

NOTICE OF MEETING

Meeting: PLANNING DEVELOPMENT CONTROL COMMITTEE

Date and Time: WEDNESDAY, 9 MARCH 2016, AT 9.00 AM*

Place: THE COUNCIL CHAMBER, APPLETREE COURT,
LYNDHURST

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

PUBLIC PARTICIPATION:

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

Bob Jackson
Chief Executive

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

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

AGENDA

Apologies

1. MINUTES

To confirm the minutes of the meeting held on 10 February 2016 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) **59 Station Road, New Milton (Application 15/10032) (Pages 1 - 14)**

Second and three storey extensions to create 10 flats; parking.

Recommended: Executive Head of Economy, Housing and Planning authorised to grant planning consent.

(b) **Land adjacent 1 Dukeswood Drive, Dibden Purlieu, Hythe (Application 15/10039) (Pages 15 - 26)**

Detached house.

Recommended: Executive Head of Economy, Housing and Planning authorised to grant planning consent.

(c) **1 Cumberland Way, Dibden, Hythe (Application 15/11450) (Pages 27 - 34)**

Two-storey side extension; access alterations

Recommended: Planning consent subject to conditions.

(d) **80 Lower Buckland Road, Lymington (Application 15/11465) (Pages 35 - 40)**

Shed.

Recommended: Planning consent subject to conditions.

(e) **Karmma Heights, The Square, Fawley (Application 15/11733) (Pages 41 - 50)**

Use ground floor as 2 flats; associated alterations.

Recommended: Planning consent subject to conditions.

(f) **Tanatside, Ridgeway Lane, Lymington (Application 15/11734) (Pages 51 - 56)**

Roof alterations to extend first floor to include: front and side gable ends; front and rear dormers; rooflights.

Recommended: Planning consent subject to conditions.

(g) **Land rear of Elgin House, Roman Road, Dibden Purlieu, Hythe (Application 15/11798) (Pages 57 - 66)**

House; parking.

Recommended: Executive Head of Economy, Housing and Planning authorised to grant planning consent.

(h) **Phoenix Youth Centre, Culver Road, New Milton (Application 15/11742) (Pages 67 - 76)**

Temporary school building (Amended reason to advertise).

Recommended: That temporary planning consent be granted for a period of 2 years.

(i) **29 Fairview Drive, Hythe (Application 16/10022) (Pages 77 - 86)**

Single-storey rear extension; raised decking; fenestration alterations and handrail to side elevation; access alterations to No 29; two bungalows; access; parking.

Recommended: Executive Head of Economy, Housing and Planning authorised to grant planning consent.

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

STATUTORY TESTS

Introduction

In making a decision to approve or refuse planning applications, or applications for listed building consent, conservation area consent and other types of consent, the decision maker is required by law to have regard to certain matters.

The most commonly used statutory tests are set out below. The list is not exhaustive. In reaching its decisions on the applications in this agenda, the Committee is obliged to take account of the relevant statutory tests.

The Development Plan

The Development Plan Section 38

The Development Plan comprises the local development plan documents (taken as a whole) which have been adopted or approved in relation to that area.

If regard is to be had to the Development Plan for the purpose of any determination to be made the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Listed Buildings

Section 66 General duty as respects listed buildings in exercise of planning functions. Planning (Listed Buildings and Conservation Areas) Act 1990

In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features or special architectural or historic interest which it possesses.

Conservation Areas

Section 72 General duty as respects conservation areas in exercise of planning functions Planning (Listed Buildings and Conservation Areas) Act 1990

(1) In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

(2) The provisions referred to in subsection (1) are the Planning Acts and Part 1 of the Historic Buildings and Ancient Monuments Act 1953.

Areas of Outstanding Natural Beauty (AONB's)

Section 85. General duty as respects AONB's in exercise of any function Countryside and Rights of Way Act 2000

In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.

Trees

Section 197. Trees Town and Country Planning Act 1990

It shall be the duty of the local planning authority (a) to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees; and (b) to make such orders under section 198 as appear to the authority to be necessary in connection with the grant of such permission, whether for giving effect to such conditions or otherwise.

Biodiversity

Section 40. Duty to conserve biodiversity Natural Environment and Rural Communities Act 2006

Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.

Conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.

Conservation of Habitats and Species Regulations 2010

Under the provisions of the Conservation of Habitats and Species Regulations 2010, the Council has to ensure that development proposals will not have an adverse impact on the integrity of a designated or candidate Special Area of Conservation (SAC), classified or potential Special Protection Area (SPA), or listed Ramsar site and mitigation will be required.

Any development involving the creation of new residential units within the District will have such an impact because of the resulting cumulative recreational pressure on these sensitive sites. Under Policy DM3 of the adopted Local Plan Part 2, the Council's general approach is to recognise that the impact is adequately mitigated through the payment of contributions for the provision of alternative recreational facilities, management measures and monitoring.

Equality

The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular the Committee must pay due regard to the need to:

- (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Financial Considerations in Planning

Section 70 of the Town and Country Planning Act 1990 as amended by the Localism Act 2011 requires all reports dealing with the determination of planning applications to set out how "local financial considerations" where they are material to the decision have been dealt with. These are by definition only Community Infrastructure Levy (CIL) payments and government grant in the form of the New Homes Bonus.

New Forest District Council adopted a CIL charging schedule on 14 April 2014. The implementation date for the charging schedule is 6 April 2015. The New Homes Bonus Grant is paid to the Council by the Government for each net additional dwelling built in the District. The amount paid depends on the Council tax banding of the new dwellings and ranges between £798 and £2,304 per annum for a six year period. For the purposes of any report it is assumed that all new dwellings are banded D (as we don't actually know their band at planning application stage) which gives rise to grant of £1152 per dwelling or £6,912 over six years.

Application Number: 15/10032 Full Planning Permission

Site: 59 STATION ROAD, NEW MILTON BH25 6JA

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

Applicant: Sheet Anchor Evolve Ltd

Target Date: 13/05/2015

1 REASON FOR COMMITTEE CONSIDERATION

Affordable Housing negotiations and previous committee consideration (June 2015)

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Town Centre
Built up area
Primary Shopping Area
Adjacent protected trees

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

CS2: Design quality
CS7: Open spaces, sport and recreation
CS8: Community services and infrastructure
CS10: The spatial strategy
CS15: Affordable housing contribution requirements from developments
CS17: Employment and economic development
CS20: Town, district, village and local centres
CS24: Transport considerations
CS25: Developers contributions

Local Plan Part 2

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

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

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

6 RELEVANT PLANNING HISTORY

None of direct relevance

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: Recommend refusal

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

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

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

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

REPRESENTATIONS RECEIVED

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

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission and the dwellings built, the Council will receive £11520 in each of the following six years from the dwellings' completion, and as a result, a total of £69120 in government grant under the New Homes Bonus will be received.

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

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

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

14 ASSESSMENT

Introduction

This planning application was considered at the Planning Development Control Committee on the 10th June 2015 and the outcome was that the Head of Planning and Transportation be authorised to grant planning consent subject to the completion of the requisite Section 106 Agreement by the 30th October 2015 to secure affordable housing (2 on site dwellings and an offsite financial contribution of £22,750) and habitat mitigation and monitoring contributions of £5550. The resolution also required the submission of further details of the spring loaded recessed plates proposed at the entrance to the site from Ashley Road to show the implications for the protected oak tree. This matter can be resolved by a planning condition which is included in the recommendation.

Unfortunately the Section 106 Agreement was not completed in time and the applicants have now submitted a financial viability appraisal to support the application which states that the proposed development cannot make the full affordable housing contribution and in particular the two on site affordable housing units. The applicant states there is a lack of demand from Registered Social Landlord's for isolated units due to the disproportionate management costs that ensue.

The Councils Valuer has assessed the appraisal and concludes that instead of two of the units on site being affordable, the scheme can make a financial contribution of £74,621 towards off site affordable housing. The Councils Valuer also considers that this is not an uncommon scenario at present and therefore considers that it would be appropriate for the Affordable Housing obligations to be met solely through a financial contribution in this instance.

Since this application was considered by Committee in June 2015, Habitats Mitigation has been dealt with in a different way, this is now secured by condition which is included in the recommendation.

Officers report as set out on the 10th June 2015

- 14.1 The site lies within the built up area of New Milton in the Primary Shopping Area of the Town Centre. The western part of the site contains a part single part two storey brick building with flat roof currently in use as a bank with separate uses including an estate agent offices and a vacant retail unit with offices on the first floor. Other than a landscape strip to the front of the site, the rest of it is hard surfaced and in use as a car park accessed from Ashley Road although the exit is onto Station Road.
- 14.2 The proposal seeks to create ten residential flats by constructing a second floor on the existing building and a new three storey extension to the rear on part of the existing car park. The proposal would create 9 one bedroom flats and a 1 two bedroom flat. It is proposed to retain the existing retail and office uses on the ground and first floor of the building. The proposed second floor would be constructed over the existing first floor and would be set slightly back from the edge of the building to enable a outside terrace to be created. The new three storey extension would rise to the same scale linking into the second floor addition with its main elevation facing onto Ashley Road.

- 14.3 Visually the proposed structure would be a contemporary flat roof design constructed predominately with grey metal vertical cladding with part horizontal timber cladding. A glazed balustrade would be provided around the perimeter of the terrace facing the two roads. The proposed extension would be constructed on concrete support columns so that car and cycle parking can be provided beneath and the extension would be built over approximately half the car park. Alterations are proposed to the car parking layout with new tree and soft landscaping provided.
- 14.4 In terms of policy matters, the site lies within the town centre and the Primary Shopping Frontage. Within this defined area, policies in the local plan and the National Planning Policy Framework support new residential uses providing that there is no loss of existing commercial uses and residential uses are not provided on the ground floor. The proposal seeks to retain the existing retail, commercial and offices spaces within the building although there would be some loss of car parking spaces to these units.
- 14.5 In assessing the proposal against these policies, on the basis that the existing employment and retail activity is retained, it is considered that this is supported under Core Strategy Policy CS20 and Local Plan Part 2 Policy DM14. Indeed, the site lies within a town centre location comprising a large car parking area and the proposal to create additional residential units would make good use of the site and there are no policies that prohibit such a proposal. While there would be a loss of existing car parking spaces that serve the existing retail and commercial uses, it is considered that the proposed residential development would provide overriding benefits and that the small loss of spaces would not be unreasonable on a town centre site nor would it compromise the attractiveness or viability of these commercial units.
- 14.6 In terms of the effect on the character and appearance of the area, the site lies within Character Area 1 'Town Centre' of the New Milton Local Distinctiveness Document. The Local Distinctiveness SPD described one of the key defining features that characterise the town centre as the: *"Rhythms of built form and features along Station Road"*. The guidance seeks that: *"Rhythm should be retained through window and facade patterns, articulation and detail that run vertically through the whole building and articulation of sky line"*.
- 14.7 The existing building occupies a very prominent position on the corner of two roads and along the main high street in the town centre. The building is slightly set back from Station Road compared to other buildings in the street, and is constructed from brick under a flat roof rising to two storeys. Along Station Road building types, materials and designs vary throughout ranging between two and three storeys. Opposite the site along the west side of Ashley Road, there is a predominant two storey scale with additional accommodation in the roof space. The building comprises a single terrace located close to the road frontage with its ridge running parallel with the road, and the shop fronts and window patterns are very similar. On the corner of Ashley Road, the building rises to three storeys where the building makes a statement on this corner junction and adds interest into the street scene.
- 14.8 Along the east side of Station Road, to the north of the site, the buildings tend to be more modern developments with residential flats above shops

shop units. Some of these modern developments do not positively contribute to the character of the high street in terms of the design, massing, scale and appearance. In particular the scale, design and massing of the building immediately to the north known as Bursledon House is poor, which extends at three storey level deep into the rear of the site.

- 14.9 Generally the scale of the buildings along Station Road are two and three storeys, some with further accommodation in the roof space. There are also some four storey buildings along Station Road, but building heights vary throughout. Along Ashley Road there are large three storey residential flatted buildings. Accordingly, it is considered that there is no objection to a three storey building in this location subject to design and respect for the rhythms of built form and features along Station Road. Moreover, it is considered that the proposal to create a second floor and a building over the existing car park would make good use of the site in this town centre location.
- 14.10 The proposed second floor would be constructed over the majority of the existing building but recessed back from the front elevation to provide an outside terrace which helps break up the massing of the building. The extension in the car park would be set back from the road and linked to the appearance of the second floor extension which is considered to be the correct design approach. The balconies would provide some outdoor space for the residents and enables the massing of the building to be recessive. Using glazed balconies at a low height as shown would be appropriate in this context. The design of the second floor with its vertical cladding and fenestration in line with the first floor windows of the existing building picks up the rhythms in the street and this would accord with the principles of the New Milton Local Distinctiveness Document. The proposed use of a darkish metal clad finish would contrast with the existing brick building, but this is felt to create a contemporary design approach which would add character and presence to the existing building that would be acceptable in this location. If the building was designed with brick materials to match the existing building, this is likely to exacerbate the scale and massing of the overall building which would be inappropriate in this context. Accordingly, the design approach and use of materials which link in with the three storey building in the car park would not unacceptably detract from the character of the area and would be viewed as an innovative design solution to extend and alter the building so that it appears as an extension to the original building.
- 14.11 The proposal has very limited private amenity space for the proposed dwellings, but the residential flats would have outside terraced areas and balconies which would broadly accord with the councils Supplementary Planning Document Housing Design Density and Character. New tree and soft landscaping in the existing car parking area would help soften the views and outlook from these residential properties.
- 14.12 With regard to residential amenity, the proposed residential properties that are most likely to be effected are to the north at Bursledon House and to the rear at Shannock House, 1 Ashley Road.
- 14.13 The building to the north at Bursledon House comprises several residential flats and has a number of windows on the side elevation at first, second and third floor level facing the application site. The proposed second floor to be added to the existing frontage building would have

some impact on the outlook from the residential flats at Bursledon Home. There is currently a third storey dormer and second floor window nearest to the proposed extension and both these windows serve bedrooms which face the existing two storey building. The view from those windows would be onto the side elevation of the new extension which would extend approximately 3.7 metres above the existing two storey building. The distances from the existing windows at Bursledon House to the side elevation of the proposed second floor building would range from approximately 5.5 metres to 7 metres. Because of this close relationship and the design of the building with dark cladding, it is considered that there would be some loss of outlook from these windows, however the effect would not be so severe to refuse planning permission. The windows serve bedrooms and are not main living rooms such as a lounge and the residential flats have their main windows facing Station Road or to the rear of the site. It is also considered that a minimum distance in excess of 5 metres would be reasonable not to result in a level of impact that would warrant a refusal of planning permission in a densely developed Town Centre location such as this.

