

NOTICE OF MEETING

Meeting: PLANNING DEVELOPMENT CONTROL COMMITTEE

Date and Time: WEDNESDAY, 13 JANUARY 2016, AT 9.00 AM*

Place: THE COUNCIL CHAMBER, APPLETREE COURT,
LYNDHURST

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PUBLIC PARTICIPATION:

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

Bob Jackson
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 9 December 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) **Finn M'Couls, 25 Market Place, Ringwood (Application 15/11018) (Pages 1 - 10)**

Single-storey rear extension; terrace; bike/bin store; refurbish coach house and use as B&B accommodation; access from Strides Lane, boundary wall; entrance gates; parking

Recommended: Planning consent subject to conditions

- (b) **Finn M'Couls, 25 Market Place, Ringwood (Application 15/11019) (Pages 11 - 18)**

Single-storey rear extension; terrace; bike/bin store; open front entrance; block side door; reglaze window; remove stud walls; create door into kitchen and hatch; remove front bar; refurbish coach house; rooflight; create window; staircase; stud walls; create bathroom; boundary wall; entrance gates (application for Listed Building Consent)

Recommended: Listed Building Consent subject to conditions

- (c) **2 West Street, Ringwood (Application 15/11067) (Pages 19 - 26)**

Display 4 awning signs; wall mounted letter sign (Advertisement Consent)

Recommended: Grant Advertisement Consent, subject to conditions.

- (d) **Devon Way, 11 Lime Kiln Lane and Land Rear of 201-209 Long Lane, Holbury, Fawley (Application 15/11072) (Pages 27 - 38)**

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

Recommended: Planning consent subject to conditions

- (e) **6 High Street, Fordingbridge (Application 15/11296) (Pages 39 - 48)**

First and second floor rear extensions to create 2 flats; fenestration alterations

Recommended: Planning consent subject to conditions

- (f) **19 Long Lane, Holbury, Fawley (Application 15/11352) (Pages 49 - 54)**

Display 2 non-illuminated post mounted signs (Application for Advertisement Consent)

Recommended: Refuse

- (g) **Land of Compton House and Sarum House; Blackwater Drive, Totton (Application 15/11647) (Pages 55 - 72)**

35 flats in 2 blocks; carport; bin and cycle stores; parking; enhancements to public open space; landscaping

Recommended: Planning consent subject to conditions

- (h) **55 High Street, Lymington (Application 15/11415) (Pages 73 - 78)**
Display 1 non-illuminated wall mounted sign (Application for Listed Building Consent)
Recommended: Listed Building Consent subject to conditions
- (i) **New Farm, Midgham Road, Fordingbridge (Application 15/11440) (Pages 79 - 84)**
Retention of dwelling.
Recommended: Planning consent subject to conditions.
- (j) **Land of Oakwood, 7 Rookes Lane, Lymington (Application 15/11442) (Pages 85 - 92)**
House; access alterations; parking
Recommended: Refuse
- (k) **Butt Lawn Farm, Frog Lane, Fordingbridge (Application 15/11455) (Pages 93 - 100)**
Variation of Condition 3 of Planning Permission 08/92978 to allow temporary residential accommodation whilst not in holiday use between 1st October and 31st March in any year
Recommended: Consent to variation of Condition
- (l) **57 Kennard Road, New Milton (Application 15/11710) (Pages 101 - 106)**
Single-storey rear extension; fenestration alterations; rooflights
Recommended: Planning consent subject to conditions
- (m) **9 Woodpecker Drive, Marchwood (Application 15/11495) (Pages 107 - 112)**
First floor front and side extension; porch extension; fenestration alterations
Recommended: Refuse
- (n) **Autumn Tints, Spring Road, Lymington (Application 15/11533) (Pages 113 - 120)**
House; access; parking; extension to garage; boundary wall; fence; demolition of existing
Recommended: Planning consent subject to conditions
- (o) **120 Commercial Road, Totton (Application 15/11545) (Pages 121 - 130)**
Use of land for car sales and waiting for repair; demolition of existing building
Recommended: Refuse

- (p) **32 Chiltern Drive, Barton-on-Sea, New Milton (Application 15/11547) (Pages 131 - 136)**
 Single-storey side and rear extension; fenestration alteration
Recommended: Planning consent subject to conditions
- (q) **4 Mayflower Close, Lymington (Application 15/11548) (Pages 137 - 144)**
 Raise, extend and alter roof in association with first floor extension; two-storey rear extension; dormers; fenestration alterations; cladding
Recommended: Planning consent subject to conditions
- (r) **32 Ringwood Road, Totton (Application 15/11584) (Pages 145 - 152)**
 Continued use as hand car wash and valeting facility
Recommended: Temporary permission, subject to conditions.
- (s) **Bridge Cottage, Bridge Road, Lymington (Application 15/11598) (Pages 153 - 160)**
 Variation of Condition 2 of Planning Permission 13/11062 and removal of Condition 4 of Planning Permission 13/11062 to allow removal of brick pier to front elevation of garage
Recommended: Refuse the variation and removal of Condition
- (t) **Beach Front, Hurst Road, Milford-on-Sea (Application 15/11599) (Pages 161 - 168)**
 119 beach huts, associated works including slabs; ramps; steps; railings; temporary fencing and barriers; demolition of existing (Details of access, landscaping, siting, appearance and scale, development granted by Outline Permission 15/10061)
Recommended: Planning consent subject to conditions

4. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

To:	Councillors: Mrs D E Andrews (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	Councillors: J M Olliff-Cooper A K Penson W S Rippon-Swaine Mrs A M Rostand Miss A Sevier M H Thierry R A Wappet Mrs C V Ward (Vice-Chairman) M L White Mrs P A Wyeth
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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.

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Application Number: 15/11018 Full Planning Permission

Site: FINN M'COULS, 25 MARKET PLACE, RINGWOOD BH24 1AN

Development: Single-storey rear extension; terrace; bike/bin store; refurbish coach house & use as B&B accommodation; access from Strides Lane; boundary wall; entrance gates; parking

Applicant: Finns (Ringwood) Ltd

Target Date: 02/09/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Town Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area
Conservation Area
Town Centre
Grade II Listed Building

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

- CS1: Sustainable development principles
CS2: Design quality
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
CS19: Tourism
CS20: Town, district, village and local centres

Local Plan Part 2 Sites and Development Management Development Plan Document

- NPPF1: National Planning Policy Framework – Presumption in favour of sustainable development
DM1: Heritage and Conservation
DM14: Primary shopping frontages

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

- Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework
Achieving Sustainable Development
NPPF Ch.2 - Ensuring the vitality of town centres

NPPF Ch. 7 - Requiring good design
NPPF Ch. 12 - Conserving and enhancing the historic environment

Section 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.

Planning (Listed Buildings and Conservation Areas) Act 1990

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Ringwood Local Distinctiveness

6 RELEVANT PLANNING HISTORY

- 6.1 15/11019 - single storey rear extension, terrace, bike/bin store, open front entrance, block side door, reglaze window, remove stud walls, create door into kitchen and hatch, remove front bar, refurbish coach house, roof light, create window, staircase, stud walls; create bathroom; boundary wall; entrance gate. (application for Listed Building Consent). Item 3b on this agenda.
- 6.2 14/10687 - single-storey side and rear extension, extractor flue, smoking canopy, reopen front door, cycle stands, vehicle access from Strides Lane, wall and gates. Withdrawn 15.10.14
- 6.3 10/96116 - retention of illuminated letter signs, 4 hanging signs, 3 wall signs, projecting signs, menu box and wall lamp. Granted in part 9.12.10
- 6.4 07/90366 - exterior covered dining area, covered walkway, replace windows with double doors. Refused 14.9.07

7 PARISH / TOWN COUNCIL COMMENTS

Ringwood Town Council - recommends refusal, concerned with potential noise pollution through bi-fold doors, parking close to boundaries and increased traffic movements. (Further update at Committee).

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

- 9.1 Drainage - no comment
- 9.2 Natural England - no comment
- 9.3 Environmental Health (Commercial) - offer advice
- 9.4 Environment Agency - refer to standing advice
- 9.5 Environmental Design (Conservation) - recommends approval subject to conditions.
- 9.6 Hampshire County Council Highway Engineer - no objection subject to conditions.

9.7 Environmental Health (Pollution) - no objection subject to conditions

10 REPRESENTATIONS RECEIVED

Objections have been received from 10 local residents. Their concerns are:

- Strides Lane is unsuitable for 2-way traffic and cannot be widened
- many deliveries occur along Strides Lane
- existing access should be retained
- emergency access will be required
- parking is a problem in Strides Lane
- additional noise pollution
- green notices not visible when gates are open
- access is difficult in Strides Lane
- additional traffic with B&B facility
- new access would cause chaos
- Strides Lane has a dangerous junction which would be exacerbated with the redevelopment of the social club
- impact on residential amenity
- loss of light to patio area
- amendments do not address highway issues

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

This is achieved by

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

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

The application follows the previously withdrawn proposal from 2014 although some works were implemented earlier this year. The current scheme incorporates those changes and additional alterations following significant discussions with the Conservation Officer.

14 ASSESSMENT

- 14.1 The site lies within the built up area of Ringwood in the Primary Shopping Area of the town centre. It is within the Ringwood Conservation Area and the pub is listed Grade II. Adjoining the site are a shop and restaurant with residential properties above and adjacent to the side boundary. The proposal entails the demolition of an outbuilding (presently used as storage for a nearby business) in order to facilitate the provision of a new vehicular access onto Strides Lane, demolition of much of the single storey additions to the rear and their replacement with a new kitchen extension and bar/dining area with glazed porch leading to the refurbished garden and rearranged parking area, bin and cycle store and coach house which would be refurbished to provide B&B accommodation. The new kitchen would also have a replacement flue. Internal alterations and fenestration alterations are also proposed but these are subject to a separate listed building consent application. (Item 3b on this agenda).
- 14.2 The property is an established pub/restaurant and no Policy objections are raised to the principle of extending it and providing B&B accommodation, although it is acknowledged that the Town Council has raised this as an issue. The majority of concerns raised relate to the provision of a vehicular access off Strides Lane in conjunction with the cessation of the use of the Market Place access for vehicular traffic. In order to demonstrate the suitability of this part of the proposals, a swept path analysis has been submitted detailing access and reversing movements for refuse lorries. The Highway Authority are therefore satisfied that larger vehicles necessary for the operation of the business can access the site (through reversing) and leave in a forward gear. While it is accepted that some of these movements will involve the public highway (Strides Lane), the wheel tracks are fully contained within the carriageway and, given the limited number of movements associated with the larger vehicle, the Highway Authority does not consider that a refusal for this reason is appropriate or could be sustained.
- 14.3 Concerns have been expressed in respect of the junction of Strides Lane with Market Place, although this is outside of the application boundary. The Highway Authority has not raised any concern with regard to the junction being inadequate to accommodate additional traffic movements. The new access would result in the loss of a single on street parking space although, given the town centre location, this minimal loss is considered acceptable.

- 14.4 In visual terms, the proposal would remove the unsympathetic additions, including the flue, to the rear elevation and this is welcomed. Although the main entrance door is to be relocated, there are no changes to openings, just alterations to existing doors to allow access. The first floor of the frontage building is not proposed to be altered and the alterations have little impact on the street scene. To the rear, the proposed addition is designed so as to limit its impact on the listed building through the provision of a flat lead roof adjacent to the original rear wall. The flat roof continues to the east and part southern elevations of the rear projection giving the impression of a link between the frontage building and (new) pitched roof outbuilding. The design of the kitchen extension also has a flat roof in order not to cover the traditional window pattern above. The overall scheme is a balance between intervention and benefits for the listed building and, subject to conditions relating to detailing, the alterations are acceptable with regard to the listed building and in terms of the impact on the Conservation Area.
- 14.5 The refurbishment of the coach house is welcomed and there are no objections to the provision of ancillary B&B accommodation in connection with the main use of the site as tourism accommodation is actively encouraged through Policy CS19 of the Core Strategy. An objection was received in respect of the additional parking this use would bring, although it would only allow accommodation for 4 people in two ensuite rooms and this level of accommodation is unlikely to give rise to parking difficulties.
- 14.6 In order to ensure local residents are not subject to additional noise and disturbance, the proposed rear addition has been designed with a glazed lobby in order that one set of doors can be closed at all times when clients access the building. Environmental Health have requested self closing doors to assist with this and this should help to address the Town Council's concern. The pub already has a garden area and while slightly smaller than the proposed area, much of the additional area is separated from residents of The George Mews by the coach house. Restrictions on the use of the garden in line with the premises' license is considered appropriate. The proposed flue is an improvement on the existing flue design in terms of impact on residential amenity. Further details in respect of noise and odour control are considered appropriate in order to minimise disruption to residents, given the potential intensification of the use.
- 14.7 A Flood Risk Assessment has been submitted which states that the finished floor levels would be 900mm above the future extreme flood level and will be risk free for the whole of the main buildings' life.
- 14.8 In conclusion, this proposal is considered to result in benefits to this Listed Building with no adverse implications for neighbours or the Conservation Area. The Highways Engineer has confirmed that there are no objections to the rear access position on Strides Lane.
- 14.9 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed.

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

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: Design and Access Statement, Heritage Statement, photographs of glazing and inside of outbuilding, 4507/PL/112, 4507/PL/120A, 4507/PL/104, 4507/PL/105, 4507/PL/106, 4507/PL/110C, 4507/PL/111A, 4507/PL/113C, 4507/PL/115A, 4507/PL/119A, 4507/PL/121A, 4476/201A, 4507/PL/101B, 4507/PL/102E, 4507/PL/103, 4507/PL/107D, 4507/PL/108C, 4507/PL/109C, 4507/PL/114B, 4507/PL/117D.

Reason: To ensure satisfactory provision of the development.

3. Before development commences, samples of the facing and roofing materials and rainwater goods 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 the integrity of the listed building in accordance with policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park.

4. Large scale drawings (elevations and sections) of all new boundary walls and gates along with details and samples should be submitted to and approved by the Local Planning Authority prior to works commencing. The development shall be implemented in accordance with the approved details prior to the occupation of the new accommodation.

Reason: To maintain and enhance the character and appearance of the Conservation Area and in accordance with Policy CS3 of the New Forest District Council Core Strategy.

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

Reason: To protect the character and architectural interest of the Listed Building in accordance with Policy DM1 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

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

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

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

7. No demolition/development shall take place/commence until a programme of archaeological work to assess the work to create the foundations of the new extension including a Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions, and;
- a) The programme and methodology of site investigation and recording
 - b) The programme for post investigation assessment
 - c) Provision to be made for analysis of the site investigation and recording
 - d) Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - e) Provision to be made for archive deposition of the analysis and records of the site investigation
 - f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No demolition/development shall take place other than in accordance with the approved Written Scheme of Investigation.

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: The development is located in an area of archeological significance where the recording of archeological remains should be carried out prior to the development taking place in accordance with Policy DM1 of the Local Plan for the New Forest District outside the National Park (Part 2: Sites and Development Management).

8. Prior to the implementation of the chimney style flue, details of a scheme to control noise and odour from the flue shall be submitted to, for approval in writing by, the Local Planning Authority. The flue shall be provided in accordance with the approved details prior to the first use of the kitchen and thereafter retained and maintained.

Reason: To protect the amenities of the surrounding residential properties in accordance with 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 the existing vehicular access from the site to Market Place shall be permanently stopped up and effectively closed with the footway provided or verge reinstated in accordance with details which have been submitted to and approved in writing by the Planning Authority.

Reason: In the interests of highway safety and in accordance with policy CS2 of the New Forest District Council Core Strategy.

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

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

11. All doors to the outside area will be fitted with self-closing devices. Windows will be kept closed at all times and maintained as such, as will doors except for access and egress.

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

12. Between 22.30h and 08.00h there will be no customer use of the rear external areas, except for access or egress.

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

Notes for inclusion on certificate:

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

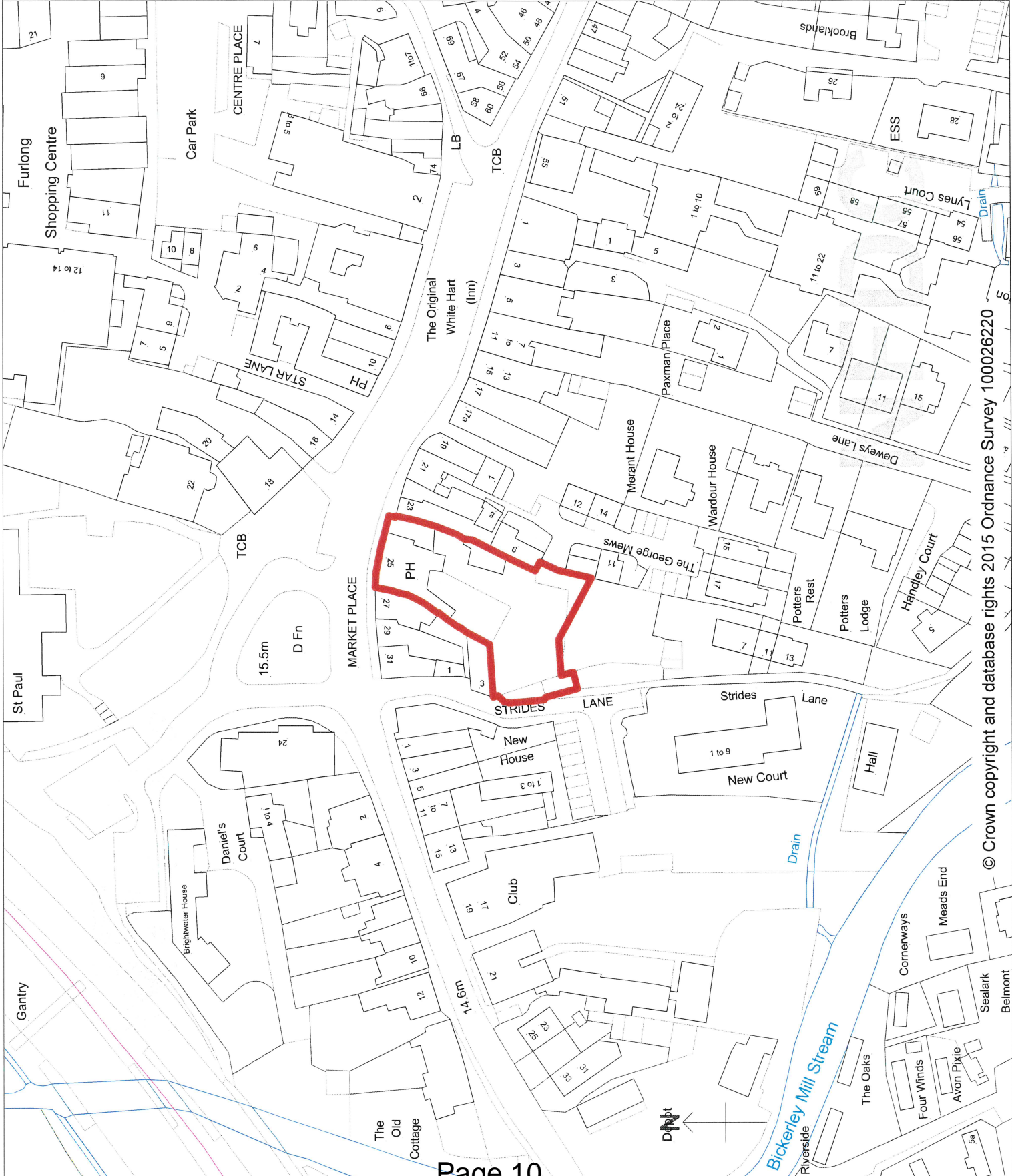
The application follows the previously withdrawn proposal from last year although some works were implemented earlier this year. The current scheme incorporates those changes and additional alterations following significant discussion with the Conservation Officer.

2. For any approved scheme to control odour from the kitchen, (given the nature of the development and the proposed height of the kitchen extract flue) the upward flow of extracted air at the termination of the flue is likely to required to be expelled at high velocity (above 16 m/s) in order to achieve sufficient high-level dispersal of cooking odours. You are advised that this must not be impeded, for example by covering with arrangements such as a 'Chinese Hat'.
3. You are advised that in order to comply with condition 3 above, all replacement rainwater goods should be cast iron and all new rainwater goods should be metal and they should match existing historic profiles and fixings.

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



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Application Number: 15/11019 Listed Building Alteration

Site: FINN M'COULS, 25 MARKET PLACE, RINGWOOD BH24 1AN

Development: Single-storey rear extension; terrace; bike/bin store; open front entrance; block side door; reglaze window; remove stud walls; create door into kitchen & hatch; remove front bar; refurbish coach house; rooflight; create window; staircase; stud walls; create bathroom; boundary wall; entrance gates (Application for Listed Building Consent)

Applicant: The Noisy Lobster (Ringwood)

Target Date: 02/09/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Town Council view.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area
Town Centre
Conservation Area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

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

Local Plan Part 2 Sites and Development Management Development Plan Document

DM1: Heritage and Conservation

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPG - Ringwood - A Conservation Area Appraisal
SPD - Ringwood Town Access Plan

6 RELEVANT PLANNING HISTORY

- 6.1 15/11018 single-storey rear extension, terrace, bike/bin store, refurbish coach house and use as B&B accommodation, access from Strides Lane, boundary wall, entrance gates, parking.
- 6.2 14/10688 - glazed and gates to close undercroft access, use as internal bar space, open blocked front entrance door & fix existing entrance door shut, single storey side & rear extension, extractor flue, smoking canopy, enlarge window to create access to bar area, remove bar, remove internal paving, brick up three windows, demolition of rear kitchen extension & lean-to extension, refurbish stables/coach house, create level access. Withdrawn 15.10.14
- 6.3 12/98803 - staircase alterations. Withdrawn 19.7.12
- 6.4 11/97577 - display 1 externally illuminated projecting sign, 2 externally illuminated wall signs and menu box. Granted 5.3.12
- 6.5 10/96105 - retention of illuminated letter signs, 4 hanging signs, 3 wall signs, projecting sign, menu box and wall lamp. Refused 9.12.10
- 6.6 07/90367 - exterior covered dining area, covered walkway, replace window with double doors, internal alterations to lobby to form accessible WC. Refused 14.9.07

7 PARISH / TOWN COUNCIL COMMENTS

Ringwood Town Council - recommend refusal, concern about size of bar to rear (other comments are planning related). Further update at committee.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

- 9.1 Environmental Design (Conservation) - no objection subject to conditions

10 REPRESENTATIONS RECEIVED

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

- green notices are not very visible
- Strides Lane is dangerous
- noise and disturbance if premises open until 1-2am
- noise pollution from additional traffic
- Strides Lane access is difficult
- undercroft should not be closed
- access could cause problems for users of New House parking facilities

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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This is achieved by

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

The application followed previously withdrawn proposals at the end of 2014. While some works have been implemented since that time, the proposal now incorporates those changes in addition to the replacement rear additions and internal alterations, following much discussion with the Conservation Officer.

14 ASSESSMENT

- 14.1 The site lies within the built up area of Ringwood in the Primary Shopping Area part of the town centre and in the Ringwood Conservation Area. It is a listed Grade II pub with rear car parking presently accessed through the carriageway off Market Place. There is a coach house and outbuilding to the rear of the frontage building. The proposal entails internal alterations to relocate the bar into the proposed

rear extension and to provide an improved kitchen; changes to the entrance doors and fenestration of the original building; refurbishment of the coach house, and the provision of a new flue.

- 14.2 The proposed extension would remove the currently unattractive toilet block to the rear of the listed building. It allows new bar facilities to be provided for the restaurant whilst not compromising the historic fabric of the listed building. The form of the addition has followed the concept of a rear stable or outbuilding which is a common contextual feature of the Ringwood Conservation Area. This building also helps to better define the outside eating area to the restaurant.
- 14.3 A series of improvements and enhancements to the setting of the building are also provided in the form of new boundary walls, gates and enhanced landscape proposals. These amendments have allowed a balance to be struck between the interventions proposed and the benefits gained for the listed building. The proposals would be acceptable, subject to appropriate conditions.
- 14.4 In conclusion, these proposals would result in improvements to the Listed Building, further details of which can be secured by conditions.
- 14.5 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

15. RECOMMENDATION

GRANT LISTED BUILDING CONSENT

Proposed Conditions:

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

Reason: To comply with Section 18 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development permitted shall be carried out in accordance with the following approved plans: Design and Access Statement, Heritage Statement, photographs of glazing and inside of outbuilding, 4507/PL/112, 4507/PL/120A, 4507/PL/104, 4507/PL/105, 4507/PL/106, 4507/PL/110C, 4507/PL/111B, 4507/PL/113C, 4507/PL/115A, 4507/PL/119A, 4507/PL/121A, 4476/201A, 4507/PL/101B, 4507/PL/102E, 4507/PL/103, 4507/PL/107D, 4507/PL/108C, 4507/PL/109C, 4507/PL/114B, 4507/PL/117D.

Reason: To ensure satisfactory provision of the development.

3. An assessment should be made of all general repairs, stripping out, and structural work required to the internal and external building structure. Details of this repair work including specifications and necessary drawings or marked photographs shall be submitted to and approved by the Local Planning Authority before any repair works commence on site. All works should aim to maximise the retention of historic fabric and apply conservation approaches in all aspects.

Reason: To protect the character and architectural interest of the Listed Building in accordance with Policy DM1 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

4. Prior to the development taking place a photographic record of the entire building shall be recorded in the form of black and white photographs to archive standard taken by the applicant. This record to be submitted to the Local Planning Authority and the Hampshire Historic Environment Record prior to the completion of the works to provide an historic record of the building.

Reason: To ensure an historic record is made of the building prior to its change of use and alteration in accordance with Policy CS3 of the Core Strategy for the New Forest District outside the National Park and Policy DM1 of Local Plan Part 2 Site and Development Management Plan.

5. Before development commences, the following details shall be submitted to, and approved in writing by the Local Planning Authority.
 - a) Large scale drawings (elevations and sections) of all new replacement, single glazed windows. These windows should match historic details in all respects,
 - b) Large scale drawings (elevations and sections) of all new windows and doors to new rear extensions,
 - c) Large scale drawings (elevations and sections) of all external details for external cladding, eaves and verge details, glazed draft lobby, metal seamed roof, flue cladding, bike/bin store and canopy,
 - d) Large scale drawings (elevations and sections) of proposed glazed floor to cellar area,
 - e) Large scale drawings (elevations and sections) of all new flues, ducts, vents and external service pipes/runs, and
 - f) Large scale drawings (elevations and sections) of elevations showing internal mouldings, skirting, door blocking and partitions .

Development shall only take place in accordance with those details which have been approved and works shall be implemented prior to the use of the new extensions.

Reason: To protect the character and architectural interest of the Listed Building in accordance with Policy DM1 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

6. All new and replacement historic windows and doors shall have a painted finish – colour to be clarified in detailed drawings.

Reason: To protect the character and architectural interest of the Listed Building in accordance with Policy DM1 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

7. Details of the removal of the existing rear extensions along with work to make good the elevations should be submitted and approved by the Local Planning Authority prior to works commencing.

Reason: To protect the character and architectural interest of the Listed Building in accordance with Policy DM1 of the Listed Building in accordance with Policy DM1 of the Local Plan for the New Forest District outside the National Park (Part 2: Sites and Development Management).

