The scheme in question originally related to two properties on the same site; an office building being converted to residential use and a dwelling which was to be remodelled and extended. Following concerns raised over the form of remodelling and extension of the dwelling (Meadow Cottage), that element has been withdrawn from the scheme by the applicant. The proposal now relates solely to the office building, formerly occupied by the Environment Agency. It lies in an isolated position on the edge of Fordingbridge, close to but no longer associated with East Mills Manor which is a Grade II Listed building. The bridge over the overflow channel leading to the site in question is also listed Grade II, confirming the historic connection between the two sides of the channel in the past. Window openings will be altered and punctuated through the building, a single storey extension remodelled and a first floor balustrade is proposed on the north elevation. The original submission has been amended to remove window shutters and remove a glazed central opening in the south elevation, to simplify the proposed design. Two in curtilage parking spaces would be provided, as would a modest rear garden, defined by the red line for the planning submission shown on the 1:1250 location plan.
- 14.3 Policies CS2 and DM20 place emphasis on the impact of new development within the countryside and the Rural Design Guide specifies that new dwellings should respect the local traditional building style and employ materials and detailing which reinforce the local character. In all cases development should be of an appropriate design, scale and appearance, in keeping with the rural character of the area. It is accepted that the building has been altered over the years, unsympathetically in some instances, but it must be considered whether the level of alteration proposed in terms of new window openings, balustrade and an extension would suit the character of the buildings and area. The proposal would not increase the floorspace of the existing dwelling by more than 30%, in accordance with Policy DM20.
- 14.4 The building is clearly historic in origin and over time has been changed, but some original character remains. There is some interesting dentilation and some arched openings that have been blocked up, also some interesting corner gable details. The entrance doorway to the office building is clearly a later addition as the soldier course over the doorway is in modern brick but it makes architectural sense as the placement for

a main door. The proposal is not ostentatious and uses existing openings which, although not ideal, have a minimal impact upon the fabric of the building. The proposed flue should be painted matt black and retained as such if possible. The Juliet balcony proposed for the kitchen opening has no effect upon the flat nature of the elevation and the linear nature of the development and is therefore acceptable in this location. Subject to conditions to ensure appropriate materials, including the use of flush fitting timber or aluminium casement windows in the development, the design of the proposed conversion is acceptable, in accordance with Policies CS2 and DM20 and the Rural Design Guide.

- 14.5 Policy CS2 requires the impact of development proposals upon adjoining amenity and the amenity of future occupiers of the development to be considered. Considering the orientation of the building to Meadow Cottage and its separation from other buildings in the locality, it is not considered that the proposal would have any unacceptable impact on residential amenity.
- 14.6 The Council's Ecologist is satisfied that the former office building can be converted to residential use without causing unacceptable effects on locally protected species and wildlife designations, subject to the imposition of a condition to ensure a Construction Environment Management Plan is implemented.
- 14.7 A flood risk assessment has been submitted with the application, which the Environment Agency is satisfied with, subject to the imposition of a condition. It should be noted that while the building is with Flood Zones 2 and 3, the Sequential Test is not applicable to changes of use, under the provisions of Planning Practice Guidance - Flood Risk and Coastal Change.
- 14.8 Contributions would normally be expected in relation to affordable housing and habitat mitigation for a development of the type and scale proposed, in addition to any CIL liability. However, it is acknowledged that the proposal to convert the offices to residential would not attract an affordable housing contribution under the prior notification procedure for the change of use from an office to a dwelling. In light of this, it is not considered reasonable to request an affordable housing contribution in this instance. However, in accordance with the Habitat Regulations 2010, an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard.
- 14.9 In conclusion, this development would be appropriate to the character of the area, with no adverse implications for neighbours. In this case no affordable housing contribution is sought as the change of use could be carried out under the prior notification procedure when such a contribution could not be required.

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

Section 106 Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings	0	0	0
Financial Contribution	£38,100	£0	£38,100
Habitats Mitigation			
Financial Contribution	£5,350	£5,350	£0

CIL Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses	150	150	0	£0.00

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: 1:1250 Location Plan, 1191.05 Rev A, 1191.07 rev A and 1191.10.A3 Rev A

Reason: To ensure satisfactory provision of the development.

3. Before development commences, samples or exact details of the facing and roofing materials (including details of the fenestration, balustrade, brickwork and flue) 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: 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 appearance of the building, in accordance with policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park.

4. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (PFA Consulting, June 2015) and the following mitigation measures detailed within the FRA:

1. Flood resistance and resilience measures detailed on page 10 in the Flood Risk Assessment.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the impact of flooding on the proposed development and future occupants, in accordance with Policy CS6 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

5. No development shall be carried out until proposals for the mitigation of the impact of the development on the New Forest 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 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.

6. The works hereby approved shall be undertaken in strict accordance with a Construction Environment Management Plan (CEMP) to be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of works on site. The CEMP shall outline how the applicant intends to carry out operations to give rise to as little damage as reasonably practical to the SSSI and protected species. This includes taking all reasonable precautions to ensure no pollutants enter the water-course, in accordance with Environment Agency guidelines and making all contractors working on site aware of the SSSI designation afforded the River Avon System.

Reason: A pre-commencement condition is required to safeguard protected species and the River Avon System SSSI, from operational works, in accordance with Policy CS3 of the Local Plan for the New Forest District outside of the National Park (Core Strategy) and Policy DM2 of the Local Plan for the New Forest District outside the National Park (Part 2: Sites and Development Management).

7. Before occupation of the development a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include a specification for new planting (species, size, spacing and location) and any means of enclosure and delineation of the curtilage.. The development shall not be occupied 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 to comply with Policies CS2 and CS3 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

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

Reason: To ensure the dwelling remains of a size which is appropriate to its location within the countryside and to comply with Policy DM20 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management) and in view of the physical constraints of the plot, the Local Planning Authority would wish to ensure that any future development proposals do not adversely affect the visual amenities of the area, contrary to Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

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

Reason: To ensure adequate on-site parking provision for the approved development, in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

10. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions relating to contamination nos. 11 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 ... relating to the reporting of unexpected contamination has been complied with in relation to that contamination.

Reason: The site is in the vicinity of a former gas works and more recently a Depot, which may have lead to land contamination requiring further investigation to ensure the site is suitable for the proposed use. 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 Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM4 of the Local Plan For the New Forest District outside the National Park. (Part 2: Sites and Development Management).

11. 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: The site is in the vicinity of a former gas works and more recently a Depot, which may have lead to land contamination requiring further investigation to ensure the site is suitable for the proposed use. 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 Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM4 of the Local Plan For the New Forest District outside the National Park. (Part 2: Sites and Development Management).

12. 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: The site is in the vicinity of a former gas works and more recently a Depot, which may have lead to land contamination requiring further investigation to ensure the site is suitable for the proposed use. 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 Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM4 of the Local Plan For the New Forest District outside the National Park. (Part 2: Sites and Development Management).

13. 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: The site is in the vicinity of a former gas works and more recently a Depot, which may have lead to land contamination requiring further investigation to ensure the site is suitable for the proposed use. 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 Local Plan for the New Forest District outside the National Park (Core Strategy) and

Policy DM4 of the Local Plan For the New Forest District outside the National Park. (Part 2: Sites and Development Management).

14. 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 11, 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: The site is in the vicinity of a former gas works and more recently a Depot, which may have lead to land contamination requiring further investigation to ensure the site is suitable for the proposed use. 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 Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM4 of the Local Plan For the New Forest District outside the National Park. (Part 2: Sites and Development Management).

15. All materials, equipment and machinery shall be stored in a designated compound, within the curtilage of the site, details of which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: A pre-commencement condition is required to safeguard the River Avon System SSSI from operational works, in accordance with Policy CS3 of the Local Plan for the New Forest District outside of the National Park (Core Strategy) and Policy DM2 of the Local Plan for the New Forest District outside the National Park (Part 2 : Sites and Development Management).

Notes for inclusion on certificate:

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

In this case, following amendments made to the design and appearance of the building subject to this application, the proposal was considered acceptable.

2. The Environment Agency advise that the Flood Risk Assessment (FRA) includes details of predicted flood levels, based on the results of river modelling. Predicted flood levels at the site of the proposed development may be a little higher than those quoted in the FRA. This is because the river modelling node quoted in the FRA is a few hundred metres downstream from the site of the proposed development. No allowance has been made in the FRA for the fact that the design flood level is likely to be notionally higher at the site. It is recommended all flood resistance and resilience measures incorporated into the development are set at a level no lower than 27.6 metres above Ordnance Datum (AOD); this equates to 600mm above the general site ground level of 27.0 metres above Ordnance Datum (AOD).

In view of the potential flood risks in this locality, we would advise that any developer of this site gives consideration to the use of flood resilient construction practices and materials in the design and build phase. Choice of materials and simple design modifications can make the development more resistant to flooding in the first place, or limit the damage and reduce rehabilitation time in the event of future inundation. Detailed information on flood proofing and mitigation can be found by referring to the CLG free publication 'Improving the Flood Performance of New Buildings'. See the link below:

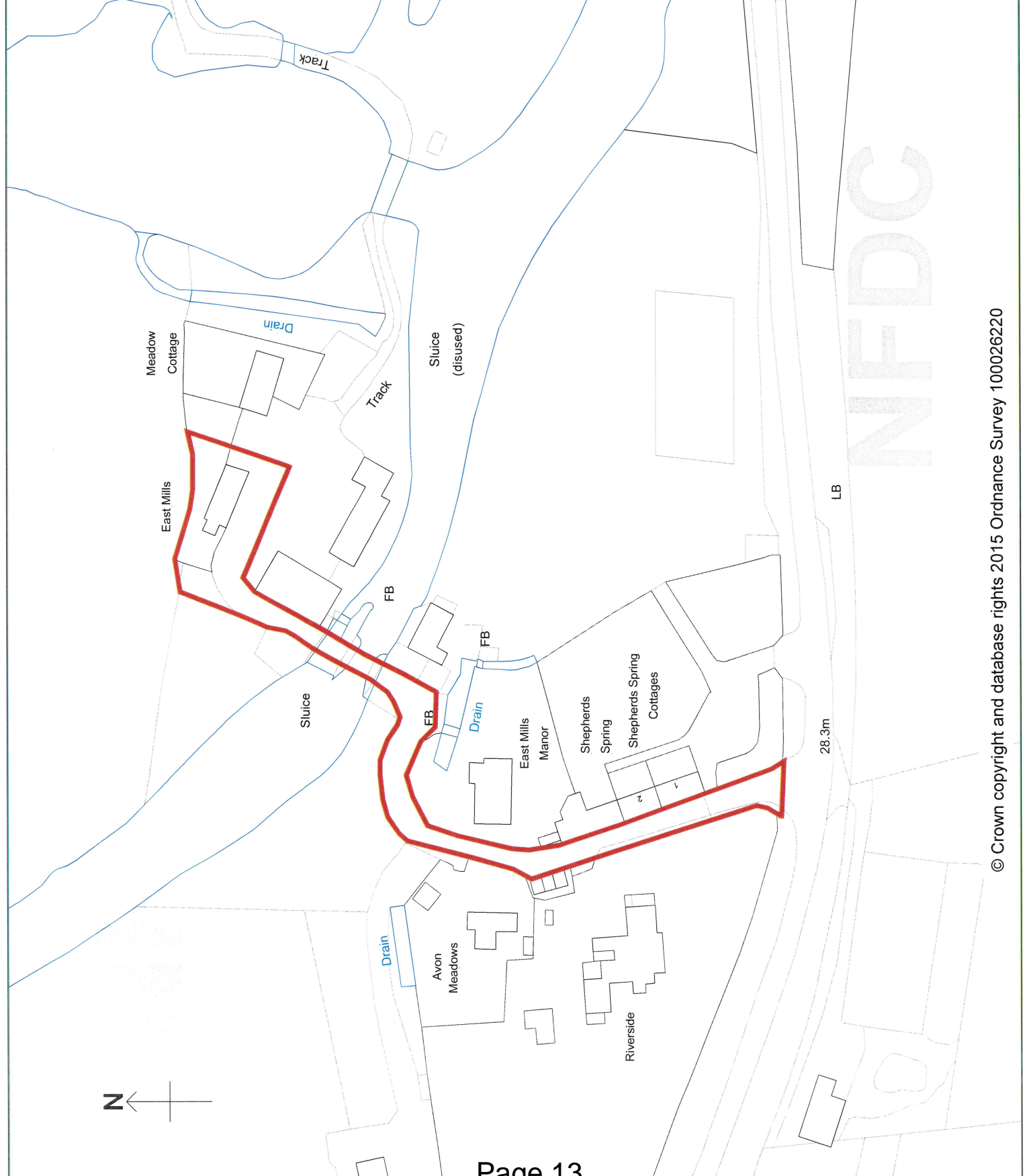
http://www.planningportal.gov.uk/uploads/br/flood_performance.pdf

3. In discharging condition No.5 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/>
4. The Council's Ecologist advises that the submitted bat survey is a little ambiguous as to the potential for bats to be using the gaps between roofing slates and felt and as a consequence the report includes some recommendations in terms of further survey work that would be required to address possible presence if the roof was affected by development. As the proposal appears to include features such as a new woodburner chimney through the roof, as well as the addition of windows in close proximity to the roofline, the applicant should be aware that the absence of bats has not been shown due to the limitations in the survey, and that ecological advice should be sought prior to undertaking these works. It should be noted that the roof has potential access points and that bats are active in the area, as demonstrated by the evidence of activity in the nearby building. The conditioned CEMP should include a method statement for any works affecting the roof (e.g. ecological clerk of works or ecological informed timing and method of installation) as well as inclusion of enhancement measures (e.g. sparrow net box or bat box, native landscaping) to assist delivery of a net gain for biodiversity.