- 14.14 In terms of the three storey extension in the car park, the rear elevation of the building would have first and second floor windows together with balconies facing the side elevation to Bursledon House, which has first, second and third level windows which serve bedrooms, bathrooms and kitchens facing the application site. The distance from the proposed windows on the rear elevation would be approximately 11 metres but the views from the windows would be slightly oblique given that the building at Bursledon House is set further back from the proposed building in the car park. There is a high leylandii hedgerow along the boundary which provides some screening but this landscape feature is very unattractive and in a poor condition and it is proposed to replace this with some new trees and hedgerow. Given the distances involved between the properties and the oblique angled views, it is not considered to result in unacceptable overlooking. It should also be noted that overlooking is more apparent in town centre locations where buildings and residential properties tend to be at a higher density and located closer together.
- 14.15 Concerning Shannock House, 1 Ashley Road, there are several first and second floor windows proposed facing in the direction of these neighbouring residential flats, although part of the building incorporates angled windows which predominately face to the front and rear of the site. In total, there would be eight windows facing east serving bedrooms and lounge areas. It is considered that there would be an element of overlooking to the neighbouring residential flats at Shannock House, but the impact would not be so severe as to justify refusal of planning permission. The existing windows comprise small kitchen windows rather than main living or lounge areas. The proposed building would be approximately 12 metres away from these windows, which is considered to be an acceptable distance not to result in any loss of light or look in this Town Centre location.
- 14.16 In terms of public highway safety matters, the proposal would result in the provision of 10 apartments, (9 x one-bed and 1 x two-bed) together with 26 car parking spaces and a number of secure cycle spaces. Parking within the New Forest District (outside the National Park) is sought in accordance with the NFDC document 'Parking Standards Supplementary Planning Document (SPD)' which sets a recommended average provision for residential car parking provision and recommended car parking

provisions for all non-residential use classes. For one-bed dwellings the recommended provision is 1.4 per unit where shared/communal rising to 2 spaces where allocated, for two-bed dwellings the shared/communal recommended provision is 1.5 with the allocated provision the same as for a one-bed dwelling.

- 14.17 However, given the close proximity of the site to local amenities, including public transport, together with the fact that the parking SPD provides a recommended average provision and does not seek to set minimum or maximum standards, the highway authority consider that an objection based upon an under provision of car parking for the proposed residential development would be neither appropriate nor sustainable. The transport statement indicates that the level of off-street parking would increase by 2 spaces, with 1 space allocated to each dwelling with the remainder allocated to the ground floor commercial units, which represent a loss of 8 spaces for the existing users, i.e. an approximate reduction of 33% in capacity. In order to substantiate this reduction in car parking capacity the applicant should provide secure and covered cycle parking for the existing commercial units, in order to encourage alternative modes of transport to the private car. The parking SPD provides minimum standards for both long and short stay cycle parking, for long stay this 1 space & 1 loop/hoop per one-bed unit whilst the long stay provision rises to 2 spaces.
- 14.18 Due to the restricted widths of the existing vehicular access the car park operates under a one-way system with vehicular access being achieved from Ashley Road and egress onto Station Road. Given that both Ashley Road and Station Road are classified, together with the close proximity to the signalised crossroads, the highway authority consider that the continuation of this one-way system is necessary in highway safety terms and will need to be controlled and self policing. The plans show spring loaded recessed plates in the road to self police the one way system.
- 14.19 In terms of tree matters, situated to the east of the car parks entrance on the sites southern boundary is a large, mature Oak tree that provides a good level of public amenity. The tree is protected by TPO: 0033/13 and is considered as a constraint to the development of this site. The Tree Officer does not raise any objections subject to imposition of a condition.
- 14.20 The proposed development would require contributions towards affordable housing under Policy CS15. The target minimum would be 40% of all dwellings to be for affordable housing which would equate to 4 of the 10 dwellings on site to be affordable. The applicant has proposed 2 units on site for affordable housing and an off site contribution of £22,750. Whilst it is considered 4 units should be on site affordable, on the basis that the applicant is meeting the policy provision which includes both on site and a financial payment, it is considered that this approach would be acceptable. In addition a contribution towards habitats mitigation would be required as set out in the Contributions table. The other contributions would be dealt with under CIL. The Section 106 Agreement has not been completed and is currently being progressed.
- 14.21 On the 28th November 2014 National Planning Practice Guidance was updated with regard to the charging of contributions for affordable housing. The changes are not strictly new national policy but they are “material considerations” when determining a planning application. As such when determining an application they have to be weighed against all

other material considerations notably locally adopted policies in the Development Plan. The changes do not apply to Habitat Mitigation measures or site-specific requirements eg. an improved access on highway land that will continue to be applied in full. This is a complex issue. However, New Forest District Council's evidence shows that small sites contributions are being varied when appropriate in response to site specific viability considerations (in accordance with our Local Plan policy). The loss of affordable housing provision from all small site developments would result in a reduced supply of affordable housing as small sites make a major contribution to our housing supply in this area. Developers not wishing to make a financial contribution do have the option of making provision on-site for affordable housing, to comply with the policies in the adopted Local Plan.

- 14.22 In these circumstances, and with an up-to-date Local Plan, it will generally be appropriate to conclude that the material consideration of the Government's recent announcement does not outweigh the presumption in favour of following the Development Plan.
- 14.23 In conclusion, it is considered that the proposed development would be acceptable subject to the completion of a Section 106 Agreement for the required contributions.
- 14.24 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

Developers Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing	40%		
No. of Affordable dwellings	4	0	4
Financial Contribution	0	£74,621	0
Financial Contribution	£0	£0	0

CIL Contribution Summary Table

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

15. RECOMMENDATION

That the Executive Head of Economy, Housing and Planning be **AUTHORISED TO GRANT PERMISSION** subject to:

- (i) the completion, by the 30th June 2016, of a planning obligation entered into by way of an Agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure affordable housing (an offsite financial contribution of £74,621)
- (ii) the imposition of the conditions set out below.
- (iii) the submission of further details of the spring loaded recessed plates proposed at the entrance to the site from Ashley Road to show the implications for the protected oak tree

BUT, in the event that the Agreement is not completed by 30th June 2016, the Executive Head of Economy, Housing and Planning be **AUTHORISED TO REFUSE PERMISSION** for the reasons set out below.

Conditions to be attached to any consent:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: 947/12 rev j, 947/10 rev i, 947/20 rev g, 947/21 rev h, 947/23 rev h, 947/22 rev h, 947/20 rev c.

Reason: To ensure satisfactory provision of the development.

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

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

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

Reason: To ensure adequate parking provision is made in the interest of highway safety.

5. Prior to commencement of works (including site clearance and any other preparatory works) a scheme for the protection of trees in accordance with BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations shall be submitted to the Local Planning Authority for approval. Once approved, the scheme shall be implemented and at least 3 working days notice shall be given to the Local Planning Authority that it has been installed. Information is required on the:
- a) Location of site compound and mixing areas,
 - b) Routes of underground services,
 - c) Tree work specification,
 - d) Position of tree protective fencing/ground protection. The protective fencing shall be as specified in Chapter 6 and detailed in figures 2 or 3 of BS5837:2012 unless otherwise agreed in writing with the Local Planning Authority.
 - e) The submission of further details of the spring loaded recessed plates proposed at the entrance to the site from Ashley Road to show the implications for the protected oak tree

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

6. In accordance with the submitted strategic landscape details on Drawing No 947/10 Rev 1, the following additional details shall be submitted to and approved by the Local Planning Authority:
- a) a specification for new planting (species, size, spacing, location, tree pits, irrigation tubes, cellular systems and root barriers);
 - b) areas for hard surfacing and the materials to be used;
 - c) other means of enclosure, including the external free standing wall/grill structure which screens the undercroft parking area from Ashley Road;
 - d) a method and programme for its implementation and the means to provide for its future maintenance;

No development shall take place unless these details have been approved and all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size or species, unless the Local Planning Authority gives written consent to any variation.

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

7. Before development commences, details of the means of disposal of surface water from the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the future maintenance of the drainage system and the maintenance arrangements and full details of the responsible parties must be confirmed to the Local Planning Authority by the applicant prior to occupation of the penultimate dwelling. Development shall only take place in accordance with the approved details.

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

8. Prior to commencement of work a trial trench shall be dug in the area proposed for the foundations of the brick piered wall, in order to establish the presence and direction of any significant tree roots. The trial trench shall be hand dug to a depth of no less than 600mm without severing any roots of more than 20mm in diameter. The applicant shall give the Local Planning Authority notice of the completion of the trial trench and will allow reasonable access to the trench by the Council's Tree Officer for a period of 7 days following notification. Details of the design and construction of the foundations shall then be submitted to the Local Planning Authority having regard to the presence and orientation of any structural roots and development shall not proceed until the details have been approved by the Local Planning Authority. Work shall only take place in accordance with the approved details.

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

9. No development shall be carried out until proposals for the mitigation of the impact of the development on the New Forest and Solent Coast European Nature Conservation Sites have been submitted to and approved in writing by the local planning authority, and the local planning authority has confirmed in writing that the provision of the proposed mitigation has been secured. Such proposals must:
- a) Provide for mitigation in accordance with the New Forest District Council Mitigation Strategy for European Sites SPD, adopted in June 2014 (or any amendment to or replacement for this document in force at the time), or for mitigation to at least an equivalent effect;
 - b) Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing maintenance and monitoring of any Suitable Alternative Natural Green Spaces which form part of the proposed mitigation measures together with arrangements for permanent public access thereto.
 - c) The development shall be carried out in accordance with and subject to the approved proposals.

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

Reason(s) for Refusal:

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

Notes for inclusion on certificate:

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

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

3. In discharging condition No. 9 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: 15/10039 Full Planning Permission

Site: Land adjacent 1 DUKESWOOD DRIVE, DIBDEN PURLIEU,
HYTHE SO45 4NH

Development: Detached house

Applicant: BSP Projects Ltd

Target Date: 27/03/2015

1 REASON FOR COMMITTEE CONSIDERATION

Affordable Housing Negotiations and interpretation of policy

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Landscape Feature
Public Open Space Existing
Built up area
Flood Zone 1/2/3

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
3. Housing
6. Towns, villages and built environment quality
8. Biodiversity and landscape

Policies

Adopted Local Plan First Alteration

Saved Policy DW-E12: Protection of Landscape Features

Core Strategy

CS2: Design quality
CS4: Energy and resource use
CS6: Flood risk
CS7: Open spaces, sport and recreation
CS10: The spatial strategy
CS15: Affordable housing contribution requirements from developments
CS24: Transport considerations
CS25: Developers contributions

Local Plan Part 2

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 - Mitigation Strategy for European Sites
SPD - Parking Standards

6 RELEVANT PLANNING HISTORY

- 6.1 House, access (91624) Granted with conditions on the 6th March 2008
- 6.2 Erection of a house with integral garage (06811) Refused on the 20th January 1977

7 PARISH / TOWN COUNCIL COMMENTS

Hythe Parish Council: Recommend permission but would support a delegated decision

8 COUNCILLOR COMMENTS

None

9 CONSULTED COMMENTS

- 9.1 Land Drainage: No objection subject to condition
- 9.2 Environment Agency: No objection subject to condition
- 9.3 Hampshire County Council Highway Engineer: No comment received to date
- 9.4 Tree Officer: No objection subject to condition
- 9.5 Open Space Officer: Objection. The proposal would result in the loss of an existing landscape feature and area of public open space.
- 9.6 Council's Valuer: If the target Affordable Homes contribution is included in the appraisal, the residential development land value falls below the current modest Site Value. Therefore it is appropriate to reduce the Affordable Homes contribution in this case. If the Affordable Housing contribution is adjusted to £14,265 the residual development site value is in equilibrium with the threshold Site Value.
- 9.7 Policy: Objection. The proposal would result in the loss of an existing landscape feature and area of public open space.

10 REPRESENTATIONS RECEIVED

None

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission and the dwellings built, the Council will receive £1152 in each of the following six years from the dwellings' completion, and as a result, a total of £6912 in government grant under the New Homes Bonus will be received. From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments. Based on the information provided at the time of this report this development has a CIL liability of £12,048.80

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

In this case, the proposal was acceptable as submitted.

14 ASSESSMENT

14.1 The site lies on the corner of Whitewater Rise and Dukeswood Drive within the built up area of Hythe. There are no buildings or structures on the site, which is currently vacant. At one time the site possibly formed part of the residential curtilage to No 1 Dukeswood Drive. The site is a square shaped piece of land with dense vegetation and trees to the west, north and south boundaries. The land is on a much lower level than Dukeswood Drive. To the north of the site is a stream and footpath

running through a line of trees and the site lies within a high risk flood zone. Part of the site is located within land identified as a Landscape Feature, existing public open space.