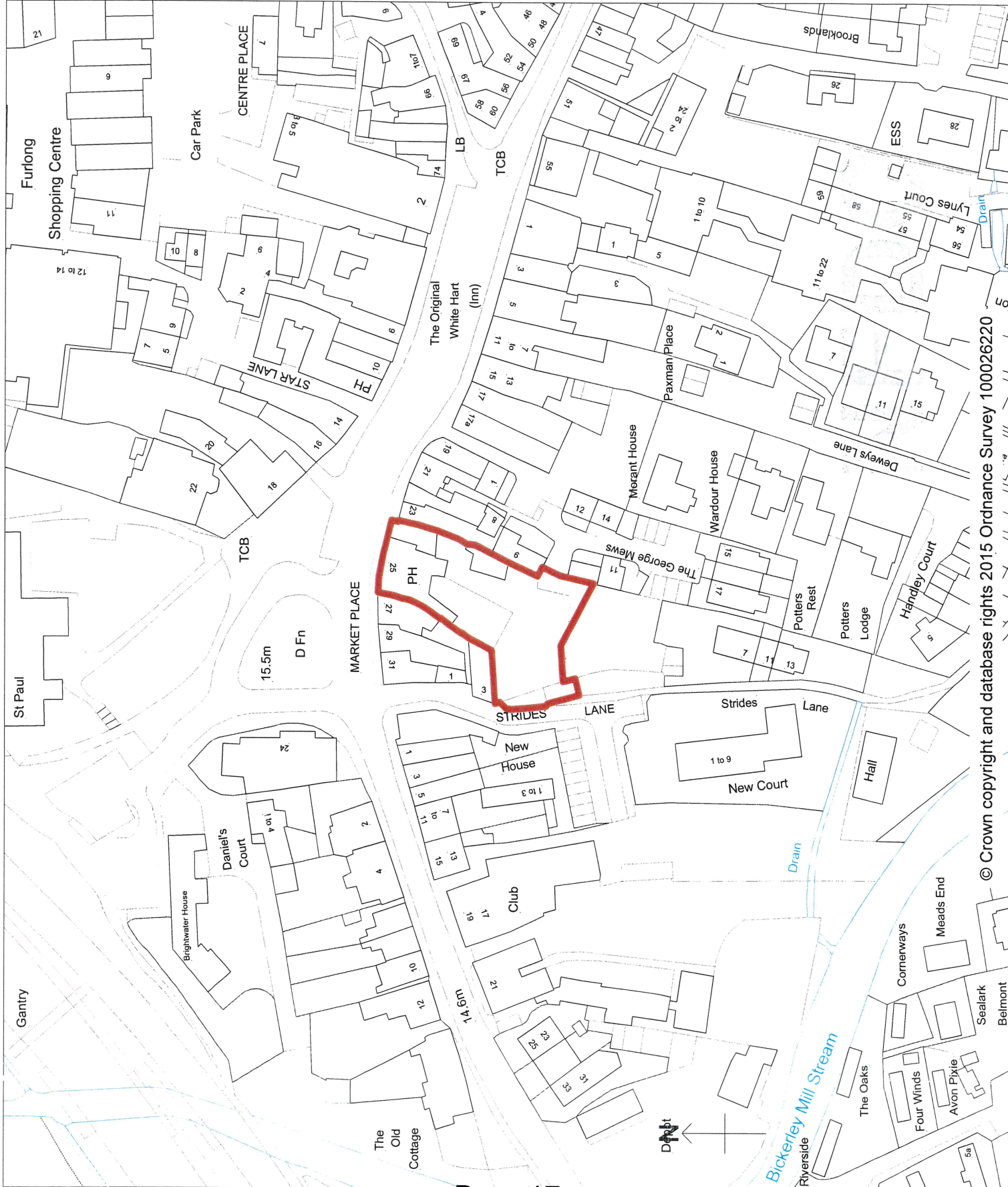
Notes for inclusion on certificate:

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The application followed previously withdrawn proposals at the end of 2014. While some works had been implemented since that time, the proposal incorporated those changes in addition to the replacement rear additions and internal alterations following much discussion with the Conservation Officer.

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)



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Application Number: 15/11067 Advertisement Consent

Site: 2 WEST STREET, RINGWOOD BH24 1DZ

Development: Display 4 awning signs; wall mounted letter sign

Applicant: V & G's Ristorante Italiano

Target Date: 19/10/2015

1 REASON FOR COMMITTEE CONSIDERATION

Previous Committee Consideration.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area
Ringwood Conservation Area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

CS2: Design Criteria
CS3: Protecting and enhancing our special environment
CS24: Transport considerations

Local Plan Part 2 Sites and Development Management Development Plan Document

DM1: Heritage and Conservation

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

Ringwood Conservation Area Appraisal
Ringwood Local Distinctiveness Document

6 RELEVANT PLANNING HISTORY

15/11066 - Erection of a timber pergola, decking, fencing and a bin store - refused 19-10-15

07/89291 - Single storey side extension - approved March 2007

06/88909 - Single-storey side extension incorporating store and entrance way to flat – approved December 2006

06/88455 - Single-storey side extension incorporating store and entrance way to flat – refused September 2006, as the design of the single storey extension with its flat roof would be inappropriate and would detract from the architectural quality of the existing building, which would be harmful to the character and appearance of the Conservation Area.

00/68199 - Display various illuminated and non-illuminated signs (including 4 no. awnings) - approved March 2000

7 PARISH / TOWN COUNCIL COMMENTS

Ringwood Town Council recommend permission. The Committee felt that in respect of the wall mounted awnings that this was a like for like replacement, which had previously been in situ for a number of years and that permission should be granted.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

Environmental Design (Conservation) – The scheme proposed is for replacement awning signs on a prominent building within a Conservation Area. It is understood that this style of advertisement has been granted consent on this building (00/68199) and were present on the building before this application was submitted. The presence of these signs at this time raised no Conservation objection. The Shopfront Design Guide SPD states that canopies and awnings are historically used on shop frontages in order to keep goods stored under them dry and keep sunlight from the goods displayed inside. They are usually retractable and come in a variety of styles. It does explicitly state on page 22 that plastic awnings and Dutch blinds are often out of context and should be avoided. Ringwood is not a town characterised by the presence of awnings and canopies and therefore the awnings are out of context in accordance with the advice in our design guide. However, from the information submitted in 00/68199 it appears there have quite obviously been canopies over the window of this building for over 10 years. All of the canopies have been similar in style and have used similar materials. The colours of the canopies proposed in the current application are more muted than others used in the past and contrast well with the white of the shop front. Previous comments with regard to the harm to the Conservation Area are still valid however, given there have been canopies present on the building for a substantial number of years that have raised no conservation concerns, the harm to the character of the Conservation Area from the replacement canopies may be difficult to justify in this instance.

Natural England – no objections

Hampshire County Council Highway Engineer – With regard to the re-consultation, it seems that the Highway Authority have a committed position regarding the position of the awnings relating to a previous approval here with the only change being the presentation of the change in name. The proposed wall mounted letter sign does not have any direct or in direct impact upon the operation or safety of the local highway network including the frontage footway. The Highway Authority are satisfied that there is no significant harm resulting from these minor changes to the original approval and therefore raises no objections to the proposal.

10 REPRESENTATIONS RECEIVED

None

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

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- 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 receipt of a revised red line location plan, clarification of the premises' planning history and confirmation on the level of illumination proposed for the signage, the application was considered to be acceptable.

14 ASSESSMENT

- 14.1 At the Committee meeting of 11th November 2015, a decision on this application was deferred in order to take full account of an earlier approval of advertisement consent under ref. 00/68199. That application was to display various illuminated and non-illuminated signs, which were

very similar to and material to consideration of the current application. The Conservation Team and Highway Authority were requested to consider the previous consent and offer their views in light of it. In light of the planning history and the responses of consultees the recommendation has been changed to approval as outlined below.

- 14.2 The site lies within the built up area of Ringwood and is within the Ringwood Conservation Area. It is prominently located fronting West Street. The application is made retrospectively for Advertisement Consent for the display of 4 awning signs and a wall mounted letter sign, which would replace the existing temporary banner on the eastern gable of the premises. The wall sign and lettering will be mounted direct to the brickwork on concealed pins giving a 'relief' effect and finished in painted MDF. One awning would be relocated from the side door to a side window, following removal of the timber pergola refused under ref. 15/11066. The awnings to the front are illuminated from above by 4 no. swan necked lights mounted on the front fascia of the premises, which have been in situ for some years. The gable sign would be externally illuminated, details of which have been received recently, comments are awaited from the Conservation Officer on this and will be the subject of an update at the meeting.
- 14.3 The main issues to consider are the impact the signage has upon the character and appearance of the Ringwood Conservation Area and highway safety implications. The Council's Conservation Officer and County Highway Authority have been consulted on the proposal.
- 14.4 The building in question is an Edwardian style building with an impressive front elevation, Gables facing the street and the original timber Edwardian sash windows give the building a character that is very important given the modern building that has occurred opposite it. The front and side of the building are particularly visible from the Market Place and it is therefore placed prominently within the historic core of the Ringwood Conservation Area.
- 14.5 This application seeks to formalise 4 no advertisement awnings and install a new illuminated sign on the side elevation constructed of painted MDF to look like metal. The Conservation Team are aware that this style of advertisement was granted consent on this building in 2000 and was present on the building before this application was submitted. The signs previously raised no Conservation objection. While Ringwood is not a town characterised by the presence of awnings and canopies and the awnings are out of context with the advice in our design guide, it appears there have been canopies over the windows of this building for over 10 years. The canopies are similar in style and are of similar materials to the previous approval. The colours of the canopies proposed in the current application are more muted than others used in the past and contrast well with the white of the shop front. While previous comments regarding harm to the Conservation Area are valid, given that the canopies have been present on the building for a substantial number of years and raised no conservation concerns, it would be difficult to substantiate a refusal based on significant harm to the character of the Conservation Area in this instance. For these reasons the form of advertisement proposed is considered acceptable.
- 14.6 The Highway Authority have a committed position regarding the position of the awnings relating to the previous approval here, with the only

change being the change in name and colours. The proposed wall mounted letter sign does not have any direct or indirect impact upon the operation or safety of the local highway network including the frontage footway. Consequently, the Highway Authority is satisfied that there is no significant harm resulting from these minor changes to the original approval and therefore raises no objections to the proposal.

- 14.7 In conclusion, by virtue of the planning history of the premises and taking into consideration the character and highway impacts, the proposal is recommended for approval.
- 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 ADVERTISEMENT CONSENT

Standard Conditions

1. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
3. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.
4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
5. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).

Proposed Conditions:

1. The development permitted shall be carried out in accordance with the following approved plans: 1:1250 Location Plan (Revised Red Line), DC.01107 doc.0005, DC.01107 doc.0006, DC.01107 doc.0010/Amended and DC.01107 doc.0013.

Reason: To ensure satisfactory provision of the development.

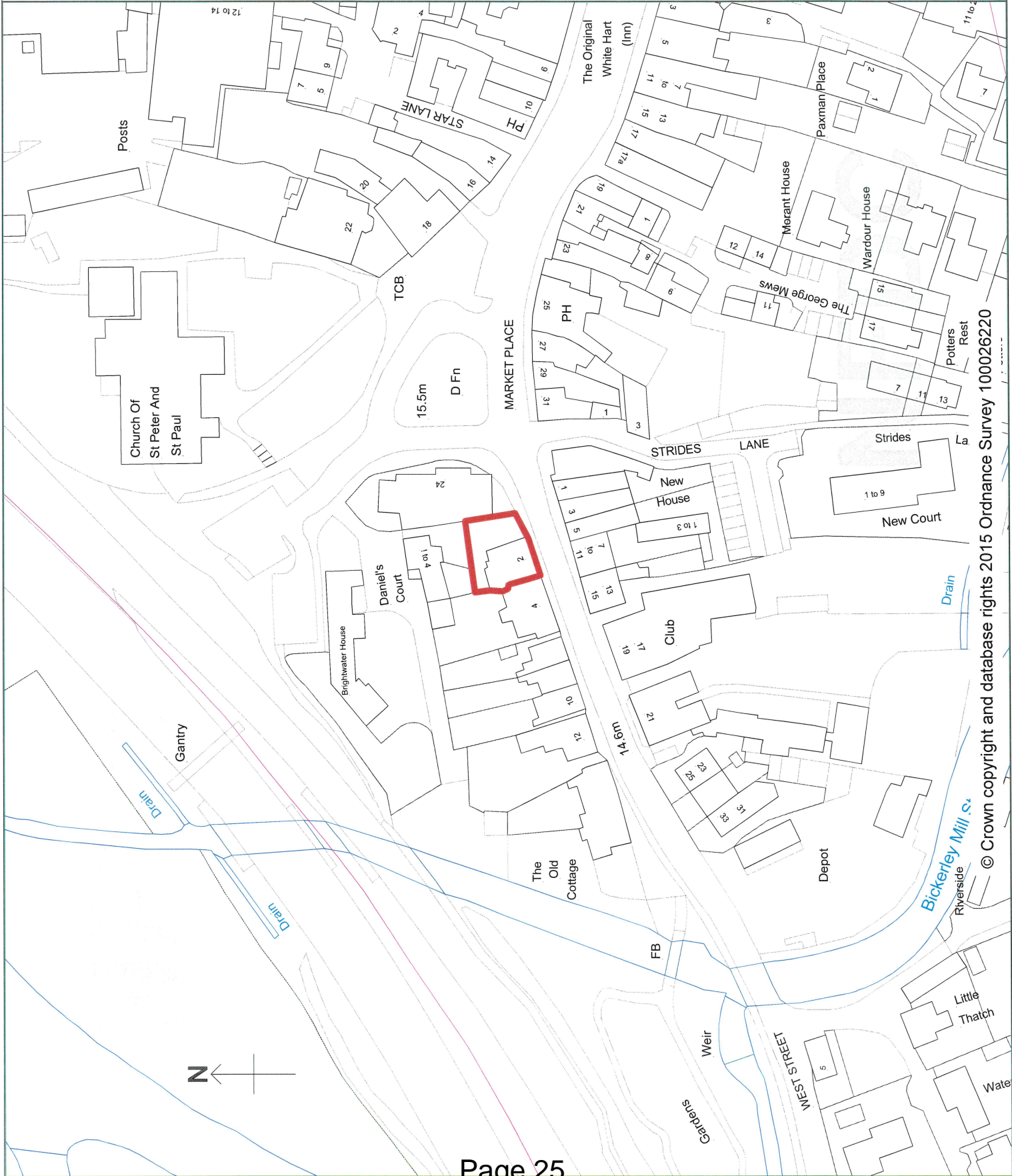
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In this case following receipt of a revised red line location plan, clarification of the premises' planning history and confirmation of the level of illumination proposed for the signage, the application was considered to be acceptable.

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

Deferred at December 2015 meeting of the Planning Development Control Committee; 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 Highway 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 12 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

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

In this case 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

Introduction

14. This application was initially going to be considered at the December 2015 meeting of the Planning Development Control Committee. The application was deferred, without any debate, because specific amended plans that had been submitted had been omitted from the Committee presentation. The previous omitted plans are now included in the presentation. The application has not been amended in any other way, and the assessment and recommendations set out in the previous report below still apply.

December Committee Report

- 14.1 The application site extends to 0.36 hectares and comprises the property 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, whilst the adjacent properties in Long Lane are mainly 2-storeys high. Properties within the immediate area typically have fairly long rear gardens that gives 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 with 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 are 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 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 (unit 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 New Forest Ecologist initially raised concerns that the reptile survey was deficient due to the timing of the survey. 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. Given the survey work to date has found no reptiles to be present, and given the outline nature of the application, the New Forest 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 have 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, 5105.003.

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.

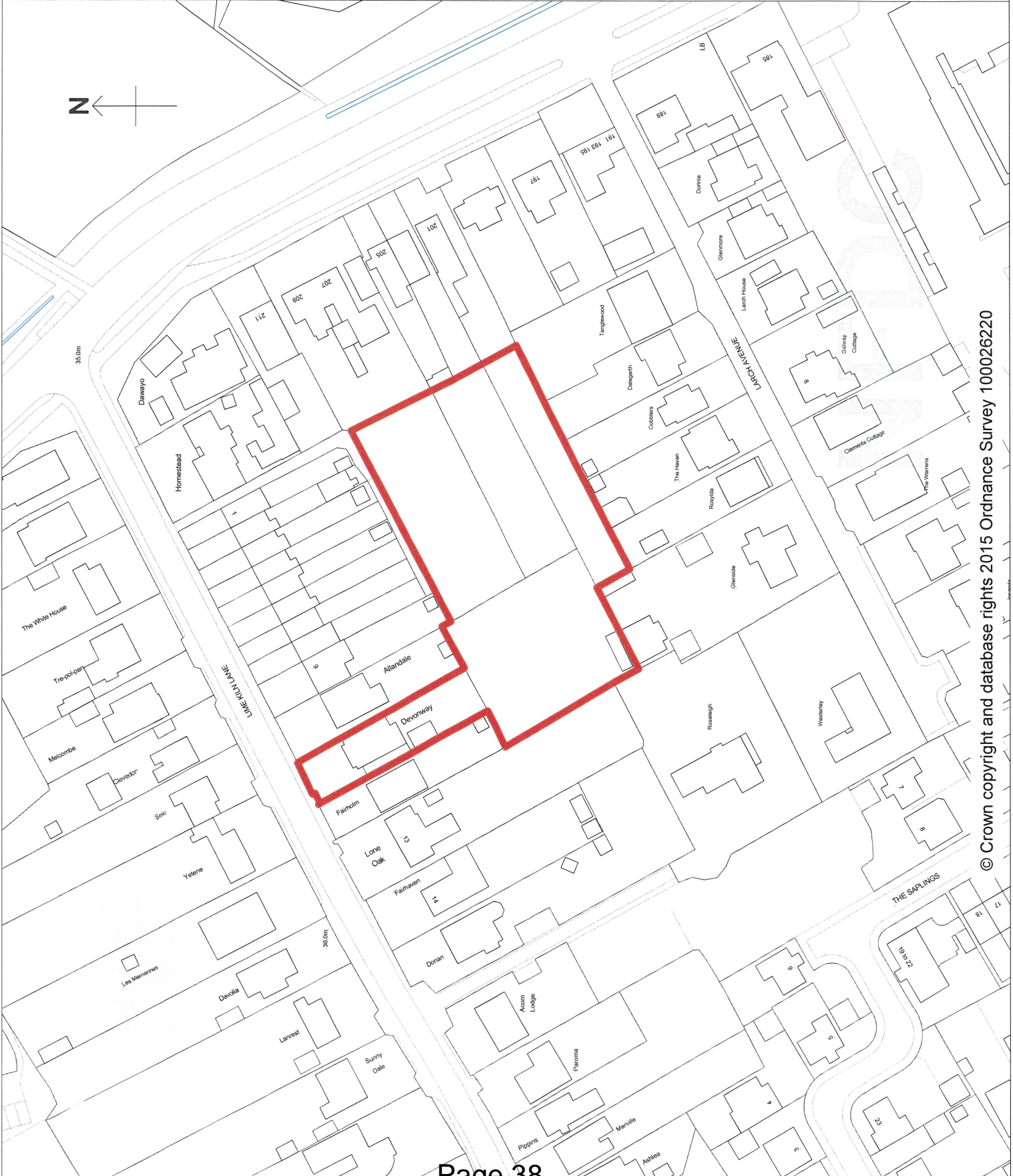
In this case, the application proposals were the subject of pre-application discussions, and have been the subject of amended plans and additional information since the application was registered, and this has enabled a positive recommendation to be made.

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)



Application Number: 15/11296 Full Planning Permission

Site: 6 HIGH STREET, FORDINGBRIDGE SP6 1AX

Development: First & second floor rear extensions to create 2 flats; fenestration alterations

Applicant: Mr Tollman

Target Date: 30/10/2015

1 REASON FOR COMMITTEE CONSIDERATION

Reduced Affordable Housing contribution

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

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

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)
CS10: The spatial strategy
CS20: Town, district, village and local centres
CS15: Affordable housing contribution requirements from developments
CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

DM1: Heritage and Conservation
DM3: Mitigation of impacts on European nature conservation sites

National Planning Policy Framework - Achieving Sustainable Development

NPPF Ch. 7 - Requiring good design
NPPF Ch. 11 - Conserving and enhancing the natural environment

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPG - Fordingbridge Conservation Area Appraisal
Advisory Note on the Implementation of Core Strategy Policy CS15 - Affordable Housing (Nov 2012)
SPD - Fordingbridge Town Design Statement
SPD - Mitigation Strategy for European Sites

6 RELEVANT PLANNING HISTORY

The planning history of the site is limited to its former use as a bank.

7 PARISH / TOWN COUNCIL COMMENTS

Fordingbridge Town Council: Recommend permission as the proposals would enhance the rear of the property and provide 2 additional properties in the Town Centre.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

9.1 Estates and Valuation - In considering any additional land value created by grant of planning permission for development it is necessary to take into account the Local Authority's objective of providing Affordable Homes as set out in planning policy as well as the land owner receiving sufficient revenue from the disposal in order to provide appropriate incentive for it to be sold for development and the developer making a competitive return. In this case, if the target Affordable Homes financial contribution is included in the appraisal, the residential development land value falls below the threshold site value by the full amount of the target contribution. I am therefore of the opinion that the proposed development is not able to make a contribution to Affordable Homes. This is on the basis that all other planning obligations estimated in this report are paid in full.

9.2 Conservation - Having reviewed the revised plans and information showing removal of the lowering of the eills, the submitted scheme is supported, subject to conditions.

9.3 Land Drainage Engineer - no objections

9.4 Ministry of Defence - no safeguarding objections

10 REPRESENTATIONS RECEIVED

Representations have been received from the occupiers of nos. 1 and 2 Roundhill Cottages. They raise concerns over:

- the additional storey to the property will block out natural light to windows;
- loss of view across the roof tops; and
- that a wood clad wall will not be a pleasant outlook.

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission and the dwellings built, the Council will receive £2,304 in each of the following six years from the dwellings' completion, and as a result, a total of £13,824 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 £3,383.20.

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 following receipt of appropriately amended plans and further information, the proposal was considered to be acceptable.

14 ASSESSMENT

14.1 The Site and Proposal

- 14.1.1 The proposal relates to the former HSBC premises fronting the High Street in Fordingbridge, but extends to the rear as far as Round Hill and adjoins a pedestrian thoroughfare to the east known as The Hundred. The site is located within the Fordingbridge Conservation Area, Town Centre and Primary Shopping Area. It adjoins listed buildings to the east and west.
- 14.1.2 It is proposed to retain a sizeable proportion of the ground floor of the former bank building for A2 (professional and financial) use. However, the proposal seeks to convert some of the ground floor and all of the first floor to residential use and to add a second floor to the rear to create 2 no. 2 bed dwellings on three levels. The building fronting the High Street would be largely unaltered, following receipt of amended plans to retain window cill heights of the former bank building at the existing level. The main external alterations are proposed to the rear of the site where a two storey structure is sought, backing onto Round Hill. It would be between 2.8m and 3m higher than the existing rear wall of the premises, which stands at 3m in height, with security devices atop taking it to between 3.2m and 4m in height. The new development would be faced with a mix of render, red brick and weatherboarding, roofed with clay tiles and fenestrated with timber windows and conservation rooflights. No car parking is provided for occupiers of the development.

14.2 Character Impacts

- 14.2.1 It is clear that the building is in need of some attention. The whole building is to be the subject of a single and integrated project of renewal and the revised plans and submissions suggest it will be done to a good standard. The comments of the Conservation Team acknowledge the building is in need of sensitive refurbishment and that the form of the proposed development is broadly acceptable, subject to conditions. Benefits would be derived through removal of unsightly railings and security devices associated with the former bank use. The form and scale of the new development would be appropriate in the context of the conservation area and setting of listed buildings, ensuring protection and enhancement of heritage assets and local distinctiveness in accordance with Policies CS2 and CS3 of the Core Strategy.

14.3 Amenity Impacts

- 14.3.1 Two letters have been received from the occupiers of nos. 1 and 2 Roundhill Cottages opposite the site, which are between 5m and 6m away to the north west. They raise concerns that the additional storey to the property will block out natural light to windows; loss of view and that a wood clad wall will not be a pleasant outlook.
- 14.3.2 While loss of view is not material to consideration of planning applications, loss of light and outlook are material considerations. In light of these concerns it should be noted that the main roof of the proposal is 1.1m higher than the adjoining roof of 'The Hundred' and pitched at the same angle. The 45 degree section provided by the

applicant demonstrates that light loss to ground floor windows would be limited and it is noted that the ridge of the proposal is considerably lower than that of Roundhill Cottages. Bearing in mind the tight knit form of historic development in the town centre and that the proposal would be located across a public thoroughfare (Round Hill) from Roundhill Cottages, an objection cannot be sustained to the form of proposed development on grounds of light loss. In terms of outlook, it would be difficult to argue replacement of the unsightly security devices currently in situ atop the rear wall of no. 6 with the form of development proposed would be a retrograde step, particularly in view of the good design and palette of materials proposed (timber weatherboarding, clay tiles, oak posts and beams and red brick), the variation and colour of which will assist in breaking up the form of development. The proposal therefore complies with the amenity related provisions of Policy CS2.

14.4 Town Centre Viability

14.4.1 Policy CS20 of the Core Strategy seeks to protect the primary retailing role of the defined primary shopping areas in town centres such as Fordingbridge. It places a presumption against the loss of town centre uses, with emphasis placed on premises in A1 use. While the proposal relates to A2 premises the impact of the proposal on the overall vitality of the town centre should be assessed. It is noted that the main A2 floorspace to the front of the former bank would be retained, although approximately 25% of the A2 ground floor would be lost. This loss is considered to be marginal and would cause no harm to the vitality and viability of the town centre. Conversely the quality of the proposed development, including renovation of the vacant bank hall, would enhance the retail environment of the High Street and the proposal complies with the relevant policies to protect town centres.

14.5 Financial and Viability Considerations

14.5.1 In terms of contributions, the proposal is CIL liable and the applicant would normally be required to make affordable housing and habitat mitigation contributions. The applicant has submitted a viability appraisal, in accordance with the advice set out in the Advisory Note on the Implementation of Core Strategy Policy CS15, which concludes the form of development proposed cannot support the full range of contributions, requested by the Council. The Council's Valuer has reviewed the submitted viability assessment and concludes that the scheme is unable to support an affordable housing contribution, but can support the habitat mitigation contribution. Paragraph 140 of the National Planning Policy Framework is pertinent to consideration of the viability argument put forward by this application. The proposal will result in the refurbishment of a building in a prominent location within the Fordingbridge Conservation Area. Paragraph 140 states that 'local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies, but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies'. The building in question is a significant heritage asset, being of some age and within a conservation area and the Council is supportive of the works proposed to improve the building, exemplified by the comments of the Council's Conservation Team. It is concluded that in the best interests of the heritage asset, reduced contributions

are acceptable in this instance, in order to facilitate renovation of the premises. The proposal accords with the relevant policies of the Core Strategy and guidance offered by the NPPF in respect of viability and enabling development.

14.5.2 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. The applicant confirms that they would be prepared to meet the habitat mitigation sum of £6,100, which is likely to be secured through a combination of CIL payment and Section 106 agreement.

14.6 Conclusion

14.6.1 Following receipt of appropriately amended plans the proposal is considered to be acceptable in relation to its character and amenity impacts. It would maintain the viability of the town centre while providing much needed residential accommodation in a sustainable town centre location. In light of the viability appraisal submitted, a reduced affordable housing contribution is justified in this instance. The proposal is accordingly recommended for approval, subject to conditions.

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.

CIL Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses	124.16	81.87	42.29	£3,383.20

Developers' 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	£30,460	£0	£30,460
Habitat Mitigation			
Financial Contribution	£6,100	£6,100	£0

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: 1518/1B, 1518/2B, 1518/3B and 1518/SK1.

Reason: To ensure satisfactory provision of the development.

3. Before development commences, samples or exact details of the external changes to the building shall be submitted to and approved in writing by the Local Planning Authority. Those details shall specifically include:

- Large scale elevations of new building to Round Hill showing details of lobby, cladding eaves and verges;
- Large scale sections, elevations and materials of new windows and doors;
- Details of conservation rooflights;
- Confirmation of paint colour for front windows, doors and fanlight;
- Details of flues ducts and vents on external elevations;
- Details of all rainwater goods; and
- Details of all external materials of construction, including facing and roofing materials.