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



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Application Number: 15/11072 Outline Planning Permission

Site: DEVON WAY, 11 LIME KILN LANE & land rear of 201 - 209
LONG LANE, HOLBURY, FAWLEY SO45 2HJ

Development: 7 houses; access; demolition of existing (Outline application with details only of access)

Applicant: Mrs Butt

Target Date: 15/09/2015

1 REASON FOR COMMITTEE CONSIDERATION

To agree the waiving of the affordable housing contribution

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS5: Safe and healthy communities
- CS15: Affordable housing contribution requirements from developments
- CS24: Transport considerations
- CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

DM3: Mitigation of impacts on European nature conservation sites

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

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

6 RELEVANT PLANNING HISTORY

None

7 PARISH / TOWN COUNCIL COMMENTS

Fawley Parish Council:- happy to accept a delegated decision

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highways Engineer:- No objection subject to conditions on parking, turning and visibility.
- 9.2 Land Drainage:- No objection subject to conditions
- 9.3 Tree Officer:- No objection
- 9.4 Estates & Valuation:- considers that it would not be viable for the development to secure an affordable housing contribution.
- 9.5 Ecologist:- No objection subject to conditions / resolving further details at reserved matters stage
- 9.6 Health and Safety Executive:- No objection
- 9.7 Environmental Design (Urban Design):- Supports on the basis that, as a collection, the scheme offers a distinctive character. The buildings as a group remain subservient to the setting, the green garden spaces and the built-up nature of the host block into which they are inserted; details and materials needs to be consistent with the illustrative material.

10 REPRESENTATIONS RECEIVED

- 10.1 13 letters of objection from local residents:- increased traffic to detriment of highway safety; poor access; insufficient on-site parking; adverse impact on local wildlife; adverse impact on neighbours' privacy and light; noise and light pollution; loss of green space; harmful urbanisation of the area; overdevelopment that would appear cramped; inappropriate development in the major hazard consultation zone; increased pressures on local sewerage system; concerns about electricity and telephone cables.

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 £8064 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 £61,415.20.

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

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

In this case all the above apply. The application proposals were the subject of pre-application discussions, and have been the subject of amended plans and additional information since the application was registered, and this has enabled a positive recommendation to be made.

14 ASSESSMENT

- 14.1 The application site extends to 0.36 hectares and comprises the property known as Devonway and its large rear garden. The application site also encompasses part of the rear garden of 201 Long Lane, and areas of scrub and paddock to the south of residential dwellings in Lime Kiln Lane, to the west of dwellings in Long Lane and to the north of residential properties in Larch Avenue. The application site is relatively flat. Although the site has an essentially green character, the site does not have any significant landscape features, the trees on the site typically being quite small, and the boundary hedgerows offering limited amenity value.
- 14.2 Devonway is a detached bungalow. The adjacent parts of Lime Kiln Lane are mainly characterised by bungalows and chalet bungalows set within generous sized garden plots, although 1-9 Lime Kiln Lane to the north side of the site is a long 2-storey terrace. The adjacent properties in Larch Avenue to the south are predominantly 2-storey detached dwellings, but with some bungalows as well, while the adjacent properties in Long Lane are mainly 2-storeys high. Properties within the immediate area typically have fairly long rear gardens that give the area an attractively green and spacious character.
- 14.3 The submitted application seeks to demolish the existing dwelling Devonway, so as to create a new access road to the land to the rear, on which it is proposed to build 7 dwellings. The application has been submitted as an outline application with access being the only matter for detailed approval at this stage. The application is accompanied by an illustrative layout plan and illustrative elevations that show a terrace of 3 dwellings and 4 detached dwellings that would be mainly 2-storeys high.
- 14.4 The Highway Authority initially raised concerns about the visibility at the entrance to the site. Subsequently, the applicants have carried out a speed survey, which has enabled the Highway Authority to determine that the required y distance visibility splay should be 44 metres in an easterly direction and 39 metres in a westerly direction. These visibility splays are achievable, but are only achievable in an easterly direction with a reduced x visibility splay distance of 2.0 metres (rather than the normal 2.4 metres). Having regard to the advice contained within the Manual for Streets, which allows for a reduced x distance of 2.0 metres in very lightly trafficked and slow speed situations, the Highway Authority is satisfied that a reduced x distance would be acceptable in this instance, noting the results of the applicant's traffic survey, which has indicated average peak hours flows of only 20 two-way movements on Lime Kiln Lane. Accordingly, the proposed access onto Lime Kiln Lane would be acceptable from a highway safety perspective.
- 14.5 The illustrative layout plan indicates an access road of adequate width. The submitted plans also indicate adequate turning facilities for refuse and emergency vehicles, both within the site and also for access from the highway in Lime Kiln Lane. The submitted layout adequately demonstrates that the requisite amount of on-site parking is achievable. Conditions to secure parking and turning would be more appropriately applied at reserved matters stage when the detailed layout is known.

- 14.6 The application site constitutes a relatively inefficient use of land within the built-up area. Although the land forms an extensive green area, it is not an area that is either well used or of significant landscape value. Indeed, parts of the site seem rather neglected. Against this context, it is felt that the site is one where some additional residential development could be accommodated without detracting from the character and appearance of the area. The layout that is proposed is a moderately intense development, but it would not compromise the generous sized gardens of dwellings which back onto the site. The applicant's design and access statement justifies the level of development that is proposed through innovative design. In particular, through the innovative use of front garden space and communal paths to doors, the applicant has come up with an illustrative layout where cars would be accommodated in a simple courtyard, and where 4 of the dwellings (units 4-7) would be grouped together in an attractive manner in garden settings that would adequately respect the local context. Indicative units 4-7 are shown as being primarily 2-storeys high but, with their suggested narrow roof forms, they would not appear too dominant in this setting, given the retained greenery and their significant distance (over 30 metres) from other existing dwellings. Indicative units 1-3 are shown as having a reduced eaves height. With this reduced scale, it is not felt that such a terrace would be incongruous in this context, having regard to the scale of the terraced units at 1-9 Lime Kiln Lane, and noting that the illustrative plans suggests dwellings with rich details and a high quality appearance. The suggested parking court would still allow small front gardens for these dwellings, to contribute to the greenness of the surroundings.
- 14.7 Based on the illustrative material that has been submitted, it is considered that the applicants have adequately demonstrated that a development of 7 dwellings could be provided on the application site without detriment to the character and appearance of the area. The illustrative plans show a development that, as a group, would appear sufficiently subservient within this rear garden setting. It is felt that the suggested development would offer a high quality and distinctive character within an appropriately green setting, and without appearing intrusive or incongruous within the host building block into which it would be inserted. As the application is only outline there will be a need to ensure that the suggested quality indicated in the illustrative material is followed through into the detailed reserved matters proposals. Furthermore, based on the illustrative material, the development's suggested quality could be materially eroded through future developments that could be carried out under permitted development rights. For this reason, it is felt that permitted development rights should be removed in this instance.
- 14.8 The dwellings would not have a material impact on the light or outlook of other dwellings, given their degree of separation from the application site. Existing dwellings to the north of the site would be about 35 metres away from illustrative units 6 and 7. Dwellings to the south would be in excess of 30 metres away from the rear of illustrative units 1 to 5. With such separation distances, the proposal is not one that would harmfully compromise the privacy of these neighbouring dwellings. Obviously, detailed elevational designs would need to be considered at reserved matters stage, but the applicant has provided adequate evidence to demonstrate that their proposals would not harmfully compromise the amenities of neighbouring properties.

- 14.9 The trees that would be removed are small garden trees that are not of public amenity value. None of the trees that would be removed are worthy of protection with a Tree Preservation Order and their removal is considered to be fully justified.
- 14.10 The application is accompanied by an ecological assessment. The Ecologist initially raised concerns that the reptile survey was deficient due to its timing. The applicants have subsequently provided further information and have suggested additional reptile mitigation measures to ensure that reptiles are not harmed during the course of the development, including a commitment to carrying out a further reptile survey before a reserved matters application is submitted. As the survey work to date has found no reptiles to be present, and given the outline nature of the application, the Ecologist is satisfied that it would be appropriate to condition the submission of further details. There would also be a need to ensure biodiversity enhancements, more generally, as a condition of any planning permission.
- 14.11 The application site is within the Fawley Major Hazard (middle) consultation zone. The Health and Safety Executive has been consulted and have advised that there is no reason to withhold planning permission on public safety grounds.
- 14.12 There is no reason why the development could not secure adequate sewerage arrangements in conjunction with the relevant sewerage authority.
- 14.13 A development of 7 dwellings would normally be expected to secure on-site affordable housing. Based on a 40% affordable housing policy requirement, the submitted scheme should secure 2 on-site affordable housing units and a separate financial contribution of £50,140 towards affordable housing off site. In this case, the applicants have submitted a viability appraisal to support their view that any affordable housing contribution would make the development unviable. This viability appraisal has been considered by the Council's Estates and Valuation team, who agree with the conclusions of this appraisal. As such, it is felt that there would be a reasonable justification to completely waive the affordable housing requirement in this instance.
- 14.14 In accordance with the Habitat Regulations 2010 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. In this case, the exact contribution could only be determined following the submission of a reserved matters application.
- 14.15 Overall, this proposed development is considered to be consistent with Local Plan policies and objectives. The development would be of an acceptable density and would be sympathetic to its context. Based on the illustrative material submitted with the application, the applicants

have reasonably demonstrated that 7 dwellings could be provided in a manner that would be sympathetic to the character and appearance of the area, and sympathetic to the amenities of neighbouring properties. The development could be provided without detriment to highway safety and without harming ecological interests. Although the application would not make any contribution to affordable housing, this would be justified in the light of the applicant's viability arguments. As such, the application is recommended for permission.

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

Section 106 Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings	2	0	-2
Financial Contribution	£50,140	0	-£50,140
Habitats Mitigation			
Financial Contribution	not yet known		

CIL Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses	848	80.31	767.69	£61,415.20

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

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

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

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

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

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

4. 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.

5. Before the development is first occupied details of the future maintenance the drainage system to be approved under condition 4 shall be submitted to and approved in writing by the Local Planning Authority. The drainage system shall thereafter be maintained in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

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.

6. The visibility splays shown on the approved plans at the junction of the proposed new access with Lime Kiln Lane shall be provided before the commencement of development, and these visibility splays 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 the commencement of development, a detailed schedule of biodiversity mitigation and enhancement measures shall be submitted to and approved in writing by the Local Planning Authority. Development shall only proceed in accordance with the approved details.