- 14.2 The character of the surrounding area is residential and comprises detached, semi-detached and terraced housing (linked by garages). Along Dukeswood Drive, the residential properties range from two storey dwellings to chalet style dwellings. For the most part, the dwellings have their ridge lines running parallel to the road, but some of the properties are designed with front gables. To the front of the properties there are no front boundary walls or enclosures. Rear garden areas are typically small with a dense line of trees lining their rear boundaries.
- 14.3 The proposal is to construct a detached dwelling with attached garage on this site with access from Dukeswood Drive. The main elevation of the proposed dwelling would front onto Dukeswood Drive and the proposed layout would incorporate a side and rear garden area. The majority of the existing trees along the site boundary would be removed and new tree planting is proposed around the perimeter of the site. Visually the proposed dwelling would be a conventional two storey dwelling with a pitched roof with part front gable end.
- 14.4 Planning permission was granted on this site in 2008 for a detached dwelling, which comprised a building which would have fronted onto Dukeswood Drive. That permission has now expired. That approval involved the dwelling having a front and rear garden and the majority of the land to the west of the site where there is dense tree coverage being retained.
- 14.5 In assessing the effect on the character and appearance of the area, the site lies within the built up area and part of the site lies within an area designated as a Landscape feature and existing public open space. The landscape feature and public open space designation extends along the stream to the north of the site and the western half of the site on the corner of Dukeswood Avenue and Whitewater Rise. It should be noted that the site is not in public ownership.
- 14.6 Saved Policy DW-E12 of the Local Plan (First Alteration) relates to the protection of landscape features and states that development will not be permitted which would cause the loss of, or irreparable damage to, open areas or other landscape features, which contribute to the character or setting of a defined built-up area and/ or screen development which would otherwise have an unacceptable visual impact. The subtext to the policy states that within and adjoining the defined built-up areas, there are undeveloped areas and landscape features, such as small amenity spaces, gaps between parts of settlements, woodlands, ponds etc, which are of visual amenity value, and help to create a particular local character and identity. This policy seeks to protect them from developments which would detract from the contribution they make to the quality and character of the local environment. Where appropriate the local planning authority will also encourage management initiatives to maintain and enhance them.
- 14.7 In terms of the loss of open space, part of the site is allocated in the local plan as existing open space (exactly the same area which is identified as a landscape feature). The land has not been developed as public open space and there is no direct access for the public to use this land. The

Council's Open Space Officer is concerned that although the land is not currently used as open space, it is allocated for such purposes and the loss of this area would affect the Council's overall open space requirements and the proposal would also result in the loss of the landscape feature.

- 14.8 In response, the proposed dwelling and rear garden area does not extend into these areas. It is the proposed side garden area which would extend into the designated areas. Given that the land has never been laid out as open space or made available for public use, it is very unlikely that it would ever become available for public open space in the foreseeable future. This is not to say that every piece of land which is designated as a landscape feature or area of public open space which is in private ownership can be developed. However, it is felt that in this case, the extent of the area is very small, and it will not be available for public use in the future. The land to the north of the site along the stream is also defined as public open space, however, in this area there is a footpath and it is available for the public to use.
- 14.9 Moreover, it is clear that there are a number of trees and vegetation along the western and northern boundaries of the site, some of which are in a poor condition and over the years it would appear that the density of the vegetation has been reduced. None of these trees are protected. The applicant seeks to create a much improved tree planting proposal with a 6 metre screen around the perimeter of the site and this could include a mixture of field maple, scots pine and birch trees. The final details can be dealt with by a suitably worded planning condition.
- 14.10 In assessing this proposal, while some of the proposed side garden encroaches into the land designated as a landscape feature, this is only a small area and the proposal seeks to provide a much enhanced landscaped area with a better tree planting scheme extending to 6 metres deep around the perimeter of the site. It is felt that the 6 metre landscape buffer would ensure that a sufficient area of the landscape feature would be retained and a planning condition can also be imposed to prevent sheds or outbuildings in the side garden without the prior approval of the Local Authority. On balance it is considered that any harm from the removal of some trees and vegetation will be improved by an enhanced planting proposal, which would screen the development and retain the important landscape feature on the entrance to Dukeswood Drive.
- 14.11 Visually, the proposed dwelling is a different design to some of the other properties in the street, which predominantly have their ridge lines running parallel to the street. However the proposed dwelling has been designed to a high standard and because of its detached form would add interest to this part of the street and would not have a harmful impact on the character of the area.
- 14.12 With regard to residential amenity, the first floor windows on the south elevation would face in the direction of Dukeswood Drive, which would be acceptable and would not have any adverse impact in terms of overlooking. In terms of the effect on the resident at No 87 Highlands Way, there is a dense woodland area that separates the proposed north side elevation from the rear garden of that resident. The distance from the proposed bathroom window to the rear boundary of No 87 measures around 12.5 metres, and given the screening, this is unlikely to

unacceptably impact on that resident. Indeed the back to back distance is 25 metres, which is acceptable. Concerning the resident at No 1 Dukeswood Drive the proposed development is located close to the conservatory and side elevation of that property. The proposed attached garage would be sited adjacent to the conservatory, which would help reduce the impact on this neighbouring property.

- 14.13 In terms of highway safety matters and car parking, the site layout shows a car parking space and integral garage, which is sufficient for the size of the dwelling. It is also not anticipated that the proposal would prejudice public highway safety.
- 14.14 In terms of flooding matters, the application has been submitted with a Flood Risk Assessment. Based upon the Environment Agency flooding maps, the site is in part located within Flood Zone 2/3, which is defined as a high risk flooding area and to the rear of the site is a stream which is approximately 4 metres below the ground level of the site. The Flood Risk Assessment states that if the building has a suspended ground floor level at 21.60 metres Above Ordnance Datum (AOD), this would be 0.6 metres above the highest predicted level on the site during the 100 year event. This would effectively mean that the proposed dwelling would be sited in Flood Zone 1 which would be outside the high risk flood areas and on this basis, the Sequential Test would not be applicable. The Environment Agency raises no objection to the proposal provided that the building is built to this 21.60 metres AOD.
- 14.15 The proposed development requires an affordable housing contribution, which is considered fair and reasonable. In this case, the required affordable housing contribution equates to £25,070. The applicants have submitted a viability appraisal which concludes that if the full affordable housing contribution was made, the proposed development would be unviable.
- 14.16 The Council's Valuer has assessed the submitted viability appraisal and states that if the target Affordable Homes contribution is included in the appraisal, the residential development land value falls below the current modest Site Value. Accordingly, it is appropriate to reduce the Affordable Homes contribution to £14,625.
- 14.17 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.
- 14.18 In conclusion, it is considered that the proposed development would not have an adverse impact on the character of the area or living conditions of the adjoining residents and subject to the completion of a Section 106 Agreement to secure contributions towards affordable housing the proposal would be acceptable.

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

Developers' Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings			
Financial Contribution	£25,070	£14,625	-£10,445
Public Open Space			
On site provision by area			
Financial Contribution			
Transport Infrastructure			
Financial Contribution			
Habitats Mitigation			
Financial Contribution			

15. RECOMMENDATION

That the Executive Head of Economy, Housing and Planning be **AUTHORISED TO GRANT PERMISSION** subject to:

- i) the completion, by 30th September 2016, of a planning obligation entered into by way of an Agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure an affordable housing contribution of £14,625
- ii) the imposition of the conditions set out below.

But, in the event that the Agreement is not completed by 30th September 2016, the Executive Head of Economy, Housing and Planning be **AUTHORISED TO REFUSE PERMISSION** for the reasons set out below.

Conditions to be attached to any consent:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: site identification plans Rev A, adp/1424/p/101, adp/1424/p/102 Rev a, ADP/1424/P/100 rev a.

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 development hereby permitted shall not be occupied until the spaces shown on plan ADP/1424/P/100 A for the parking and garaging of motor vehicles have been provided. The spaces shown on plan ADP/1424/P/100 A for the parking and garaging of motor vehicles shall be retained and kept available for the parking [and garaging] of motor vehicles 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).

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

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

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

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

6. All external works (hard and soft landscape) shall be carried out in accordance with the approved plans and details 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).

7. The finished floor levels of the dwelling hereby approved shall be set no lower than 21.60 metres Above Ordnance Datum (AOD) as shown on the submitted plan reference ADP/1424/P/102 A or unless otherwise agreed by the Local Planning Authority.

Reason: To reduce the risk of flooding in accordance with policy CS6 of the Core Strategy for the New Forest District outside the National Park.

8. 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.

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

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.

Reason(s) for Refusal:

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

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.

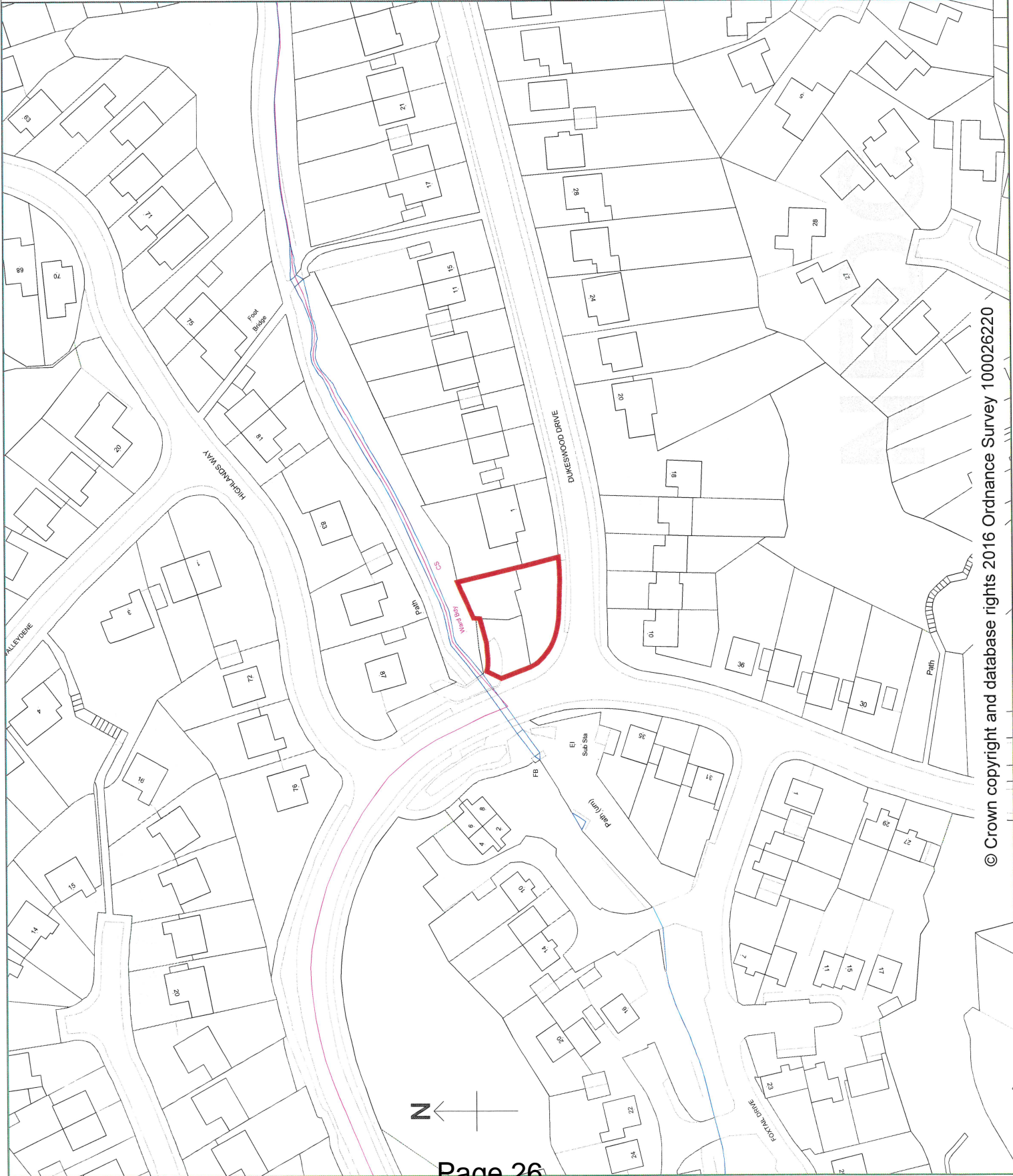
2. This decision relates to amended plans received by the Local Planning Authority on the 10th December 2015.

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: 15/11450 Full Planning Permission

Site: 1 CUMBERLAND WAY, DIBDEN, HYTHE SO45 5TX

Development: Two-storey side extension; access alterations

Applicant: Mr Grimes

Target Date: 24/12/2015

1 REASON FOR COMMITTEE CONSIDERATION

Applicant is a member of staff

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
CS24: Transport considerations

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

91/47916	Single storey side addition with attached garage 1 Cumberland Way, Dibden	21/08/1991	Granted
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91/47568	Single-storey side addition with attached garage 1 Cumberland Way, Dibden	20/06/1991	Refused
07/89630	Attached house 1 Cumberland Way, Dibden	20/04/2007	Refused Appeal dismissed
06/88956	Attached house 1 Cumberland Way, Dibden	10/01/2007	Refused
86/33599	Erection of a garage. 1 Cumberland Way, Dibden	03/02/1987	Granted
84/26129	Double garage with alterations to existing vehicular access. 1 Cumberland Way, Dibden	04/04/1984	Granted Subject to Conditions

7 PARISH / TOWN COUNCIL COMMENTS

Hythe and Dibden Parish Council recommend permission but would accept the decision reached by the District Council's Officers under their delegated powers, subject to the 2 windows on the western and northern sides fitted as top opening and obscure glazed.