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

Reason: To ensure an acceptable appearance of the building in accordance with Policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park and Policy DM1 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

4. No development shall take place within the site until the implementation of a programme of archaeological photographic recording work has been secured for walls proposed for removal in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority. Details of this recording should then be deposited with the Local Authority and Hampshire County Records Office.

Reason: The building is of archaeological significance where the recording of archaeological remains should be carried out prior to the development taking place in accordance with Policy DM1 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

5. 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.

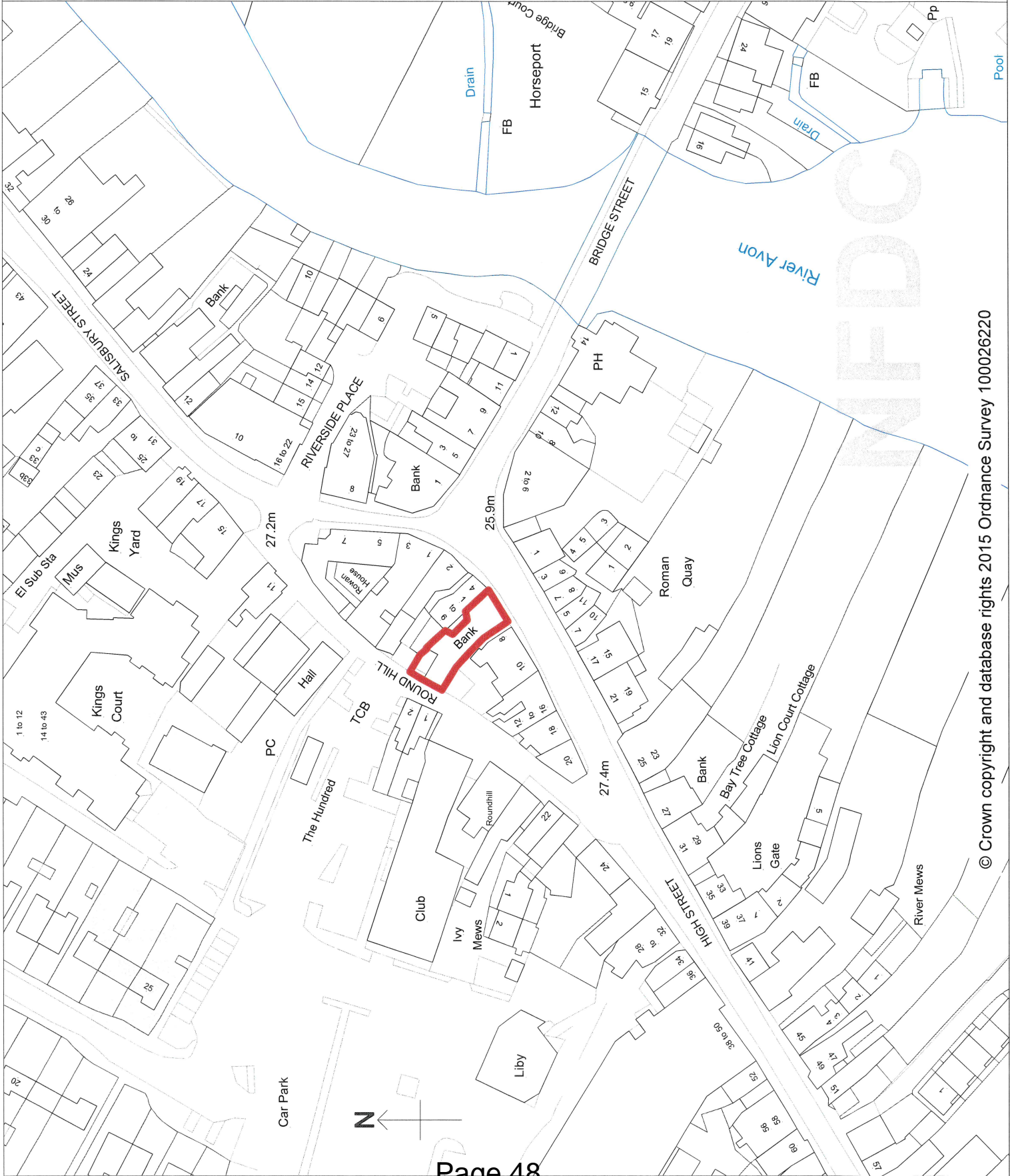
In this case following receipt of appropriately amended plans and further information, the proposal was considered to be acceptable.

2. New Forest District Council has adopted a Community Infrastructure Levy (CIL) charging schedule and any application now decided, including those granted at appeal, will be CIL Liable. CIL is applicable to all applications over 100sqm and those that create a new dwelling. Under Regulation 42A developments within the curtilage of the principal residence are likely to be exempt from CIL so CIL may not be payable provided the applicant submits the required exemption form prior to commencement of the development.
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/>

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



Application Number: 15/11352 Advertisement Consent
Site: 19 LONG LANE, HOLBURY, FAWLEY SO45 2LF
Development: Display 2 non-illuminated post mounted signs
(Application for Advertisement Consent)
Applicant: Mrs Church
Target Date: 15/12/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

HSE Consultation Zone
Plan Area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

None relevant

6 RELEVANT PLANNING HISTORY

15/10232 Use of outbuilding as training facility, single storey extension to outbuilding granted subject to conditions 17/04/2015

7 PARISH / TOWN COUNCIL COMMENTS

Fawley Parish Council: recommend permission

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

Hampshire County Council Highway Officer: no objections (no conditions)
NPA Trees: object

10 REPRESENTATIONS RECEIVED

None received

11 CRIME & DISORDER IMPLICATIONS

Not applicable

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

No pre application advice was sought prior to the application being submitted. Concerns were raised in the initial briefing in relation to the signs, with regard to their appropriateness on a residential dwelling and these views were made publicly available on the website. The harm to the visual amenity of this established residential area and impact on mature protected trees justify refusal of both signs in this instance.

14 ASSESSMENT

- 14.1 The application site consists of a detached residential dwelling, situated in the built up area of Holbury. There has been a recent planning approval for a training facility to be sited within the curtilage of the dwelling, but the predominant use of the site is residential. There are two established commercial properties within this row of properties, namely a dentist and children's nursery which have a single sign each advertising their premises, sited on the front boundary.
- 14.2 When assessing advertisement applications, the considerations are the impact on public safety and visual amenity.
- 14.3 Both proposed signs would be pole mounted signs featuring acrylic signage advertising the business being undertaken at the site. Sign A would be the wider sign and would be sited behind the existing front hedge, whereas Sign B would be sited by the vehicular access to the site.
- 14.4 The proposed signs would not have a detrimental effect on highway safety.
- 14.5 The character of the area is predominantly residential, as is the prevailing use of the property. The signage would result in the business use of the site being more dominant, which would not reflect its secondary nature and low level impact. The proposed signs, by reason of their number, height, design and position would not be appropriate within a residential setting.
- 14.6 Both these signs are unacceptable in this location. The necessity for this is that the current business use being operated from the property is a secondary use only, the primary use of the property is residential. The installation of two large signs to the front of the site would give undue prominence to the business use. There are two solely commercial properties along this road, but they only have one sign each advertising their respective businesses and these are appropriate to their uses on these buildings and they do not detract from the prevailing residential character of the area. A smaller sign fixed on the existing fence at the entrance to the site would be more appropriate in this location and also would not interfere with the protected trees.
- 14.7 Furthermore, there are protected trees along the frontage of the application site and the proposed siting of the signs could cause harm to these trees. TPOs are served to protect trees that have been identified as important on the grounds of their amenity value, any works that would detrimentally harm these trees are considered to be unacceptable. Therefore, the cumulative impact of these two large signs would detract from the visual amenity and character of the area, and as such the proposals are recommended for refusal.

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

15. RECOMMENDATION

REFUSE ADVERTISEMENT CONSENT

Reason(s) for Refusal:

1. By reason of their number, height, design and positioning, the proposed signs would introduce an unacceptable commercial element to the site frontage which would be detrimental to the street scene and prevailing residential character of the application site and the wider area. As such the proposal would be contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park.
2. Due to their position, the proposed signs could potentially result in damage and obstruction to the two large mature oak trees on the site frontage that are protected by a Tree Preservation Order. Insufficient information has been provided to demonstrate that there is adequate space for these signs and detrimental harm to the trees would not result. As such the proposal would be contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

Notes for inclusion on certificate:

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

No pre application advice was sought prior to the application being submitted. Concerns were raised in the initial briefing in relation to the signs, with regard to their appropriateness on a residential dwelling and these views were made publicly available on the website. The harm to the visual amenity of this established residential area and impact on mature protected trees justify refusal of both signs in this instance.

Further Information:

Householder Team
Telephone: 023 8028 5345 (Option 1)



New Forest
DISTRICT COUNCIL

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

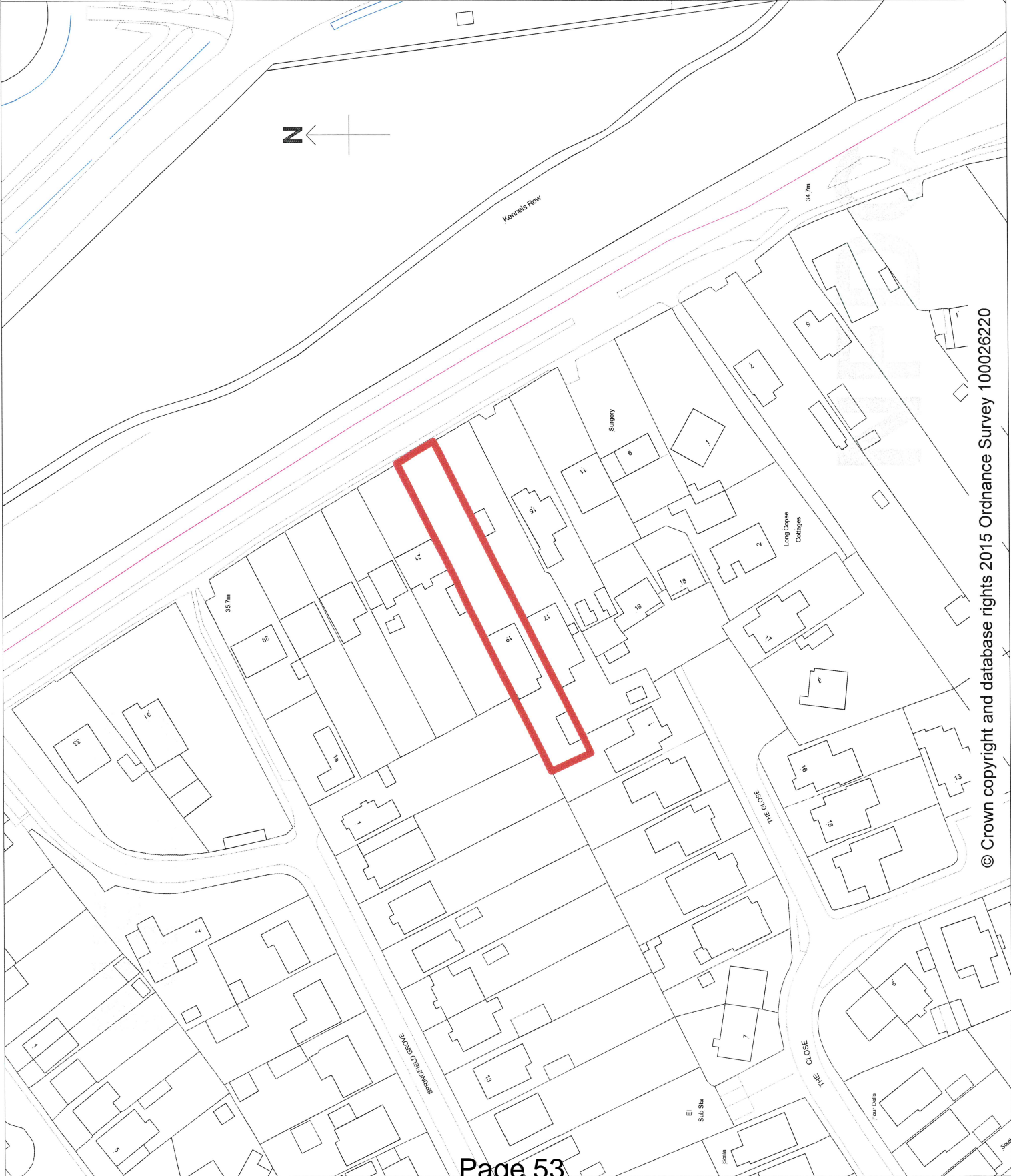
Chris Elliott
Head of Planning & Transportation
New Forest District Council
Appletree Court
Lynnhurst
SO43 7PA

**Planning Development
Control Committee**
January 2016

Item No: 3f
19 Long Lane
Holbury
Fawley
15/11352
SU4303

Scale 1:1250

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



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Application Number: 15/11647 Full Planning Permission

Site: Land of COMPTON HOUSE & SARUM HOUSE,
BLACKWATER DRIVE, TOTTON SO40 2GU

Development: 35 flats in 2 blocks; carport; bin & cycle stores; parking;
enhancements to public open space; landscaping

Applicant: New Forest District Council

Target Date: 19/02/2016

1 REASON FOR COMMITTEE CONSIDERATION

Discretion of the Head of Planning and Transportation

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area
Landscape Feature
Public Open Space Existing

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

Core Strategy

- CS1: Sustainable development principles
- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS7: Open spaces, sport and recreation
- CS10: The spatial strategy
- CS12: Possible additional housing development to meet a local housing need
- CS13: Housing types, sizes and tenure
- CS15: Affordable housing contribution requirements from developments
- CS24: Transport considerations
- CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

- DM2: Nature conservation, biodiversity and geodiversity

DM3: Mitigation of impacts on European nature conservation sites
DM8: Protection of public open space, private playing fields and sports grounds
and school playing fields
TOT8: Land off Blackwater Drive, Calmore

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 - Design of Waste Management Facilities in New Development
SPD - Parking Standards
SPD - Mitigation Strategy for European Sites

6 RELEVANT PLANNING HISTORY

None

7 PARISH / TOWN COUNCIL COMMENTS

Totton and Eling Town Council: Recommend permission but would accept a delegated decision.

The section of land in question had been allocated in the local plan as an area of development to provide more dwellings. Originally it had been thought that the existing flats would be demolished to make way for a more efficient modern development with increased density. Through further discussions with local authorities the new buildings would be incorporated around the existing structures. In doing so the development has encroached on land already allocated to open space while increasing demand for open space provision from the new dwellings. Proposals show a section of the open space retained to the north of the site, with money used from the development to enhance the area. There is a considerable shortage of affordable homes in the area and this plan would certainly help to alleviate that issue. The plans have been well thought out and would enhance the area significantly. Perhaps a more focused use of green space and landscaping could be designed with further consultation with local residents in order to alleviate the loss of space.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Land Drainage: No objection subject to condition
- 9.2 Environmental Health (contaminated land): Comments awaited
- 9.3 Ecologist: No objection in principal subject to mitigation in ecological terms of the proposed tree loss
- 9.4 Environment Agency: No comments received.

- 9.5 Tree Officer: Objection. There are a number of high value public amenity trees which will be affected by this proposal, the loss of which will be detrimental to the character of the area. Concerns are also expressed about car parking area proposed around the London Plane Tree (T22) and the crown lifting to accommodate refuse vehicles.
- 9.6 Urban Design Officer: For the most part, the whole project represents an appropriate addition to the area. The landscape masterplan and strategy supports the building layout and form as well as offering public amenity and enhancing the green setting which is a distinctive characteristic of the neighbourhood. Recommend conditions to ensure open space enhancement and to ensure the quality of materials is appropriate.
- 9.7 Policy: The site is allocated in the adopted Local Plan: Sites and Development Management (Part 2) DPD as Policy TOT8. Under that policy a residential development has been accepted in principle, subject to a number of criteria. Mix and type of residential units (Policies CS14 and CS15(d)). The proposal would provide 35 new council flats, comprising 26 one bedroom flats and 9 two bedroom flats. Planning Policy is satisfied that local needs for housing type has been taken into consideration, and that this application is acceptable given the evidence of need. With regard to public open space provision, Core Strategy Policy CS7 (criteria (a) and (c)) and Sites and Development Management Policy TOT8 together, set out that sites over 0.5 HA such as this, should provide appropriately designed informal public open space on site and include the provision of designed good quality play spaces.
- 9.8 Hampshire County Council Highway Engineer: The proposed level of car parking for the existing and proposed development would accord with the NFDC document 'Parking Standards Supplementary Planning Document (SPD) adopted in October 2012. Comments awaited on tracking for refuse/ emergency vehicles and the number of cycle parking.
- 9.9 Strategic Housing Officer: The proposals meet the requirement of Policy CS15 (d) and Policy TOT8
- 9.10 Community Safety Officer: No comment received.
- 9.11 New Forest Access For All: Access to the buildings should be flat, level and without steps of any kind. There should be some dedicated parking for 'Drivers of Vehicles for the Disabled'. There should not be any form of obstruction, i.e. kerbs, bollards or walls, which would make it difficult for a wheelchair/scooter user, after exiting their vehicular transport, from gaining easy access to the building. All external doors should be sufficiently wide so as to allow for the easy entry of a wheelchair/scooter. These doors should be automatic, as they might prove too heavy for a person seated in a wheelchair/scooter to operate. All internal doors should be sufficiently wide so as to allow for the easy entry of a wheelchair/scooter into all rooms.
- 9.12 Southern Water Authority: The exact position of the water mains and foul sewers must be determined on site before the layout and such matters can be dealt with by condition. Consideration must be given to the siting of trees.
- 9.13 Southern Gas: Details provided of the location of the gas mains within the site
- 9.14 Waste and Recycling Manager: Comments awaited

10 REPRESENTATIONS RECEIVED

6 letters of objection concerned with the detrimental effect and loss of green space on the Calmore estate. The proposal would be a gross over development of the site that would be out of character with the area. There is no infrastructure report yet more traffic and there will be an adverse impact on public highway safety. It will set a dangerous precedent for other smaller green spaces to be built on. People use this area almost daily and is a safe place to play, this includes football and other playing activities. Loss of trees. Loss of a community facility and wildlife. That no green site notices have been posted or they have been removed and no formal notification in the Lymington Times. Why has Clifford House been empty for so many years. The land is not underused. Concerns over flood risk and flooding in surrounding areas Calmore Canal could not cope with extra surface water

Impact on residents from noise, dust and inconvenience.

Concerns over anti-social behaviour. A children's play area is not needed. Concern that the enlarged car parking area will become a dumping ground for cars.

11 CRIME & DISORDER IMPLICATIONS

Crime Reduction Officer: Wish to support this application as the design and layout encompasses many of the principles of 'designing out crime' (particularly the creation of defensible space around existing and proposed buildings), however there are two areas of concern which are felt to weaken the quality of design and increase the potential for crime and disorder.

Firstly, the proposals for the Enhanced Open Space include boulders, timber logs and posts and a felled tree. While these objects may well create a useful play area during the day, experience shows there is a substantial danger that the space (with ready made seating) would become a congregation point for older children in the evenings, thereby increasing the potential for noise disturbance, criminal damage (particularly arson to timber materials) and anti social behaviour.

Secondly, the proposed covered 'car port' parking adjacent to Block A potentially creates a number of problems:

- i) Surveillance of parked vehicles is reduced, thus increasing risk of vehicle crime.
- ii) It provides a relatively hidden area of shelter where groups might wish to congregate.
- iii) The relatively low flat roof is an attraction to climb and play on*. * N.B. Due regard should be taken to ensure 'duty of care' under Occupiers' Liability Act 1984
- iv) The roof material appears to be a polycarbonate sheet and again could be susceptible to arson or other criminal damage.

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission and the dwellings built, the Council will receive £40,320 in each of the following six years from the dwellings' completion, and as a result, a total of £241920 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 £190,864.00.

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

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

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

14 ASSESSMENT

14.1 The site and location

14.1.1 The application site, which is off Blackwater Drive in Calmore, is currently occupied by a New Forest District Council owned sheltered housing scheme known as Compton and Sarum House. Compton and Sarum House are two storey buildings surrounded by extensive areas of open amenity land with a car parking area accessed from Blackwater Drive. The site also extends to a large area of open space on the central part of the housing estate, which is designated in the local plan as existing public open space. The land is not flat, but generally open grass land with a number of trees and footpath connections providing links

throughout the housing estate. Along the western boundary of the site, adjacent to Calmore Drive is an important group of large trees, which is designated as a landscape feature in the local plan. The trees within the site are not protected by a Tree Preservation Order.

14.1.2 Although developed at a different time, and comprised of a large block of residential flats, Compton and Sarum House does form an integral part of the large housing estate in Blackwater Drive. Much of the housing on the estate dates back to the early 1970s and is designed as a typical open plan estate with rows of terraces of bungalows and houses laid out around pockets of open grassed areas connected together by a network of footpaths. Properties tend to incorporate open front gardens with small rear gardens enclosed by boundary walls and rear garaging. Visually, the existing buildings are of a simple design and form, constructed from brick and tile hanging under tiled roofs.

14.2 The proposal

14.2.1 This full planning application has been submitted by this Council and proposes 35 residential flats, comprising two buildings, all of which would be for affordable housing. The 35 flats would be comprised of 26 one bedroom flats and 9 two bedroom flats. The proposals also seek consent for bike and bin stores, a car port, car parking and enhancements to the existing public open space within part of the existing housing estate. The application relates to land owned by New Forest District Council and the proposal is to develop on land between and around the existing housing blocks at Sarum House and Compton House. The open space enhancements would be to areas within the existing public open space. Although the land is generally flat, there are a number of grass mounds to the north of Compton and Sarum House, where the levels increase by around 1.5 metres. These mounds would be remodelled as part of the proposals and this will be an integral part of the public open space proposals. The proposal would improve and enhance Compton and Sarum House through the provision of new hedgerows to create private spaces for the residents.

14.2.2 The proposal is to create two blocks (Block A and Block B) arranged around Compton and Sarum House. The two existing residential buildings would be retained and their car parking spaces re-arranged. Proposed Block A would be an 'L' shaped building situated on the south western part of the site immediately adjacent to Blackwater Drive. This building would front onto Blackwater Drive and would have elevations facing onto the proposed internal access and car parking areas. Although the building would be predominantly two storeys in height, part of the building fronting onto Blackwater Drive would rise to three storeys in height to provide accommodation in the roofspace. Car parking to serve this development would be concentrated under a newly constructed car port canopy located beneath the tree canopies along the west edge of the site. Additional car parking would be provided along the internal access road in front of the proposed building.

14.2.3 Proposed Block B would form an off set 'U' shaped building to the east of Compton House and be arranged around a courtyard parking area. A strip of communal open space would wrap around the north and east perimeter of the building and would be enclosed by a new hedgerow. The proposed building would rise to two storeys in height with a pitched roof with protruding bay windows located on the outer elevation of the building.

14.2.4 The proposals seek to make a number of enhancements to the existing public open space. This would consist of retaining the open character while reshaping and adding to the existing mounds. Earth sculpting would direct movement along a new path and enhanced existing paths to provide a parkland character. New tree and wild flower planting would add visual interest and improve bio diversity by including rich meadow and flower areas, seasonal colour and improved habitat.

14.3 Policy

14.3.1 The site is allocated in the Local Plan Part 2 for redevelopment. Policy TOT8 relates to Land off Blackwater Drive. The policy states that should the existing sheltered housing become redundant, land at Blackwater Drive could be redeveloped for residential development including affordable homes in accordance with Policy CS15 (d) of the Core Strategy. The policy states that development should meet the following site-specific criteria:

- Provision of vehicular, pedestrian and cycle access from Blackwater Drive;
- Retention of existing trees where possible and provision of additional planting along Blackwater Drive;
- Provision of public open space in accordance with Core Strategy Policy CS7;
- Compensation for the loss of public open space through landscape enhancements to the existing open space to the north including play space provision for young children.

The sub text to the policy states that land off Blackwater Drive, Calmore is currently occupied by a NFDC sheltered housing scheme. Should the existing sheltered housing scheme become redundant, a residential redevelopment (which could include a new sheltered housing scheme) would be appropriate. The existing development adjoins a large area of public open space to the north and east. Part of this open space has been incorporated into the allocation to provide the opportunity for a comprehensive redevelopment scheme, which should include improvements to the quality of the public open space in this area.

14.3.2 In assessing whether the proposal meets the policy requirements as set out under TOT8, the proposal seeks to redevelop the site but to retain the existing two buildings. Although the policy envisaged the two existing buildings being demolished as part of its redevelopment, the current proposals seek to create a development around the existing buildings together with new car parking facilities and landscaping for the existing residential units. Pedestrian and vehicular access would be provided from Blackwater Drive broadly in the position of the existing access, which would accord with the policy. The proposal would result in the loss of some trees, however, significant new tree planting would be provided as part of the strategic landscaping proposals for the site.

14.3.3 With regard to public open space provision, Core Strategy Policy CS7 and local plan part 2 policy TOT8 is applicable. The proposal would result in the loss of an area of public open space to the north of Compton House, in which part of Block B would encroach into this area. In total, approximately 1200 square metres would be lost. Moreover, as set out in Policy CS7 and TOT8, sites over 0.5 HA should provide appropriately designed informal public open space on site and include the provision of designed good quality play spaces. The proposed

strategy for the site is to make a number of enhancements to the existing areas of public open space offering a subtle and natural approach with new tree planting and landscaping and using timber and boulders making the area more attractive to use and enjoy.

14.3.4 Core Strategy Policy CS13 is applicable and relates to housing types, sizes and tenure. The policy states that all new residential development should address the housing needs of local people by:

- (a) maximising the provision of additional affordable housing within the overall provision of new residential development;
- (b) ensuring new residential development includes housing suitable for newly forming local households;
- (c) requiring dwellings, including small dwellings, to be designed to provide flexible accommodation which is capable of future adaptation;
- (d) providing additional family housing in the social-rented sector; and
- (e) providing housing which meets the needs of older people (in accordance with policy CC5 of the South East Plan).

14.3.5 In support of the application, it states that the proposed development would provide 35 new council flats, comprising of 26 one bedroom flats and 9 two bedroom flats. The housing need for Totton and Calmore as of 10th November 2015 stands at 1,259 applicants seeking affordable housing (Homesearch register). The highest need is for 1 and 2 bedroom properties and there is a particularly high need for 1 bedroom accommodation with over half of all applicants in Totton and Calmore requiring 1 bedroom accommodation. On this basis, it is considered that the proposed development would address the significant need predominantly 1 and 2 bedroom accommodation in meeting a specific need.

14.3.6 Overall it is considered that the proposed development would broadly accord with the aims and criteria of these policies.

14.4 Layout and Design

14.4.1 The proposed development has been designed with simple building forms with pitched tiled roofs and brick arranged around the existing buildings to provide an active frontage onto Blackwater Drive and onto the existing area of open space. Large areas of hardsurfacing would be created for car parking creating an internal courtyard, which would be softened by the provision of a number of new trees and hedgerows. Subject to the use of quality materials for the hardsurfacing and soft landscaping, the proposed layout would not appear too intensive and is designed to a high standard.

14.4.2 The proposed buildings would be a little higher than existing buildings, however, their design demonstrates a massing which would be appropriate within this setting and the depth of green setting should mean that the new buildings are not overbearing. While Block B is considerably larger than other local buildings, the depth of form is controlled and the eaves kept low to accommodate this. Other buildings in the area articulate their forms to offer a rhythm and to break up the skyline. This block uses feature bays in the same way to offer similarly strong rhythms and articulation which clearly ameliorates the impact of the overall size and width of the block. In appearance, the buildings offer

a crisp, clean and modern insertion into a well landscaped setting with feature windows and bays, which relieve the external elevations. Subject to the quality finish of the detailing and materials, it is considered that the proposed buildings are designed to a high standard.