Reason: To safeguard biodiversity interests in accordance with Policy CS3 of the Core Strategy for New Forest District outside of the National Park and Policy DM2 of the Local Plan Part 2: Sites and Development Management.

8. Prior to the submission of any application for Reserved Matters approval, an updated Reptile Survey (an update to the Ecosa Phase 2 Reptile Survey dated May 2015) shall be undertaken at an appropriate time of year, and details of that survey together with any necessary mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. Development shall only proceed in accordance with the approved mitigation measures.

Reason: To safeguard protected reptiles that may be present on the site in accordance with Policy CS3 of the Core Strategy for New Forest District outside of the National Park and Policy DM2 of the Local Plan Part 2: Sites and Development Management.

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

Reason: The submitted Design and Access Statement has sought to justify a relatively intensive development in what is a green and spacious context by demonstrating that the development would be of a high quality and locally distinctive design as exhibited in the illustrative layout and the supporting documentation. This illustrative layout and design has a design quality and a setting that could be materially compromised by relatively small scale changes and therefore, the Local Planning Authority would want to control such developments in future to ensure the development remains sympathetic to its context and consistent with the requirements of Policy CS2 of the Core Strategy for New Forest District outside of the National Park.

10. 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.

11. The development permitted shall be carried out in accordance with the following approved plans: BUTT140702 SLP-01, BUTT140702 SKL-03 rev C, 5105.001, KTML10815-TLP, KTML10815-TRP, Tree Protection Plan for T5, BUTT140702 ELE-01, 5105.001 rev B, 5105.002, 5105.003.

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.

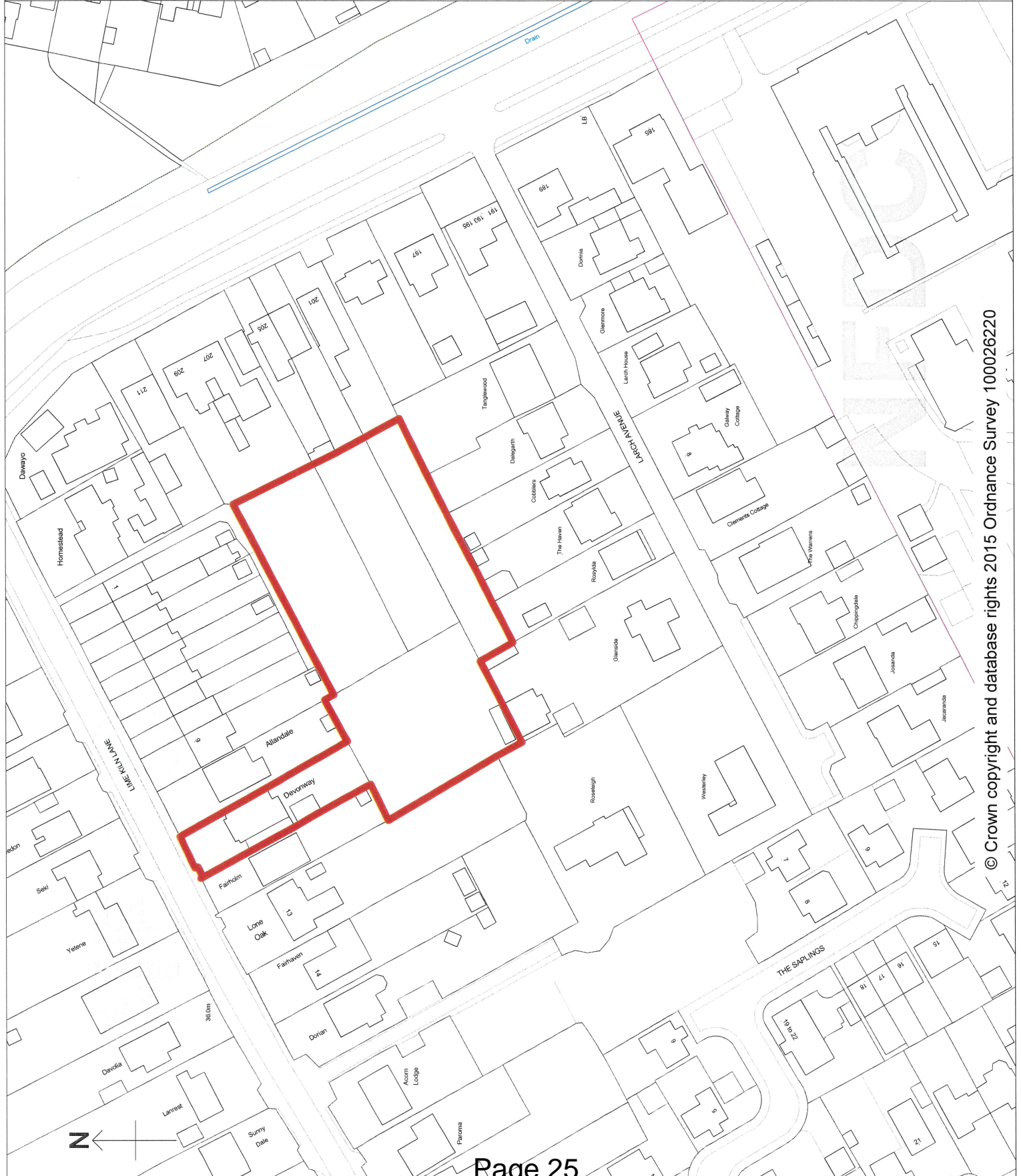
In this case, the application proposals were the subject of pre-application discussions, and have been the subject of amended plans and additional information since the application was registered, and this has enabled a positive recommendation to be made.

2. Please note that the Local Planning Authority will expect the detailed reserved matters proposals to adhere closely to the illustrative layout, the supporting illustrative information and the key design principles set out in the submitted Design and Access Statement.
3. In discharging condition No. 10 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/>

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



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Application Number: 15/11075 Full Planning Permission

Site: Land of NORMANDY HOUSE, BARNES LANE,
MILFORD-ON-SEA SO41 0RQ

Development: House; access

Applicant: D2 Projects

Target Date: 15/09/2015

1 REASON FOR COMMITTEE CONSIDERATION

Member request and contrary Member view.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

- CS1: Sustainable development principles
- CS2: Design quality
- 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

DM3: Mitigation of impacts on European nature conservation sites

MoS2: Transport schemes

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

NPPF Ch. 6 - Delivering a wide choice of high quality homes
NPPF Ch. 7 - Requiring good design

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Housing Design, Density and Character
SPG - Milford-on-Sea Village Design Statement

6 RELEVANT PLANNING HISTORY

None

7 PARISH / TOWN COUNCIL COMMENTS

Milford on Sea Parish Council - recommend refusal but would accept a delegated decision. Concerned with disproportionate size of house to plot, its bulk and height.

8 COUNCILLOR COMMENTS

- 8.1 Councillor Mrs Beeton - objects. The proposal would be overbearing to residents in Wayside Close. Due to the gradient of the land and the loss of the hedge would impact on the green aspect of the lane.
- 8.2 Councillor Kendal - requests Committee consideration due to objections received, traffic speeds along the lane and the drop in levels. Careful consideration is required.

9 CONSULTEE COMMENTS

- 9.1 Land Drainage Engineer - no objection subject to condition
- 9.2 Tree Officer - no objection subject to compliance with tree report
- 9.3 Hampshire County Council Highway Engineer - no objections subject to conditions

10 REPRESENTATIONS RECEIVED

- 10.1 A letter of support from a local resident has been received as they consider the proposal to be sympathetic with the area. The landowners have also put forward their support and reasoning why the application has been submitted.
- 10.2 Comments from one neighbour have been received stating:
- suggestions of parking restrictions in order that accesses are not impossible to use given the width of Barnes Lane,
 - a new fence would be required adjacent to the church access
 - new trees should minimise hazards such as slippery leaves
 - the access is too close to the church access
- 10.3 Objections have been received on behalf of 6 local residents whose concerns are:
- loss of trees and hedgerows (and wildlife corridor)
 - adjoining properties need to be visited to assess the change in levels
 - it is not possible to identify the trees on the plan
 - overbearing impact on 1, Wayside Close, no cross section to demonstrate this point

- loss of privacy
- not justified on the grounds of housing need
- drainage implications for properties lower than the site
- loss of macrocarpa would be detrimental to the amenity of the area
- principle of such a large house close to the existing would detract from the character of the area
- doesn't take busy recreation ground into account
- the dwelling is too high
- chimney is not necessary
- block plan is incorrect

10.4 2 further comments have been received in response to the submission of amended plans raising concerns about height and overbearing impact, overlooking, levels, landscaping being adequate, loss of trees and hedges and highway safety.

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission and the dwellings built, the Council will receive £1,152 in each of the following six years from the dwelling's completion, and as a result, a total of £6,912 in government grant under the New Homes Bonus will be received.

From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments. Based on the information provided at the time of this report this development has a CIL liability of £21,242.40.

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

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

In this case all the above apply, however, clarification was sought on the proposed second floor window which was confirmed as lighting the attic. The agent has also provided additional information to show that the dwelling would be set into the ground and would not significantly impact on the property to the rear. In demonstrating this, the roof form was reduced in size and rear chimney deleted.

14 ASSESSMENT

- 14.1 The site lies within the built up area of Milford on Sea just outside the Milford on Sea Conservation Area. It forms part of the garden of Normandy House, a two storey detached villa style residence set in its own grounds. There is a row of chalet style properties to the rear (west) of the site and the recreation ground opposite. The Methodist Church is immediately adjacent to the south. There is a mature hedge along the road frontage and protected trees within the wider plot which is a mature garden with planted beds, a shed and greenhouse.
- 14.2 The proposal entails the construction of a detached dwelling comprising study/playroom, hall, living room, utility room, large open plan kitchen/family room and attached garage at ground floor level with four bedrooms, three en-suites a dressing room and laundry room at first floor level. A new access leading to a turning head would be provided towards the south of the site. The plans have been awarded since the application was originally submitted which reduced the height of the proposed dwelling.
- 14.3 In principle, the plot is a good size and a 20m rear garden for Normandy House would be retained. Barnes Lane has quite a rural feel due to the mature boundary hedging along much of its length. Amongst the greenery are large detached properties and that proposed would be considered appropriate in this respect. Due to the staggered front elevation, much of the house would be tucked behind the church when viewed from the south. From the north, existing vegetation which would remain in the garden of Normandy House would screen the dwelling from wider views. In terms of the design of the proposed dwelling, the area contains a variety of dwellings and the proposal would add to this variety.
- 14.4 With regard to residential amenity, the proposed dwelling would have a limited impact on the existing property due to the limited window openings. In addition to this, the retained garden would still have significant trees which would help to screen the proposed dwelling. Concern has been expressed with regard to the relationship of the proposed dwelling with 1, Wayside Close to the west. This property has a large, east facing dormer with two bathroom (obscure glazed) windows at first floor level with the main living accommodation windows below. There is also a conservatory to the rear of this property, although it is unclear how many rear windows this covers. However, it is also noted

that the main living room of this property has a large south facing window in the side elevation as well as a west facing window to the front.