Further comment: recommend permission, however the Parish Council would like to see a Tree Preservation Order placed on the 2 newly planted oak trees at the rear of the property.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

- 9.1 Land Drainage - Recommended informative in respect of how surface water will be discharged.
- 9.2 Hampshire County Council Highways - Initially recommended refusal as there was insufficient space to the front of the proposed garage to park a car. Following amended plans still had concerns regarding the position of the proposed parking and how these positions would be accessed, however following the receipt of a further plan showing the track path of the cars and a widening of the access the Highway Officer no longer had an objection subject to a condition for the access to be constructed prior to development on the site.
- 9.3 Arboricultural Officer - A moderately sized beech and smaller oak are growing on land 3 metres away from the rear boundary of this site. There is only very minor encroachment of branches over the garden and the trees being to the north of the site will cause significant shade. The proposed extension is at the side of the existing dwelling, it is far enough from the trees on adjacent land not to have an adverse impact on these trees. Therefore they have no objections on tree grounds.

Further comments from the Arboricultural Officer were received to confirm that 2 oaks beyond the rear boundary had previously been damaged and subsequently removed and 2 replacement oak trees would be replanted in the forthcoming season. These replacement trees would be protected by the original TPO.

10 REPRESENTATIONS RECEIVED

Three letters of objection: raising concerns in respect of the impact on the protected trees beyond the rear boundary, there would be additional shading from the size of the dwelling, concern regarding drainage issues and that the proposal would be too close to the boundary and would impact on their amenity.

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.

Amended plans were received to remove the proposed garage and show two parking spaces on the site with an associated widening of the existing drop kerb. Therefore all the above apply and no specific further actions were required.

14 ASSESSMENT

- 14.1 The property is a two storey semi detached dwelling at the end of a row of similar properties. A conservatory has been added to the rear. The front garden is enclosed with a low fence with high fences to the rear. Beyond the rear boundary are trees which are protected with Tree Preservation Orders.
- 14.2 The main considerations when assessing this application are the impact on the protected trees and the street scene along with highway safety. Planning consent was granted for a single storey side extension in 1991 which has not been implemented.
- 14.3 There is relevant planning history on this site. Both these applications were made by a previous owner. A new dwelling (06/88956) was refused as its bulk and close proximity, would have an adverse impact on the neighbouring properties and also impact on the protected trees. A revised application, (07/89630), reduced the width of the proposed property, it did not address the impact on the trees. This later application went to appeal and the Inspector confirmed that the proposed addition would threaten the retention of the protected trees. Subsequently it would appear that two of the trees were damaged and therefore had to be removed and a replanting scheme has been proposed. Tree works application 14/1094 approved removal of these trees subject to new planting being undertaken. The Arboricultural Officer has confirmed that the proposed extension would not have an adverse impact on the retention of the trees and has no objection to the proposed extension.
- 14.4 The proposed addition is the same width (4.2m) as the proposed dwelling, the subject of the 2007 appeal. However, this appeal was only dismissed on tree grounds. There are a number of properties in the street with two storey side extensions. While the proposed addition would cause an unbalance to the pair of semis, being at the end of the row there would not be a detrimental impact on the street scene. To ensure an acceptable appearance of the building a condition could be placed on any approval for the external facing materials to match those used on the existing building.
- 14.5 The neighbours on Cheviot Drive are concerned about the impact the proposed development would have on their amenity in terms of loss of light. These neighbouring properties are located at a sufficient distance from the proposed extension so that there would not be an adverse impact in terms of loss of light or visual intrusion. It is also noted that during the a previous appeal for a similar proposal, albeit a new dwelling, the Inspector considered that the separation distance between these neighbours on Cheviot Drive and the proposed addition would not cause unacceptably detrimental loss of sunlight or outlook to those properties. This situation has not materially changed since that decision was reached.

- 14.6 The Town Council has raised concern regarding the impact from the proposed windows on the west and north elevations and have asked that these are obscure glazed and top opening only. There are already windows at first floor on the side elevation and the proposed first floor window to the side would serve an ensuite and therefore could be conditioned to be obscure glazed and restricted opening to ensure there is no increase in overlooking. The additional window to the rear would be closer to the shared boundary with number 44 & 45 Cheviot Drive but given the angle of view available from this window and the separation distance to these properties, there would not be a significant impact in terms of loss of privacy. Furthermore this window is shown on the plans as being obscure glazed as it would serve a bathroom. The Inspector on the previous appeal noted that while number 44 in particular would be more closely overlooked from a side angle than at present it did not justify rejection of the proposal.
- 14.7 A previous application for an attached garage was refused in 1991 (91/47568) as the proposal did not provide an adequate length of hardstanding of 5.5 metres to permit a vehicle to park in front of the garage without prejudice to the safety of pedestrians using the footway. The original plans for this application did not allow 5.5 metres for parking to the front of the garage and amended plans were requested. The second set of plans removed the garage and showed parking at angles to the road and this raised concern from the Highway Authority in that it was not demonstrated that with the existing access and the layout that highway safety would not be compromised. However following the receipt of a further plan showing the track path of the cars and a widening of the access the Highway Officer no longer has an objection subject to a condition requiring the widened access being implemented prior to development commencing on the site. Given the importance of retaining parking on the site it is considered appropriate to apply a condition for the parking, as shown on the plans, to be retained.
- 14.8 The neighbour at number 45 Cheviot Drive has raised concern regarding the drainage of the site. The Council's Drainage Engineer has advised that while the plans do not show how surface water will be discharged this would be dealt with under Building Regulations. They have asked that an informative be applied to the application to advise the applicant that there should be no increase in flow to any surface water system or watercourse.
- 14.9 Overall, the proposed development would be consistent with Core Strategy policies and objectives and, as such, the application is recommended for permission, subject to the conditions as set out.
- 14.10 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development permitted shall be carried out in accordance with the following approved plans: 01 B

Reason: To ensure satisfactory provision of the development.
3. The external facing materials shall match those used on the existing building.

Reason: To ensure an acceptable appearance of the building in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park Core Strategy.
4. The first floor window on the 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).
5. No development shall start on site until the access, including the footway and verge crossing shall be constructed in accordance with the approved plan.

Reason: To provide satisfactory access 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).
6. The parking spaces shown on plan 01B for the parking of motor vehicles shall be provided and thereafter retained and kept available for the parking of motor vehicles for the property 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).

Notes for inclusion on certificate:

1. The application drawings/form does not state how surface water will be discharged of. There should be no increase in flow to any surface water system or watercourse. The reason for this is that most of the watercourses in the New Forest catchment flood out of bank during high rainfall which can cause property flooding. A predicted 30% increase in flow rate caused by climate change over the next 100 years is likely to cause more properties to flood. NFDC Building Control can advise on the disposal of surface water.
2. It is advised that prior to work commencing the applicants shall have secured a licence for the access alterations from the Highway Authority (Local Area Office).
3. 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.

Amended plans were received to remove the proposed garage and show the parking spaces on the site with an associated widening of an existing drop kerb. Therefore all the above apply and no specific further actions were required.

4. This decision relates to amended plans received by the Local Planning Authority on 27th January 2016.

Further Information:

Householder Team
Telephone: 023 8028 5345 (Option 1)



Application Number: 15/11465 Full Planning Permission

Site: 80 LOWER BUCKLAND ROAD, LYMINGTON SO41 9DW

Development: Shed

Applicant: Mr Hutchings

Target Date: 02/12/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan

Document

None relevant

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Lymington Local Distinctiveness

6 RELEVANT PLANNING HISTORY

13/10334 Outbuilding 05/06/2013 Refused (Appeal Dismissed)

11/96631 Rear two storey extension and two single storey side extensions.
05/07/2011 Enforcement Appeal Allowed with Conditions.

09/93896 Roof alterations; dormer; first floor extension; single-storey side
extension 11/06/2009 Granted Subject to Conditions

02/75829 Ground floor addition, dormers to form additional rooms in roof (demolish existing conservatory) 18/10/2002 Granted Subject to Conditions

7 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council: Recommend Refusal

- In view of the impact upon the planting scheme which was a condition of previous approval.
- Impact the proposed shed would have on neighbours

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

9.1 Land Drainage: No comment

9.2 Landscape Team: the revised landscape submission shows a suitable level of mitigation for this application. The landscaping should be implemented within 1 month of the installation of the shed and then inspected after installation.

9.3 Trees Officer: No objection. The beech tree is not worthy of protection by a TPO or considered as a constraint to the development of the site.

10 REPRESENTATIONS RECEIVED

One observation, regarding the requirement for planning permission for a shed when not in a conservation area

Two objections, the shed seems overly large and further overdevelopment of the site, this would be intrusive to all the neighbours, concerned that any further landscaping would not be implemented; that the applications on this site have gone on too long and this should not be passed.

11 CRIME & DISORDER IMPLICATIONS

Not applicable

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

In this case all the above apply. A revised landscaping scheme was submitted to address the issues identified by the planning history about potential overlooking of the adjoining property.

14 ASSESSMENT

- 14.1 The application site consists of a detached dwelling in the built up area of Lymington. The site is set within an established residential area and the surrounding properties are of a variety of architectural styles and sizes. The dwelling has been substantially extended in the recent past.
- 14.2 The last extension was permitted following an enforcement appeal in July 2011 (Ref 11/96631) Condition 1 of this consent removed permitted development rights for outbuildings. This is why planning permission is required for the current proposal.
- 14.3 There are two further relevant conditions attached to 11/96631. Condition 4 (a) required the submission of landscaping to screen the boundary with 5 Jonathan Close (to the rear) and condition 5 required the approved planting to be carried out in the first planting season following their approval. Details of the landscaping were submitted and approved in February 2013 but are yet to be implemented.
- 14.4 The original landscaping condition was required in order to provide adequate screening to the neighbour at the rear. An application for an outbuilding to be located in the north east corner of the rear garden which measures 3.6 x 2.4 metres in the footprint, was refused and a subsequent appeal dismissed in 2013. (Ref 13//10334). It was determined that this scheme would have prevented the implementation of the planting to this boundary and the loss of the screening planting in this location would afford uninterrupted views of 5 Jonathan Close resulting in material harm to the living conditions of the occupiers.

- 14.5 The proposed shed would limit the ability to implement the originally approved landscaping scheme. The existing beech hedge and mature tree would be retained along with a holly tree within the site. . Furthermore since the appeal decision the occupiers of 5 Jonathan Close have removed planting on their own boundary and constructed a shed which is sited almost opposite the proposed shed. The proposed shed would act as a partial screen to 5 Jonathan Close and additional hedge and tree planting elsewhere would mitigate the limited impact. Overall, given these factors and due to the small size of the proposal it is considered acceptable. It is not considered that the proposed shed would harmfully impact on the effective screening of the adjoining property or the wider street scene
- 14.6 A revised landscaping plan was provided by the applicant which is considered acceptable and would provide adequate screening to protect amenity. This can be controlled by a condition.
- 14.7 With regards to the objection received, the shed is of limited size and its impact would remain screened from other adjoining properties so as not to have an adverse amenity impact. In order to ensure that the landscaping plan is implemented and retained thereafter, it is proposed that an appropriate condition is attached to this consent.
- 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: 12.185.01 rev C, 15.185.02 rev D and 15.185.02 rev F.

Reason: To ensure satisfactory provision of the development.

3. All planting shown on approved landscaping plan 15.185.02 rev F, comprised in the approved details of landscaping shall be carried out in the first planting season following installation of the shed. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the appearance and setting of the development is satisfactory and to comply with Policy CS2 of the Local Plan for New Forest District outside the National Park (Core Strategy).

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. A revised landscaping scheme has been submitted to address the issues identified by the Planning history of the site with respect to potential overlooking of the adjoining property.

2. This decision relates to amended plan number 15.185.02 rev F, received on 17th February 2016.

Further Information:

Householder Team
Telephone: 023 8028 5345 (Option 1)



Application Number: 15/11733 Full Planning Permission

Site: KARMMA HEIGHTS, THE SQUARE, FAWLEY SO45 1DF

Development: Use ground floor as 2 flats; associated alterations

Applicant: MAYWORK LIMITED

Target Date: 05/02/2016

1 REASON FOR COMMITTEE CONSIDERATION

To agree the waiving of affordable housing contribution and interpretation of policy

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

- CS2: Design quality
- CS5: Safe and healthy communities
- CS15: Affordable housing contribution requirements from developments
- CS20: Town, district, village and local centres
- CS24: Transport considerations
- CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

- DM3: Mitigation of impacts on European nature conservation sites
- DM18: Local shopping frontages in Marchwood, Blackfield, Holbury, Fawley, Milford on Sea, Hordle, Bransgore

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

- SPD - Mitigation Strategy for European Sites
- SPD - Parking Standards

6 RELEVANT PLANNING HISTORY

Shop with flat above; 3 houses (03/76994) - granted - 10/11/03

7 PARISH / TOWN COUNCIL COMMENTS

Fawley Parish Council:- Recommend permission

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

9.1 Hampshire County Council Highway Engineer: No objection to amended plans subject to conditions on parking for cars and cycles

9.2 Health & Safety Executive: No objection

9.3 Policy: the application is contrary to Policy DM18; permitting the proposal would break up the frontage and leave it every vulnerable to future change of use to residential applications

9.4 Estates & Valuation: Considers the premises have been adequately marketed, and considers that there is no basis for confidence that occupiers are likely to be found for the properties in the near future for class A1/ A2 or A3 uses.

9.5 Land Drainage: No comment

9.6 Environmental Health (contaminated land): No concerns

10 REPRESENTATIONS RECEIVED

None

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 £2304 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 £8,643.20p.

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

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
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- Advising 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.

In this case, amended plans and details have been requested since the application was first submitted and this has enabled a positive recommendation to be made.