- 14.4.3 In terms of private amenity, both Compton and Sarum House would retain generous areas of communal private amenity space enclosed by new hedgerows. The proposed amenity space for the new residential units in Blocks A and B would be shared private communal areas, although smaller more private individual areas would be provided to the ground floor flats in Block B. It is very unfortunate that the design of the buildings do not incorporate private amenity space for the first floor occupants. However, on balance it is considered that the level of private amenity space is reasonable for the occupiers. Moreover, the lack of balconies is considered as a lost opportunity which might have added activity and natural surveillance to the courtyard and add further interest into the design of the buildings to break up its scale. However, this would not justify a reason for refusal. The internal courtyards have been designed to both accommodate car parking and add to the residential and visual amenity of the place. Cycle and bin stores are provided in accessible locations and the design officer has asked for these to include good quality roof designs as they will be very visible from above.
- 14.4.4 In terms of landscaping for the site, the proposal removes a number of smaller trees and one large plane tree which whilst uncharacteristic of the landscape nevertheless offers green amenity. The Tree Officer is concerned that there are a number of trees with public amenity value which will be affected by this proposal. Concerns are also expressed about the car parking area proposed around the London Plane Tree (T22), as a large proportion of the root protection area would be covered in permanent hard surfacing.
- 14.4.5 While it is unfortunate that some of the existing trees would be removed, the proposal shows more than eighty new trees to be planted throughout the site which, together with hedgerows and shrub areas would offer a considerably enhanced amenity as well as an improved biodiversity to the site. New tree planting is proposed to the front of the building adjacent to Blackwater Drive, which accords with the policy requirement. The main tree line of field Oaks alongside the stream adjacent to Calmore Drive is protected and would not be impacted by the proposed development. Although one fairly mature Plane tree which has been identified as being of some value is to be removed, the design has to balance the needs of ensuring that the layout provides the best accommodation in the most workable layout. The overall effect is to offer a very good landscape setting for the buildings. A transition from the largely open plan nature of the main areas of the estate to the creation of large semi private green spaces to create a curtilage for the flatted blocks including the existing Compton and Sarum Houses. Overall, it is considered that the proposed landscaping for the site would ensure that any loss of trees would be compensated by enhanced planting throughout the site.
- 14.4.6 The Crime Reduction Officer considers that the basis of the design and layout has been carefully considered to 'design out crime', particularly the creation of defensible space around existing and proposed buildings. However the Crime Reduction Officer is concerned that although the proposals for the enhanced open space (which include boulders, timber

logs and posts) may create a useful play area during the day, experience shows there is a substantial danger that the space (with ready made seating) would become a congregation point for older children in the evenings, thereby increasing the potential for noise disturbance, criminal damage (particularly arson to timber materials) and anti social behaviour.

In response, the proposal is to enhance the existing area of public open space by creating an area to be more attractive. Buildings have also been carefully sited to front onto the open space areas providing natural surveillance which would act as a strong deterrent for youths in the evening. Accordingly, it is not considered that the proposal would result in anti social behaviour.

14.4.7 Concerns have also been expressed relating to the proposed car port parking adjacent to Block A in that surveillance of parked vehicles is reduced and it provides a relatively hidden area of shelter where groups might wish to congregate. However, this area of parking is not hidden and the west elevation to Block A would have several windows looking onto this area. Moreover, the car parking area is private and enclosed by new hedgerows, not readily accessible to the public.

14.4.8 Overall while it is considered that the scale of the development would result in a significant change to the character of the area, it is considered that the proposed development has been shown to be designed to a high standard and together with the provision of new soft landscaping and tree planting throughout, would not have an adverse impact on the surroundings.

14.5 Residential amenity

14.5.1 With regard to residential amenity, careful consideration has been given to the existing residential properties in Compton and Sarum House and the neighbouring residential properties at Haltons Close and Bearslane Close. In assessing the effect on the existing residential properties at Compton and Sarum House, although it was envisaged by the policy that these residential units would be demolished, there are significant benefits in retaining these buildings and also avoiding the potential difficulties for the existing occupants to be re-housed. Notwithstanding this, the proposed development has been designed to retain a reasonable level of amenity for the existing buildings and also provide their own private communal garden areas enclosed by new hedgerows.

14.5.2 Block A is located a sufficient distance away from both Compton and Sarum House. The distance from the nearest part of the eastern elevation of Block A to the western elevation of Sarum House is approximately 22 metres, which is a sufficient distance not to give rise to any unacceptable overlooking or loss of outlook. Although the north elevation of the proposed building is closer to the south elevation of Compton House, the distance of around 18.5 metres is sufficient not to result in any unacceptable impact on these residents. Indeed the proposed windows on the north elevation would face onto the new car parking and access area which would provide natural surveillance. Block B is sited close to Compton House, and the west elevation would be around 17.5 metres away. This is the closest relationship throughout the site, but it should be noted that due to the orientation of the buildings and windows, the extent of the impact does not give rise to concerns.

14.5.3 The distance from the proposed first floor windows on the east elevation of Block B to the properties along 16-19 Haltons Close measures more than 25 metres, which is an acceptable distance. The distance of the proposed first floor windows on the north elevation of Block B to the front of 20-25 Bearslane Close measures more than 35 metres which is also an acceptable distance.

14.5.4 It is considered that the scheme has been well designed so as to avoid any unacceptable impact on neighbouring residential properties.

14.6 Car parking and public highway safety matters

14.6.1 The Highway Authority considers that the access onto Blackwater Drive would be acceptable and would not prejudice public highway safety. Access and turning facilities have been shown to be provided for both emergency and service vehicles and confirmation that this accords with highway standards will be confirmed by the Highway Authority. Concerning car parking, on site parking provision would be increased by 50 spaces to 76 spaces and access onto the highway would be via the existing access onto Blackwater Drive with 19 on site car parking spaces shown to be provided to serve Block A, 28 car parking spaces to serve the existing residential flats at Compton and Sarum House, and 29 car parking spaces to serve Block B. The 25 on site car parking spaces provided for the sheltered accommodation are currently under subscribed, there being a significant number of empty spaces available. Notwithstanding this in order to meet the anticipated demand for the proposed accommodation and to avoid the possibility of displaced parking on Blackwater Drive, parking for the new flats should therefore be provided in accordance with the NFDC document 'Parking Standards Supplementary Planning Document (SPD) adopted in October 2012.

14.6.2 The SPD provides a recommended average provision of 1.4 spaces for a one bedroom dwelling and 1.5 spaces for a two bed dwelling where parking is shared/communal This would result in a total requirement of 47 spaces for the new development, 50 spaces are to be provided. The level of on site car parking provision would therefore be in line with the SPD and therefore acceptable.

14.7 Habitat mitigation and other contributions

14.7.1 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.

14.7.2 The proposal generates a need for contributions towards affordable housing. As the development proposal is on Council owned land, it is not considered necessary to complete a S.106 Agreement to ensure such contributions are secured as any required payments can be handled

internally. As can be seen from the table below, the proposal involves 100% affordable houses rather than the 40% usually required in Totton. This is a big benefit to the area and should go some way to reducing the lengthy housing waiting list.

14.7.3 With regard to public open space provision, the scheme includes significant improvements to the existing designated public open space and although some of this area is proposed to be built on (to the north of Compton House), other open parts of the estate would also have improvements undertaken to provide a more attractive place to use. The management and maintenance of these areas would be dealt with through the Council as landowner.

14.8 Other matters

14.8.1 In terms of drainage matters, the site is located in Flood Zone 1, which is the lowest flood risk area. The application has been submitted with a Flood Risk Assessment and Drainage Strategy. In the Flood Risk Assessment it is stated that due to poor infiltration results the use of soakaways was discounted. It is proposed to take the surface water to the Calmore Canal. Controlled discharge would result in the surface water arrangements having to incorporate temporary storage but the final storage arrangements would be confirmed at the detailed design stage and will depend on the type of flow control.

14.8.2 In terms of ecological matters, the application is accompanied by a Ecological Report which concludes that the habitats are considered to be of low ecological value overall, although the tree line and stream associated with the western boundary are considered to be of greatest ecological value. The Ecologist considers that the details are acceptable and that a condition can be imposed for the development to take place in accordance with the submitted details

14.8.3 Representations have been received that Clifford House, which is located nearby is empty and has been unoccupied for many years and this could provide housing for the area. In response Clifford House, also known as Stocklands is an allocated site for a residential development and accordingly, there is a clear intention for the site to come forward for housing development.

14.9 Conclusion

14.9.1 It is considered that the proposed development would provide a much needed affordable housing scheme for the area together with enhancements to existing public open space throughout the Blackwater housing estate. While the proposed development would result in a significant change to the character of this area, the proposed development has been designed to a high standard. The proposed development would not have any adverse impact on the living conditions of the adjoining and nearby residential properties.

14.9.2 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	40%	100%	+60%
Financial Contribution	-	-	-
Habitats Mitigation			
Financial Contribution	To be advised	-	-

CIL Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses	2385.8		2385.8	£0 all affordable housing

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

- 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.
- The development permitted shall be carried out in accordance with the following approved plans: 2587_GAD_140011 A, 120004 B, 1000003 B, 120000 B, 100003 C, 140013 A, 100002 B, 120003 B, 120001 B, 140012 A, 150000 B, 160000 A, 140004 A, 1000001 A, 140001 A, 140005 A, 140003 B, 140001 B, 140001 B, 120004 B, 120003 B, 1000002 B and Landscape Strategy Masterplan, 150001A, 140004A, 140002B, 100003D

Reason: To ensure satisfactory provision of the development.
- Before development commences, samples or exact details of the facing and roofing materials to include the materials of the bay windows and window reveals to be used to include the materials to be used for the residential buildings, car ports and bike stores 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. In accordance with the submitted landscape strategy master plan and hard and soft landscape strategy plans, a detailed scheme of landscaping of development part 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) for the whole site including the public open space areas
 - (c) the detailed design of all areas of public open space to include details of the enhancement measures,
 - (d) the details of a landscape management and maintenance plan
 - (e) the details of the hardsurfacing to be used to include the internal access roads, car parking and footpaths
 - (f) the details of boundary treatments, gates and enclosures, external lighting
 - (g) interim or temporary measures to include screening or seeding, which are needed for ameliorating the outlook of local residents during the construction project and prior to the completion of the public open space enhancements.

The development shall only take place in accordance with the approved details.

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

5. All external works (hard and soft landscape) shall be carried out in accordance with the approved plans and details as set out in conditions 5 and 12, within one year of commencement of development and maintained thereafter as built and subject to changes or additions (including signage) only if and as agreed in writing with the Local Planning Authority.

Reason: To ensure the achievement and long term retention of an appropriate quality of development and to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

6. The development hereby permitted shall not be occupied until the spaces shown on plan 100003 B, for the parking and garaging of motor vehicles and cycles have been provided. The spaces shown on plan 100003 B 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).

7. 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.

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

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

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

- i) the details of the means of disposal of surface water from the site,
- ii) the details of the future maintenance of the drainage system, the maintenance arrangements and full details of the responsible parties must be confirmed to the Local Planning Authority by the applicant prior to occupation of the penultimate dwelling.

Development shall only take place in accordance with the approved details

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

10. The works hereby approved shall be undertaken in full accordance with the provisions set out within the Barrell Tree Consultancy Arboricultural Assessment dated 9th October 2015 reference 15312-AA-MW or as may otherwise be agreed in writing with the Local Planning Authority.

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

11. The works hereby approved shall be undertaken in strict accordance with the Ecological Survey methodology, details and mitigation and enhancement measures set out by ECOSA dated September 2015 unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To safeguard protected species 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).

12. Before the first dwelling is occupied, a detailed layout and design for the public open space enhancements shall be submitted and agreed with the local planning authority. This shall include final soiling and grading levels, all surfaces, furniture, and hard and soft landscape details. The works to provide the enhances public open space shall be completed within one year of the occupation of the first dwelling

Reason: To allow the design to be completed with the collaboration of local community and in accordance with soil levels which cannot be finally known until the building development is complete.

Notes for inclusion on certificate:

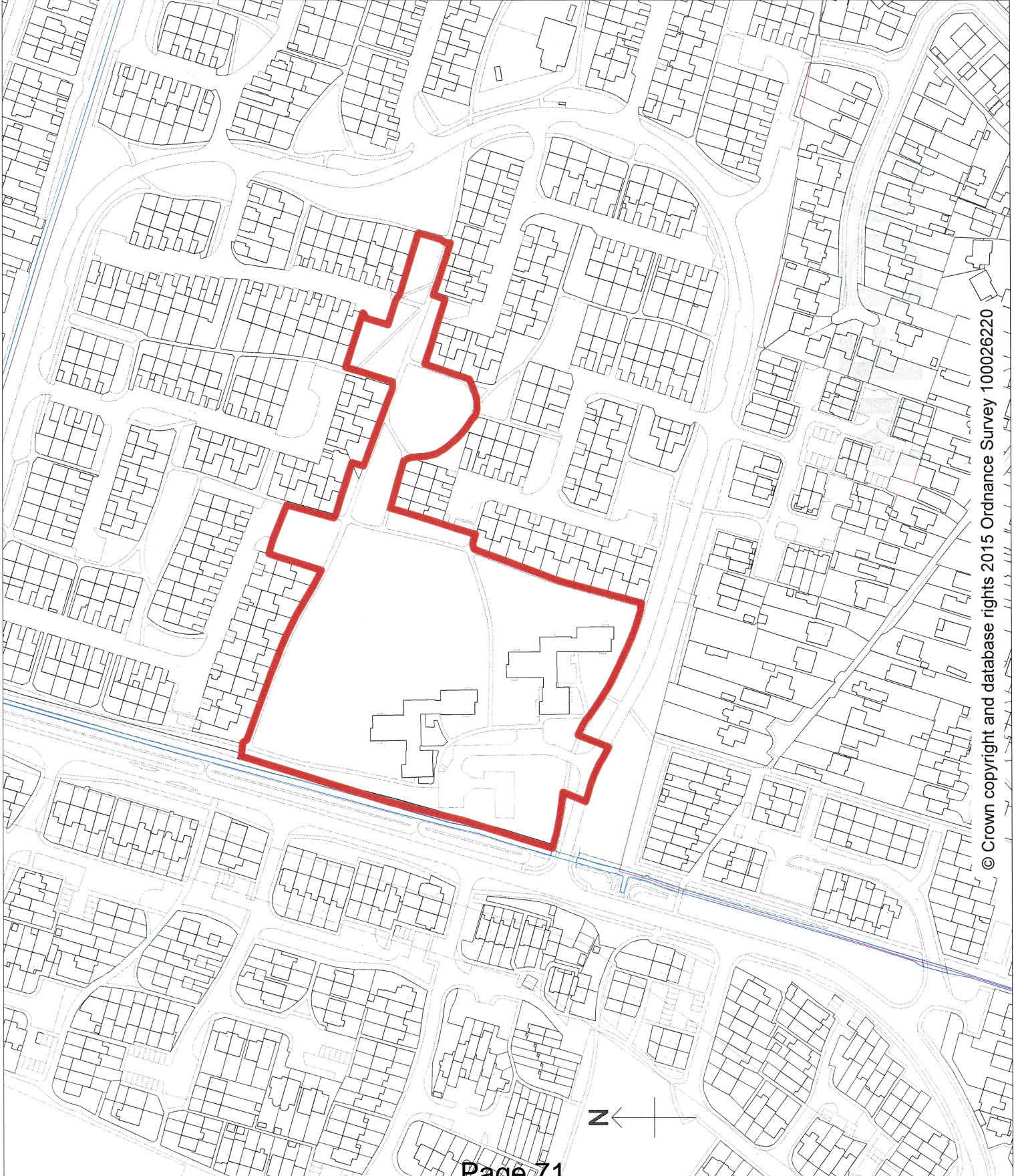
1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising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

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

2. In discharging condition No 7 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: 15/11415 Listed Building Alteration

Site: 55 HIGH STREET, LYMINGTON SO41 9AH

Development: Display 1 non illuminated wall mounted sign
(Application for Listed Building Consent)

Applicant: PREZZO PLC

Target Date: 20/11/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Plan Area
Town Centre Boundary
Primary Shopping Area
Archaeological Site
Conservation Area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

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

Local Plan Part 2 Sites and Development Management Development Plan Document

DM1: Heritage and Conservation

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework NPPF Ch. 12 - Conserving and enhancing the historic environment
Section 66 General duty as respects listed buildings in exercise of planning functions.
Planning (Listed Buildings and Conservation Areas) Act 1990
Section 72 General duty as respects conservation areas in exercise of planning functions
Planning (Listed Buildings and Conservation Areas) Act 1990

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

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

6 RELEVANT PLANNING HISTORY

- 96606 Retention of one illuminated fascia sign, trough light, internally-illuminated menu sign. Refused 10.3.11, appeal dismissed.
- 96593 Retention of one illuminated fascia sign, trough light, internally-illuminated menu sign. Refused 7.3.11, appeal dismissed.
- 91585 Retention of 2 internally illuminated letter signs and one menu box. Refused 10.3.08, appeal dismissed.
- 91584 Display 2 internally illuminated letter signs and menu box. Refused 3.3.08, appeal dismissed.
- 12/99509 Retention of non-illuminated fascia text; install 1 internally-illuminated menu box in window (Application for Listed Building Consent) Granted 11/04/2013
- 15/11413 Display 1 non-illuminated wall mounted sign (application for advertisement consent) current application (See item 3g)
- 15/11412 Display 1 non-illuminated hanging sign (application for Listed Building Consent) withdrawn
- 15/11411 Display 1 non-illuminated hanging sign (application for advertisement Consent) withdrawn
- 15/11672 Display 1 non-illuminated projecting sign (application for Listed Building Consent) current application awaiting determination
- 15/11671 Display 1 non-illuminated projecting sign (application for advertisement consent) current application, however does not need consent and has been withdrawn by the applicant

7 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council: recommend refusal
We are not comfortable with the cluttering of a building in the Conservation Area

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

Conservation Officer: revised details have addressed concerns relating to the wall sign

10 REPRESENTATIONS RECEIVED

None received

11 CRIME & DISORDER IMPLICATIONS

Not applicable

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

There was no pre application advice sought prior to the application being submitted. Notwithstanding this, minor alterations to the proposal to change the finish of the lettering from satin to matt have been accepted during the course of the application. The Conservation Officer is supportive of the application.

14 ASSESSMENT

- 14.1 The site lies within the built up area of Lymington in the Town Centre and Lymington Conservation Area. It is a Grade II listed building which is in

use as a restaurant. 55 High Street is situated in the historic core of the Lymington Conservation Area and forms part of the significant group of C18-early C19 listed buildings, no's 55-62, which make an important contribution to the character and appearance of the Conservation Area. This three storey building has a strong architectural character of a classical Georgian design and proportions.

- 14.2 The existing building is forward of a more modern retail development to the east of the site, and has an access to the side. As such, the side elevation of the building is read within the street scene. The ground floor of the building is rendered with a cornice separating the upper storeys of the building.
- 14.3 The proposed sign would be sited on the side elevation just below the cornice, and the materials, style of lettering and colours reflect the existing fascia, although a matt finish is to be applied to the lettering at the request of the Conservation Officer, and amended plans have been accepted to reflect this change. There is a small plaque style sign already on this elevation, advertising the presence of the General Yachting & Leisure Finance Ltd (GYLF) which appears to currently operate out of the first floor of this building which would be retained. While it would, as a result, not have a detrimental impact on the Conservation Area or Listed Building the proposed sign would be more prominent than the existing sign for GYLF. However, by reason of their form and siting on this elevation the proposed and existing sign would not unduly clutter the side elevation of this building nor interfere with its elegant proportions, and therefore would not detract from the visual amenity of the Listed Building or Lymington Conservation Area. It would as a result not have a detrimental impact on the Conservation Area.
- 14.4 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

15. RECOMMENDATION

GRANT LISTED BUILDING CONSENT

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans:505770-2 RevB, 505770-1 Rev , 505770-3

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.

There was no pre application advice sought prior to the application being submitted. Notwithstanding this, with minor alterations to the proposal to change the finish of the lettering from satin to matt which were accepted during the course of the application, the Conservation Officer was supportive of the application.

This decision relates to amended plans received on 6/11/15

Further Information:

Householder Team
Telephone: 023 8028 5345 (Option 1)



Application Number: 15/11440 Full Planning Permission

Site: NEW FARM, MIDGHAM ROAD, FORDINGBRIDGE SP6 3BX

Development: Retention of dwelling

Applicant: Mr R Huzzey

Target Date: 10/12/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to policy.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside outside the New Forest

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

Local Plan Part 2 Sites and Development Management Development Plan Document

DM3: Mitigation of Impacts on European Sites

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

None relevant

6 RELEVANT PLANNING HISTORY

6.1 12/98872 - (LDCEP) replacement of mobile home. Was lawful 17.1.13

6.2 11/98074 - (LDCE) continued siting of mobile home in breach of conditions 1 and 2 of 61447. Was lawful 20.3.12

6.3 11/96873 - (LDCE) continued use of mobile home and outbuilding as dwelling. Was not lawful 23.8.11, appeal withdrawn.

6.4 07/89663 - retention of mobile home and continued use of outbuilding for ancillary residential use as agricultural workers dwelling. Refused 23.4.07

6.5 The temporary siting of a mobile home on this site has been renewed several times since it was initially approved in July 1980.

7 PARISH / TOWN COUNCIL COMMENTS

Fordingbridge Town Council - recommend permission and would not accept a delegated refusal. The proposal is a visual improvement to the permitted mobile home.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

9.1 Drainage Engineer - recommend approval subject to condition

9.2 Southern Gas - no mains in area

9.3 Ministry of Defence - no safeguarding objections

9.4 Environmental Health (Contamination) - no concerns

9.5 Planning Policy - support

10 REPRESENTATIONS RECEIVED

Three responses have been received in support of the proposal as it is more attractive than a mobile home would be and it would be ridiculous to consider removing the existing structure and replacing it with a mobile home.

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments. Based on the information provided at the time of this report this development has a CIL liability of £9,360.00.

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

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

In this case all the above apply and as the application was acceptable as submitted no specific further actions were required other than a correction to the porch element of the building.

14 ASSESSMENT

- 14.1 The site lies within the countryside in a relatively rural area although there are flats close by and other farms further south along the lane. The existing buildings on site are relatively well screened from the road due to mature, high hedges along Midgham Lane and Fordingbridge Road. Following the granting of a lawful development certificate (LDC) relating to the residential use of the site which is now permanent, a further LDC was issued in order to allow the previous mobile home to be replaced. The proposal now entails the retention of the structure which replaced the previous mobile home as it is not considered to be mobile.
- 14.2 While the proposal amounts to a new dwelling in the countryside, the site does now benefit from a permanent residential use without the need to comply with an agricultural occupancy condition and which is a material consideration in this case. Replacement mobile homes could be provided on site without the need for planning permission and could be more intrusive than the structure now in place. The building has been timber clad which will weather further over time and is considered to be more in keeping with this rural area than a potentially stark mobile home.
- 14.3 Local residents and the Town Council all consider the proposal to be an improvement on the alternative situation which would involve the removal of the existing structure and its replacement with a mobile home. It is not considered that this approach is sustainable or appropriate.

- 14.4 The site benefits from access and adequate parking for the dwelling and it would not give rise to overlooking or noise and disturbance to adjoining occupiers having regard to the significant distances involved.
- 14.5 As there is a lawful permanent residential use on this site, affordable housing and habitat mitigation contributions are not relevant for this proposal which does not involve any additional residential units, although a CIL payment as detailed below would be a requirement should permission be granted.
- 14.6 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

Section 106 Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings	N/A		
Financial Contribution	N/A		
Habitats Mitigation			
Financial Contribution	N/A		

CIL Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses	117	0	117	£9,360.00

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

- 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).

2. The development permitted shall be carried out in accordance with the following approved plans: location plan, site plan, 2013-6-01 Rev P1

Reason: To ensure satisfactory provision of the development.

Notes for inclusion on certificate:

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

In this case all the above apply and as the application was acceptable as submitted no specific further actions were required other than a correction to the porch element of the building.

2. This permission does not relate to the brick built structure attached to the dwelling hereby permitted.

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



NEW FOREST DISTRICT COUNCIL

Application Number: 15/11442 Full Planning Permission

Site: Land of OAKWOOD, 7 ROOKES LANE, LYMINGTON SO41 8FP

Development: House: access alterations; parking

Applicant: Miss Hemsley

Target Date: 26/11/2015

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

- 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
- LYM10: 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
- Section 197 Trees
- Town and Country Planning Act 1990

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Housing Design, Density and Character
SPD - Lymington Local Distinctiveness

6 RELEVANT PLANNING HISTORY

15/10153 single storey side extension, rear dormer in association with new second floor, detached garage/car port. Granted 22.4.15

7 PARISH / TOWN COUNCIL COMMENTS

Lymington and Pennington Town Council - recommend permission subject to neighbours' concerns being addressed.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

9.1 Drainage Engineer - recommend approval subject to condition

9.2 Building Control - Fire Authority Access should be carefully considered

9.3 Hampshire County Council Highway Engineer - no objection subject to conditions

9.4 Tree Officer - no objection subject to condition

10 REPRESENTATIONS RECEIVED

9 responses in support of the proposal have been received:

- would not be out of keeping given the existing variety
- would improve the area
- would benefit families looking to move to Lymington
- existing house is out of context and would be hidden by the proposal
- improvements to Rookes Lane will improve the local community spirit
- good that the proposal is for just one rather than a few
- good location near schools and buses
- fills a gap in the street scene
- can't object on light grounds due to tree across the road already affecting light

Objections have been received from or on behalf of 5 local residents concerned with:

- the dwelling would overpower the adjacent property
- overlooking to adjoining gardens
- out of context
- would have a negative impact on the character and appearance of Rookes Lane
- property is out of scale
- big house on a small plot
- foundations may impact on boundary hedge which is used by nesting birds and a replacement wouldn't flourish

- site should remain a garden area
- loss of light to property (resulting in greater need for artificial lighting) and patio area
- relocating access is not a significant improvement
- overdevelopment
- would obscure views of the Isle of Wight
- limited amenity value for future occupiers

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission and the dwellings built, the Council will receive £1152 in each of the following six years from the dwellings' completion, and as a result, a total of £6,912 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 £15,280.00.

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

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
- Advising agents/applicants early on in the processing of an application (through the release of a Parish Briefing Note) as to the key issues relevant to the application.
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- Advising applicants/agents as soon as possible as to concerns that cannot be dealt with during the processing of an application allowing for a timely withdrawal and re-submission or decision based on the scheme as originally submitted if this is what the applicant/agent requires.

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

The applicant's agent has tried to deal with the issues being raised by both local residents and statutory consultees and as a result, some objections have been addressed. However, the principle concern relating to the size of the plot and proposed dwelling have not been addressed.