- 14.5 While the site is relatively level, Wayside Close is at a slightly lower level with the front gardens having a small retaining wall along the pavement and the rear gardens at a slightly higher level than the dwellings. It is accepted that the proposed dwelling would be visible from the rear of this dwelling but given the distance between the proposed rear projection from the rear elevation (not including the conservatory) and the existing property in Wayside Close (19.5m), the proposal is unlikely to give rise to any significant loss of light. The main bulk of the proposed dwelling would be 25m from the rear elevation of 1, Wayside Close. Within the rear elevation of the proposed dwelling, there would be a single bedroom window which would face the boundary between no.1 and The Glade. Given the distance and obscure glazing to the rear of Wayside Close properties, the proposal is unlikely to adversely affect privacy. There is a close boarded fence along the western boundary to the site with an existing shed and green house adjacent, between trees. While one of the trees would remain, the fir and outbuildings would be removed, opening up the outlook for Wayside Close a little. It is accepted that the proposed dwelling is a taller property than the chalets to the west, but given the relative distances involved, it is not considered to result in an overbearing effect on their occupants and this is shown in the cross section through the site.
- 14.6 Although the proposal involves the loss of several small ornamental trees, the larger specimens protected under TPO 135/02 are all retained and, subject to compliance with the submitted tree report and appropriate protection measures, the tree officer is satisfied that the proposal would not harm important trees. The loss of the large, prominent Leyland Cypress and Monterey Cypress would have more impact, however, these are in poor condition and could be removed regardless of any development proposals.
- 14.7 In order to provide a new access to the property, it is proposed to replant a hedge set back slightly along the necessary visibility splay. Although this would temporarily result in a loss of vegetation along this part of Barnes Lane, there would be vegetation along the access drive to the church would remain, as well as that to the side of the retained garden for Normandy House. The proposed visibility splays are slightly longer than those required as a result of the submitted speed survey and the Highway Authority has not raised any objections to them or the proposed level of parking and turning space.
- 14.8 The proposal generates a requirement for contributions to be made towards the provision of affordable housing and habitats mitigation. A S.106 Agreement to secure the affordable housing has now been completed and, if permission is granted for the scheme, a further S.106 would be required in order to secure the habitats mitigation should the CIL liability reduce to an amount less than the habitat mitigation mandatory amount.
- 14.9 To conclude, while it is accepted that the proposal would have an impact on the visual amenities of the area, the proposed replacement hedge would mature in time to provide a good setting for the proposed dwelling which would be appropriate to the spatial characteristics of the area.. In view of the proposed dwelling's distance from the rear boundary and

neighbouring properties, its impact would be insufficient to warrant refusal. The proposal would provide an additional dwelling within the confines of the village without harming the visual or residential amenities of the area.

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

Developers' Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings			
Financial Contribution	£48,675	£48,675	0

CIL Contribution Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses	265.53	0	265.53	£21,242.40

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: 06E, 07D, 400, 103, 105, Arboricultural Impact Appraisal and Method Statement, Speed Survey, Design and Access Statement.

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. Prior to commencement of works (including site clearance and any other preparatory works) the scheme for the protection of trees in accordance with the submitted Barrell Consultancy Arboricultural Impact Appraisal and Method Statement ref 15094-AIA-PB and Plan Ref:15094 BT2 dated 8 May 2015 shall be implemented and at least 3 working days notice shall be given to the Local Planning Authority that it has been installed.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area and in accordance with CS2 of the New Forest District Council Core Strategy.

6. Visibility splays of 2.4 metres by 50 metres shall be provided at the junction of the proposed access with the public highway 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. The development hereby permitted shall not be occupied until the spaces shown on plan 06E for the parking and garaging of motor vehicles and cycles have been provided. The spaces shown on plan 06E for the parking and garaging of motor vehicles and cycles shall be retained and kept available for the parking and garaging of motor vehicles and cycles for the dwellings hereby approved at all times.

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

8. 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 In the interest of highway safety and in accordance with CS2 of the New Forest District Council Core Strategy.

9. 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.

10. 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).

11. 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.

In this case all the above apply. Clarification was sought on the proposed second floor window which was confirmed as lighting the attic.

2. In discharging condition No. 11 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)

Application Number: 15/11265 Full Planning Permission

Site: FIELD adjacent HILBURY WOOD, MIDGHAM FARM, MIDGHAM ROAD, FORDINGBRIDGE SP6 3BY

Development: 1 safari tent for 6 months of the year, for use of camping

Applicant: Mr Witt

Target Date: 25/11/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council View

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside
Minerals Consultation Area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

- 7. The countryside
- 8. Biodiversity and landscape
- 9. Leisure and recreation

Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS10: The spatial strategy
- CS19: Tourism
- CS21: Rural economy
- CS24: Transport considerations

Local Plan Part 2 Sites and Development Management Development Plan Document

- DM13: Tourism and visitor facilities
- DM22: Employment development in the countryside

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

None

6 RELEVANT PLANNING HISTORY

Use as 3 residential dwellings (prior approval application) approved 21st November 2014 on another part of the Midgham Farm holding.

7 PARISH / TOWN COUNCIL COMMENTS

Fordingbridge Town Council:- Recommend permission as the proposal offers good diversification for a small farm holding and encourages tourism in the area.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

9.1 Hampshire County Council Highway Engineer:- No objection

9.2 Land Drainage Engineer:- No objection subject to condition

9.3 Ministry of Defence:- No objection

9.4 Environmental Health (commercial):- advise that a tent licence may be needed.

10 REPRESENTATIONS RECEIVED

One letter has been received making the following comments: inappropriate in this countryside location, increased traffic, president, concern about potential for use for adventure activities, and loud music/parties, the site is in an approved minerals area and when not in use the facilities could be used by the travelling community.

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 proposals were not the subject of pre-application discussions. The objections to the application are significant and cannot be reasonably addressed through negotiation. As such, the application can only be recommended for refusal.

14 ASSESSMENT

- 14.1 The application site, which measures 0.88 hectares in area, forms part of a grass field that is situated about 200 metres to the west side of Midgham Road. The field is reached by a grass access route that runs to the south side of a mature hedgerow boundary. The part of the field covered by the application site is bounded by Hilbury Wood on its western side, and by a mature hedgerow boundary with many mature trees on its eastern side. There is a lower hedgerow boundary on the site's southern side. The field to which this application relates extends northwards beyond the application site boundary.
- 14.2 The submitted application seeks to site a single safari tent within the field. The tent would be 9 metres in length, and 5.09 metres in width. The tent would have a ridge height of 3.50 metres. The tent would sit on a proposed concrete base that would measure 6 metres by 11 metres, which would be sited about 40 metres from the south-eastern corner of the field. The supporting details accompanying the application indicate that the tent would remain on site for 6 months whilst it is being let out and would be taken away for the remainder of the year. A single below ground septic tank is proposed to deal with drainage.
- 14.3 In support of their application, the applicants point out that the proposal is intended to form part of an agricultural diversification project at Midgham Farm, which is a mixed farm holding extending to approximately 410 acres. Currently, cattle and sheep are kept on the holding, and the land is used for grazing, hay making and silage making. The income from the proposed campsite is intended to supplement the farm business. The applicants advise that they are targeting the premium end of the camping market (known as glamping), and have selected the site for the complete privacy it would provide.

- 14.4 The Council's Core Strategy (Policy CS19) seeks to support local tourism by supporting new tourist provision in the countryside as part of farm diversification projects, particularly also where there would be benefits to local communities and the local economy. In addition, Policy CS21 of the Core Strategy seeks to encourage farm diversification projects, where this would be consistent with maintaining and enhancing the environment and contributing to local distinctiveness. The Local Plan Part 2 has more detailed policies and sets out more clearly the circumstances where new tourist related developments will be acceptable in the countryside. Policy DM13 of the Local Plan Part 2 stipulates that outside of defined built-up areas, development to provide visitor accommodation will only be permitted where specific criteria are met. One of these criteria is as part of a farm diversification project or through the conversion of existing buildings in accordance with Policy DM22. Policy DM22 indicates that rural employment development will be permitted as part of a farm diversification project supporting a farm business, making best use of existing permanent buildings. The policy makes it clear that where new buildings are necessary, they should be contained within the existing complex of farm buildings and be limited so as to ensure the development remains of a scale appropriate to its rural setting. Both policies DM13 and DM22 make it clear that in all cases, development should be of an appropriate design, scale and appearance and should not be harmful to the rural character of the area by reason of visual impact, traffic or other impact.
- 14.5 Given the proposal would form part of a farm diversification project, it is considered that the provision of new tourist accommodation would, in principle, be acceptable and consistent with the Council's Core Strategy policies. However, there is still a need to balance the proposal's economic benefits against the scheme's environmental impact. In this case, the site where the proposed tent is shown to be sited is remote from any other development. It is an isolated site that is a significant distance away from the existing farm buildings at Midgham Farm. In this sense, the proposal does not accord with the thrust of Local Plan Policy DM22, which suggests that new development should be sited close to existing buildings. In essence, it is felt that the siting of the tent would be too isolated. Such sporadic development would be harmful to the rural character of the area. It would introduce activity into a quiet countryside location, and would formalise use of an access route that is currently no more than a grass strip. Furthermore, it is felt the siting of a fairly large tent in this field, isolated from any other development, and away from the site boundaries, would be visually a rather incongruous development that would impact negatively on the rural landscape. Although the tent would apparently be removed during the winter months, when not in use, it would still be a presence for much of the year, and the fairly large concrete base would, of course, be a permanent feature. It is felt the development would fail to respect the character of the countryside, and therefore, it would not be a sustainable form of development supported by the National Planning Policy Framework.
- 14.6 The applicant has referred to another small camping development at nearby Midgham Long Copse, which they also deem to be in an isolated location. However, that development was approved prior to the Council's Local Plan Part 2 being adopted, and indeed before the National Planning Policy Framework was adopted. In any event, that development, which is in a very different woodland setting is considered to be better integrated with the overall farm holding. It is not felt that the

development at Midgham Long Copse would justify the development that is now proposed. Furthermore, just because the application is proposing a high end camping experience, does not justify such development within an isolated rural location.

- 14.7 The site access onto Midgham Road does not enjoy particularly good visibility. However, in the light of the low traffic flows along Midgham Road, the Highway Authority are satisfied that the proposal would not cause undue dangers to users of the public highway.
- 14.8 It should be noted that on another part of the Midgham Farm holding, the Council gave its approval for a barn to be converted to 3 dwellings under the prior approval procedure in 2014.(ref: 14/11381).
- 14.9 Concerns have also been raised that other uses could occur such as adventure activities and that travellers could use the site, however, these uses are likely to require planning permission. While the site is within a Minerals Consultation Area the type of development proposed would be unlikely to compromise this resource in the long term.
- 14.10 Overall, it is accepted that the proposed development would bring benefits in terms of supporting farm diversification and the local tourist economy. However, it is felt, in this case, that the benefits of the development would be materially outweighed by the scheme's visual and environmental harm. The provision of a camping enterprise in a field that is so isolated would not be sustainable or sympathetic to the character and appearance of the countryside. It is felt that the development would be inconsistent with the Council's environmental objectives and so would not accord with policy. As such, the application is recommended for refusal.
- 14.11 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposed development would introduce a significant tented structure, an area of hardstanding, and associated domestic activity and paraphernalia into an isolated area of countryside, remote from other development. Such development would be visually incongruous and unsympathetic in this agricultural setting and would harmfully erode the quiet rural character and appearance of the area. The proposed development would therefore be materially at odds with the environmental objectives of sustainable development, and would be contrary to Policies CS2, CS19, and CS21 of the Core Strategy for New Forest District outside of the National Park and Policy DM13 and DM22 of the Local Plan Part 2: Sites and Development Management.

Notes for inclusion on certificate:

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

In this case, the application proposals were not the subject of pre-application discussions. The objections to the application are significant and could not be reasonably addressed through negotiation. The application was accordingly refused.