14 ASSESSMENT

- 14.1 The application site forms the ground floor of a 2-storey building within the centre of Fawley village. The building in question was granted planning permission in November 2003 and was approved as a single shop on the ground floor with a flat above. Subsequently, the building appears to have been built so as to have 2 separate ground floor shops. These are both currently empty. Although the main shop entrances are at the front of the site, the shops do have fire exits / accesses for servicing to the rear. The rear of the building looks out onto a block paved parking area that provides parking for both the application building and for 2 detached dwellings to the rear that were also granted under the same 2003 planning permission.
- 14.2 The submitted application seeks to convert the 2 shops to 2 one-bedroom flats. It is proposed to carry out various external alterations including replacing the existing shopfronts with smaller, more domestic window openings and front doors. New windows would be provided to both side elevations and new windows and doors would also be provided on the rear elevation of the building.

- 14.3 The application site is within the Fawley Local Shopping Frontage. Policy DM18 of the Local Plan Part 2 is therefore relevant. This policy indicates that within the Fawley Local Shopping Frontage, a minimum of 40% of ground floor units should be in retail use. Moreover, the policy indicates that residential development will not be permitted at ground floor level within the defined frontage. At present, 66.7% of the Fawley Local Shopping Frontage is in retail use. The residential development that is proposed would be clearly contrary to Policy DM18.
- 14.4 Since being built 10 years ago, the applicants indicate that one of the 2 shops has never been occupied, and the other has also remained unoccupied other than for a 2 year period between 2008 and 2010, when the unit was occupied as a hairdressing salon. The applicants indicate that they have taken 'desperate measures' to advertise both shops for let on a low rent to attract tenants, but despite these efforts they have been successful. To support their application, the applicants have provided evidence of how the shops have been marketed over the past few years.
- 14.5 An established commercial sales and lettings agency (Shop Property) marketed the units between July 2010 and July 2012. Each unit was initially marketed with a rent of £10,000 per annum, which was dropped to £5000 per annum after a year. No serious interest was expressed in either unit during this period. This commercial agent is of the view that the 2 units are not financially viable as retail or office units, because of their location, which does not get much footfall.
- 14.6 BNP Paribas Real Estate marketed the 2 units for a 4 year period without success. Each unit was marketed with a rent of £5500 per annum. The properties were also marketed for sale.
- 14.7 The Council's Senior Valuer has assessed the applicant's marketing evidence and has also considered the commercial potential of the 2 units in question. He notes that the units are in a tertiary location, where demand for shops has been at a low ebb for many years due to structural changes in shopping patterns. Although it is noted that there have recently been signs of a modest overall increase in retail property values, this is not across the board, with the value of shops (sold at auction) in weaker tertiary locations actually falling. The Council's Senior Valuer is of the view that alternative uses are likely to be the main driver of market demand for vacant tertiary premises in current market conditions. He feels that the demand for tertiary shops is not likely to improve in the near future.
- 14.8 The Council's Senior Valuer believes that the properties have been marketed at a level of rent that would be broadly in accordance with his expectations of a reasonable asking rent. He also confirms that the alternative of marketing the properties for sale has been adequately explored, noting that the shops are of a type that would generally be regarded as a low cost rental opportunity suitable for new business start-ups where funds are not generally available to enable a purchase. The Council's Senior Valuer has concluded that the properties have been adequately marketed, based on the applicant's submitted evidence. Moreover, he has concluded that under the prevailing market conditions for small shops in tertiary locations, there is no basis to be confident that occupiers are likely to be found in the near future for class A1 / A2 or A3 uses, should the premises continue to be marketed.

- 14.9 Clearly, it is not desirable to have empty units within a local shopping frontage for a long term period. Given the significant period of time during which these 2 shops have remained vacant, and taking into account the applicant's marketing evidence and the conclusions of the Council's Senior Valuer, it is felt that there is now a reasonable justification to permit the change of use of these 2 shops to a residential use, even though this would be contrary to policy. If planning permission were refused, the likelihood is that the units would continue to remain vacant for some considerable period of time, which would impact negatively on the vitality of the area. A residential conversion would be much better for the vitality of the area than a continuation of the status quo. Therefore, there are felt to be reasonable grounds to go against policy. In coming to this conclusion, it is of note that an appeal inspector has already (in 2013) allowed one vacant shop in the Fawley Local Shopping Frontage (Saddlers Mews, The Lane) to be converted to residential use, concluding that the benefits of a residential conversion would outweigh continued retention of a shop that did not have a promising prospect of a suitable occupier coming forward in the near future. It is also of note that the conversion of the shop to residential use only requires full planning permission due to the property's location within the Fawley Major Hazard Consultation Zone. Even though there would still be a need to consider impact on vitality for Prior Approval conversions, the recent changes to permitted development rights reflect the wishes of Central Government to give greater flexibility for empty shops to be put to other uses including residential uses.
- 14.10 Initially, there were concerns that the alterations to the proposed shopfront would have resulted in a rather weak elevation to the street. Amended plans have subsequently been submitted, which have introduced front doors to the street and increased the size of the new windows, thereby resulting in a better proportioned front elevation, with a more appropriate interaction with the street. The other proposed alterations to the front and side of the building are considered to be of an appropriate appearance. Overall, it is considered that the proposed physical alterations to the building would be of an acceptable design that would have an acceptable impact on the character and appearance of the area.
- 14.11 A residential conversion would have limited impact on the amenities of other nearby residential and commercial properties. The new window openings would not have any material impact on the privacy of nearby properties.
- 14.12 Following the clarification of on-site parking arrangements, the Highway Authority have confirmed that the on-site parking provision would be acceptable. The plans shows cycle parking stands that can reasonably be secured by condition.
- 14.13 The application site is within the Fawley Major Hazard (Middle) consultation zone. The Health & Safety Executive have confirmed that the quantum of residential development would be acceptable from a public safety perspective.
- 14.14 A proposal for 2 additional dwellings would generally be expected to secure contributions towards affordable housing. In this case, the target contribution would be £15,220. However, were the proposal not in the Fawley Major Hazard Consultation Zone, it would have been possible to

proceed through the prior approval process, in which case no affordable housing contributions could be sought. It is felt unfair and unreasonable to require an applicant to secure affordable housing contributions simply because their property is within a hazard consultation zone. Given the permitted development rights that apply elsewhere, it is felt there is a reasonable justification to waive the affordable housing contribution in this instance.

- 14.15 In accordance with the Habitat Regulations 2010 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. In this case, the full mitigation contribution that would be required would be £4100.
- 14.16 Overall, it is recognised that the proposed development would not be consistent with the Council's Local Plan policies and objectives for Local Shopping Frontages. However, it is felt that a departure from policy would be justified in view of the particularly lengthy period of time during which the 2 shops have remained vacant, and given that finding a viable commercial user for the 2 units remains a remote prospect for the foreseeable future. A residential conversion would contribute far more positively to the character and vitality of the village than 2 vacant units, and the proposal would therefore deliver material benefits. The development could be provided without adversely affecting the amenities of the surrounding area. It is felt waiving the affordable housing contribution would be justified in this instance, given the permitted development rights that apply elsewhere. As such, the application is recommended for permission.
- 14.17 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

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: 06/15-P5 rev A, 06/15-P4 rev A, 06/15-P3 rev B, 06/15-P1 rev A, 06/15-P2 rev A.

Reason: To ensure satisfactory provision of the development.

3. 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.

4. The new external brickwork shall match that used on the existing building, and the new windows and doors shall match in colour, material and design the existing windows and doors to the residential elements of 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.

5. The development hereby permitted shall not be occupied until the spaces shown on plan 06/15-P3 rev B for the parking of motor vehicles and cycles have been provided. The spaces shown on plan 06/15-P3 rev B for the parking of motor vehicles and cycles shall be retained and kept available for

the parking of motor vehicles and cycles for the dwellings specified on the plans (including the dwellings hereby approved) at all times.

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

Notes for inclusion on certificate:

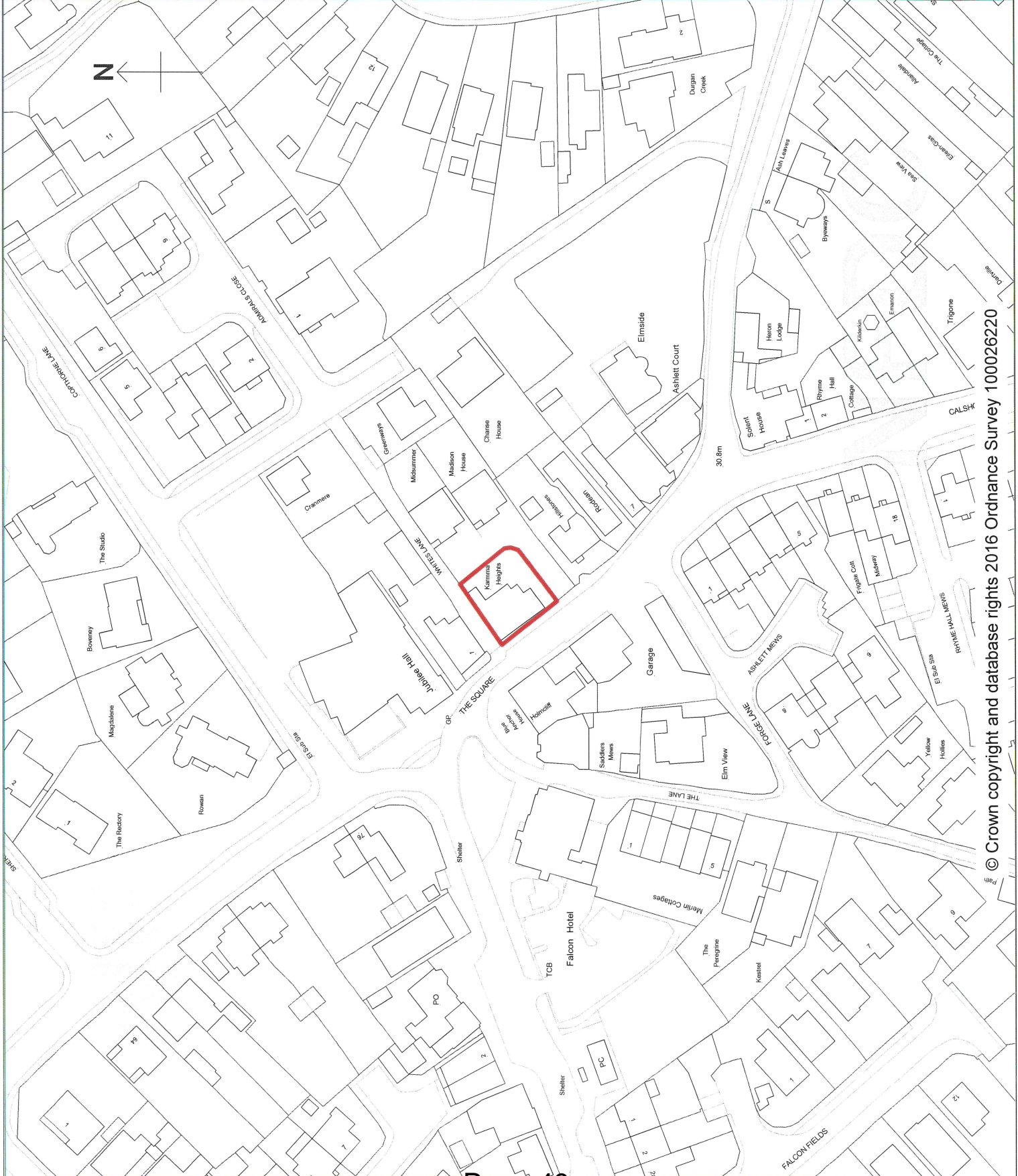
1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising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

In this case, amended plans and details were provided after the application was first submitted and these enabled a positive recommendation to be made.

2. In discharging condition No. 3 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: 15/11734 Full Planning Permission

Site: TANATSIDE, RIDGEWAY LANE, LYMINGTON SO41 8FQ

Development: Roof alterations to extend first floor to include: front and side gable ends; front and rear dormers; rooflights

Applicant: Mr Law

Target Date: 28/01/2016

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
6. Towns, villages and built environment quality

Policies

- CS2: Design quality
CS24: Transport considerations

Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Lymington Local Distinctiveness

6 RELEVANT PLANNING HISTORY

None relevant

7 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council: Recommend refusal
Potential overlooking from the east and rear elevations

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

9.1 Land Drainage: no comment

10 REPRESENTATIONS RECEIVED

10.1 Correspondence from applicant:

- agree to conditions to mitigate impact on neighbours in relation to overlooking

10.2 Correspondence from agent

- agree to window/glazing conditions

11 CRIME & DISORDER IMPLICATIONS

Not applicable

12 LOCAL FINANCE CONSIDERATIONS

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

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

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

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

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

14 ASSESSMENT

- 14.1 The application site consists of a detached dwelling situated in a residential area in the built up area of Lymington.
- 14.2 The existing dwelling is a hipped roof building with flat roofed dormer on the front elevation and hipped roof projecting from part of the front elevation. The proposed extensions would increase the mass of the roof with the introduction of a cropped gable to the eastern elevation, a cropped gable on the existing front element, an additional hipped roof front dormer and hipped roof over existing front dormer, a large rear dormer which would span the extended roof form, and two rooflights on the western elevation.
- 14.3 As there are a variety of styles of dwellings within the immediate area, the resulting form of the extended dwelling would not detract from the character of the area. The dwelling is set back from the road, with trees and a dense hedge on the front boundary restricting views into the site. By reason of its siting and enclosure, the proposed extensions would not impact on the street scene.
- 14.4 To the rear of the application site is a block of maisonettes, Old Forge Court - which is situated at right angles to the rear boundary and has both ground and first floor windows on the side elevation facing the site. To the east of the site is the neighbouring property, Ballater. Due to the relationship of these neighbouring properties, there are potential issues in relation to proposed first floor rear and east facing windows achieving views over neighbouring properties to the detriment of their amenities, and this has been cited as a reason for refusal by the Town Council. These concerns could be overcome by the imposition of a condition to obscure glaze and restrict opening of these windows, and as these would be serving en-suites, a landing area and secondary window to a bedroom respectively the amenities of the occupants would not be prejudiced. Furthermore, both the agent and the applicant have confirmed in writing that such conditions would be acceptable.
- 14.5 Rooflights are proposed on the west elevation facing Woodpeckers, which is a chalet style detached dwelling with cropped gables on the side elevations. There are windows on the side wall facing the application

site. These rooflights would serve the proposed master bedroom which would also have a front window. Due to their position on the roofslope views could potentially be achieved into the side window of Woodpeckers, so in this instance a condition to obscure glaze and fix shut these windows would be appropriate.