14 ASSESSMENT

- 14.1 The site lies within the built up area of Lymington in a residential area close to the recreation ground. It is an L-shaped site with the existing dwelling to the rear on a SW/NE axis. A double garage is presently being built following an approval earlier this year. There are protected trees adjacent to the drive, to the south west, in the grounds of the adjacent property. The eastern and southern boundary consists of a mature mixed hedge. The proposal entails the provision of an additional house to the east of the drive and alterations to the position of the access point which would be for use by both the existing and proposed dwellings.
- 14.2 While new dwellings are acceptable in principle within the built up area, this is subject to other criteria. The plot size is smaller and has a narrower, yet shared frontage than those adjacent in the immediate Rookes Lane area and, coupled with a large two storey dwelling, it is considered that the proposal amounts to overdevelopment of the site and would be out of character with the typically wide plots in this part of town. Although the distance to no.9 is similar to the spacing between 9 and 11, this distance is the smallest between any other pairs of adjacent houses along this part of the lane, emphasising the high dwelling to plot ratio. A further uncharacteristic detail is the shared forecourt, which is not typical of this area.
- 14.3 The proposal includes the slight relocation of the access point away from the nearby bend in the road. A speed survey has demonstrated that the required visibility splays can be achieved either within the access opening or highway land. The proposal provides adequate parking and turning for both existing and proposed dwellings and, subject to the provision of these areas and cycle parking, the Highway Authority has not raised any objections to the proposal.
- 14.4 Adjacent to the access drive is a row of statutorily protected trees which provide a good level of public amenity as well as screening between Court Lodge and the site. An arboricultural method statement has been submitted to support the proposal and this provides reasonable measures to mitigate against damage to these off site trees, although supervision would be required during construction works. From an arboricultural point of view, subject to conditions and the updating of a tree diameter in the report, no objections are raised.
- 14.5 With regard to residential amenity, concerns have been expressed by local residents that the proposal would impact on their light and privacy and that the dwelling would be overbearing. With regard to overlooking and loss of privacy, the proposed dwelling is situated adjacent to an

existing row of houses where it is commonplace for rear windows to glimpse oblique views of adjacent gardens. The rear bedrooms would face the side elevation of the existing dwelling and any loss of privacy is minimal. The proposed side roof lights would be high level and could be obscure glazed too and on this basis, it is not considered that the proposal would give rise to any significant loss of privacy.

- 14.6 The light implications relate to both existing and future occupiers. A concern has been raised in respect of the impact of the adjacent trees on the proposed garden coupled with the fact that it would be north facing. This would result in the garden being significantly shaded for much of the day. This reflects a current concern from the adjacent property which has restricted southern light at certain times due to trees on the opposite side of Rookes Lane. Their concern is compounded with the proposed dwelling further blocking sunlight to their property from the west. However, while these issues add to the negative aspects of the proposal, they are not considered to be so significant as to warrant refusal in their own right.
- 14.7 The proposed dwelling would be sited just 0.8m from the boundary hedge. Not only might this have implications for the hedge, it is considered to be unneighbourly having regard to the proximity of the adjacent dwelling to this boundary, resulting in an uncharacteristic appearance. The applicant's offer to replant any section of hedge which may be lost as a result of the development has been noted, although given the distance to the proposed dwelling, new planting is unlikely to flourish.
- 14.8 In terms of access and parking arrangements, the Highway Engineer raises no objection subject to conditions. The proposed makes adequate provision for car parking, 1 garage and 2 parking spaces for the proposed dwelling in accordance with the Parking Guidelines.
- 14.9 The proposal generates a requirement for contributions to be made towards affordable housing. CIL payments are also relevant following a favourable decision. In order to address the affordable housing contribution, a S.106 Agreement has been completed securing the financial contribution as detailed in the table below.
- 14.10 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.
- 14.11 In conclusion, it is considered that the proposed dwelling would be out of character with the spatial qualities of the area and would not contribute positively to local distinctiveness.

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

Section 106 Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings	n/a		
Financial Contribution	£48,675	£48,675	
Habitats Mitigation			
Financial Contribution	£5,350	n/a pre-decision	

CIL Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses	191	0	191	£15,280.00

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

- The proposed dwelling is uncharacteristically large for the size of the plot. Together with the shared forecourt and unneighbourly siting of the dwelling in proximity to the boundary hedge and property at 9 Rookes Lane, it would represent a poor form of development, out of character with the recognised spatial qualities of the area and would not contribute positively to the local distinctiveness of the area. The proposal is therefore contrary to policy CS2 of the New Forest District Council Core Strategy and Lymington Local Distinctiveness SPD.

Notes for inclusion on certificate:

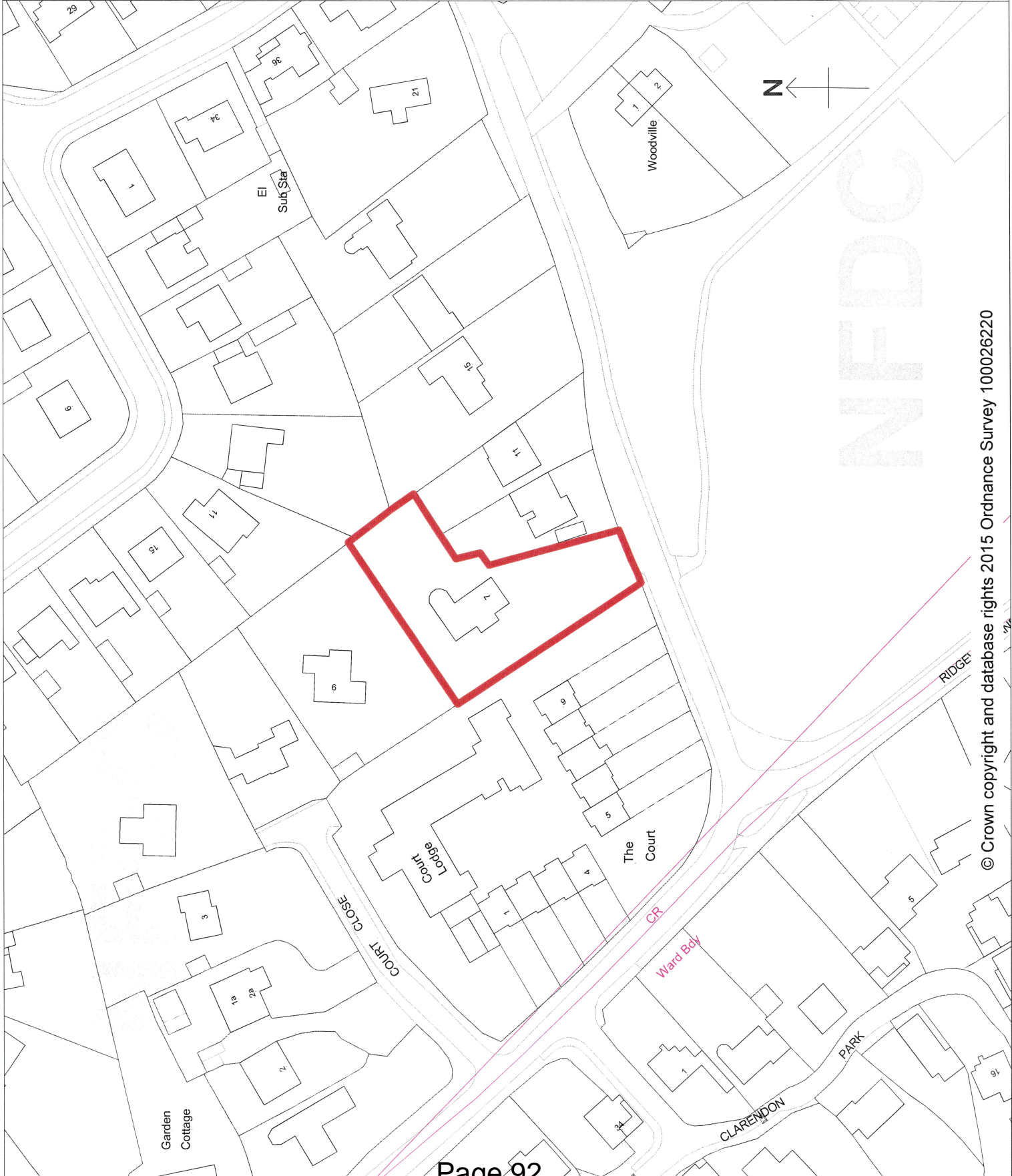
- In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising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

The applicant's agent has tried to deal with the issues being raised by both local residents and statutory consultees and as a result, some objections have been addressed. However, the principle concern relating to the size of the plot and proposed dwelling have not been addressed.

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



Application Number: 15/11455 Variation / Removal of Condition

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

Development: Variation of Condition 3 of Planning Permission 08/92978 to allow temporary residential accommodation whilst not in holiday use between 1st October and 31st March in any year

Applicant: Mr Hariento

Target Date: 08/12/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council View and contrary to policy in (part)

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside outside the New Forest
Front of the site adjacent to Frog Lane is located in Flood Zone 2/3
Right of Way

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS6: Flood risk
- CS10: The spatial strategy
- CS19: Tourism
- CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

- DM20: Residential development in the countryside
- DM13: Tourism and visitor facilities

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Fordingbridge Town Design Statement
SPD - Parking Standards

6 RELEVANT PLANNING HISTORY

Use as holiday let (92978) Refused. Appeal allowed in 2008

7 PARISH / TOWN COUNCIL COMMENTS

Fordingbridge Town Council: Recommend Refusal as the proposal could set a precedent for other holiday lets to apply for similar variations which would result in an overall reduction in Tourism stock and availability.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer:: No highway objections
- 9.2 Hampshire County Council Rights of Way Officer: No comment received to date
- 9.3 Employment and Town Manager: happy to support the recommendation

10 REPRESENTATIONS RECEIVED

1 letter of objection concerned that the principle reason for allowing the conversion of a stable block to holiday let was to accord with Policy CS19. The New Forest is a popular tourist destination 12 months of the year, therefore allowing the property to be used as temporary accommodation between 1st October to 31st March would reduce the stock of self catering accommodation for 6 months.

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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- 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 relates to a former stable building which was converted into a holiday let known as Butt Lawn Farm following an appeal in 2009 under reference 92978. The existing building is situated along the western side of Frog Lane, which is an unmade road and public footpath to the south edge of Fordingbridge. There is a small number of residential properties along the northern section of Frog Lane, but beyond the site, the lane leads to a group of farm buildings. The building is of solid construction, being brick built with a slate roof, and has its own curtilage, with open fields beyond. In front of the building, within the site, there is a car parking area laid to gravel. There are open fields and paddocks to the north and west of the building and immediately to the east is a residential dwelling known as 'The Mallards'.

14.2 This planning application seeks the variation of condition 3 of planning permission 92978 to allow use as temporary residential accommodation whilst not in holiday use, between 1st October and 31st March in any year. The purpose of the application is to avoid the building remaining unoccupied for the winter and, for the rest of the year, the building would be available for holiday let use. There are no proposed changes to the appearance of the building or changes to the layout of the site.

14.3 When planning permission was granted to convert the stable into a holiday let use under reference 92978, a number of planning conditions were imposed, including Condition 3 which states that:

'The premises the subject of this permission shall only be used for holiday accommodation and shall not be occupied as a person's sole or main place of residence'

- 14.4 In support of the planning application to vary the condition, it is stated that there is not a constant demand for holiday let accommodation throughout the year, particularly over the winter. One of the main reasons for this is because the site lies on the rural fringes of the town of Fordingbridge and there is little demand other than during the summer. The applicant is seeking to make sure holiday let use is supported by a less restrictive nature of occupation at other times. The applicant wishes to maximise the use of the building without it becoming a permanent residential dwelling. The applicant also points out that there are no time restrictions on the period of occupation at present.
- 14.5 The application seeks to vary the condition to read as follows:
- The premises the subject of this permission shall only be used for holiday accommodation other than from 1st October of any year to 31 March the following year when it could also be occupied by persons (and any dependents of such persons) using it for temporary residential accommodation whilst not on holiday and shall not otherwise be occupied as a person's sole or main place of residence.*
- 14.6 The main issues in this case are whether the variation of the condition would be harmful in terms of the creation of a new dwelling, loss of a holiday let or an adverse impact on the character of the area.
- 14.7 In assessing this application and whether it would be acceptable to vary the condition, it is important to establish the policy position. Policy CS19 of the Core Strategy for the New Forest District outside of the National Park is applicable and supports local tourism. The policy aims to extend the length of stay of tourists in the area. There is thus a policy concern with the creation of new dwellings and support for tourist accommodation.
- 14.8 Policy DM13 of the Local Plan Part 2 relates to tourism and visitor facilities and identifies the circumstances in which new tourist/visitor related developments may take place, but also enables existing businesses to adapt and change. It seeks to secure the continued contribution to the tourism economy of buildings in a tourist-related use. The policy goes on to state that throughout the Plan area, where an existing hotel or guest house accommodation use is not viable, the building should be used for an alternative leisure/visitor-based business use which would continue to contribute to the local economy.
- 14.9 There has also been significant changes in the Town and Country Planning (General Permitted Development) Order 2005 in which several uses including agricultural buildings, offices, retail, specified sui generis uses and storage uses are permitted to change to residential uses subject to a Prior Approval Application and a set of criteria that they must comply with. While this does not extend to holiday let accommodation, it does show the Governments' stance that greater flexibility should apply to the use of existing buildings to maximise their potential.
- 14.10 In assessing this case against policy, the proposal does not seek to create a permanent dwelling. The result of varying the condition would be to create an unusual hybrid, whereby a person could occupy the building from the 1st October and 31st March, but thereafter it would either have to stand empty or be let as holiday accommodation. There are no specific policies relating to such a hybrid. It is clear that for roughly 5-7 months a year, the building may not be in demand for

holiday use and accordingly an objection on the grounds that the proposal would result in a permanent dwelling cannot be substantiated.

- 14.11 However, the proposal would limit the availability of this holiday unit throughout the year and reduce the stock of self catering accommodation which would not fully accord with Policies CS19 and DM13. Indeed, it certainly would not be encouraging tourism or maintaining and enhancing existing facilities and accordingly the proposal does not fully meet the objectives of the policy.
- 14.12 It is considered unfortunate to reduce the availability of the building for holiday let accommodation for half the year, however, there is a strong argument to maximise the use of existing buildings rather than buildings being empty. Indeed, this is a main objective of Government to enable greater flexibility between uses so that empty buildings are used, which would benefit the economy and provide much needed residential accommodation. Indeed, the proposal could provide a short term tenancy for people that are either working that need short term accommodation or for people that require residential accommodation for a short period of time.
- 14.13 If the building was permitted to be used in this way, it would not create a dangerous precedent and each application should be judged on its own individual merits. Moreover, a further relaxation of the condition for a longer period of time would not likely to be viewed favourably because the period between Easter and the end of September is the main holiday period and any greater relaxation would fail to comply with policy. Accordingly, on balance, it is considered that the variation of the condition would not have any adverse impact on the character of the area and it would essentially maximise the use of the building which is considered to be a more sustainable form of development.
- 14.14 With regard to other matters, it is considered that the variation of the condition would not increase the noise and disturbance to the neighbouring residential properties or lead to any adverse impact on the living conditions of the adjoining and nearby residential properties. Concerning public highway safety matters, the Highway Authority does not raise any objections and considers that the proposal would not in itself result in any significant increase in generated trips.
- 14.15 In conclusion, the proposal does not fully accord with local plan policy which seeks to retain existing tourism uses, however, in balancing out the issues, it is considered that the use of the building would be maximised if the condition is varied and would also retain a holiday let use for half the year, which would be a more acceptable form of development. Accordingly, the application is recommended for approval.
- 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.

15. RECOMMENDATION

GRANT the VARIATION of CONDITION

Proposed Conditions:

1. The premises the subject of this permission shall only be used for holiday accommodation other than from 1st October of any year to 31 March the following year when it could also be occupied by persons (and any dependents of such persons) using it for temporary residential accommodation whilst not on holiday and shall not otherwise be occupied as a persons' sole or main place of residence.

Reason: To ensure the building is not used as a permanent dwelling which would be contrary to Policy DM20 of Local Plan Part 2 Sites of Development Management Document.

2. The development permitted shall be carried out in accordance with the following approved plans: 10 and 11.

Reason: To ensure satisfactory provision of the development.

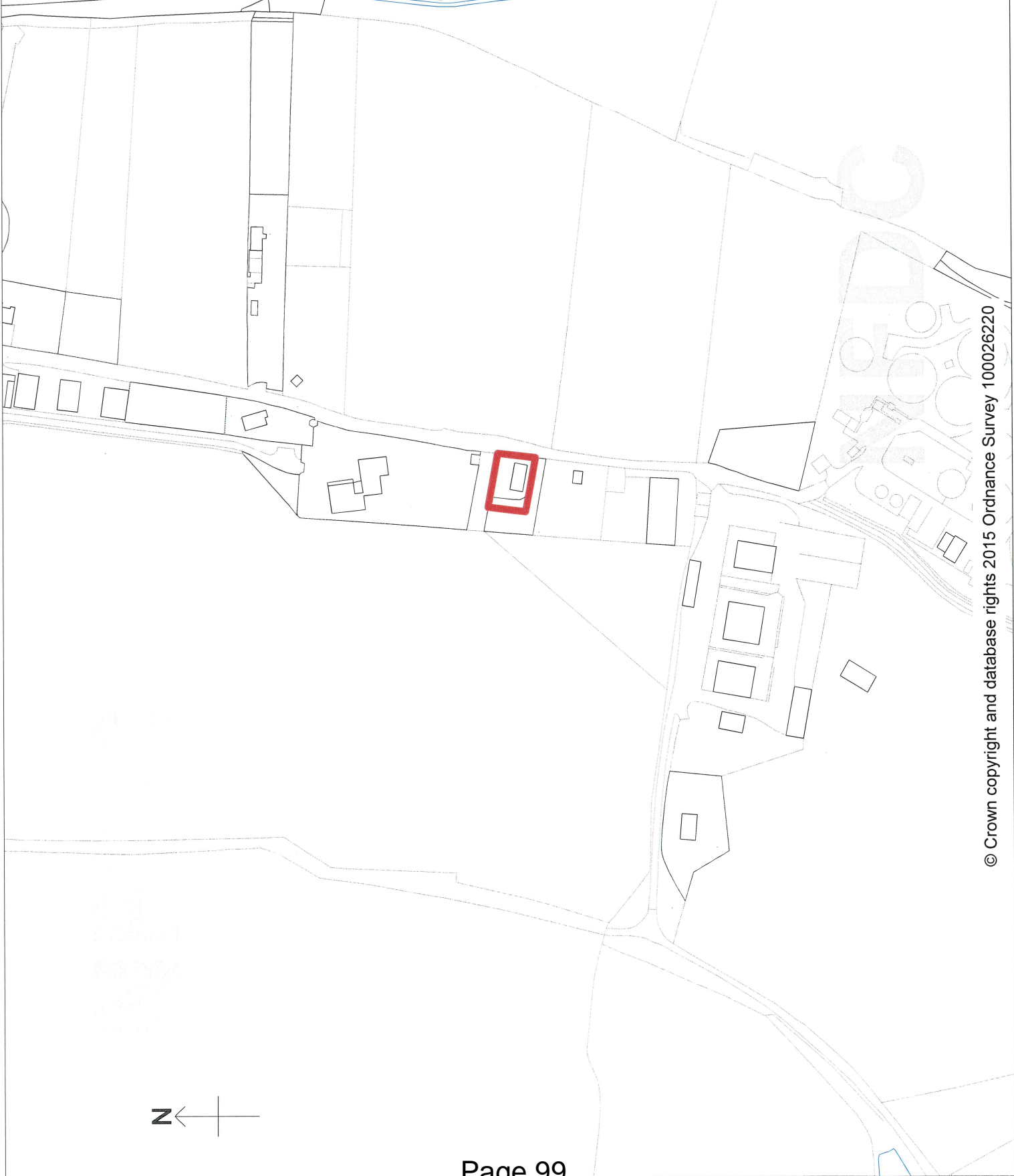
Notes for inclusion on certificate:

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

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)



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Application Number: 15/11710 Full Planning Permission

Site: 57 KENNARD ROAD, NEW MILTON BH25 5JT

Development: Single-storey rear extension; fenestration alterations; rooflights

Applicant: Mr Brennan

Target Date: 21/01/2016

1 REASON FOR COMMITTEE CONSIDERATION

Applicant is employee of New Forest District Council

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - New Milton Local Distinctiveness

6 RELEVANT PLANNING HISTORY

78/NFDC/10657 Garage 17/07/1978 Granted Subject to conditions

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council - Acceptable

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

Land Drainage: No comment

10 REPRESENTATIONS RECEIVED

None received

11 CRIME & DISORDER IMPLICATIONS

Not applicable

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

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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. Notwithstanding this, confirmation was sought regarding the possibilities of overlooking through the proposed rooflights. The applicant confirmed that these rooflights would be for the sole purpose of providing natural light to the living room. No specific further actions were required.

14 ASSESSMENT

- 14.1 The application site consists of a detached bungalow in the built up area of New Milton. The immediate area is characterised by various styles of dwellings. The application is for a single storey rear extension, alterations to fenestration on the southern and northern elevations and the addition of 3 no roof lights on the southern roof slope. The main planning considerations are the impact on the character and appearance of the area and upon residential amenity.
- 14.2 There is an existing rear conservatory and single storey element. The conservatory spans less than half the width of the rear wall. The conservatory would be removed and the single storey element would be incorporated into the proposed extension. The proposed extension would extend by 2.6m from the rear wall and the eaves height would be 2.5m. The roof ridge of the existing single storey element would be raised to match that of the host dwelling.
- 14.3 There is a detached garage sited on the northern boundary, set back from the rear wall of the dwelling. This garage would be reduced in size to allow space to accommodate the proposed single storey rear extension. Due to its scale and siting the proposed single storey rear extension would be in keeping with the host dwelling and, sat at the rear, would have little impact on the street scene. As such is considered to be acceptable.
- 14.4 The proposed extension would be set back from the boundary with the neighbouring property to the north, no 59 Kennard Road, by 2m. There would be no harmful loss of light or dominant impact as this neighbouring property as there is sufficient separation between these two properties. Furthermore, there would be a reduction in fenestration on the northern elevation of the application site. A living room window would be replaced by a bathroom window so no concerns about overlooking arise.
- 14.5 The neighbouring property to the south no 55 Kennard Road is in similar style to the application dwelling. The proposed single storey rear extension would not have an adverse impact on this neighbour due to being some 4 metres from the side elevation of no 55 and being orientated to the north of it.
- 14.6 Being located to the north of no.55, no loss of light would result. The proposed 3 low level rooflights would be sited on the southern roof slope facing this neighbouring property. However, as they would purely provide natural light to the ground floor living area where a vaulted ceiling would be installed, no unacceptable overlooking would result.
- 14.7 The proposed extension is to the rear as such would not have a detrimental impact on the street scene. The proposed development is considered acceptable and would be in keeping with the character and appearance of the area.

- 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: 57KR/001.

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.

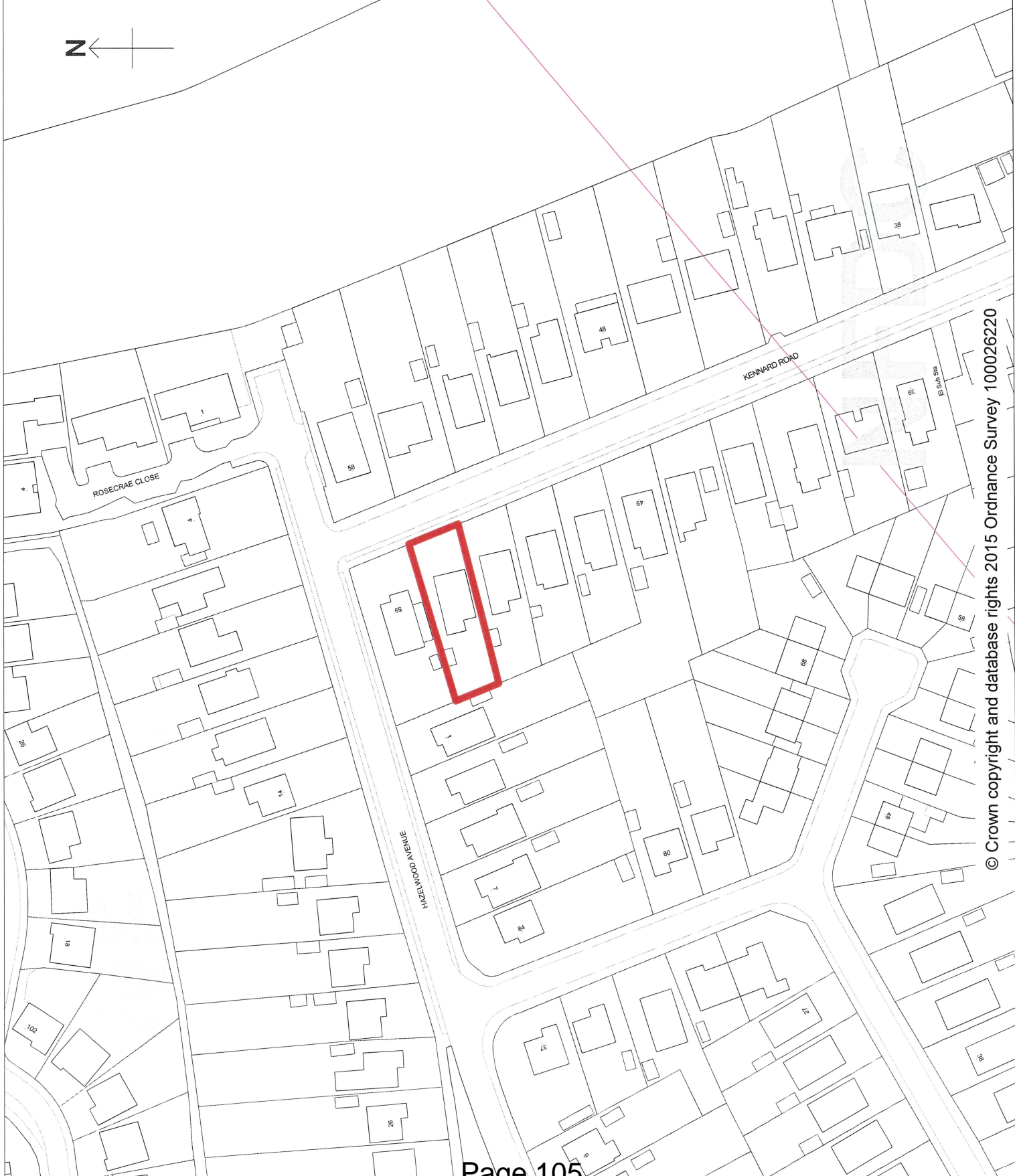
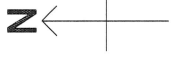
Notes for inclusion on certificate:

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

Further Information:

Householder Team
Telephone: 023 8028 5345 (Option 1)



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Application Number: 15/11495 Full Planning Permission

Site: 9 WOODPECKER DRIVE, MARCHWOOD SO40 4XQ

Development: First floor front and side extension; porch extension; fenestration alterations

Applicant: Mr & Mrs Kemp

Target Date: 11/12/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view (in part)

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

No relevant policies

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

No relevant documents

6 RELEVANT PLANNING HISTORY

13/10831	Single-storey side extension to detached garage 9 WOODPECKER DRIVE, MARCHWOOD SO40 4XQ	20/08/2013	Granted Subject to Conditions
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13/10520	Single-storey side extension to garage (Lawful Development Certificate that permission is not required for proposal) 9 WOODPECKER DRIVE, MARCHWOOD SO40 4XQ	10/06/2013	Was Not Lawful
91/47582	Erection of a swimming pool cover (retrospective) 9 Woodpecker Drive, Marchwood	11/07/1991	Refused
88/40097	Extension to form dining area 9 Woodpecker Drive, Marchwood	23/12/1988	Granted
86/31815	Erection of a garage and boundary wall. 9 Woodpecker Drive, Marchwood	29/05/1986	Granted

7 PARISH / TOWN COUNCIL COMMENTS

Marchwood Parish Council recommend refusal.

This application is over development of the site, will have an adverse impact on the street scene and will cause unacceptable loss of light to the neighbouring property. The application is therefore not in accordance with policy CS2 of the New Forest District Council Local Development Framework Core Strategy adopted October 2009

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

Land Drainage - No comment

10 REPRESENTATIONS RECEIVED

One letter of objection from neighbour at 1 Sandpiper Close as the proposed extension would result in a reduction of light to the lounge and loss of view from the rear of the property. The close proximity of the new large wall would have an overwhelming and oppressive effect when in the lounge or in the garden.