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)



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Application Number: 15/11271 Variation / Removal of Condition

Site: BUTT LAWN FARM, FROG LANE, FORDINGBRIDGE SP6 1BN

Development: Variation of Condition 1 of Planning Permission 12/98711 to allow extension of time until 30th August 2018 for 3 polytunnels and agricultural building

Applicant: Mr Hariento

Target Date: 23/10/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council View

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

River Valley
Countryside outside the New Forest
Rights of Way

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

CS1: Sustainable development principles
CS2: Design quality
CS10: The spatial strategy
CS21: Rural economy

Local Plan Part 2 Sites and Development Management Development Plan Document

DM22: Employment development in the countryside

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

None

6 RELEVANT PLANNING HISTORY

3 polytunnels, retention of existing building for agricultural purposes (98711)
Grant temporary permission 30th August 2012

7 PARISH / TOWN COUNCIL COMMENTS

Fordingbridge Town Council: Recommend refusal as there is no evidence of existing agricultural development and need.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

None

10 REPRESENTATIONS RECEIVED

None

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

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

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

14 ASSESSMENT

- 14.1 The site comprises an area of flat predominantly open land, extending to around 7 hectares in size between Frog Lane and Bowerwood Road. There are currently three buildings on the land, which comprise a large pre fabricated barn, a brick building originally used as a stable which is now used as a holiday let (this building has its own curtilage), and a small detached timber building known as 'the restroom'. The building used as a holiday let use and the barn were granted planning permission in the past, to be used for those purposes, however, the smaller building used as a 'restroom', which is subject to this current application is an unauthorised structure. There does not appear to be any agricultural activity on the land or within the existing barn.
- 14.2 The site lies within a rural location with an established farmyard to the south known as Padstow Farm and a residential dwelling to the north at 'The Mallards'. Frog Lane is an unmade track serving several residential properties, a garden nursery, a farm and also a sewage works. The surrounding land is open fields.
- 14.3 In terms of the planning history of the site, temporary planning permission was granted on this site in 2012 under planning reference 98711 for the erection of three polytunnels and the retention of an existing detached timber building to be used as a restroom for farm related activities. The temporary permission has now expired. The three polytunnels have not been erected, but the restroom remains on the site.
- 14.4 This application seeks to vary condition 1 of planning permission 98711 to allow an extension of time until the 30th August 2018. The purpose of the application is to give the applicant additional time to construct the proposed polytunnels.
- 14.5 When temporary consent was granted for the polytunnels in 2012 this was to enable the applicant the opportunity to start a small scale horticultural operation on the site and this was to be run on a part time 'hobby basis'. It was stated that the existing land is in agricultural use and it will remain as pasture and in a small part be used for producing a crop. The applicant previously made the case that permission could be granted on a temporary basis allowing a review in the future.
- 14.6 The three proposed polytunnels would measure 6.7 metres by 20 metres with a 2.5 metre hoop spacing and would be sited at the southern end of the site to the rear of the existing pre fabricated barn. The rest room lies adjacent to Frog Lane and measures 3.8 metres in width and 5.7 metres

in length under a pitched roof rising to 2.6 metres high. The rest room was previously proposed to be used in relation to the farming activities and also to act as an office and storage space for the farm manager who would deal with the day to day running of the farm.

- 14.7 In support of this current application, it is stated that while no agricultural activity has started on the site, the land has been kept in good condition and can be put to productive use in the near future. The applicant is still very keen to start the agricultural operation and the first step would be to erect the polytunnels so that cultivation of the more sensitive plants can start. The applicant has the same objectives that were set out in the previous application which is to provide polytunnels for the propagation and harvesting of plants.
- 14.8 In assessing this application it is considered that the policy position has not changed since the previous application in that there is general support for agricultural development. In addition, there has been no change in circumstances at the site. Officers consider that there is no material reason why a further temporary permission would be unacceptable although it is considered that a two year period would be more appropriate given the failure to start the enterprise so far and would enable the applicant time to carry out the works to support agricultural development. Indeed, the location of the site next to a working farm appears to be an appropriate position for the polytunnels.
- 14.9 However, it is important to point out that the existing 'rest room' building is only justified to remain on the site if the land is actively farmed or used in conjunction with the proposed horticultural use. On this basis, if Members are minded to approve a temporary consent for a further 2 years, and the applicant does not implement the polytunnels, it is unlikely that a further temporary permission would be supported and the existing restroom building should be removed from the land.
- 14.10 With regard to other matters, it is considered that the proposed development is unlikely to have a detrimental effect on the living conditions of the adjoining neighbouring properties given the distances involved and scale. The proposed development is a sufficient distance away from the residential property at Padstow House so as not to adversely affect their light and outlook.
- 14.11 The proposed development would not have a detrimental effect on the public right of way given that the proposed development would result in minimal traffic movements along Frog Lane and that the land is already in agricultural use.
- 14.12 In conclusion, it is considered that the variation of the condition to extend the permission by a further 2 years would be acceptable given that the proposal would support agricultural development and the impact would be minimal in the short term. Should the polytunnels not be implemented within the two years and no agricultural operations take place on the site, the existing 'rest room' building should be removed from the site.
- 14.13 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the

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

15. RECOMMENDATION

Grant Temporary Permission

Proposed Conditions:

1. The rest room building and three poly tunnels hereby approved shall be removed on or before the 31st December 2017 and the land restored to a condition which has first been agreed by the Local Planning Authority.

Reason: Planning permission has only been granted for these buildings on the basis that they meet an agricultural need in accordance with policies CS2 and CS10 of the Core Strategy for the New Forest District outside the National Park and if the buildings and structure are not needed for agricultural purposes, the buildings would be inappropriate to this countryside location.

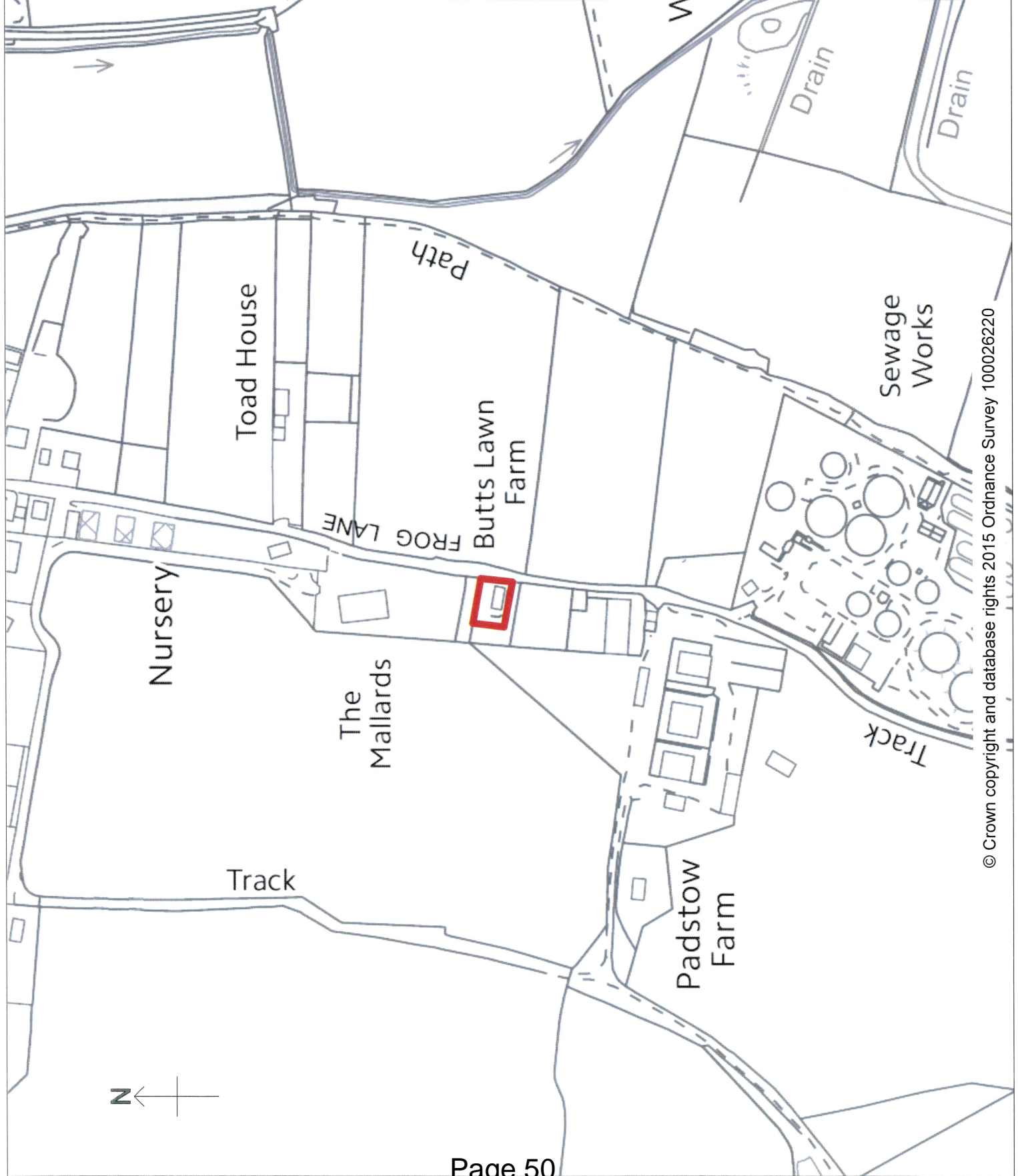
Notes for inclusion on certificate:

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

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

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)



Application Number: 15/11326 Full Planning Permission

Site: 15 BARRS AVENUE, NEW MILTON BH25 5HL

Development: Two-storey and single-storey front, side and rear extensions; roof alterations; fenestration alterations

Applicant: Mr Salter

Target Date: 05/11/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

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

Section 197 Trees

Town and Country Planning Act 1990

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - New Milton Local Distinctiveness

6 RELEVANT PLANNING HISTORY

97/61237 Extension to existing detached garage granted subject to conditions 4/06/1997

15/10845 Two-storey front and side extensions; single-storey side extension; roof alterations; roof light; chimney; front porch; fenestration alterations refused 29/07/15

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: Recommend refusal

Object: Contrary to New Forest District Council Core Strategy Policy CS2 (Design Quality) by means of mass; perception of overlooking due number of rear windows at first floor level; its oppressive nature and detrimental to the spatial setting.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

Tree Officer: no objection subject to condition
Land Drainage Engineer: no comment

10 REPRESENTATIONS RECEIVED

2 objections:

- overlooking of nos 2 & 6 Ballard Close
- intrusive and overbearing
- side extension gives impression of over development of the plot

11 CRIME & DISORDER IMPLICATIONS

Not applicable

12 LOCAL FINANCE CONSIDERATIONS

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

Regulation 42 of the CIL Regulations 2010 (as amended) states that CIL will be applicable to all applications over 100sqm GIA and those that create a new dwelling. The development is under 100 sq metres and is not for a new dwelling and so there is no CIL liability in this case.

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
- Advising agents/applicants early on in the processing of an application (through the release of a Parish Briefing Note) as to the key issues relevant to the application.

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

In this case all the above apply and the application was acceptable as submitted. Notwithstanding this, a tree report was identified as being required during the progress of the application, which was duly provided and satisfied the New Park Authority tree officer, subject to an appropriate condition being applied to any forthcoming decision.

14 ASSESSMENT

- 14.1 The application site consists of a detached house, situated in an established residential road in the built up area of New Milton. The immediate area is characterised by detached dwellings of varying styles and sizes.
- 14.2 The existing dwelling is set back from the frontage, in a similar position to the houses either side. It has an established hedge to the front boundary which helps foil views into the site. The house has a hipped roof with projecting two storey element to the front. Part of the rear elevation consists of a deep cat slide roof, and by reason of its design there is only 1 small window at first floor level on the rear wall. A single storey detached garage is sited on the boundary with no 17 Barrs Avenue, which is connected to the main dwelling via the shallow pitched roof on the front of the garage, giving the appearance of continued development extending to the side boundary, though this is single storey. There is also an existing single storey swimming pool enclosure sited adjacent to the western boundary with no 11 Barrs Avenue.
- 14.3 The current application is a revised proposal following a recent refusal:

By reason of the increased mass and scale of the resulting dwelling which would result in the development spanning the entire width of the plot, this would erode the spatial characteristics of the site to the detriment of the character of the area. Furthermore, it would create an overly dominant form of development which would be intrusive in the street scene, and would be oppressive to the dwellings to the rear to the detriment of the amenities of the occupiers of those properties. As such it 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.

The applicant has submitted comments identifying how these issues and concerns raised as part of this application have been addressed. These points are generally accepted.