- 14.6 Due to the relationship of the application site with the neighbouring properties, apart from the overlooking issues which can be mitigated by conditions, there are no other concerns in relationship to the impact on neighbour amenity from the resulting development. As such it complies with relevant Policies and 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 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: 15/2266

Reason: To ensure satisfactory provision of the development.

3. The first floor windows on the north and east elevations of the approved building 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).

4. The first floor rooflights on the west elevation of the approved building shall at all times be glazed with obscure glass (and fixed shut).

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. No other first floor windows other than those hereby approved shall be inserted into the rear elevation of the building unless express planning permission has first been granted.

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

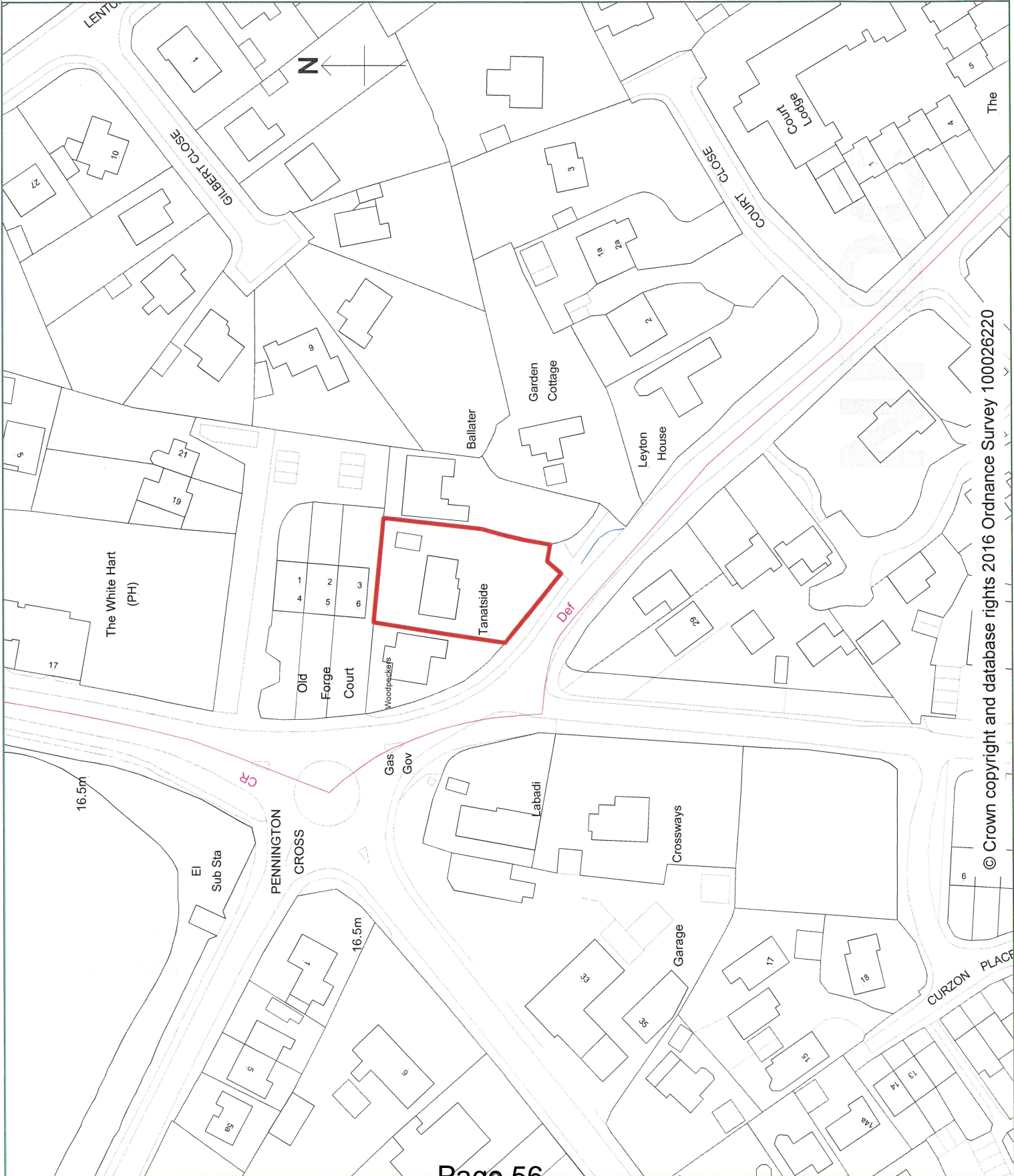
Notes for inclusion on certificate:

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

In this case all the above apply and 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: 15/11798 Full Planning Permission

Site: Land rear of ELGIN HOUSE, ROMAN ROAD, DIBDEN PURLIEU,
HYTHE SO45 4QJ

Development: House; parking

Applicant: Mr & Mrs Aalen

Target Date: 12/02/2016

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

CS1: Sustainable development principles

CS2: Design quality

CS6: Flood risk

CS7: Open Spaces

CS10: The spatial strategy

CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

Policy DM3 – Habitat Mitigation

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

Parking Standards SPD (Oct 2012)

SPD - Mitigation Strategy for European Sites

6 RELEVANT PLANNING HISTORY

15/11163 - Bungalow and parking - withdrawn August 2015

7 PARISH / TOWN COUNCIL COMMENTS

Hythe and Dibden Parish Council: recommend refusal for the following reasons:

1. The design appears to be contrived to fit the property onto the site.
2. Concern over the access path width not being suitable to host construction, delivery and emergency vehicles.
3. There is no direct access from the highway. Parking in Monks Walk would cause serious difficulties and would be detrimental to local residents.
4. The window on the landing will provide the opportunity to significantly overlook the rear garden of number 2 Monks Walk.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

9.1 Hampshire County Council Highway Engineer: Holding objections pending receipt of a swept path analysis. Vehicular access to the site would be from the shared access onto Monks Walk which is an unadopted road and serves approximately 15 other properties. Monks Walk joins the highway at its junction with Roman Road and although this junction is substandard in terms of visibility and width there are no records of any injury accidents at this location over the past 5 years. Given that the proposals would only increase the vehicular movements at this junction by less than 10% it is considered that any refusal in respect of the suitability of the junction of Monks Walk and Roman Road would not be appropriate in this instance.

9.2 Land Drainage Engineer - Recommend approval subject to surface water drainage condition.

10 REPRESENTATIONS RECEIVED

One piece of correspondence has been received from a neighbouring property, supporting the proposal on grounds that the applicant has consulted local neighbours on the proposal, which is fully in keeping with the area. There are no access or parking issues. The application would make efficient use of the existing very large garden, in these days of housing pressure and the need for more homes.

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

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

From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments. Based on the information provided at the time of this report this development has a CIL liability of £14,080.00, although the applicant has indicated that they intend to apply for exemption from CIL under the Self-Build process.

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 amended plans which enhanced the appearance and reduced the scale of the proposed dwelling, the proposal was considered to be acceptable.

14 ASSESSMENT

14.1 The site is currently occupied by a two storey detached dwelling within a garden similar in size to the gardens of other dwellings in the locality. A bungalow at no. 1 Monks Walk has been erected in the rear curtilage of Fairmead, dating from the 1970's. The property is located within a built up area, and is characterised by detached residential properties, comprised of bungalows and two storey dwellings. Roman Road is characterised by dwellings generally set back from the pavement edge,

with front gardens bounded by mature hedges. To the rear the site is bound by a close boarded fence (to be removed) and by mature hedges.

- 14.2 The application is made to site a two storey, four bed dwelling in the rear garden of Elgin House. Off-street parking for at least 3 no. vehicles, to serve the new dwelling would be provided, accessed via an existing track from Monks Walk, although the red line for the application does not extend to the adopted highway. The materials of construction would be fairfaced block work and natural slate.
- 14.3 Policy CS2 of the Core Strategy seeks to ensure that all new development is appropriate and sympathetic to its setting and shall not cause unacceptable effects to adjoining land uses in terms of visual amenity and adverse impacts upon residential amenity.
- 14.4 In terms of the impact of the proposal upon the character of the area, the proposal occupies part of the rear garden of Elgin House, albeit a smaller proportion of the curtilage than the application withdrawn under ref. 15/11163. The revised proposal has a smaller footprint, retains more garden curtilage about the dwelling and demonstrates off-street parking arrangements for at least three vehicles can be provided. While the site has no frontage, it does benefit from an existing access track, which is used by vehicular traffic. Several trees will need to be removed to facilitate the proposal, though these are generally fruit trees and ornamental specimens of limited amenity value and the Tree Officer previously raised no concerns about their removal during processing the previous application. In giving pre-application advice it was considered it would be in a position to support a dwelling of more subservient form to Elgin House on this site, akin to a coach house, accessed to the rear via the existing track. A dormer bungalow type development may be more appropriate in the context of the site and the applicant was encouraged to amend their proposal accordingly. An amended plan was subsequently received, which retains the same footprint and ridge height as originally applied for, but reduces the eaves height, increases roof pitch and introduces dormer windows in the front elevation. No changes are made to the initially proposed materials, but the alterations made to the appearance and scale of the dwelling make it a more subservient structure, which would be appropriate in the context of the area's character.
- 14.5 With regard to the amenity provisions of Policy CS2, it needs to be considered whether the scale and siting of the proposal would present any significant overbearing impact, loss of light, privacy or outlook to adjoining occupiers. It also needs to be considered whether the depth and level of amenity space proposed for future occupiers of the development, around the proposed dwelling would be acceptable. With regard to the second point the proposal offers an adequate level of garden curtilage, including off-street parking, for future occupiers of the development. Regarding adjoining amenity, no objections have been received to the proposal from neighbouring properties. However, in the interests of preserving adjoining privacy, the first floor windows should be obscure glazed and with restricted opening. Windows on the front elevation would overlook the rear garden of No.2 Monks Walk at a distance of about 9 metres from the boundary and about 25 metres from the dwelling which would be within acceptable limits.
- 14.6 The Highway Authority has raised a holding objection to the proposal in

light of the proposed access and parking arrangements, were hindered by a retained timber fence. They require the applicant to demonstrate that the proposed parking spaces can be readily accessed. The applicant has amended the plans to remove the fence to facilitate adequate access to the parking area. The Highway Authority has been re consulted on the amendments and their comments will be reported.

- 14.7 The proposal is for a net gain of 1 no. dwelling, where contributions towards affordable housing and habitat mitigation would be required, in addition to any CIL liability. The proposed development has a CIL liability, but is likely to be exempt on the basis of the CIL Self-Build procedure. The applicant will need to apply for exemption at the appropriate time, following the grant of any approval. However, in accordance with the Habitat Regulations 2010 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. CIL exemption dictates payment of the full habitat mitigation contribution (including management and monitoring). The proposed development is also liable to make an off-site contribution of £25,050 for affordable housing. The applicant is currently in the process of drawing up a Section 106 Legal Agreement with the Council to ensure the requisite affordable housing contribution is forthcoming.
- 14.8 In conclusion it is considered that the proposed dwelling would be appropriate to the character and appearance of the area with no adverse implications for neighbours. The access and parking arrangements would be appropriate and the relevant contributions would be secured by a Section 106 Agreement.
- 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.

Section 106 Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference

Affordable Housing			
No. of Affordable dwellings	0	0	0
Financial Contribution	£25,050	£25,050	£0
Habitats Mitigation			
Financial Contribution	£5,350	£5,350	£0

CIL Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Self Build (CIL Exempt)	176	0	176	£14,080.00

15. RECOMMENDATION

That the Executive Head of Economy, Housing and Planning be **AUTHORISED TO GRANT PERMISSION** subject to:

- i) the completion, by 31st March, of a planning obligation entered into by way of an Agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure an affordable housing contribution
- ii) the imposition of the conditions set out below.
- iii) no substantive comments being received by 18th March 2016 following additional consultation

BUT, in the event that the Agreement is not completed by 31st March 2016, the Executive Head of Economy, Housing and Planning be **AUTHORISED TO REFUSE PERMISSION** for the reasons set out below.

Conditions to be attached to any consent:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: 206 Rev.A, 208 Rev. A, 209 Rev.A, 210 Rev. A, 211 Rev.A, 212 Rev. A, 213 Rev. A, 214 Rev. A, 215 Rev. A and 216 Rev. A

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

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.

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

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

7. The first floor windows in the north east elevation of the approved dwelling shall at all times be glazed with obscure glass and be bottom hung with limited openings.

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).

Reason(s) for Refusal:

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

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 amended plans which enhanced the appearance and reduced the scale of the proposed dwelling, the proposal was considered to be acceptable.