The agent and applicant have written in support of the application highlighting that other properties in the area have similar extensions. They have also indicated that the rear of the neighbouring property already has a loss of light from the high vegetation.

11 CRIME & DISORDER IMPLICATIONS

No relevant implications

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

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

14 ASSESSMENT

- 14.1 The property is a two storey detached dwelling with an integral garage. The properties in the estate are similar in design and while there are some gaps between the properties, which contribute to the spatial characteristics of the area, the properties are staggered. A detached garage is positioned to the side to the property and runs alongside the boundary with the road. The front garden is open plan with high hedges and walls defining the boundaries to the rear. There is a large tree within the rear garden.
- 14.2 The main issue to take into consideration when assessing this application is the impact on the neighbouring property.

- 14.3 The neighbour at number 1 Sandpiper Close is positioned significantly further forward on the plot than number 9 and high fences form the shared boundary. There are large patio doors on the rear of this neighbouring property which serve a lounge. The attached garage on the application site was extended following consent in 1988 and this element is clearly visible from the neighbour's window and garden. The addition of a first floor over this element would introduce a high wall close to the shared boundary which would be visually intrusive on this neighbour and cause an unacceptable loss of light. The agent has indicated that there is high vegetation on the shared boundary which already restricts the available light. However the introduction of a high flank wall in such close proximity to the rear of the adjoining property would have a significant and harmfully adverse impact on this neighbour's amenity.
- 14.4 There is a tree in the garden which is protected with a tree preservation order but this is sited at a sufficient distance from the proposed development so that it would not be adversely affected.
- 14.5 The proposed porch would be in keeping with the host property. The Parish Council have provided several reasons for refusal and other than the impact on the neighbour they have also advised that they consider that the proposed extension would be an overdevelopment of the site and also have an adverse impact on the street scene. The proposed garage extension and first floor over the garage would come further forward than the existing front elevation and fill the spatial gap between the properties. However, as the application site is in a corner location and the neighbouring property is further forward. With the staggered building line and the variety of spatial gaps in the area the impact on the street scene and overall character of the area is acceptable. Furthermore, while the property has been extended previously the site is fairly large and the proposed first floor would not be considered as an overdevelopment of the site.
- 14.6 In conclusion the proposed extension would be acceptable in terms of design and impact on the street scene but would have an unacceptable effect on the neighbour at 1 Sandpiper Close in terms of visual intrusion and loss of light. Therefore the application is recommended for refusal.
- 14.7 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposed first floor side extension due to its overall height, depth and solid built form in close proximity to the neighbouring property, 1 Sandpiper Close, would result in a detrimental impact on their amenity by reason of visual intrusion, an overbearing impact and also cause an unacceptable loss of light contrary to the requirements of Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

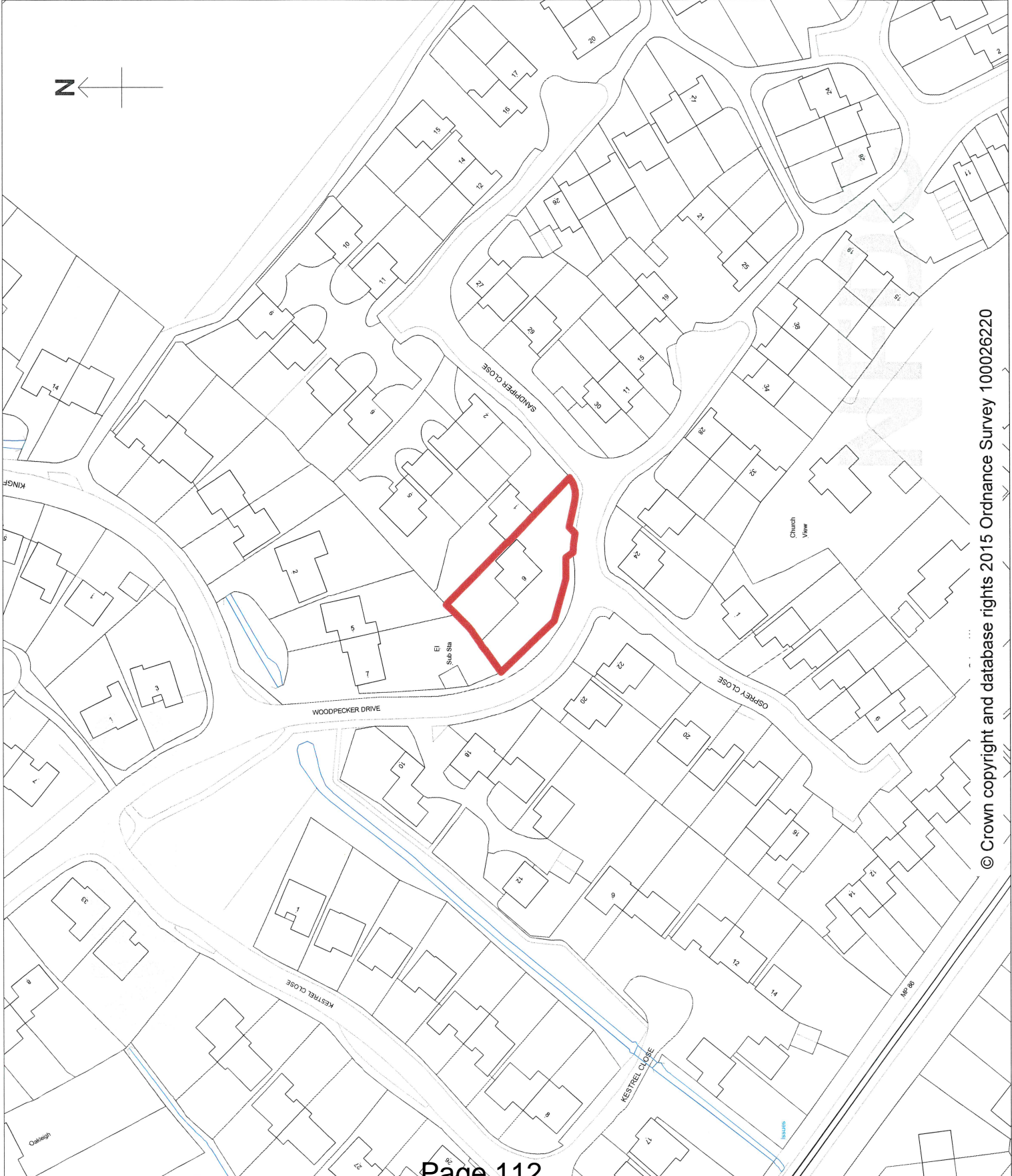
Notes for inclusion on certificate:

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

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

Further Information:

Householder Team
Telephone: 023 8028 5345 (Option 1)



Application Number: 15/11533 Full Planning Permission

Site: AUTUMN TINTS, SPRING ROAD, LYMINGTON SO41 3SP

Development: House; access; parking; extension to garage; boundary wall; fence; demolition of existing

Applicant: Mrs Richards

Target Date: 07/01/2016

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

CS2: Design quality

CS6: Flood risk

Local Plan Part 2 Sites and Development Management Development Plan Document

No relevant policies

Other considerations

NPPF Ch. 7 - Requiring good design

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

Lymington Local Distinctiveness Document

6 RELEVANT PLANNING HISTORY

6.1 15/10909 - Raise roof height in association with new first and second floors, rooflights, fenestration alterations, porch and garage extension - 27/08/2015 Granted subject to conditions

6.2 88/NFDC/37675 Addition of 2 bedrooms and en-suite shower room. - 07/05/1988 Granted Subject to Conditions

7 PARISH / TOWN COUNCIL COMMENTS

Lymington and Pennington Town Council - Recommend refusal as the height, mass and scale of the proposed dwelling is not in keeping with the area.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

Land Drainage Section - no objections subject to a surface water drainage condition and informatives.

Southern Gas Networks - no objections, but give informatives.

10 REPRESENTATIONS RECEIVED

One letter has been received from the occupier of no. 1 Springfield Close, who objects to the proposal on grounds of:

- Visual intrusion and loss of privacy to the back garden, conservatory, sitting room and bedrooms, which would be overlooked by first and second floor windows.
- Loss of light.
- The building is too big for the plot and of an inappropriate design, which would be out of character with the area

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

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

Based on the information provided at the time of this report this development has a CIL liability of £11,296.00, although it is understood that the applicant is likely to seek relief from CIL via the self build exemption for a new home.

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

13 WORKING WITH THE APPLICANT/AGENT

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This is achieved by

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- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
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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 appropriately amended plans and additional information were submitted by the applicant at the planning authority's request in order to clarify boundary treatment arrangements and to demonstrate the scale and massing of the proposal in relation the adjoining properties and no specific further actions were required.

14 ASSESSMENT

- 14.1 The site is currently occupied by a single bungalow known as Autumn Tints. The bungalow is adjoined by another bungalow (Marina Villa) to the west and by a two storey, detached dwelling to the east (Glenmore). The property is located within the defined built up area, which is characterised by detached and semi-detached residential properties. This side of Spring Road is generally characterised by two storey dwellings set back from the pavement edge, with front gardens bounded by low fences, walls and hedges or a mix of the three.
- 14.2 The proposal is to demolish the existing bungalow and erect a two storey dwelling in its place. The form of the replacement dwelling would be similar to the previously approved extension proposal under ref.15/10909, with minor changes proposed to the footprint, fenestration and materials. The application is necessary as the previous approval related to a household extension and it is now proposed to replace the dwelling entirely, albeit with some minor modifications to the approved scheme. The materials proposed are render, weatherboarding and low profile grey tiles. The detached garage to the side/rear would be retained and extended.
- 14.3 The main considerations when assessing this application are the scale and design of the resulting property and the impact this would have on the street scene. Neighbour amenity is also a material consideration.
- 14.4 Within the street scene there is a variety of styles of properties, but predominantly two storey dwellings. While the neighbouring property to the north west, Marina Villa, is a bungalow the adjoining dwelling to the

south east is two storey and the overall character is defined by two storey properties. In light of the concerns raised by the Town Council a street scene elevation has been requested, to show the scale of the proposal in comparison with adjoining dwellings. However, it must be acknowledged that the principle of a two storey dwelling on the site of the scale and mass proposed was accepted in August 2015 under ref. 15/10909, so a refusal on these grounds would be difficult to substantiate. With regard to materials, the area is characterised by dwellings of render, brick and painted brick construction and the use of render and weatherboarding is considered to be acceptable. The addition of weatherboarding would be justified to break-up the form of the development. The applicant has submitted an amended plan to remove the 1.8m high close boarded timber fencing from the frontage of their plans, to be replaced with 1.5m high hit and miss fencing, behind the existing wall, as this side of Spring Road is characterised by front gardens with low walls and hedges. They have also been requested to submit details of the proposed new gate and piers for the new point of access.

- 14.5 In terms of neighbouring amenity, Marina Villa does have windows along the elevation facing the application site, but as the proposed development includes a single storey element closest to this neighbour there would not be a significant intrusion on their outlook. With regard to the installation of windows at first floor level, consideration needs to be given to any overlooking issues. The first floor windows closest to the boundary with Marina Villa are shown as obscure glazed, which could be ensured by condition. A lower window and two rooflights would face this neighbour but as they would serve a staircase they would not appear to cause a significant loss of privacy. The other first floor windows are a sufficient distance from the neighbours so that they would not cause a significant impact in terms of loss of privacy. The neighbour to the south east, Glenmore, is a traditional semi-detached dwelling with a small garage to the rear. This property does not have any windows on the side elevation facing the application site. With regard to the proposed increase in size of the garage, given the height is not being altered, it would not appear to have a significant impact on this neighbour's amenity. There are two large rooflights proposed for the front roof slope and it is noted that other properties in the area have rooflights and dormers in the front roofslopes. An objection has been received from the occupiers of no. 1 Springfield Close on grounds of privacy loss. It is noted that no. 1 is in excess of 24m away from the proposed rooflights and first floor windows, where the accepted rule of thumb for window to window distances is 21m. While there would be some intervisibility, it would be across a public thoroughfare, over a 2m high fence and in excess of the accepted 21m distance. Furthermore, the position of the first floor windows and rooflights has previously been accepted in August 2015. With regard to neighbour amenity, it is concluded that the spatial gaps between the proposal and its immediate neighbours would mean that there would not be a significant adverse impact on neighbour amenity in terms of loss of light, of visual intrusion or loss of privacy.
- 14.6 Overall, the proposed development is very similar to a recently approved scheme on the site and is considered to be consistent with Core Strategy policies and objectives. The proposed dwelling would be of an acceptable design that could be built without detriment to either the character and appearance of the area or the amenities of neighbouring dwellings. As such, the application is recommended for permission.

- 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.

CIL Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses	272	130.8	141.2	£11,296.00

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: P1510:02, P1510:04 rev A, P1508:03 rev? and

Reason: To ensure satisfactory provision of the development.

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

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

4. The first floor windows on the south west (rear) elevation of the approved building, serving the bathrooms and wardrobe, shall at all times be glazed with obscure glass and only opening if the part to be opened is at least 1.7 metres above the floor level of the room in which it is installed.

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).

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

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

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 appropriately amended plans and additional information were submitted by the applicant at the planning authority's request in order to clarify boundary treatment arrangements and to demonstrate the scale and massing of the proposal in relation the adjoining properties and no specific further actions were required.

2. In relation to condition no. 5, under the National Planning Policy Framework all developments should be undertaken in a sustainable manner and under the National Standards for Sustainable Drainage Systems (December 2011) the following destinations must be considered for surface runoff in order of preference:

1. Discharge into the ground
2. Discharge to a surface water body
3. Discharge to a surface water sewer
4. Discharge to a combined sewer

Connection to a foul sewer is not usually permitted as foul sewers are not designed to take surface water and the Water Company's permission would be required. If surface water is to be disposed of in this way it will still need to be disposed of in a sustainable manner. The applicant will need to supply confirmation of the Water Company's approval to discharge surface water to their system along with the agreed rate of disposal.

Reason: Foul sewers are not designed to take surface water and peak surface water flows would cause flooding of the foul water system.

3. As this is a new property any soakaways are to be designed in accordance with BRE365 (Building Research Establishment) (latest revision). Three soakage tests will need to be undertaken in accordance with this standard along with the soakaway design and be submitted to Planning for approval prior to construction. Any soakaway or sustainable drainage system is to be constructed and located so as not to affect adjacent property or the highway for events up to a 1 in 100 year storm event and climate change.

Reason: To prevent properties and gardens flooding and in accordance with Policy CS6 of the Core Strategy for the New Forest District outside the National Park.

4. Southern Gas Networks advise that privately owned gas pipes or ones owned by other GTs may be present in this area and information regarding those pipes needs to be requested from the owners. On the mains record you can see our low/medium/intermediate pressure gas main near your site. There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. You should, where required confirm the position using hand dug trial holes. A colour copy of these plans and the gas safety advice booklet enclosed are available to view on the Council's website, under this planning application reference and should be passed to the senior person on site in order to prevent damage to our plant. Safe digging practices, in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working for you on or near gas plant. If you require any further information please contact Lynne McDonald on 0800 912 1722.

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



Application Number: 15/11545 Full Planning Permission

Site: 120 COMMERCIAL ROAD, TOTTON SO40 3AD

Development: Use of land for car sales & waiting for repair; demolition of existing building

Applicant: Mrs Newman

Target Date: 15/12/2015

1 REASON FOR COMMITTEE CONSIDERATION

Discretion of Head of Planning and Transportation and contrary to Cllr view in part

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area
Town Centre
Part of site in Flood Zone 2/3

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
4. Economy
6. Towns, villages and built environment quality

Policies

Core Strategy

- CS1: Sustainable development principles
- CS2: Design quality
- CS6: Flood risk
- CS8: Community services and infrastructure
- CS10: The spatial strategy
- CS17: Employment and economic development
- CS24: Transport considerations

Local Plan Part 2 Sites and Development Management Development Plan Document

DM16: Within town centres, outside Primary Shopping Areas and Secondary Shopping Frontages

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPG - Totton Town Centre - Urban Design Framework
SPD - Parking Standards

6 RELEVANT PLANNING HISTORY

Use for day care centre and offices (82548) Granted with conditions on the 16th Feb 2004

7 PARISH / TOWN COUNCIL COMMENTS

Totton Town Council: Recommend refusal. The application seeks to demolish the building on the site fronting on to Commercial Road and replace it with additional hardstanding parking area for use by nearby car sales business. This is a prominent road within Totton and replacing the building with additional car parking area would not be beneficial to the area. Although the building has no particular merit, its demolition would add to the open and empty feel of the road which is contrary to the regeneration of the town centre. The site is also employing approximately 10 staff with an additional 25 volunteers which would not be achieved with the new use, and provides an essential service for a large number of vulnerable people in the surrounding area. The social and economic factors add significant weight against this application.

8 COUNCILLOR COMMENTS

Councillor D Harrison: Request the application be heard at the Planning Committee and to raise an objection to the application. The proposal would result in the demolition of a functional building that is operated by a well respected charity that provides employment for local people and a valuable local service for users. The demolition of the building will not enhance the street scene and the loss of the building will expose poor features behind the building that would have a detrimental impact on the area, which is the main entrance to the town. Concerns that Commercial Road is a sensitive highway site, being one of the main accesses into Totton and any addition to the existing car sales facility will increase the problems with traffic obstructions and increase the hazards of extra vehicle movements. The present car sales is about the right size, not being over dominant a feature in the variety of businesses and properties in the locality. Allowing permission to extend it will make the business an over dominant feature in the street scene and reinforce an undesirable impression that the town is completely swamped with cars.

Councillor Davis: Objection. Totally Against the demolition of this wonderful place helping people who have suffered brain injury. Finding another suitable building will be difficult, leaving vulnerable people without this facility. It will also make the area less attractive with the removal of the trees and bushes.

9 CONSULTEE COMMENTS

9.1 Hampshire County Council Highway Engineer: No highway objections subject to conditions

- 9.2 Policy: The proposal would fail to comply with Core Strategy policies
- 9.3 Natural England: No objection
- 9.4 Tree Officer: No objection subject to condition

10 REPRESENTATIONS RECEIVED

- 10.1 Dr. Julian Lewis MP has forwarded a letter he has received from the applicant asking that concerns raised are considered and shares the worry that Headway's work will be put at risk if it has to leave its current home. It has also been suggested to him that it is debatable that this important gateway to the town will be enforced by further expanding the space presently occupied by cars owned by the car dealership.
- 10.2 Petition with 44 signatures raising an objection.
- 10.3 256 letters of objection concerned that the proposal would result in the loss of a community use which provides training, rehabilitation and support for people with brain injuries in the area. The building is currently leased to Headway. The site is located in a sustainable location close to public transport and the shops in the town centre. The Company provides volunteering and work experience opportunities for local people including students. Re-locating such a service to another building would take considerable time and money, which is not available. The loss of the community facility would be contrary to policy
- 10.4 If Headway is evicted forty nine people with a wide range of disabilities may lose their support and service. Any loss of service will increase the pressure on their families and carers. The proposal would result in the loss of employment, the loss of which would have a negative impact on the local economy. 10 people are currently employed at the premises. The proposal would result in traffic jams and highway problems in the area with deliveries by car transporter. The neighbouring car business causes problems with car transporters.
- 10.5 The proposal would have a negative impact on the character of the area and would appear as a large car parking area. The proposal would also result in the loss of trees and hedgerows of which there is very little along Commercial Road. Totton doesn't need a larger car showroom. The landlords gave us no formal notice of the application.

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.

No pre application advice was sought and on the basis that there are concerns in principle with the proposal, amended or revised plans would not address the objections raised and the proposal is therefore recommended for refusal.

14 ASSESSMENT

- 14.1 The application site comprises a two storey 1960s building and a car parking area on the south side of Commercial Road in Totton. The building is currently occupied as an office and day centre by a company known as 'Headway' and the building is a long rectangular structure, with a flat roof, fronting onto Commercial Road. The existing car parking area and building are largely screened by birch trees and a hedgerow set behind a low brick wall. Although the existing building is of no architectural merit, it does front onto the road and, together with the trees and vegetation, the site does have a positive impact on the character of the area. Vehicular access into the site is gained from Station Road North and the access is also shared with the neighbouring car business. The site occupies a very prominent location in Commercial Road, which is the principle route through Totton. The site is located in a sustainable location immediately adjacent to Totton train station, with a bus stop outside the site, and is also within walking distance of the town centre.
- 14.2 The site lies within a very mixed area with residential properties situated opposite in Station Road North. There is a restaurant outlet across the road to the north. Immediately to the west of the site there is a large car sales business with cars displayed on the forecourt adjacent to Commercial Road with industrial type buildings set back from the road, which form part of their business operations. These buildings appear to be used as offices with general car repair and servicing.

- 14.3 This planning application seeks consent to demolish the existing building and to use the site for car sales and car storage. The submitted plans indicate that all of the existing vegetation and trees adjacent to Commercial Road will be removed. The site would be surfaced and laid out as a car parking area with new cars for sale displayed to the front of the site and cars waiting for repair and servicing to be provided to the rear.
- 14.4 Starting with the policy position, the site lies outside the shopping core but within the town centre boundary and there are several local plan policies that are applicable. Core Strategy Policy CS8 relates to community facilities and the overall aim is to ensure the delivery of adequate infrastructure and services to serve existing and proposed development in the district and to support the local economy. While the policy has support for new and improved community facilities such as health care, education and social facilities in meeting the needs of the District, the policy also seeks to resist the loss of existing facilities. The policy states that there will be a presumption against any development that involves the loss of education, health, social and other publicly provided, community services, except where it is part of a service providers plans to provide improved local services in equally accessible locations. The subtext to the policy states that community facilities and services include education, health and social services, public and emergency services, village halls, community buildings, social clubs, libraries, cultural facilities, places of worship, allotments and cemeteries.
- 14.5 Core Strategy Policy CS17 relates to employment and economic development and the strategy is to provide for new employment and the importance of providing a diverse local economy. The policy seeks to keep all existing employment sites and allocations for employment use, except for the few small sites identified for release in the Employment Land Review. The policy also highlights the importance of encouraging and making provision for office development within the town centre where this is appropriate to the scale and role of the centre.
- 14.6 Local Plan Part 2 Policy DM16 is applicable and states that "Within the town centre, boundaries defined on the Policies Maps outside the defined Primary Shopping Areas and other Secondary Shopping Frontages, development for retail and appropriate non-retail uses (defined in para.2.92) will be permitted."
- 14.7 In assessing the proposal against the policies, it is firstly important to note that planning consent was granted in 2004 under planning reference 80081 to use the building as a day care centre and offices. The building was originally used as an office (Use Class B1) and the permission in 2004 sought to use the premises as an office and community use. In reviewing the previous application it was submitted by the current tenants, Headway, and the company has continued to occupy the premises since the consent was granted. It is also clear that the application at that time was supported by the Council due to the need to provide suitable premises in good locations for beneficial community uses.
- 14.8 'Headway' is a charity which is publicly funded and provides advice, rehabilitation and training services to people with brain injuries. The company is a tenant and the business currently provides volunteering, training and work experience opportunities for local people including students from the local colleges. It is understood that the company

provides employment and volunteers to local people, and provides services and support to up to 49 people with a wide range of disabilities.

- 14.9 In assessing the proposal against Policy CS8 of the Core Strategy, it is clear that this proposal would involve the loss of a building that is used to provide community services. The existing lawful use provides a community service and no alternative facilities or sites have been put forward for other appropriate or sustainable locations. On this basis, this proposal would conflict with Policy CS8.
- 14.10 Notwithstanding the concerns raised regarding the loss of the community facility, the proposal is also considered to conflict with Policy CS17 of the Core Strategy which seeks to retain existing employment uses. The proposal to demolish the existing building, which currently provides employment would fail to comply with policy. Indeed, it is not only the loss of the community facility on its own that raises an objection, but the fact that the premises can provide a reasonable amount of employment through the provision of a two storey building. The premises is positioned in a sustainable location close to public transport and the town centre and is considered to be an appropriate site for an office or community use. Accordingly, it is considered that the proposal would fail to comply with policy on the grounds of the combination of the loss of the community use and employment use on the site. It should be noted that while a car sales use is akin to a retail use, and in part will benefit the economy, it is clear that only half the site would accommodate car sales and the overall amount of employment generated would be insignificant compared to the existing use of the building as offices or other employment type uses.
- 14.11 In terms of the effect on the character and appearance of the area, while the existing building is not of any architectural merit, it does have an active frontage onto Commercial Road, hidden behind an established hedgerow and trees. The site occupies an important, prominent, location and the combination of the loss of existing hedgerow and trees along the frontage adjacent to the road and loss of an active frontage building is unfortunate. It is considered that the proposal to create additional car parking for both car sales and storage use would have a negative impact on the character of the area and would have a very harsh impact on the street scene. The submitted plans indicate that the car parking area would be sited right up to the front boundary of the site with no scope to retain any of the existing hedgerow and no scope for any new planting. The Tree Officer has noted that these trees are not worthy of protection, but recognised that the trees provide amenity value and soften the area with landscaping.
- 14.12 Although the neighbouring site is dominated by car sales on a large forecourt, this does not positively contribute to the character of the street and the proposal would exacerbate the impact of large forecourts and car parking areas on this main road frontage. Indeed, the length of the neighbouring car sales including car parking, extends to around 50 metres. If the proposal was permitted, this would result in a total length of car sales and forecourts of approximately 90 metres.
- 14.13 Overall it is considered that the proposal to create a forecourt for car sales and car storage would have a detrimental impact on the street scene and character and appearance of the area.