- 14.4 The current application would result in the removal of both the existing garage and swimming pool enclosure, but the proposal has been remodelled compared to the previous submission. Single storey side additions are proposed set in from the side boundaries, which would maintain the spatial characteristics of the site. The resulting development would be dominant within the street scene, but the overall design is more balanced than previous and would appear less cramped in the street scene, particularly in relation to no 17. Part of the scheme would include a two storey side extension to the western side of the existing dwelling. This would be sited towards the front of the dwelling and as such would relieve the oppressiveness of the new built form upon the dwellings to the rear. The rear elevation still proposes the loss of the catslide roof and would square off the rear elevation with a two storey extension with shallow hipped roof; but even though this would be increasing the mass of the building at first floor level the actual built form would not be coming any closer to the rear boundary than existing, nor would it be any wider. The redesigning of the rear elevation would make the dwelling more obvious to nos. 2 and 6 Ballard Close than the existing building, but there would be a distance of over 10m between the dwelling on the application site and the rear boundary. Furthermore, the back to back distance between the new first floor windows and the rear elevations of nos. 2 and 6 Ballard Close would be a minimum of 27 metres.
- 14.5 The current proposal does now include 4 windows on the rear elevation of the main building but the two closest to no 2 Ballard Close are shown as obscure glazed and would serve bathrooms. The first floor rear windows would look towards the rear garden area of no 2 Ballard Close and towards the back of no 6 Ballard Close, giving the perception of being overlooked by the neighbours, especially when compared to the existing arrangement of only one current window in this elevation, which is recessed. Nevertheless the distances involved in these windows in relation to the dwellings to the rear are not unreasonable in an urban situation, and an unacceptable level of overlooking could not be justified. Furthermore, views over neighbouring gardens is to a degree, foiled by existing trees and boundary vegetation. However, a planning condition safeguarding the retention of proposed obscure glazing on the rear elevation could be applied to permission should it be granted. There are also proposed windows on the rear wall of the two storey side extension, but these are set even further away from the rear boundary.
- 14.6 Two first floor windows are now proposed on the east elevation. However, there are existing windows on this elevation, and furthermore the new windows would not serve areas of primary living accommodation within the dwelling and as such are proposed to be obscure glazed. Therefore they would not create issues of unacceptable overlooking to no 17 Barrs Avenue. There are also existing windows on the western elevation at first floor level, and these would be replaced and repositioned (though in a slightly different arrangement to the previous scheme). However, as the side boundary with no.11 appears well screened by the neighbouring garage and there are existing windows on this elevation, the proposed alterations to the fenestration on this side elevation should not adversely impact upon the neighbours at no.11.

- 14.7 An arboricultural report has been submitted which has satisfied potential concerns of the National Park Authority tree officer in relation to the proximity of protected trees.
- 14.8 In conclusion, care has been taken to minimise impact upon the amenities of neighbours and the potential for overlooking of adjacent properties. Although there would still be a degree of overlooking of rear gardens to the rear of the site, views would generally be distant and foiled by existing trees to the extent that they would be within recognised acceptable levels for development in the built up area. In terms of impact upon the local distinctiveness of the area and street scene, the current proposals would not be out of character with the size and nature of other development in the vicinity of the site. Furthermore, the proposals would have an acceptable spatial relationship with adjoining neighbours and sit comfortably in the site and street scene.
- 14.8 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development permitted shall be carried out in accordance with the following approved plans: 0315.01/01 rev a, 0315.01/32, 0315.01/33, 0315.01/31, 0315.01/30, 0315.01/29, 0315.01/05, 0315.01/04, 0315.01/03, 0315.01/02 rev b

Reason: To ensure satisfactory provision of the development.
3. Prior to commencement of works (including site clearance and any other preparatory works) the scheme for the protection of trees in accordance with the submitted Complete Arb Services Arboricultural Impact Appraisal and Method Statement and Plan as shown in Appendix 2 dated Oct, 2015 shall be implemented and to allow inspection at least 3 working days notice shall be given to the Local Planning Authority that it has been installed.

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

4. The first floor windows on the rear elevation of the approved extension that are proposed to be partly obscurely glazed, as shown on plan 0315.01/33, shall be obscure glazed (as indicated) and fixed shut at all times.

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

Notes for inclusion on certificate:

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

In this case all the above apply and the application was acceptable as submitted. Notwithstanding this, a tree report was identified as being required during the progress of the application, which was duly provided and satisfied the National Park Authority tree officer, subject to an appropriate condition being applied to any forthcoming decision.

Further Information:

Householder Team
Telephone: 023 8028 5345 (Option 1)



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Application Number: 15/11353 Full Planning Permission

Site: STOCKS COTTAGE, HIGH STREET, DAMERHAM SP6 3EU

Development: Use of garage as ancillary living accommodation; dormers and fenestration alterations to garage/outbuilding; relocation of fence and gates

Applicant: Mr & Mrs Shearman

Target Date: 12/11/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Explosives Safeguarding Zone
Countryside
Area of Outstanding Natural Beauty
Groundwater Protection Zone
Flood Zone

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

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

Local Plan Part 2 Sites and Development Management Development Plan Document

DM1: Heritage and Conservation
DM20: Residential development in the countryside

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework 2012 Section 7 and 12.

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

Residential Design Guide for Rural Areas 1999

6 RELEVANT PLANNING HISTORY

15/10769 Use of garage as ancillary living accommodation; dormers and fenestration alterations to garage/outbuilding; relocation of fence and gates. 01/09/2015 Withdrawn by applicant.

05/86368 Rear conservatory 23/12/2005 Granted subject to conditions

05/86145 Detached garage 18/04/2006 Granted subject to condition

99/66151 Detached garage/outbuilding with room in roof over (demolish existing garage) 17/08/1999 Granted

99/66115 Detached garage/outbuilding with room in roof over (demolish existing garage) 20/08/1999 Granted subject to Conditions

7 PARISH / TOWN COUNCIL COMMENTS

Damerham Parish Council: Recommend permission with the condition that sufficient screening is provided in front of the downstairs window on the elevation facing the High Street.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

Environment Agency – No bespoke comments to make. Offer advice on pollution prevention as the site lies in a source protection zone for drinking water supplies and on a principal aquifer.

Natural England – No comments to make

Ministry of Defence – No safeguarding objections

Conservation Officer – Does not support this application and recommends refusal. Concerns remain over the scale and proportions of the dormer windows and principle of the tiled infill section.

Hampshire County Council Highways Officer – No objection subject to conditions regarding parking and the gates set back.

Land Drainage Engineer – No comment

10 REPRESENTATIONS RECEIVED

One letter of representation has been received from residents opposite at Rhodes Cottage. This raises objection noting the following concerns;

- Change of use a material consideration and could lead to future use as a separate holiday accommodation or residential property. Ongoing concerns that proposals would facilitate future proposals for a separate

dwelling or holiday accommodation; in effect a "slow creep" of development which would further transform the building from its original purpose.

- Impact on privacy from new ground floor window and first floor window
- Highway safety implications from changes to position of gates at the narrowest point along the High Street.

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.

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

In this case the proposal was subject to pre-application advice from the Council. This raised concerns over the principle and detailed design of the roof alterations. Although the applicants have responded to these within this submission, it is not considered that sufficient changes have been made to make the proposal acceptable. The applicants have been informed of the officer recommendation and as the application has not been withdrawn it is being determined on the basis of the plans submitted.

14 ASSESSMENT

- 14.1 The site is in the village of Damerham, within the Conservation Area and AONB (Area of Outstanding Natural Beauty). Development in this vicinity is predominantly residential with a mix of vernacular and more recent C20 development.
- 14.2 Stocks Cottage is a characterful thatched cottage which sits at the front of the site with the garden area to the rear leading down to the river, its far end being within Flood Risk Zones 2 and 3. There is an existing driveway on the southern side of the property with parking to the rear. Neighbouring residential properties are to the north and south of the site with that to the immediate south set back in relation to this building with an open front parking area.
- 14.3 This application seeks to make alterations to a detached garage/ outbuilding which is located to the south-east of the main property, adjacent the side boundary. The building was approved under App 99/66115 in 1999, replacing a former corrugated iron building and is of a very simple form with brick walls under a cropped plain tile roof. It currently provides ancillary accommodation to the main dwelling. The building is readily visible from the road and prominent on the street scene, of note given its forward position relative to neighbouring buildings to the south.
- 14.4 The proposal details alteration to the roof of the property, providing new dormer windows and roof lights. At ground floor level the current garage doors would be replaced with a window, in conjunction with the use of the garage space as additional accommodation. Other window and door alterations would be made on the side and rear of the building at ground floor level and the driveway gates and associated fence would be repositioned.
- 14.5 The building is currently used ancillary to the main house and the current garage space would continue to be used as such and would not see the creation of any new or separate planning unit to the main house. Any future use of the building separately to the main dwelling would be subject to a separate application for change of use and therefore concerns in this respect are not relevant to this application.
- 14.6 The Highways Officer has raised no concerns over the loss of the garage space and it is noted that the site benefits from ample parking availability to the rear of the site and another garage which post-dates this building. They have recommended a condition on the provision of parking, however it is noted that the existing parking and garaging would be retained. In terms of the repositioning of the access gates these would retain an acceptable set back from the edge of the carriageway, however the County Highways Officer has recommended a condition to ensure that this is retained. Subject to conditions it is considered that the proposal would not result in harm to highway safety.

- 14.7 The nearest neighbouring residential premises are to the south of the site and on the opposite side of the road. The proposal would see the addition of a new window on the south roof slope which would enable views across the frontage of the property on this side, the building being adjacent to this boundary with no intervening screening. To maintain privacy a condition could be used to ensure that this window is obscure glazed and non-opening.
- 14.8 The new ground floor window would enable views across to the front of the property opposite, from which a letter of objection has been received. However, given the distance and nature of separation across the road and that public views are already possible of the frontage of this property from the road it would not lead to demonstrable harm. It is also noted that the applicants have now proposed landscaping in front of this window, which would, over time, provide intervening screening. In terms of the upper floor window, this is as existing and the relationship would remain unaltered as part of this proposal.
- 14.9 As previously noted the building, as a result of its positioning is prominent in the street scene and directly impacts on the character and appearance of the Conservation Area. Within Conservation Areas there is a statutory duty under s72 Planning (Listed Building and Conservation Areas) Act 1990 that '*special attention should be paid to the desirability of preserving and enhancing the character or appearance of that area*'. This is reciprocated within the National Planning Policy Framework Section 12 and the Council's adopted local plan policy CS3 of the Core Strategy and policy DM1 of the Local Plan Part 2; Sites and Development Management.
- 14.10 This building was initially designed to replace a less substantial rural outbuilding that occupied this site. The replacement building was very much designed in a simple style, as an outbuilding and as such is subdued in its overall appearance on the street scene. Integral to this is the simple design of the roof form which would be fundamentally altered as a result of this proposal with new dormer projections and additional roof lights.
- 14.11 With reference to the previously withdrawn application 15/10769, this proposal sees a reduction in the number of dormers, from eight to three now exclusively on the north-west roof slope, and also slight adjustment to their external dimensions and position. This said, despite the reductions and design changes, these would remain proportionately large roof additions and, as noted by the Conservation Officer, would need to be made narrower in order to meet traditional proportions appropriate for this building. Furthermore the pair of dormers on the western end of the roof slope would incorporate a flat roof dormer infill which is not representative of a traditional design feature. As a result of the inappropriate detailed design of these elements in size and form, it is considered that they would cumulative lead to visually conspicuous additions to the roof slope of this traditionally designed building. These would be unsympathetic to the character and appearance of this building, fail to preserve or enhance the appearance of the Conservation Area resulting in harm to visual amenity. Other ground floor alterations, including the new ground floor windows, would see limited change to the appearance of the building. This said the loss of the garage door and replacement with new window would result in a more domestic appearance to the building.

- 14.12 The repositioning of the gates and associated fencing would still retain their set back from the street frontage and would not lead to any harm to the appearance of the street scene.
- 14.13 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposed dormers as a result of their size, proportions and detailed design would not be sympathetic to the character or appearance of this traditionally designed building within the Conservation Area. This would result in visually conspicuous additions to the otherwise simple roof form of the building which would fail to preserve or enhance the appearance of the Conservation Area to the detriment of visual amenity, contrary to Policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park and Policies DM1 and DM20 of the Local Plan Part 2: Sites and Development Management Plan and Sections 7 and 12 of the National Planning Policy Framework (2012).