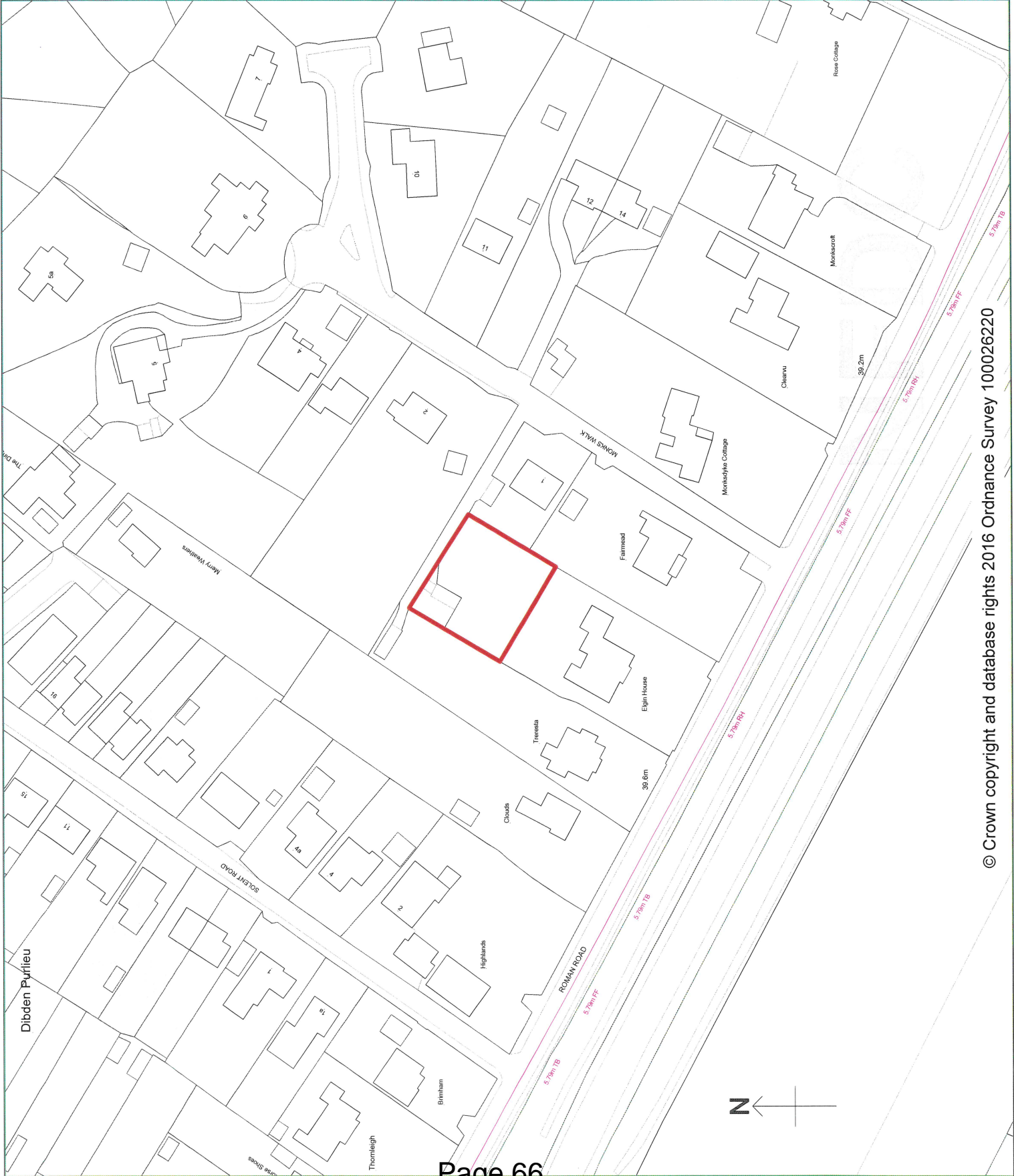
2. With regard to the discharge of condition no. 6, the Land Drainage Section advise that any soakaways are to be designed in accordance with BRE365 (Building Research Establishment) (latest revision). Three soakage tests will need to be undertaken in accordance with this standard along with the soakaway 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.
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: 15/11742 Full Planning Permission

Site: PHOENIX YOUTH CENTRE, CULVER ROAD,
NEW MILTON BH25 6SY

Development: Temporary school building

Applicant: The Arnewood Multi-Academy Trust

Target Date: 01/02/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to the view of the Town Council and Policy

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Green Belt

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

CS1: Sustainable development principles

CS2: Design quality

CS4: Energy and resource use

CS6: Flood risk

CS7: Open spaces, sport and recreation

CS8: Community services and infrastructure

CS10: The spatial strategy

CS24: Transport considerations

Local Plan Part 2 Sites and Development Management Development Plan Document

DM8: Protection of public open space, private recreation land and school playing fields

National Planning Policy Framework - Achieving Sustainable Development

NPPF Ch. 9 – Protecting Green Belt

NPPF Para 74 - Protecting Playing Fields

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

New Milton Local Distinctiveness Document

Parking Standards SPD (Oct 2012)

6 RELEVANT PLANNING HISTORY

- 6.1 08/92017 – Use as playing field – granted May 2008
- 6.2 00/69702 – Change of use to playing field – granted October 2000
- 6.3 83/NFDC/25356 – Erection of a youth and community hall incorporating changing rooms, educational workshop facilities and hall at land off Culver Road – approved May 1985
- 6.4 79/NFDC/14788 – Use of land for educational purposes (proposed detached playing field for Arnewood Secondary School) – granted January 1980

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: recommend refusal - the principle of establishing the school for Special Education Needs is supported and the temporary buildings are acceptable. However the proposed access and egress on the already congested Culver Road will pose a safety risk to both residents and users of the new school. The amendment of the access detail in response to the objection by the Highways does not resolve the matter. A new access onto Gore Road is recommended.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Land Drainage Section - Recommend approval subject to surface water discharge condition and informatives.
- 9.2 Sport England - advise that if the proposal involves the loss of any sports facility then full consideration should be given to whether the proposal meets Para. 74 of National Planning Policy Framework, is in accordance with local policies to protect social infrastructure and any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.
- 9.3 No objection subject to conditions to address parking, turning and cycle parking provision and setting back of entrance gates.

10 REPRESENTATIONS RECEIVED

Four pieces of correspondence have been received from occupiers of addresses on Culver Road, objecting to the proposal on the following grounds:

- Vehicular access to the site via Culver Road is inadequate;
- Loss of highway safety;
- Increased damage to parked cars;
- Increased parking problems;
- Alternative access should be sought from Gore Road;
- Increased noise pollution;
- Littering;
- Loss of property value;
- Concern is raised over the potential for increased anti-social behaviour;

- Loss of security;
- Visual impact;
- Green Belt impact.

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

In this case following submission of amended plans to address the initial concerns of the Highway Authority and additional statements to clarify and justify the proposal in relation to adopted Green Belt policy, the proposed development was considered to be acceptable, subject to conditions.

14 ASSESSMENT

14.1 The Site and Proposal

- 14.1.1 The site of the proposal is beyond the defined built up area of New Milton, within Green Belt. It is not designated as Public Open Space, but its formal use is as multi-use games area (MUGA) for recreational play. The site is bound by the Phoenix Centre and residential development to the east, by land designated as Public Open Space to the west, the NMT1 Housing Allocation to the north and by Arnewood School's playing field to the south. Access would be via the existing access to the Phoenix Centre via Culver Road and Milton Mead.
- 14.1.2 The proposal seeks temporary planning permission for the erection of a single storey modular building of 328 sq.m in floor area and replacement ball-stop fencing around the perimeter of the MUGA. The classrooms are to be used for a temporary period of 24 months, as a school catering for 60 pupils with special educational needs. The proposal would be for an Alternative Provision School for socially and emotionally vulnerable pupils, aged between 7 and 16, under the umbrella of Gryphon (formerly Arnewood) Academy Trust. Initially, it is planned to take 43 pupils from the Hampshire and Dorset catchment area, which is limited to the New Forest and its peripheries. The school would operate between the hours of 08:30 and 15:30 Monday to Friday.
- 14.1.3 The temporary permission is sought with a view to purchasing and extending the Phoenix Centre to create a permanent new school on the site before the expiry of the temporary consent, which would need to be subject to a separate planning application in future. It is understood that a pilot scheme for the Alternative Provision School (for eighteen pupils) is already in operation at the Phoenix Centre. The proposal would be sited over the footprint of a MUGA and would provide 5 classrooms for up to 60 pupils and ancillary features including 11 no. off-street car parking spaces. The application is submitted with full plans, a design and access statement, transport statements and, latterly, a justification statement.

14.2 Green Belt Implications

- 14.2.1 As the site lies within the Green Belt national policy applies, in particular paragraphs 88 to 90 of the National Planning Policy Framework (NPPF), in addition to Policy CS10. In light of this guidance the proposal needs to demonstrate very special circumstances which would clearly outweigh the harm caused by inappropriateness and any other harm, including harm to the openness of the Green Belt in this location.
- 14.2.2 The applicant has provided a justification statement outlining the reasoning for selecting the application site. It explains that fifteen sites/properties within the catchment area were investigated, which were narrowed down to four sites. The Phoenix Centre site was chosen due to its more limited impact on the Green Belt, upon local sports field provision and upon heritage assets.
- 14.2.3 The applicant explains that there is a locational requirement to site the school appropriately in relation to its catchment, which includes Christchurch, Ringwood and much of the New Forest. There is also a locational requirement to be close to The Arnewood School, with which

the proposal will share facilities. It is noted that the proposal restricts development to a previously developed portion of the wider site and there would be no incursion of the development into open playing field land which is also protected by the Green Belt designation. Paragraph 89 of the NPPF states that 'redevelopment of previously developed sites, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt' may be considered appropriate. While the volume of development would impact upon the openness of the Green Belt to a greater degree than the existing MUGA, the site is very well screened by established vegetation and the existing Phoenix Centre, so its impact upon the openness of the Green Belt will in fact be quite limited. Account also needs to be taken of the fact that land immediately to the north of the site has recently been released from the Green Belt for housing development. While the proposed development cannot be considered appropriate within the Green Belt, the locational requirement for the site, its brownfield status, well screened location and temporary nature, coupled with the educational and community benefits arising, dictate that the applicant has demonstrated the "special circumstances" that would justify this development being permitted in the Green Belt.

14.3 **Character Impacts**

14.3.1 Policy CS2 of the Core Strategy and the guidance offered by the New Milton Distinctiveness SPD relate to design quality and among other things, seek to ensure that development does not impact adversely on the character of the area. With this in mind it is noted that the proposal is single storey height, that the application site is previously developed, bound by 3m high ball-stop fencing to all sides, beyond which the site is screened by high trees and vegetation in all directions, so it will not be readily visible from the public realm. Notwithstanding its low visual impact, the design, scale and appearance of the proposed modular buildings are of reasonable quality and acceptable on the basis of the temporary permission sought.

14.4 **Highway Impacts**

14.4.1 The Highway Authority highlighted initial concerns with the proposed access arrangements. Amended plans have been submitted indicating that the access road between the junction with the highway to the existing parking area to the east of the existing youth centre will be increased in width to a minimum of 4.5m. Also the gates provided at the access to the site will be located 5m back from the edge of the highway and will have a clear width of 4.5m and hung to open inwards away from the highway. The width of the gates at the entrance to the rear parking area has been increased to 3m to allow a fire appliance to pass freely through them and reach the required turning facilities within the site to the south of the parking spaces. This turning area has been identified on the plans and a swept path analysis provided to demonstrate that a fire appliance might turn within the site. The application form refers to the creation of 7 additional cycle parking spaces, although there are no details of these spaces on the plans these should be conditioned to be provided. In light of the amended plans and the submitted transport statement, the Highway Authority raises no concerns with regard to the adequacy of Culver Road for the purposes of accessing the proposed development and is satisfied that adequate parking can be provided within the site. No objection is raised by the Highway Authority, subject

to conditions to address parking, turning and cycle parking provision and setting back of entrance gates.

14.4.2 The applicant has provided a draft travel plan, which highlights the measures that will be undertaken to limit the impact of vehicular movements to and from the site. This includes the coordination and sharing of travel arrangements for pupils who live further afield, as well as proposals to encourage walking and cycling to the premises. A condition will be applied to any approval, to ensure the draft Travel Plan is finalised and that its content is implemented.

14.4.3 With regard to requests for an alternative point of access to be formed from Gore Road, this is not an option for the applicant, as land to the north of the site is not within their control. That land is allocated for housing by the Local Plan Part 2 and it is likely that its residential land value would preclude its purchase for access purposes. In any event the only access proposed for consideration is via Calver Road and no highway objection has been raised in this respect.

14.5 **Analysis of impacts upon Community/Sports Facilities**

14.5.1 Adopted local policy CS8 (community services and infrastructure) states that "Proposals for new and improved health care, education and social facilities that result in improvements in meeting the needs of the Plan Area's population will be supported." The applicant has submitted a statement outlining the need for the facility in this location. The proposal complies with Policy CS8.

14.5.2 Policies CS7 and DM8 provide for a presumption against the loss of sports and recreation facilities except where alternative facilities are provided of equal or better quality, quantity and accessibility as part of the development. Sport England requires the proposal to be assessed under the provisions of para 74 of the NPPF, where it is proposed to build on land which is currently used for sport and recreation. The site is currently occupied by a MUGA, which would clearly be lost following the implementation of the development. However, it is noted that the MUGA is in poor condition, with holes in the surrounding fencing and surface. It is underutilised as a sports facility, often used for car parking and is surplus to the current requirements of the Phoenix Centre. However, it must be acknowledged that permission for use of the site is only sought on a temporary basis (24 months) and that it is the applicant's intention to restore the MUGA to a useable condition following removal of the temporary classrooms, if a permanent school facility is approved at the site. Bearing in mind the temporary nature of the permission and the intention to improve the condition of the MUGA in future, the proposed development may be viewed as a conduit which will see the existing sports facility enhanced, in accordance with adopted policy and guidance.