- 14.14 In terms of the impact on public highway safety, the Highway Authority does not raise any objections to the proposal. The site currently benefits from an access onto Station Road North which it shares with an adjacent business premises immediately to the south. The application seeks to effectively abandon this access by erecting a low boundary fence which would prevent vehicles from accessing the site from Station Road North. This would result in a potential decrease in vehicular movements at the junction of Station Road North and Commercial Road which given the poor visibility looking east out onto Commercial Road would be desirable in the interest of highway safety. The plans appear to show that the existing vehicular access to Commercial Road in front of the entrance to the existing building would be stopped up and the existing drop kerbs removed, which would be supported by the Highway Authority.
- 14.15 In conclusion, it is considered that there are two main issues in this case. The first concern is the loss of the community and employment use, which would fail to comply with policy. The second concern is the visual impact of removing all of the features and the building on the site and replacing them with a large car parking area with no scope for any soft landscaping.
- 14.16 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposed development would result in the loss of a building that provides a valuable community service, which would be detrimental to the provision of employment opportunities in the local area, harmful to the economic well being of the area and loss of this community facility that is located in a sustainable location in Totton. For this reason, the proposal is contrary to policies CS8 and CS17 of the Core Strategy for the New Forest District outside the National Park.
2. The site is located in a prominent location along the main road leading through Totton and is occupied by a two storey building that provides an active frontage onto the road, together with a substantial hedgerow and trees which make a positive contribution to the street scene. The proposal to remove all of these features and replace them with a single car parking area

for both car sales and car parking would appear intrusive in its setting with a negative impact on the street scene, which would be exacerbated by the extent of car parking on the neighbouring land to the detriment of the character and appearance of the area. For this reason, the proposal is contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

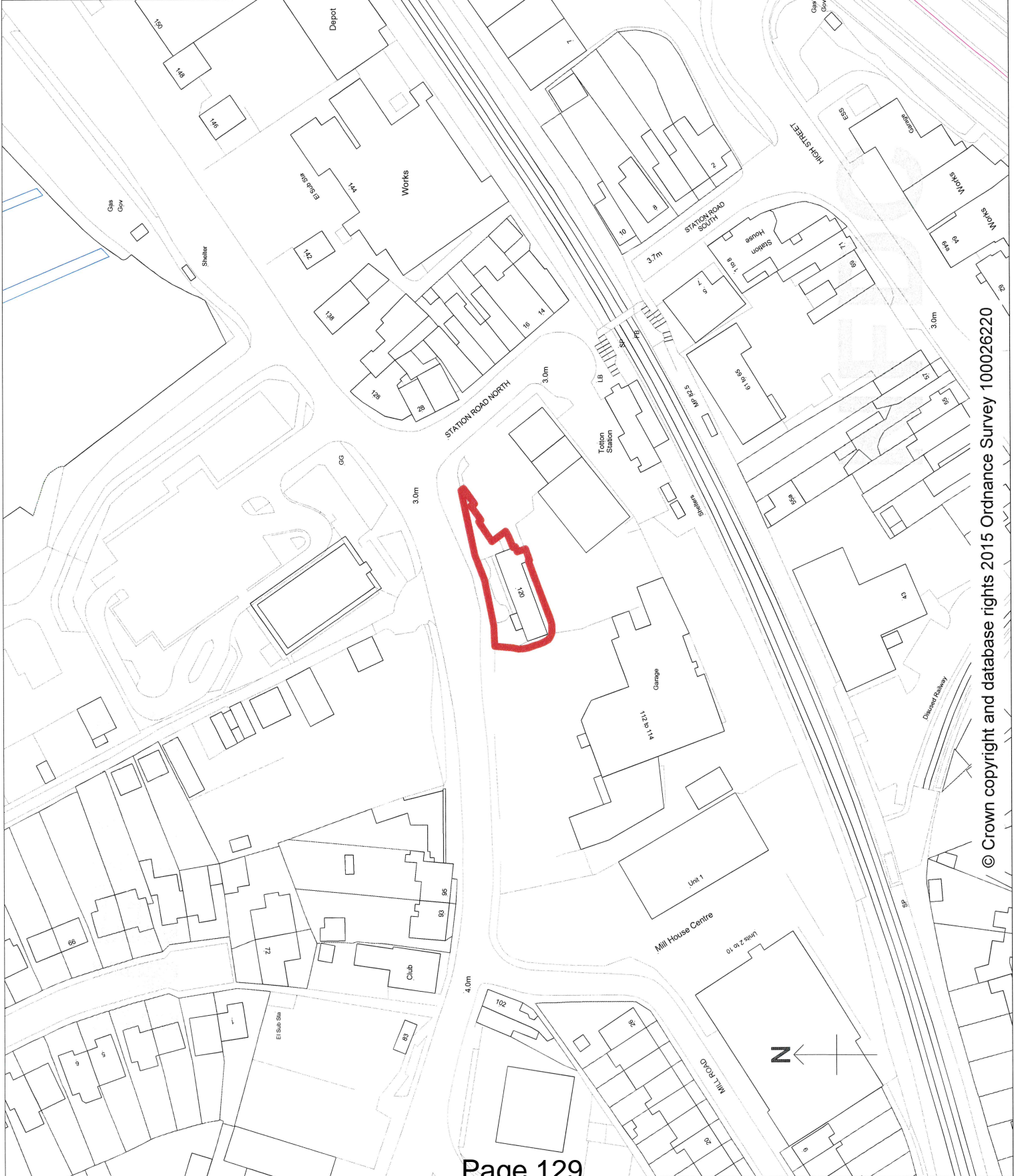
Notes for inclusion on certificate:

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

No pre application advice was sought and on the basis that there are concerns in principle with the proposal, amended or revised plans would not address the objections raised and the proposal was therefore recommended for refusal.

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)



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Application Number: 15/11547 Full Planning Permission

Site: 32 CHILTERN DRIVE, BARTON-ON-SEA, NEW MILTON
BH25 7LA

Development: Single-storey side and rear extension; fenestration alteration

Applicant: Mr & Mrs Wescott

Target Date: 23/12/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
2. 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

No relevant documents

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

None relevant

6 RELEVANT PLANNING HISTORY

14/11508 - Roof alterations, dormers in association with new first floor and porch - withdrawn 2/12/14

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Parish council: Recommend refusal

- Loss of amenity to No 30 by loss of light/overshadowing
- Blatant disregard of needing to apply for planning permission prior to erecting extension.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

Land Drainage: No comment

10 REPRESENTATIONS RECEIVED

1 letter of objection received from 30 Chiltern Drive

- Overshadowing and loss of amenity
- Loss of light to side bedroom
- Intrusive to garden boundary due to being close to the fence and blocks skyline view
- Breeze block structure unsightly
- Impact on future sale of the property

Comment from applicant:

- Originally thought development was permitted development;
- They were not aware of Lawful Development Certificate mechanism and would have applied for this at the outset if had been;
- They have submitted the planning application to regularise this;
- They did advise neighbour prior to works commencing;
- The bulk of the extension falls under permitted development and it is only the part that wraps around the rear of the property that is too wide to be permitted development and which impacts on no one but the applicant.

11 CRIME & DISORDER IMPLICATIONS

Not applicable

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

In this case all the above apply and as the application was acceptable as submitted no specific further actions were required. This is a retrospective application generated from an enforcement case.

14 ASSESSMENT

- 14.1 The application site consists of a detached bungalow within a built up residential area of similar bungalows. The property fronts Chiltern Drive and the rear garden, which is of a reasonable size, backs on to the garden of a property situated on Heathwood Avenue.
- 14.2 The application seeks to retain a single-storey side and rear extension.
- 14.3 The main planning considerations when assessing this application are the impact upon the character and appearance of the dwelling and the impact on residential amenity.
- 14.4 The extension is shown on the plans to extend by 4m from the rear wall. The extension is shown to have an eaves height of 2.5m, which is in line with the eaves of the bungalow. The extension has a flat roof with the total height shown as 2.9m with a roof light to the top of the rear extension. The roof light extends an additional 10cm above the roof height.
- 14.5 No 30 to the west of the site is in closer proximity to the extensions and concerns have been raised by these neighbouring residents about the impact on their light. There are 3 windows on their side facing elevation but it is only the rear most of these windows - that serves a bedroom - that has a direct relationship with the extension. It is noted that the development would see an increase in proximity to the boundary and that some loss of light to the side of the neighbouring property and the

rear-most (bedroom) window would occur. However the extension is set back from the boundary by approximately 500mm at that point. The extension exceeds the height of the fence by about half a metre and while there is a degree of overshadowing this will not cause a demonstrable level of harm to the neighbour. It is not considered that this would result in such a significantly adverse impacts that it would justify a refusal on those grounds.

14.6 The application site is on a corner plot. The extension is not visible from this side as the boundary fence serves to screen the property from public views. The extension is also set back from the frontage behind a screen wall so as to have a negative impact and not to be dominant within the street scene. The introduction of cladding is different to the remainder of the property but as this is to the rear and set back from the side it is not highly visible from public vantage points. As such, no overriding objection is raised. The proposed extension does not have a detrimental impact on the street scene. The proposed development is considered acceptable and in keeping with the character and appearance of the area not harmfully impacting on adjoining neighbours and as such the application is recommended for approval.

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

Proposed Conditions:

1. The development permitted shall be carried out in accordance with the following approved plans: Proposed extensions dated 24/10/15.

Reason: To ensure satisfactory provision of the development.

Notes for inclusion on certificate:

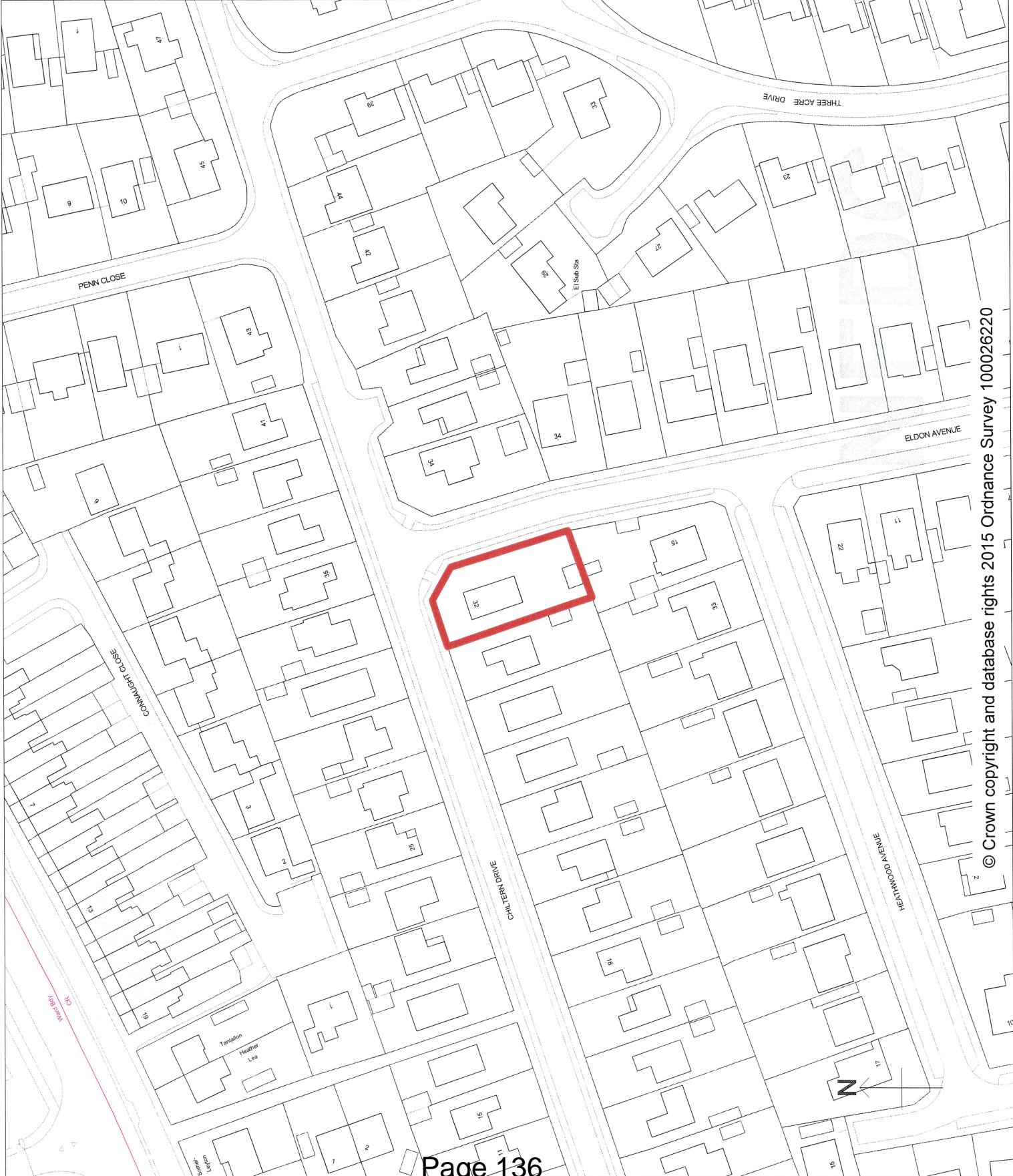
1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising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

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

Further Information:

Householder Team

Telephone: 023 8028 5345 (Option 1)



Application Number: 15/11548 Full Planning Permission

Site: 4 MAYFLOWER CLOSE, LYMINGTON SO41 3SN

Development: Raise, extend and alter roof in association with first floor extension; two-storey rear extension; dormers; fenestration alterations; cladding

Applicant: Mr Young

Target Date: 15/12/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Flood Zone
Plan Area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

CS2: Design quality
CS6: Flood risk

Local Plan Part 2 Sites and Development Management Development Plan Document

None Relevant

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Lymington Local Distinctiveness

6 RELEVANT PLANNING HISTORY

13/10480 House; detached garage; demolition of existing (AMENDED PLANS) granted subject to conditions 4/09/2013

06/88514 Two storey extension Granted with conditions 28/09/2006

97/9028 Alterations, extensions and addition of a living room Granted with conditions 20/12/1997

7 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council: Recommend refusal
Overbearing roof height in relation to neighbours;
Support the Case Officer recommendation that south elevation window should be constructed with obscured glass and fixed shut

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

Land Drainage: no comment

Environment Agency: the application site falls within the scope of our Flood Risk Standing Advice zone

Natural England: no comment

10 REPRESENTATIONS RECEIVED

3 objections:

- overbearing
- encroaches on neighbour's privacy and light
- too high out of keeping with other dwellings within the Close
- previous approval based on unreliable data
- overlooking of 4 Mayflower Close from window in south elevation

1 comment:

- plans are conflicting with regard to proposed heights

Applicant correspondence:

- street scene information based on topographical survey by Wessex Land Surveyors in 2008 in preparation for previous application for new dwelling on site
- floor levels will be no lower than existing levels and flood proofing has been considered and incorporated where possible

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

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

In this case all the above apply and the application was acceptable as submitted. As an illustrative street scene plan formed part of the application, confirmation was sought as to the basis this was produced on. Information was also supplied relating to flood measures.

14 ASSESSMENT

- 14.1 The application site consists of a detached house, situated in a small cul-de-sac in the built up area of Lymington. Mayflower Close is predominantly a small development of individual, traditional, houses set in their own plots, dating from the 1960s.
- 14.2 The existing dwelling is situated at the end of the cul-de-sac and, by reason of its position within the road, is not overly dominant within the street scene. It is situated in a reasonable sized plot enclosed by fencing and hedging, and all the boundaries abut other residential properties. The dwelling has a single storey garage to the side, views of which are achievable via the gate which provides vehicular access to the site. The majority of the dwelling is screened by the side boundary with no 3 Mayflower Close, due to the positioning of the dwelling within the plot. There is also an existing single storey element on the north-eastern end of the dwelling.

- 14.3 There is an extant consent for a replacement dwelling on site. The current proposal represents a more modest development when compared to this 2013 approval. It is proposed to extend over the existing single storey element and increase the overall ridge height of the dwelling by approximately 90cms, which is lower than that proposed under the previous consent. It also proposes to raise the eaves height, and introduce timber cladding at first floor level. The proposed first floor extension on the side of the dwelling would have a front gable replicating the existing front gable. Both gables would be clad at first floor level which would emphasise these features. A two storey rear extension is proposed off part of the rear elevation, but this would only increase the footprint of the dwelling by approximately 7.7m² and project out 1.8m from the existing rear wall.
- 14.4 The first floor side extension would increase the mass of the building and coupled with the overall increase in height, could result in the extended dwelling being more visible in comparison to the existing house. Nevertheless, the current application has reduced the scale and height of the building compared to the extant 2013 consent. The introduction of weatherboarding does not appear to be a common feature in the cul-de-sac, but as this would only be on part of the dwelling and there are no controls in relation to cladding relating to the area and the material has been approved on the replacement dwelling no objection is raised. The footprint of the building would only be modestly increased to the rear and the addition of the first floor side extension would not encroach on the existing amenity space to the side of the building, and as such the spaciousness of the dwelling within the site would be retained.
- 14.5 No 3 Mayflower Close is sited to the north of the site, and the addition of the first floor side extension would result in the mass of the building coming closer to their side boundary, but notwithstanding this, the development would be parallel to the side of no 3, and there would still be a distance of approximately 10m between these two properties. As such it would not result in an overbearing form of development to this neighbour. Due to the relationship of the building on the application site with this neighbour, the proposed extensions would not result in an unacceptable level of overshadowing.
- 14.6 The existing dwelling on the application site is orientated at an angle to the side boundary with no 3 Mayflower Close and additional windows are proposed on the front elevation which would serve a landing and hallway. The view from the two new dormer windows would be primarily over the front area of no 3 Mayflower Close and given that there is already a first floor dormer window on this elevation which achieves views over this area, no additional harmful overlooking could be demonstrated. However, the additional first floor bedroom window, due to its position, would have a more direct relationship with the side garden of No 3 so it is considered reasonable to require this to be obscurely glazed and fixed shut unless the parts that can be opened are more than 1.7m above the floor. Although this is a bedroom there are other windows to the side and rear serving this room which would remain unrestricted and so the proposed limitations to the front window are appropriate in this instance.

- 14.7 A side window is proposed on the end elevation, but by reason of its angle within the plot it should only achieve oblique views over the rear garden area of no 3 Mayflower Close. On balance the additional first floor side window would not create an unacceptable level of overlooking to the private garden area of no 3 Mayflower Close, and as such there is no justification to restrict this window to be obscure glazed and fixed shut. There are already windows on the rear elevation, and although the proposal would introduce additional windows and enlarge the existing, they would not be any higher than existing and there are reasonable separation distances with the dwellings to the rear, as such they would not adversely impact upon the amenities of these adjacent properties.
- 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: Drg PO1, Drg PO2, Drg PO6, Drg PO4, Drg PO5, Drg PO5, Drg PO3, Drg EO2, Drg EO3, Drg E01

Reason: To ensure satisfactory provision of the development.

3. The first floor bedroom window on the front [north west] elevation of the approved building (extension) shall be obscurely glazed and fixed shut at all times unless the parts that can be opened are more than 1.7m above the floor.

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

Notes for inclusion on certificate:

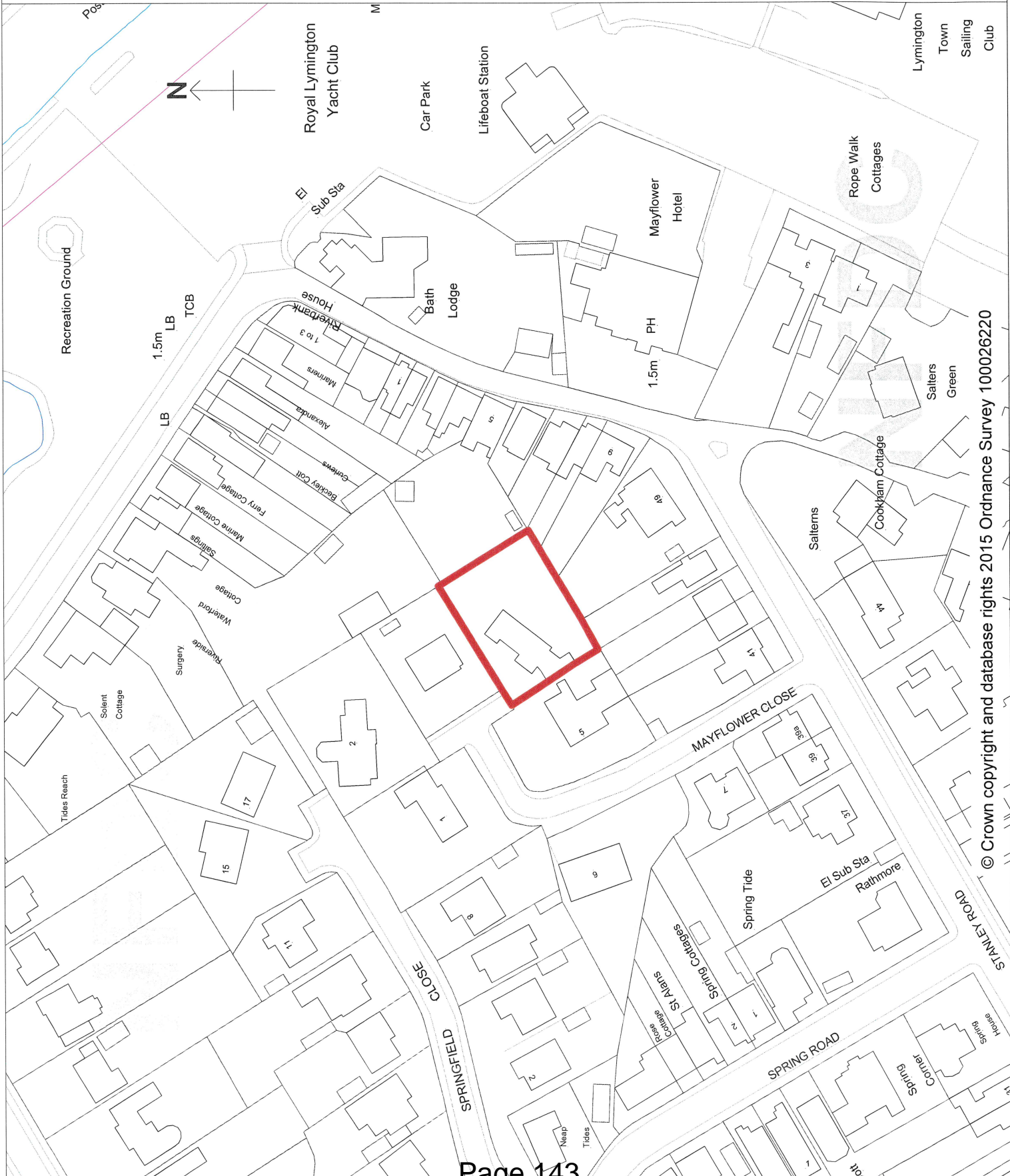
1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising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

In this case all the above apply and the application was acceptable as submitted. As an illustrative street scene plan formed part of the application, confirmation was sought as to the basis this was produced on. Also information relating to flood measures was supplied.

Further Information:

Householder Team

Telephone: 023 8028 5345 (Option 1)



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Application Number: 15/11584 Full Planning Permission

Site: 32 RINGWOOD ROAD, TOTTON SO40 8BZ

Development: Continued use as hand car wash and valeting facility

Applicant: Mr Memishi

Target Date: 06/01/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council View

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

- CS2: Design quality
- 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

TOT15: Totton town centre opportunity 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

SPG - Totton Town Centre - Urban Design Framework

6 RELEVANT PLANNING HISTORY

- 6.1 Replace fuel filling station with conveyor wash and vacuum facility

- 6.2 Continued use as hand car wash (08/92041) - refused 7/5/08
- 6.3 One 2-storey block of retail units & offices (Use Classes A1 & A2); car wash & valeting canopy & bays; access alterations; new access (09/94113) - refused 13/8/09
- 6.4 Continued use as hand car wash & valeting facility (09/94493) - grant temporary permission 10/12/09
- 6.5 Continued use as hand car wash and valeting facility (11/98069) - grant temporary permission 15/3/12
- 6.6 Continued use as hand car wash & valeting facility (14/10433) - withdrawn - 3/6/14
- 6.7 Continued use as hand car wash & valeting facility (14/10959) - grant temporary permission 9/10/14

7 PARISH / TOWN COUNCIL COMMENTS

Totton & Eling Town Council:- Recommend refusal - the previous proposals were granted for a temporary period of 1 year. In that case the Town Council believed that although the car wash business was beneficial to the economy currently, the Town Centre location was not an appropriate site for this type of business. The area has potential to provide redevelopment into residential and commercial space which better suits the location. Keeping this land use would shift much needed homes and mixed use commercial premises further away from Totton Town Centre.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer:- No objection
- 9.2 Land Drainage:- No objection
- 9.3 Estates & Valuation:- Considers that redevelopment for policy compliant uses would not be seen as a viable option at the current time. - See Paragraph 14.8 below for detailed comments.
- 9.4 Southern Gas Networks:- advise of site's proximity to gas main
- 9.5 Southern Water:- No objection - advice given

10 REPRESENTATIONS RECEIVED

- 10.1 64 letters of support from local residents:- proposal provides a much valued service to local people.

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

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

14 ASSESSMENT

- 14.1 The application site is a former petrol filling station, which has been used as a car wash and valeting facility since at least 2007. The site is located in a prominent position in the centre of Totton, directly opposite a large Asda retail store. The site is bounded on its western side by Popes Court which is a residential development providing sheltered accommodation for the elderly, while to the north and east of the site are a number of mainly commercial properties that front onto Salisbury Road and Water Lane.
- 14.2 The existing car wash and valeting facility has been the subject of a number of temporary planning permissions. In fact, a car wash and vacuum facility was initially refused by the Local Planning Authority in November 2006 as being contrary to policy and of an unduly poor design

quality that failed to accord with the Council's design aspirations for the site. A subsequent appeal was dismissed. By the time the appeal was considered, it appears that a hand car wash facility had already unlawfully commenced on the site. The appeal inspector deemed the development to be wholly inconsistent with the design framework embodied in the "Totton Town Centre - Urban Design Framework" Supplementary Planning Guidance (SPG). A further application for the retention of the car wash facility was refused by the Local Planning Authority in May 2008 for similar reasons to the earlier refusal.

- 14.3 In December 2009 a further planning application for the continued use of the site as a hand car wash and valeting facility was given a 2 year temporary planning permission. It was recognised that the proposal was contrary to policy. However, it was felt the conflict with policy was outweighed at that time by short-term economic benefits. The proposal allowed for the retention of jobs in very difficult economic conditions. It was also felt that granting a 2-year temporary permission would give the applicant additional time to provide an acceptable scheme for the redevelopment of the site. In March 2012, planning permission was granted for the continued use of the car wash and valeting facility for a further 2 year temporary period (expiring on 31st March 2014). It was felt that a renewal of planning permission was justified on economic grounds given the difficult economic conditions that still existed at that time. It was again felt that granting a temporary planning permission would give the applicant more time to provide an acceptable scheme for the redevelopment of the site that would be capable of meeting the Council's design aspirations for the site.
- 14.4 The most recent application at this site that was submitted last year sought to retain the existing hand car wash facility and valeting business for a further temporary period. The Local Planning Authority granted a 1 year temporary permission, which constituted a shorter-term permission than the previous temporary permissions. The Local Planning Authority recognised that the proposal was still contrary to policy and it was also recognised that economic conditions had improved significantly since the previous temporary planning permissions had been granted. However, it was also recognised that the commercial property market was only at the early stages of improvement and for this reason it was felt that a short-term planning permission was still justified. In granting a 1 year temporary planning permission, the Local Planning Authority made it clear to the applicant that it would expect the site to be actively marketed in an appropriate manner before the temporary permission expired so as to more clearly establish what demand there is to redevelop the site. It was made clear that if the site was not marketed in an appropriate manner, and if it could not be adequately demonstrated that there is no demand to redevelop the site for policy compliant purposes, then a further temporary planning permission would be unlikely to be granted.
- 14.5 The application that has now been submitted seeks to continue using the application site as a hand car wash and valeting facility for a further temporary period.
- 14.6 The existing development site and associated use is considered to have a negative townscape impact. The existing canopy, and the associated structures and external spaces are of a poor design quality, which fail to make a positive contribution to the character and appearance of the area. The Totton Town Centre - Urban Design Framework SPG

promotes the redevelopment of this site with a 2-3 storey building on the street frontage encompassing retail and other 'A' class uses, as well as various mixed uses on the upper floors. The SPG seeks to integrate the application site more successfully with the shopping core by establishing well designed frontage uses which would attract pedestrians. It is felt that the continued use of the site as a car wash and valeting facility would be in clear conflict with this SPG. It is also felt that the proposal would be in clear conflict with Local Plan Part 2 Policy TOT15. This identifies the application site as a Town Centre Opportunity site and it is suggested that it should be redeveloped primarily for a retail use, although it is also indicated that other uses may be acceptable as part of a mixed used scheme on upper floors. The proposal would also be contrary to Core Strategy Policy CS20, which seeks to protect the primary retailing role of defined shopping areas, and which also seeks to strengthen the vitality and viability of town centres.