Notes for inclusion on certificate:

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

In this case the proposal was subject to pre-application advice from the Council. This raised concerns over the principle and detailed design of the roof alterations. Although the applicants have responded to these within this submission, it is not considered that sufficient changes have been made to make the proposal acceptable. The applicants were informed of the officer recommendation and as the application was not withdrawn it was determined on the basis of the plans submitted.

Further Information:

Householder Team
Telephone: 023 8028 5345 (Option 1)



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Damerham



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Application Number: 15/11386 Full Planning Permission

Site: SALTERNS, KINGS SALTERN ROAD, LYMINGTON SO41 3QG

Development: Car port

Applicant: Mrs P A Thomson

Target Date: 18/11/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view

DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Flood Zone
Plan Area
Kings Saltern Conservation Area
Listed Building

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

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

Local Plan Part 2 Sites and Development Management Development Plan Document

DM1: Heritage and Conservation

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework NPPF Ch. 7 - Requiring good design
NPPF Ch. 12 - Conserving and enhancing the historic environment
Section 72 General duty as respects conservation areas in exercise of planning functions

Planning (Listed Buildings and Conservation Areas) Act 1990

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Lymington Local Distinctiveness

6 RELEVANT PLANNING HISTORY

06/88628 Two-storey extension; conservatory (Application for Listed Building Consent) Granted subject to conditions - 24/10/06

06/88627 Two – storey extension; conservatory. Granted, subject to conditions 24/10/06

14/11471 Detached Carport withdrawn by applicant

14/11472 Detached Carport (listed building application) withdrawn by applicant

7 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council: recommend permission

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

Conservation Officer: recommend refusal
Environment Agency: no comment
Natural England: no objection
Land Drainage Engineer: no comment

10 REPRESENTATIONS RECEIVED

None received

11 CRIME & DISORDER IMPLICATIONS

Not applicable

12 LOCAL FINANCE CONSIDERATIONS

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

Regulation 42 of the CIL Regulations 2010 (as amended) states that CIL will be applicable to all applications over 100sqm GIA and those that create a new dwelling. The development is under 100 sq metres and is not for a new dwelling and so there is no CIL liability in this case.

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

The siting of a carport in this location was discouraged prior to the resubmission of this application, due to its harmful impact on the character, appearance and setting of the listed building. In spite of this advice applications have been submitted which have been identified as being harmful to the setting of the Listed Building and Conservation Area, which justifies a refusal in this instance.

14 ASSESSMENT

- 14.1 Salterns with attached property Crookham Cottage, is a Grade II Listed Building, within the King's Saltern Conservation Area. It occupies a corner plot between King's Saltern Road and Stanley Road in this residential part of Lymington which has an attractive rural feel with the road bounded by hedgerows and trees. This site is no exception, with existing hedgerows generally concealing the site from street scene views. However, a lower hedgerow along the southern boundary onto King's Saltern Road enables key views of the building's frontage. Adjacent neighbouring residential premises include the attached Crookham Cottage and No.44 Stanley Road to the northwest. The building dates from the C18 and is of modest proportions, clad in brick and hanging tiles on its front and side elevations under a plain tile roof. Fenestration is predominantly sash windows. It has been previously

extended on its rear north-west side by a linked flat roofed extension to a new pitched roofed building adjacent to the western boundary, providing additional accommodation.

- 14.2 The current application is a resubmission, and still proposes a carport adjacent to the existing dwelling over an area currently used for car parking with direct access to Stanley Road. The current scheme differs from the previous one as it has been re-orientated with the gable end facing the side boundary, and the overall height is marginally lower (by 50cms). Also, an oak framed structure is now proposed, with lower eaves than previous. The footprint of the proposed car port is the same as the previous scheme.
- 14.3 In its positioning the car port would project forward of the existing building and it is noted that it would come forward of the generally established building line along Stanley Road. The plans show that the car port would be close to the side boundary such that some of the existing hedgerow screening with the neighbouring property would be lost. Notwithstanding this, the proposal would not result in any harm to the living conditions of neighbouring occupiers.
- 14.4 The application site has already been the subject of extensions, and this further proposal would have a cumulative impact on the existing building. Even though the car port would not be attached to the Listed Building, by reason of its close proximity it would give the appearance of being linked, impacting upon the setting of the Listed Building.
- 14.5 Currently the building presents a traditional cottage feel within this street scene, which is unassuming and does not detract from the character of the Edwardian properties opposite. The proposed car port would almost entirely obscure this elevation of the building, which would result in a negative effect upon the character of the Conservation Area at this point. The roof design of the car port is incongruous with the main dwelling. It creates an awkward valley between the two structures which is neither practical nor aesthetically pleasing. As the eaves of the existing building are so low at this point it would be difficult to create a car port in this location that did not obscure the building from view in the Conservation Area or create an awkward junction between the two differing roof heights. As such by reason of its height, design and siting, the proposed car port would appear imposing and insensitive to the form and design of the existing building, to the detriment of the character, appearance and setting of the Listed Building and Conservation Area.
- 14.6 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. By reason of its excessive height, design, form and siting the proposed car port would result in an imposing and incongruous building which would have an insensitive and awkward relationship with the existing building and obscure views of it from the Conservation Area. For this reason the proposal would be harmful to the character, appearance and setting of the Listed Building, and the character and appearance of the Conservation Area. As such it would be contrary to Policies CS2 & CS3 of the Core Strategy for the New Forest District outside the National Park, and Policy DM1 of the Local Plan Part 2: Sites and Development Management Development Plan.

Notes for inclusion on certificate:

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

The siting of a carport in this location was discouraged prior to the submission of this application, due to its harmful impact on the character, appearance and setting of the listed building. In spite of this advice applications were submitted that were identified as being harmful to the setting of the Listed Building and Conservation Area which justified refusal in this instance.

Further Information:

Householder Team
Telephone: 023 8028 5345 (Option 1)

Application Number: 15/11444 Full Planning Permission

Site: OFFICE REAR OF 10A, THE PARADE, ASHLEY ROAD,
ASHLEY, NEW MILTON BH25 5BS

Development: Use of building as physiotherapist or chiropractors and external alterations (Use Class D1)

Applicant: Juno Developments

Target Date: 26/11/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council View

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area
Local Shopping Frontage outside town centre

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

Core Strategy

- CS1: Sustainable development principles
- CS2: Design quality
- CS8: Community services and infrastructure
- CS10: The spatial strategy
- CS17: Employment and economic development
- CS20: Town, district, village and local centres
- CS24: Transport considerations

Local Plan Part 2 Sites and Development Management Development Plan Document

DM18: Local shopping frontages in Marchwood, Blackfield, Holbury, Fawley, Milford on Sea, Hordle, Bransgore

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Parking Standards

SPD - New Milton Local Distinctiveness

6 RELEVANT PLANNING HISTORY

- 6.1 Continued use of garage as 1 residential unit (10135) Refused on the 27th March 2014.
- 6.2 Continued use of garage as 1 residential unit (10627) Refused on the 18th June 2014. Appeal dismissed.
- 6.3 Use of building as office, external alterations (10280) Refused on the 6th May 2015. Appeal allowed

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: Recommend refusal:

- (1) No parking provision given to facilitate frequent appointment slots, which is considered quite a different situation to that assessed at appeal.
- (2) The unmade road means access is not acceptable for use by clients of this type of business.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

Hampshire County Council Highway Engineer: objection.

10 REPRESENTATIONS RECEIVED

- 10.1 2 letters of objection concerned that there is no parking and this would lead to the access road being blocked up. The proposal would increase traffic in the area. Impact on pedestrians. There is already a physiotherapist along the parade and the proposal to create a further facility is unacceptable. There is no space for wheel chair users to access the building.
- 10.2 The applicants have written in support of the application stating that the building is in an accessible location in an area of mixed use that would provide appropriate internal space for the use proposed. In addition it is stated that the proposed use would be consistent with the approved office use and appropriate in this area of mixed uses. It is also stated that the building is in a sustainable location that can be accessed by public transport or on foot, there is also unrestricted parking on the neighbouring roads.

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

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This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
- 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 building subject to this application was originally built as a detached garage to the rear of 10 The Parade, a ground floor shop unit with residential use above (10A). The building fronts onto a fairly poorly maintained service road that runs between Lower Ashley Road and Molyneux Road to the rear of The Parade. It occupies the majority of the rear curtilage to No 10/10A but with space to one side providing a gated pedestrian access. This gate serves the application building, which has an entrance door and windows along its side elevation, as well as the ground and first floor uses in the main building. The building has

previously been unlawfully occupied as a dwelling, permission for which was refused retrospectively and a subsequent appeal dismissed in October 2014 (Under planning reference 10267).

- 14.2 In 2015, under reference 10208, a planning application to use the building as an office (Class B1a) was refused planning permission against the recommendation of Officers. An appeal was lodged and subsequently allowed. That application also entailed external alterations. In allowing the appeal for the building to be used as an office, the Inspector considered that the use was appropriate in this location and the building would be wholly suitable for future occupiers.
- 14.3 This application seeks to use the building as a physiotherapy and chiropractic clinic (Use Class D1). The application also proposes external alterations to the building which would be exactly the same as that approved under the previous consent. The permission has not been implemented and the external alterations have not taken place.
- 14.4 In assessing this proposal to use the building as a physiotherapy/ chiropractor clinic, the same principles and policies apply. It is considered that the building is appropriate for this type of use and sufficient light and outlook would be provided into the building. The building offers an open plan with toilet and kitchen area, natural light and access to the building would be suitable for a workplace.
- 14.5 The site lies within a sustainable location accessible to many residents and close to a number of other facilities in the parade. In allowing the appeal for the office use under planning reference 10280, the Inspector felt that *'the building stands out as one of significantly greater quality than other utilitarian structures that line the sides of the service road'*. Overall it is considered that such a use would be appropriate in this location and would be similar to the activities that would be generated from an office use.
- 14.6 With regard to residential amenity, a physiotherapy and chiropractic use does not generate noise within the building, and the only disturbance that would be likely to occur is from customers arriving and leaving the premises. It is accepted that such a use could generate more movements compared to an office use, however, given that there is no on site car parking, customers would need to park near the site and walk to the site which would not generate any noise or disturbance. Accordingly, it is considered that the proposed use would not result in an unacceptable relationship to the neighbouring properties.
- 14.7 Concerning highway safety matters, no parking is provided for the proposed use. Whilst that may not satisfy the recommended parking provision for a physiotherapy/ chiropractor use, that does not render the working environment poor. There is no dispute that the site is within an accessible location where staff and clients could arrive by alternative means of transport.
- 14.8 Indeed, there is a car parking lay by along Ashley Road where customers can park or on street parking along Lower Ashley Road and any user of the building would know that the site offers no on site car parking, which is likely to make the building more attractive to persons living close to the site. Moreover, there is very limited space to park along the access road given its narrow width, and the fact that several

driveways and garages access onto the road. There is no evidence that the proposal would prejudice public highway safety. The narrow width of the pedestrian access may restrict access to the premises for some people. In addition the Highway Engineer has commented that the proposed use would have a similar impact on the highway office use that was allowed on appeal.

14.9 In conclusion it is considered that the site is located in a sustainable and accessible location in an area of mixed use and would provide appropriate internal space for physiotherapy and chiropractor use, which would accord with local and national planning policies. The proposed use would not have any adverse impact on residential amenity or public highway safety.

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

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: 1084/200 C.

Reason: To ensure satisfactory provision of the development.

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) and the Town and Country Planning (General Permitted Development) Order 2015 or any subsequent re-enactments thereof, the use hereby approved on the ground floor shall be used for medical related purposes only (to include osteopathy, acupuncture, podiatry, chiropody, physiotherapy, massage counselling and audiology) and for no other use purposes, whatsoever, including any other purpose in Class D1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any subsequent re-enactment thereof, without express planning permission first being obtained.