14.6 **Residential Amenity Impacts**

14.6.1 Policy CS2 also places emphasis upon protecting the amenity of adjoining occupiers, who may be affected by new development proposals. The site is well separated from residential development to the east and the siting, scale, massing and design of the proposal do not appear to have any adverse impact upon those dwellings, in terms of privacy, outlook, overbearing presence and potential disturbance.

14.7 Other Matters

14.7.1 With regard to the comments of notified parties not addressed above, concern is raised over the potential for increased anti-social behaviour, littering and loss of security. In light of these comments it is pointed out that the school will not be enrolling children permanently excluded from school for reasons of anti-social, threatening or defiant behaviour. It will be an 'Alternative Provision School', providing specialist intervention to support emotionally vulnerable children to develop strategies to succeed in mainstream school. The staff to pupil ratio will never be less than 1 to 6, (4 to 5 times the level of supervision of a typical mainstream school), which will ensure the pupils do not create nuisance for the local community.

14.7.2 Loss of property value is not a material planning consideration and cannot be used as a reason to resist development.

14.8 Conclusion

14.8.1 In light of the above, the proposal is recommended for approval, subject to conditions.

14.8.2 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.

15. RECOMMENDATION

Grant Temporary Permission

Proposed Conditions:

1. The buildings shall be removed and the use shall cease on or before the expiry of 2 years from the date of this permission and the land restored to a condition which has first been agreed by the Local Planning Authority.

Reason: To avoid any long term impact upon the openness of the Green Belt and to encourage the restoration of the sports facility in accordance with Policies CS10 and CS7 of the Core Strategy for the New Forest District outside the National Park.

2. The development permitted shall be carried out in accordance with the following approved plans: 6APFS098-A-101 Rev. 0, 6APFS098-A-103 Rev. 4, 6APFS098-A-104 Rev. 0 and 6APFS098-A-105 Rev. 0.

Reason: To ensure satisfactory provision of the development.

3. 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.

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

Reason: To ensure adequate on-site car parking provision for the approved development, in accordance with Policy CS2 of the Core Strategy of the New Forest District Local Plan First Alteration.

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

Reason: In the interest of highway safety, in accordance with Policy CS2 of the Core Strategy of the New Forest District Local Plan First Alteration.

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

Reason: To ensure adequate provision within the site, in accordance with Policy CS2 of the Core Strategy of the New Forest District Local Plan First Alteration.

7. Any gates provided should be a minimum clear distance of 4.5m wide and located a minimum distance of 5m back from the edge of the adjacent highway and open inwards.

Reason: To allow vehicles to stop clear of the highway which is in the interest of highway safety, in accordance with Policy CS2 of the Core Strategy of the New Forest District Local Plan First Alteration.

8. No development hereby permitted shall be commenced until a final Travel Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the provisions Travel Plan shall be fully implemented in accordance with the agreed details.

Reason: To ensure the development accords with sustainable transport policies, to reduce reliance upon the private motor car for access

and in the interests of highway safety, in accordance with Policy CS24 of the Core Strategy for the New Forest District outside the National Park.

Notes for inclusion on certificate:

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

In this case following submission of amended plans to address the initial concerns of the Highway Authority and additional statements to clarify and justify the proposal in relation to adopted Green Belt policy, the proposed development was considered to be acceptable, subject to conditions.

2. In respect of condition no. 3, the Council's Land Drainage Section advise that 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. 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 and how this is being achieved. Foul sewers are not designed to take surface water and peak surface water flows would cause flooding of the foul water system. If surface water from impermeable areas such as roofs, drive etc is to be passed to any ditch or watercourse it will need to be balanced so that the flow from the site after development does not exceed that which existed prior to development for storms up to 1 in 100 years + climate change. Balancing can be any method that retains water and releases it at a rate at least not greater than the previous runoff of surface water from the site. If this method of surface water disposal is proposed full calculations must be submitted to the Head of Development Control for approval prior to construction. A large number of the watercourses in the New Forest catchment flood out of bank during high rainfall which can cause property flooding. A predicted 30% increase in flow rate caused by climate change over the next 100 years is likely to cause more properties to flood.

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)



New Forest
DISTRICT COUNCIL

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

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

**Planning Development
Control Committee
March 2016**

Item No: 3h
Phoenix Youth Centre
Culver Road
New Milton
15/11742
SZ2394

Scale 1:1250

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



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Application Number: 16/10022 Full Planning Permission

Site: 29 FAIRVIEW DRIVE, HYTHE SO45 5GX

Development: Single-storey rear extension; raised decking; fenestration alterations & handrail to side elevation; access alterations to No 29; two bungalows; access; parking

Applicant: Mr Royston-Airey

Target Date: 03/03/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council View

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

- CS2: Design quality
- 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

- 6.1 Erection of new dwelling with integral garage & form new access (93/52565) - refused 13/9/93
- 6.2 Single-storey rear extension; raised decking; fenestration alterations & handrail to side elevation; access alterations to No 29; two dwellings; new access; associated parking (15/11604) - withdrawn 23/12/15

7 PARISH / TOWN COUNCIL COMMENTS

Hythe & Dibden Parish Council: recommend refusal - there is potential for the development to overlook properties of Whittington Close; overdevelopment of the site; concerns that the development could increase the possibility of flooding into Whittington Close

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer: No objection subject to conditions on car and cycle parking
- 9.2 Tree Officer: No objection subject to tree protection condition
- 9.3 Land Drainage: No objection subject to conditions

10 REPRESENTATIONS RECEIVED

- 10.1 4 letters of objection from local residents/neighbouring properties:- overdevelopment of the site; development would be out of keeping with other properties in Fairview Drive; inadequate on-site parking; adverse impact on highway safety; concerns about adequacy of drainage arrangements and the potential for the development to cause flooding of downhill properties; adverse impact on trees; loss of trees and vegetation would result in overlooking of properties to rear to detriment of neighbours' privacy; overlooking of property to north side; concerns about eaves and guttering overhanging boundary

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 £2304 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 £10,632.00.

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

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 Seen from the road to the front of the site, 29 Fairview Drive is a detached bungalow. The property does, however, have some accommodation within its roof space that is served by a rear dormer and a small gable-end window. Furthermore, the property occupies a sloping site, so that from the rear, the ground floor of the dwelling is elevated above a small basement and adjacent areas of rear garden. The property also has a rear conservatory and balconies that are both elevated above adjacent areas of rear garden. The property occupies a much larger plot than is typical of the area. In places, the plot is very steeply sloping. Although the front parts of the site, closest to Fairview Drive are either flat or gently sloping, there is quite a dramatic downhill slope to the rear part of the site, meaning that properties to the rear in Whittington Close are set at a much lower level than the dwelling at 29

Fairview Drive. The site also slopes downwards from south to north, meaning that the adjacent chalet-style bungalow at 35 Fairview Drive is set at a lower level than the application site. The adjacent chalet bungalow at 27 Fairview Drive is set at a similar level to the existing dwelling on the application site. The steeply sloping rear parts of the site are thickly vegetated with shrubs and mature (mainly deciduous) trees.

- 14.2 The application seeks to remodel the existing dwelling. The northern end of the existing building would be demolished, as would the rear conservatory. A new flat-roofed rear extension is proposed across the full length of the retained rear elevation that would lead out onto a new raised decking / balcony area. To the north side of the remodelled dwelling, it is proposed to build 2 new detached bungalows of a similar design. 2 new vehicular crossovers are proposed onto Fairview Drive, one being for the existing dwelling and the other for one of the proposed new dwellings. 2 on-site car parking spaces would be provided for each dwelling. The application replicates an application that was withdrawn in December 2015 because of difficulties in agreeing Section 106 legal agreement requirements within the requisite 8-week timeframe.
- 14.3 It should be noted that an application for a single 2-storey dwelling was refused planning permission in 1993 as it was deemed to be intrusive and out of keeping with the site's surroundings. It was also considered that the dwelling would have an overbearing impact on the neighbouring property and furthermore, it was felt the proposal would adversely affect a group of trees.
- 14.4 The development now proposed is a very different proposal to the scheme refused planning permission 23 years ago, and policies have materially changed since that time. Seen from the street, the proposed dwellings would be set in plots that would be 10.5 metres to 12 metres in width. The plots would be slightly narrower than is typical of other properties in Fairview Drive, but not so much narrower as to appear out of keeping in the streetscene. For example, 27 Fairview Drive has a plot width of 11 metres and the recently approved dwellings at Cussens Day Centre would have plot widths of about 11-12 metres. The dwellings have been designed to have reasonable areas of lawned front gardens, and therefore the frontage of the plots would not be too dominated by hardstanding. The single-storey design of the 2 new dwellings would be sympathetic to the site's context, and the remodelled existing dwelling would also be visually appropriate. The dwellings would have acceptable areas of useable rear garden. Because of the site's steeply sloping nature, it is felt that the proposal would only be acceptable if permitted development rights are removed, given that normally 'permitted' development could have an unacceptably poor visual impact in this context. Overall, subject to such a condition, and conditions to secure appropriate materials, and landscaping details, the development is one that would have an acceptable impact on the character and appearance of the area.
- 14.5 The proposed single-story bungalow adjacent to 35 Fairview Drive would have some impact on the outlook of that neighbouring property, which does have windows on its side elevation facing the application site. However, given the proposed bungalow would be relatively modest in height with a fully hipped roof, and given the 7.5 metre gap between the 2 buildings, it is felt the development's impact on the light and outlook of 35 Fairview Drive would be within acceptable limits (even taking into

account changes of levels). The remodelled existing dwelling would not have a significant additional impact on the neighbouring property at 27 Fairview Drive, and the development's impact on this property is considered to be acceptable. The properties in Whittington Close to the rear of the site would be set about 35 to 40 metres away from the proposed new bungalows and remodelled dwelling. Even taking into account the marked difference in levels, it is felt this degree of separation would be sufficient to ensure that the privacy of properties in Whittington Close is not undermined. Overall, it is considered that the proposed development would have an acceptable relationship to neighbouring dwellings. It should be noted that the submitted plans do not suggest that eaves and guttering would overhang the neighbouring property, but in any event this would be a civil matter.

- 14.6 Individually, the existing trees on the site have poor form, and therefore they are not worthy of protection with a Tree Preservation Order. The dwellings would be sufficiently close to trees that some cutting back and removal of trees will be necessary to accommodate the proposed development. It is felt that the likely tree loss arising from this proposal would be justified, given the trees' poor form, subject to securing appropriate replacement planting through a landscape condition.
- 14.7 The new access points and the level of on-site parking that would be secured would be acceptable from a highway safety perspective.
- 14.8 Concerns have been raised about the proposed drainage arrangements and the potential for increased surface water runoff to cause flooding of adjacent properties. These concerns are understood, but having regard to the comments of the Council's drainage team, it is felt that an acceptable drainage scheme could reasonably be provided for this development, and this is a matter that could be reasonably conditioned.
- 14.9 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 full mitigation contribution that would be required would be £8500, which could potentially be met in part through CIL payments.
- 14.10 In line with Core Strategy Policy CS15, the proposed development is one that would be expected to secure a contribution to affordable housing. In this case, the target contribution would be £50,140. At the time of writing, a Section 106 legal agreement remains to be completed, although it is understood that the applicants are willing to enter the requisite agreement.
- 14.11 Overall, the proposed development would be consistent with Local Plan policies and objectives. The development would be appropriate to its context and could be implemented without causing harm to the character and appearance of the area and the amenities and privacy of

neighbouring properties. The development would have an acceptable impact on trees and highway safety. Subject to conditions and subject to the prior completion of a Section 106 legal agreement to secure contributions to affordable housing, the development is one that can reasonably be recommended for permission.

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

15. RECOMMENDATION

That the Executive Head of Economy, Housing and Planning be **AUTHORISED TO GRANT PERMISSION** subject to:

- i) the completion, by 31st May 2016, of a planning obligation entered into by way of an Agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure appropriate provision towards affordable housing;
- ii) the imposition of the conditions set out below.

BUT, in the event that the Agreement is not completed by 31st May 2016, the Head of Planning and Transportation be **AUTHORISED TO REFUSE PERMISSION** for the reasons set out below.

Conditions to be attached to any consent:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: ra sht 3 rev X, ra sht 5 rev X, ra sht 4 rev X, ra sht 2 rev X, ra sht 1 rev X, ra sht 6 rev X, ra sht 7 rev X.

Reason: To ensure satisfactory provision of the development.

3. (a) 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.

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 of the approved drainage system shall be submitted to and approved in writing by the Local Planning Authority. The approved drainage scheme shall thereafter be maintained in accordance with the approved details at all times.

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. 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 development in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park.

7. 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 including replacement tree planting (species, size, spacing and location);
 - (c) areas for hard surfacing and the materials to be used;
 - (d) the treatment of the boundaries of the site and other means of enclosure;
 - (e) a method and programme for its implementation and the means to provide for its future maintenance.

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

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

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the appearance and setting of the development is satisfactory and to comply with Policy CS2 of the Local Plan for New Forest District outside the National Park (Core Strategy).

9. Before development commences the following levels details shall be submitted to and approved in writing by the Local Planning Authority:-
- a) the proposed slab levels of the dwellings in relationship to the existing ground levels set to an agreed datum;
 - b) the proposed finished garden levels relative to existing levels (supported by cross-sections).

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

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

10. 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, or garage or other outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order, shall be erected or carried out without express planning permission first having been granted.

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

11. The development hereby permitted shall not be occupied until the spaces shown on approved plans for the parking of motor vehicles and cycles have been provided. These areas shall subsequently be kept available for the parking 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 to promote sustainable travel in accordance with Policies CS2 and CS24 of the Local Plan for the New Forest outside of the National Park (Core Strategy).

Reason(s) for Refusal:

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

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. 3 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)