- 14.7 The applicants do recognise that their proposal would be contrary to policy. They still, however, are of the view that it will be difficult to meet the policy aspirations and strategy for this site in the immediate future. They consider that a redevelopment of the site will not generate an adequate return on the investment at the present time. They have submitted a financial viability report and development appraisal to support their view that redevelopment of the site would be too high a risk in view of a likely poor financial return. This is the same viability appraisal that was submitted with the previous 2014 application. Far more significantly, the applicants have submitted details of their recent marketing of the site. The site was marketed in 2015, resulting in a single offer by a prospective purchaser who was interested in using the site as a petrol filling station with an associated retail convenience store. Reversion of the site to its former use as a petrol filling station (albeit with a small retail store element) would not achieve the Council's policy aims for this site.
- 14.8 The Council's Senior Valuer has considered the applicant's recent marketing exercise. He advises that the property has been marketed by an experienced firm of commercial property agents, and notes that the site has been openly exposed to the market through advertising on local and national websites. The Council's Senior Valuer feels that offers from persons interested in redevelopment of the site for a use other than the site's lawful use (as a petrol filling station) will have been hindered because the site has been marketed on the basis of unconditional offers only. Consequently, it needs to be considered whether a greater site value could be generated through a re-development of the site that would be consistent with the Council's policies. If there is little expectation that redevelopment options would generate a higher site value than the current use value, then it would not be reasonable to expect the owners to prepare illustrations of potential development options for marketing purposes. Noting the single offer (of £500,000) that was made, the Council's Senior Valuer feels that developers interested in redeveloping the site with a mixed retail / residential development would not be able to offer so much for the site as someone who wished to recommence the former use as a petrol filling station (which would become the site's lawful use again if the temporary car wash use is not permitted). In these circumstances, the Council's Valuer has concluded that, if the site falls vacant and is sold, the most likely scenario is either the re-establishment of the former use as a petrol filling station or alternatively long-term vacancy.

- 14.9 Based on the recent marketing of the site and the advice of the Senior Valuer, it would appear that there is not currently a realistic prospect of the site being redeveloped for purposes that would meet policy aspirations for this site. It would be better that the site is put to an economically beneficial use (that appears to be well supported by local people) rather than remain vacant. Furthermore, the possible alternative of a petrol filling station use (with a small convenience store element) would not meet the Council's policy aspirations for the site, and would not therefore deliver any clear benefits over and above the benefits of allowing the existing temporary car wash use to continue. As such, it is felt that a further temporary planning permission would be justified, notwithstanding a conflict with policy. The car wash use has now operated at this site for over 7 years. It is not felt likely that the current set of circumstances affecting this site is likely to change in the short to medium term. Therefore, it is felt that a longer-term temporary permission would now be justified. It is felt that a 5 year temporary permission would provide the applicant with greater certainty, while at the same time ensuring a more suitable permanent development is still encouraged and hopefully delivered in the longer term.
- 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 Temporary Permission

Proposed Conditions:

1. The use shall cease on or before 31st December 2020 and the land restored to a condition which has first been agreed by the Local Planning Authority.

Reason: The proposed use would be contrary to Policy CS2 of the Core Strategy for New Forest District outside of the National Park, Policy TOT15 of the Local Plan Part 2: Sites and Development Management, and the Totton Town Centre - Urban Design Framework Supplementary Planning Guidance. Temporary planning permission has previously been given for the proposed use on a number of occasions. It is felt that a further temporary planning permission would be justified as the applicant's marketing evidence suggests that the site is unlikely to be redeveloped for a policy compliant development in the short to medium term, and therefore as the proposed use would deliver economic benefits, it would be a justified use until such time as more sympathetic alternative uses become more economically viable.

Notes for inclusion on certificate:

1. Please note that planning permission would only be renewed for this proposal after 5 years, if it is still clear at that time that more policy compliant uses / redevelopments would not be commercially viable. The Local Planning Authority would still encourage the applicant to market the site to establish demand to redevelop the site with a well designed building that could contribute positively to the quality of Totton Town Centre, whilst meeting the Council's economic objectives.
2. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

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

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)



New Forest
DISTRICT COUNCIL

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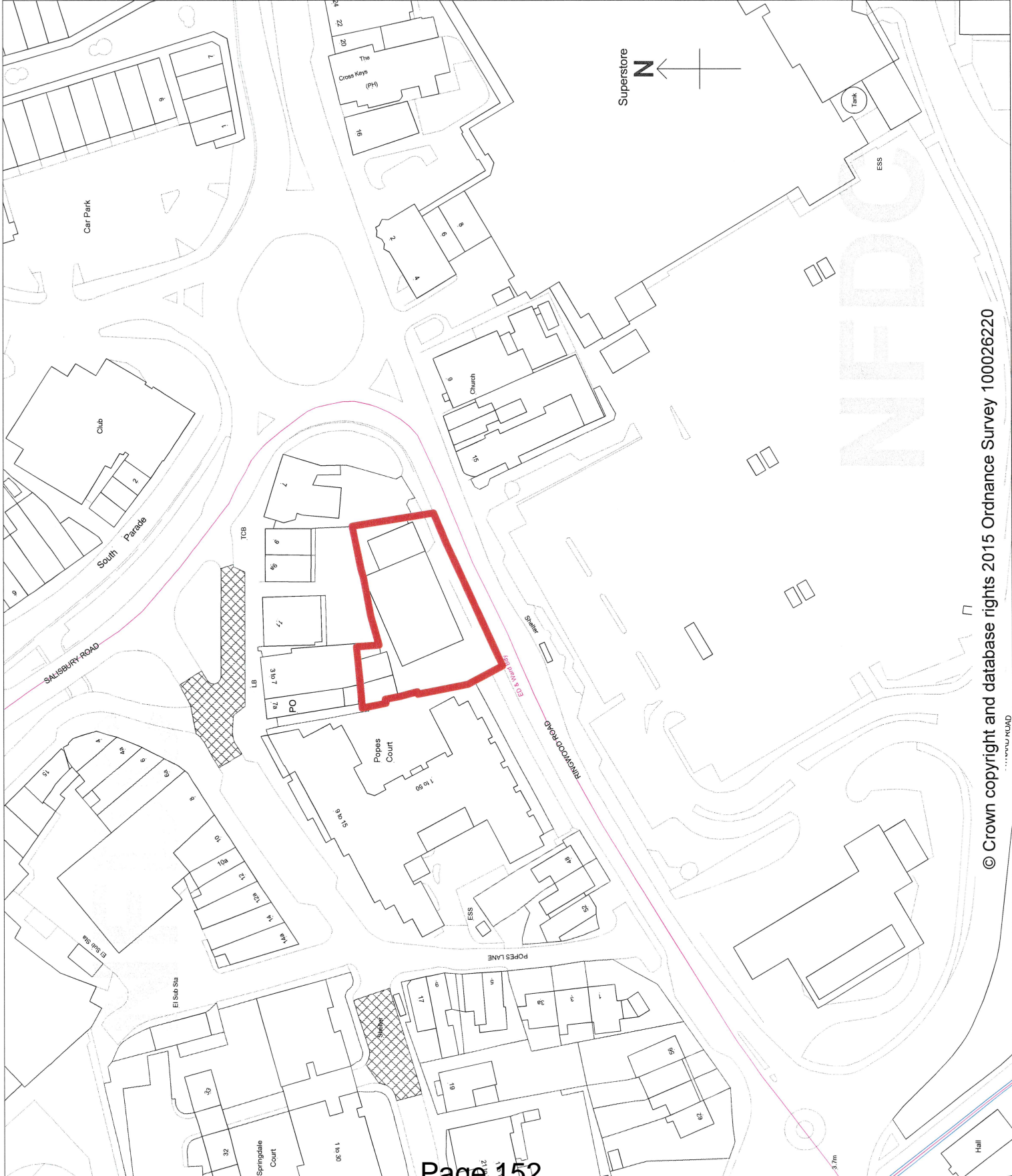
**Planning Development
Control Committee
January 2016**

Item No: 3r
32 Ringwood Road
Totton

15/11584
SU3513

Scale 1:1250

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



Application Number: 15/11598 Variation / Removal of Condition

Site: BRIDGE COTTAGE, BRIDGE ROAD, LYMINGTON SO41 9BZ

Development: Variation of Condition 2 of Planning Permission 13/11062 and
Removal of Condition 4 of Planning Permission 13/11062 to allow
removal of brick pier to front elevation of garage

Applicant: Mrs A Wyatt-Budd

Target Date: 25/12/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view and Councillor request

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up Area
Conservation Area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
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)
CS10: The spatial strategy

Local Plan Part 2 Sites and Development Management Development Plan Document

DM1: Heritage and Conservation

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Lymington Local Distinctiveness
SPG - Lymington Conservation Area Appraisal

6 RELEVANT PLANNING HISTORY

Enforcement:

EN/09/0270 Enforcement Notice: without planning permission the erection of a pitched roof garage with accommodation within its roof space; the erection of a single-storey side extension and the erection of a rear conservatory; and the erection of a front boundary wall.

On the 30 October 2012 the Enforcement Appeal Allowed in Part, otherwise the appeal failed and the Enforcement Notice upheld and varied. Compliance: 12 months

Planning:

13/11063	Retention of single-storey side extension with alterations to reduce length	Granted: 18 Dec 2013
13/11062	Retention of garage including accommodation in roof space with alterations to lower the eaves and ridge height and remove front projecting gable	Granted: 21 Nov 2013
13/10211	Garage; boundary wall; remove single-storey side extension	Refused: 18 April 2013
12/99087	Retention of single-storey extension with alterations to form hipped roof; retention of 1.8m high boundary wall	Refused: 6 Nov 2012
12/99088	Retention of rear conservatory with alterations to lower lean-to roof	Granted: 6 Nov 2012
12/99089	Retention of garage including accommodation in roof space with alterations to remove front projecting gable feature and create cropped gable roof form	Refused: 6 Nov 2012
10/96521	Retention of garage with room over; retention of single-storey side extension	Refused: 15 March 2012
09/95005	Retention of garage with room over	Refused: 7 April 2010
07/89380	Single-storey side extension	Refused: 9 March 2007
05/84395	Single-storey side extension; double garage; roof alterations; rear conservatory; access alterations and boundary wall	Granted: 10 June 2005
04/83610	Roof alterations, single-storey extension, detached garage; access alterations; boundary wall.	Withdrawn: 18 Feb 2005

7 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council: Recommend PERMISSION

8 COUNCILLOR COMMENTS

Cllr Rostand: Requests that this planning application is referred to Committee unless approved in accordance with the comments of Lymington & Pennington Town Council.

9 CONSULTEE COMMENTS

9.1 Conservation Officer: Recommend Refusal

9.2 Hampshire County Council (Highways): No highway objection

9.3 Environmental Health: no comments

9.4 Natural England: no comment

9.5 Environment Agency: no response made

9.6 Land Drainage: no comment

10 REPRESENTATIONS RECEIVED

No comments received

11 CRIME & DISORDER IMPLICATIONS

Not relevant

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/ AGENT

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

In this case, the applicant has previously been advised of the likely objection to the proposal through pre-application advice and the agent has been advised of the recommendation for refusal.

14 ASSESSMENT

Introduction

- 14.1 The application relates to Bridge Cottage located on the edge of the Lymington Conservation Area close to the railway crossing. The main dwelling stands alongside the listed Vienna Cottage. The site is located within Flood Zone 3.
- 14.2 This application seeks variation and removal of conditions 2 and 4 of planning permission 13/11602 to allow the retention of the double garage in its present form with a double width garage door and no central brick pier. Condition 2 and 4 were imposed to secure alterations to the garage as built to achieve a satisfactory standard of design. Of particular relevance is the requirement to replace the existing double width garage door with two single width doors and central brick pier. Condition 4 is the mechanism to secure that the details for the alterations required by condition 2 are implemented. It requires the central brick pillar to be built in accordance with approved details within five months of the approval of planning permission 13/11602.
- 14.3 Bridge Cottage has been the subject of a succession of planning applications with planning permission initially granted for a single-storey side extension, double garage, conservatory, access alterations and boundary wall in 2005 (05/84394). Development thereafter failed to accord with these approved plans.
- 14.4 Subsequent to this, various retrospective planning applications were submitted seeking to address these discrepancies; which were refused. A planning enforcement notice was served by the Council on 23 April 2012 which in part required the demolition of this garage. This requirement was upheld at appeal at which time the Inspector observed *'The use of a single, apparently lower, garage door and the depth of horizontal timber boarding above it alter the proportions and emphasis, giving a non-traditional appearance...'*
- 14.5 Further to this, approval was eventually given for the retention of the double garage in a rebuilt form, inclusive of a central pier to the front of the garage. (Ref 13/11062).

Design/Conservation Area Considerations

- 14.6 Waterloo Road is characterised by buildings of traditional size and scale with other garage buildings being of a low key form and accommodating one vehicle. This double garage is significantly larger in size and scale and features prominently within the street scene, as well as being visible from Bridge Street. The double garage door forms a prominent part of the garage, providing the front elevation with a strong horizontal emphasis which is at odds with the more traditional character of Waterloo Road and furthermore is larger than would typically be considered acceptable within a Conservation Area.
- 14.7 Planning and Conservation Officers have been consistent in their view that a central brick pier should be provided and its reintroduction was a key element in the approval of planning permission 13/11062. The accompanying Design and Access Statement to this Planning application advised '*The introduction of the central brick pier to the garage opening removes the discordant appearance of the existing wide double garage door opening*'. It is very unlikely that this application would have been approved without the reintroduction of this central brick pier.
- 14.8 By way of conclusion, this garage building is prominent within the street scene and the existing large, double width, garage door adds a horizontal emphasis to this already wide elevation. A central pier, which would facilitate the appearance of two separate garage doors, would better reflect the more traditional character of buildings along Waterloo Road. In the absence of this pier, this building remains incongruous and prominent within the street to the detriment of the character and appearance of the Lymington Conservation Area. As such, there is an objection to the planning application.

Highway Safety

- 14.9 This application has a focus on highway safety and seeks to demonstrate that highway safety considerations outweigh any objection to the proposal on design/ Conservation Area grounds. As such, the application is supported by a vehicle tracking diagram which seeks to show the difficulties of accessing the garage with the brick pier in situ. The applicant's highways consultant also writes:

'As you will see from the various drawings the swept paths have been drawn to within very close tolerances of the parked vehicles and, generally, these are much closer than a driver would choose to manoeuvre because of the likely risk of scraping the side of the parked car. In a number of cases the BMW door mirrors would also clash with those of a parked car. Notwithstanding the ultra-fine margins indicated on these drawings, it is still impossible for this vehicle to turn into and out of the garage without over running the location required for the central pillar.'

- 14.10 The applicant has also written in support of the proposal citing parking problems in the area and their attempts to help reduce these problems by always parking within the curtilage of their property (i.e. on the drive or in the garage). They also draw attention to the existing garage door which was custom made, electronic, remote and expensive. The previous planning consent recognised these factors by allowing the retention of this door but with the brick pier to be built in front to provide the appearance of two separate doors, the details of which were required by condition 2.

- 14.11 Comments from the Hampshire County Council Highways Engineer in response to this application advise that should the pier be re-introduced, this is likely to result in cars making more protracted shunting movements to gain access and egress from the garage which, given the proximity of the junction with Bridge Road and the possibility of parked cars further restricting the flow of traffic, would not be in the interest of highway safety in Waterloo Road. As such, no highway objection has been raised to this current proposal.
- 14.12 These highway safety benefits add weight to the proposal and should be carefully balanced with the harm identified. However, given that the provision of this brick pier has not previously generated any highway objection or reason for refusal, it is not considered in this instance, given the extensive planning history of the site, that these benefits outweigh the harm to the appearance of the building and the character and appearance of the Conservation Area.

Residential Amenity

- 14.13 It is not considered that the introduction of the brick pier would cause any significant adverse impact in residential amenity.
- 14.14 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 the VARIATION and REMOVAL of CONDITION

Reason(s) for Refusal:

1. The garage building, because of its scale and position comprises a prominent building within the Lymington Conservation Area on a road which is characterised by buildings of a traditional scale and appearance. The omission of the central brick pier allows a double width garage door which provides a strong horizontal emphasis and non-traditional appearance that draws undue attention towards the scale and mass of this building when compared to others in the same street. The omission of this pier would therefore be detrimental to the appearance of this building and be harmful to the character and appearance of the Lymington Conservation Area contrary to the requirements of Policies CS2 and DM1 of the New Forest District Local Plan (Core Strategy and Local Plan Part 2) and the Lymington Local Distinctiveness Supplementary Planning Document.

Notes for inclusion on certificate:

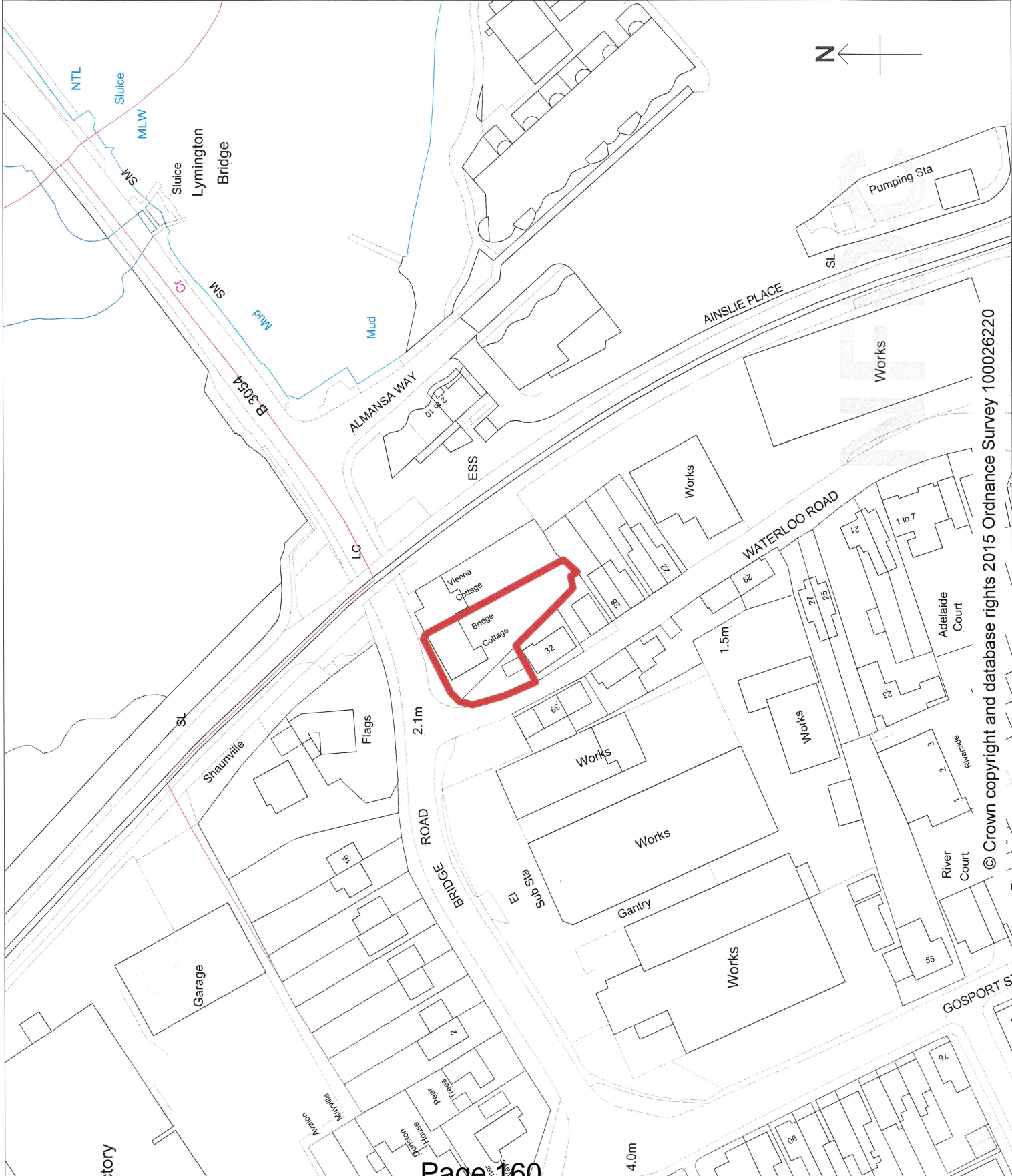
1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising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

In this case, the applicant has previously been advised of the likely objection to the proposal through the submission of an application for pre-application advice and the agent was advised of the recommendation for refusal.

Further Information:

Householder Team

Telephone: 023 8028 5345 (Option 1)



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Application Number: 15/11599 Reserved Matters

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

Development: 119 beach huts; associated works including slabs; ramps; steps; railings; temporary fencing & barriers; demolition of existing (Details of access, landscaping, siting, appearance and scale, development granted by Outline Permission 15/10061)

Applicant: New Forest District Council

Target Date: 30/12/2015

1 REASON FOR COMMITTEE CONSIDERATION

NFDC application

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Public Open Space Existing
Green Belt
Flood Zone

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

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

Local Plan Part 2 Sites and Development Management Development Plan Document

DM1: Heritage and Conservation

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework
Ch. 7 - Requiring good design
Ch. 9 - Protecting Green Belt land

Ch. 10 - Meeting the challenge of climate change, flooding and coastal change
Ch. 12 - Conserving and enhancing the historic environment

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPG - Milford-on-Sea Village Design Statement

6 RELEVANT PLANNING HISTORY

15/10061 119 beach huts; associated works including slabs; ramps, steps, railings; temporary fencing & barriers; demolition of existing (Outline Application). 11/03/2015 Granted subject to conditions.

7 PARISH / TOWN COUNCIL COMMENTS

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

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

- 9.1 Environment Agency – No objection
- 9.2 Natural England – No objection
- 9.3 Southern Gas – Advice regarding excavations near gas system pipes
- 9.4 Coastal and Land Drainage – No comment
- 9.5 Conservation Officer – Supports the proposed scheme

10 REPRESENTATIONS RECEIVED

53 representations have been received.

16 support the proposal in principal, however noting the following concerns;

- Set back of balustrades on beach hut roof insufficient to protect the privacy and safety of beach hut owners
- Aspects of detailed design of beach huts and associated structures are poor and galvanised finishes are unacceptable
- Disappointment over the revised positioning
- Application not in line with original design presented in August
- Beach hut owners should not be responsible for repair of hut roofs and public liability claims, as they would not have control over access

Potential to allocate private space at the front of the beach huts to avoid conflict with other beach users

35 object to the proposal for the following reasons;

- The railings will increase the height of the huts, increasing visual impacts and go against previous assurances that the beach huts would be no higher. Not like for like replacement
- Repositioning of huts inferior

- Should not be public access to the roofs, impacts on amenity of beach hut owners
- Set back of balustrades on beach hut roof insufficient to protect the privacy and safety of beach hut owners and public.
- Aspects of detailed design of beach huts and associated structures
- Visual impacts of detailed material finishes
- Potential for antisocial behaviour
- Flooding concerns and resilience of design
- Ventilation and damp issues
- Accessibility to beach huts and upper promenade
- Harm to setting of Heritage Assets
- Question revised positioning of huts and choice of final design proposed
- Licensing and liability matters
- Cost implications
- Time taken to replace the demolished huts

3 comment only, raising the following;

- Visual impacts from railings
- Set back of balustrades on beach hut roof insufficient to protect the privacy and safety of beach hut owners
- Aspects of detailed design of beach huts and associated structures
- Liability matters
- Concerns over the value of assurances previously made

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

In this case the applicant is the Council.

14 ASSESSMENT

- 14.1 The site is located on the beach front at Milford-on-sea, between the White House, a Grade II Listed Building and the Needles Eye café. It is separated from residential premises along Hurst Road by an area of public open space, the pavilion and bowling green, and car park. The site is within the Green Belt and Flood Risk Zone 3.
- 14.2 On 11th March 2015 outline consent was granted under PA 15/10061 for 119 beach huts and associated works including slabs, ramps, steps, railings, temporary fencing & barriers; and demolition of those existing. This application seeks approval of the reserved matters which include details of the siting, scale, design, access and landscaping.
- 14.3 The proposal would see a change in the appearance and arrangement in comparison with the original beach huts however key aspects of their general design form, massing and materials would be reflected. Opportunity has also been taken to improve their appearance, particularly the rear aspect onto the upper promenade, removing the former gap between this and rear of the beach huts.
- 14.4 The new beach huts would be of a concrete construction, a key feature of the former beach huts and again would be positioned on the lower promenade with a structural height consistent with that of the former beach huts. The appearance of the huts would remain simple, however the frontage would be punctuated by coloured beach hut doors, the final colour of which can be controlled by condition.
- 14.5 Balustrading incorporated into the design would be a new feature along this part of the beach to meet safety requirements in association with the new inhabited roof and access points. Although this would project above the structural height of the beach huts, as a result of its wire infill design this would have little visual impact and becoming less discernible from distance when seen against its backdrop.
- 14.6 Ancillary structures, steps and ramps would integrate visually with the new beach hut terraces and existing sea wall. The new west end ramp would work with the constraints of the existing sea wall structures and pill box feature, providing visual context to its placement.
- 14.7 As with the final finished colour of the beach hut doors, it is considered appropriate to request the submission of further details of the final external finish of all elements of the proposal to ensure a suitable visual appearance.

- 14.8 The revised layout and inhabited roof design would enable improved access to the lower promenade and views of the sea. Although the steps at the rear of the beach huts would reduce the width of the upper promenade this already varies and as proposed this would still enable suitable access widths. Furthermore the accessible upper promenade area would be increased with the inclusion of the inhabited roof design, fully accessible from a series of ramps and steps at the rear of the beach huts.
- 14.9 The replacement beach huts and associated structures would remain vulnerable to flooding and storm wave actions. However, additional resilience has been integrated in their design to withstand a 1:200 year storm event. This includes aspects of their detailed construction and the revised positioning of the units away from the more vulnerable eastern end of the beach front. Owing to the use of the beach huts and the non-residential nature of their use, this would not increase flood risk and it is noted that the Environment Agency has raised no objection to these proposals.
- 14.10 Although the replacement beachhuts would have a reduced width, 2.0m compared to 2.14m previously, the depth would be increased from 2.44m to 2.6m. This would provide the same floor area of 5.2m². Arrangements on the division of outside spaces for beach hut owners would be subject to a separate arrangement with the Council, as would any licensing agreements, liability arrangements or the internal decoration of the beach huts.
- 14.11 The balustrading provided above the huts would be set back from the edge of the roof such that views down into the private space would be restricted and the privacy of beach hut owners maintained in addition to protecting the safety of the roof users. It is recognised that the beach front is publicly accessible and therefore open to public views.
- 14.12 Moving the beach huts towards the western end of the promenade does change their location. However given the openness of the lower promenade and orientation relative to the White House this would not adversely affect the aspect or outlook of the beach huts.
- 14.13 Given the separation from nearby residential premises and that the design would reflect the general positioning and form of the former beach huts, it is not considered that this proposal would result in harm to the living conditions of nearby residents.
- 14.14 As the development would reflect the location and general massing of the previous beach huts on this site this should not lead to any harm to the setting of the nearby Grade II Listed White House.
- 14.15 The detailed design of the proposed development would integrate key aspects of the character of the former beach huts while improving the resilience of the design, access to the beach front and its aesthetic appearance. As such subject to the final detailing of the external materials it is considered that the proposal would be acceptable in its impacts on the appearance of the surrounding area and the amenity of beach hut owners, local residents and beach front users.

- 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.

15. RECOMMENDATION

Grant Subject to Conditions

Reserved matters of access, landscaping, siting, appearance and scale specified in condition 1 of outline permission reference number 15/10061 dated 11 March 2015.

Proposed Conditions:

1. The development permitted shall be carried out in accordance with the following approved plans: 310 Rev P1; 309 Rev P1; 308 Rev P2; 101 Rev P3; 102 Rev P2; 201 Rev P3; 302 Rev P2; 304; 305; 306; 307; 902; 001 Rev P1; 002; 003; 004; 005; 051Rev P2; 052 Rev P4; 053 Rev P4; 301 Rev P3; 311 Rev P1; 901 Rev P1.

Reason: To ensure satisfactory provision of the development.

2. Before construction of the new beach huts commences, samples or exact details of all external facing materials and applied finishes for the beach huts, balustrades and surfacing 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.

Notes for inclusion on certificate:

1. This decision relates to amended / additional plans received by the Local Planning Authority on 12/11/2015 & 18/11/2015

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

In this case the Council is the applicant.

Further Information:

Householder Team

Telephone: 023 8028 5345 (Option 1)