Reason: To allow the Local Planning Authority the opportunity to control the future uses of the premises, in the interest of safeguarding the amenities of the area in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

Notes for inclusion on certificate:

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

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

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)



New Forest DISTRICT COUNCIL

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

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

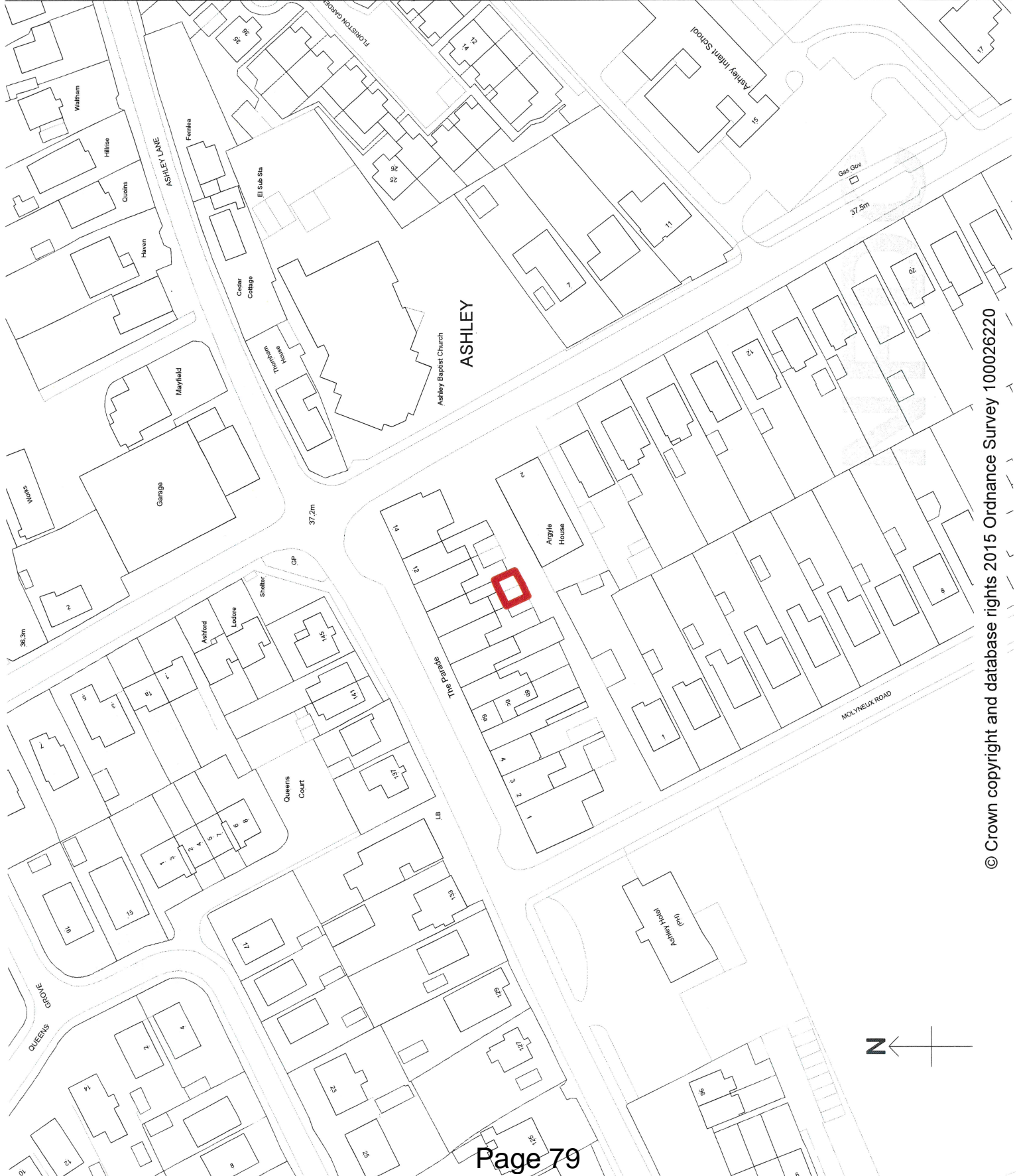
**Planning Development
Control Committee
December 2015**

Item No: 3i

Office r/o 10a The Parade
Ashley Road
Ashley New Milton
15/11444
SZ2595

Scale 1:1250

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



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Application Number: 15/11405 Full Planning Permission

Site: 33 ALBERT ROAD, NEW MILTON BH25 6SP

Development: Use as swimming tuition business; retractable pool cover; garage extension; parking

Applicant: Mr & Mrs J Bryant

Target Date: 20/11/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Town Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

CS1: Sustainable development principles

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - New Milton Local Distinctiveness

6 RELEVANT PLANNING HISTORY

15/11406 two-storey rear extension, Juliet balconies, side and rear extension to existing detached garage. Item 3k on this Agenda.

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council - object and would not accept a delegated approval. Parking concerns, inappropriate business use, inadequate changing facilities pool cover is detrimental to visual amenities of residents, additional noise, swimming facilities are not necessary.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

9.1 Land Drainage - recommend approval

9.2 Hampshire County Council Highway Engineer - recommend refusal due to inadequate parking

9.3 Environmental Health (Pollution) - no objection subject to conditions.

10 REPRESENTATIONS RECEIVED

Objections have been received from 4 local residents. Their concerns are:

- lack of parking
- unsuitable use for residential area
- proposed hours are excessive
- there are NFDC facilities close by
- other businesses in the area do not cause parking issues
- applicants already run a swimming business elsewhere
- summerhouse is too close to adjoining property
- turning not possible on site
- business would be detrimental to the area
- increased traffic

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

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- 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 proposal has generated many complaints with regard to the impact of the proposal on the parking situation which is already poor. The Highway Authority are in agreement with these concerns and refusal is therefore recommended.

14 ASSESSMENT

- 14.1 The site lies within the built up area of New Milton in a residential area. The property currently benefits from an open air 13m x 5.6m swimming pool in the irregularly shaped rear garden. This is well screened to the west by the neighbours conifer hedge and to the north east by trees within the site. The property also has several outbuildings including a garage, summer house and store. The proposal entails the provision of a retractable pool canopy and rear extension to the detached garage, use of the pool for tuition purposes and the summer house as a business related office.
- 14.2 Visually, the proposed addition to the garage would have a limited impact as it would be tucked behind the existing structure, replacing a small shed to the rear. The pool canopy would be a much larger structure although in view of the screening within and adjoining the site, combined with its height of 2.5 metres, this too would have a limited visual impact and would not be seen from public vantage points.
- 14.3 With regard to residential amenity, while properties in Pleasance Way have relatively short gardens (11m minimum), the trees within the site would help to screen the pool cover from upper floors. In addition to this, given the maximum height of the cover is 2.5m, it would fall within the property's permitted development rights were it proposed for domestic use only. It is not considered to adversely affect the outlook from adjoining properties.
- 14.4 The use of the office for business purposes would have little impact on residential amenity as no teaching would occur within it and it would be used for processing paperwork when teaching was not being undertaken. The applicants have clarified the proposed hours of use which would be less than the hours stated on the application form and

only if the demand was there. The proposed hours of use would therefore be 9.30am - 2.30pm Monday to Friday and 9.30am - 4.30pm on Saturdays and largely during term times only (approximately 40 weeks/year). In addition a maximum of four children would be taught at any one time.

14.5 It is understood that residents have been disturbed in recent months during pool parties held at the property. However, as the majority of teaching would be individual tuition within an enclosed area, it is unlikely that significant harm would arise from the actual teaching given the low numbers proposed. The Environmental Health Officer has raised no objection to the application subject to conditions to control hours of use and to allow a temporary period to enable the impact of the use to be monitored.

14.6 Many local residents have raised concerns about parking in Albert Road. This concern is also reflected in the Highway Authority's response. Although the proposal includes the provision of parking spaces for both residents and pupils, the Highway Authority considers the access too narrow for two way traffic in and out of the site and in addition to this, the tandem spaces for pupils would not work properly and would result in additional movements within the highway, to the detriment of highway safety. For this reason, the application is recommended for refusal.

14.7 In conclusion, the highway concerns give rise to the recommendation to refuse permission. The physical development is considered acceptable and the Environmental Health Officer has raised no objection subject to conditions.

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

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposal incorporates inadequate car parking layout and provision within the site which is likely to result in displaced vehicles being forced to park within the highway which would interrupt the free flow of traffic in Albert Road, which is not in the interest of highway safety and would be contrary to policy CS2 of the New Forest District Council Core Strategy.

Notes for inclusion on certificate:

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

The proposal generated many complaints with regard to the impact of the proposal on the parking situation which was already poor. The Highway Authority were in agreement with these concerns and refusal was justified.

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)



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Application Number: 15/11406 Full Planning Permission

Site: 33 ALBERT ROAD, NEW MILTON BH25 6SP

Development: Two-storey rear extension; Juliet balconies; side and rear extension to existing detached garage

Applicant: Mr & Mrs J Bryant

Target Date: 20/11/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Town Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

- CS1: Sustainable development principles
CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - New Milton Local Distinctiveness

6 RELEVANT PLANNING HISTORY

- 6.1 85/NFDC/30118 - addition of kitchen bedroom/study and cloakroom.
Granted 2.10.85

6.2 15/11405 - use as swimming tuition business, retractable pool cover, garage extension, parking. Item 3j on this Agenda.

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council - object and would not accept a delegated approval. Overdevelopment when viewed in conjunction with 11405, out of character and lack of amenity space.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

Land Drainage Engineer - no comment

10 REPRESENTATIONS RECEIVED

10.1 A comment has been received from a local resident concerned with how the parking would be managed as the road is quite narrow.

10.2 The applicants have also provided a lengthy response to comments received detailing revised operating hours and how they hope to run the business and associated parking area (this relates more to the proposals under 15/11405).

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

In this case all the above apply and as the application was acceptable as submitted no specific further actions were required other than to request a corrected drawing in respect of the roof plan.

14 ASSESSMENT

- 14.1 The site lies within the built up area of New Milton in a residential area. The property is a detached two storey chalet style property which has some character having Tudor effect gables. It has a garage adjacent to the boundary in the rear garden and an irregularly shaped garden which is well screened by trees or hedgerows either within (to the north east) or outside of (to the west) the site boundary. The proposal entails the provision of a two storey rear extension and internal alterations resulting in a 5-bedroom dwelling (two ensuite) and a family bathroom at first floor level and large kitchen, utility room and open plan sitting/dining room at ground floor level. A side extension to the garage is also proposed along with a rear addition which is also shown in the proposal under 15/11405.
- 14.2 The proposed extension would not impact on residential amenity in terms of shading and the proposed side windows lighting the ensuites can be restricted to obscure glazing in order to maintain privacy - this is particularly key with regard to the south facing window which could otherwise look towards the flat roofed addition and garage to the rear of no.31. The bedroom windows would be some 27m away from properties in Pleasance Way and would be screened by trees within the site. The proposed Juliet balconies would face down the rear garden and would not give rise to unacceptable levels of overlooking.
- 14.3 In visual terms, the proposal would have two relatively large areas of flat roof. However, given the siting of the dwelling in relation to the road and public vantage points, the extension would have little impact on the street scene. The Tudor effect detailing would be retained in the new rear gable and this would ensure the character is maintained.
- 14.4 The side addition to the garage would increase its height by about 0.5 metres although being to the north of the adjacent property's garage, would have little impact on residential amenity. Due to its set back nature from the road, the street scene would not be harmed.
- 14.5 In addition to the loss of character, the Town Council are also concerned that the proposal, when viewed in conjunction with 15/11405, would be over development and there would be a lack of amenity space. However,

in terms of built form, the addition of a pool canopy and shower room to the rear of the garage would not significantly reduce the available amenity space for occupiers of the dwelling as the pool is already in situ and the garage addition would involve the loss of a small shed. The remaining main garden lawn area would be in excess of 110m². Permission was granted for a single storey addition to the property in 1985 which had a similar, but slightly larger, footprint than that proposed (it was not implemented).

- 14.6 In conclusion the proposed extensions would be appropriate to the character of the area with no adverse implications for neighbours.
- 14.7 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: location plan, 1183:06A, 1183:04A, 1183:05B, 1183:03B, 1183:02, 1183:01.

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.

In this case all the above apply and as the application was acceptable as submitted no specific further actions were required other than to request a corrected drawing in respect of the roof plan..

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)



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