

## NOTICE OF MEETING

**Meeting:** PLANNING DEVELOPMENT CONTROL COMMITTEE

**Date and Time:** WEDNESDAY, 13 APRIL 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](mailto: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](mailto:DCAdministration@nfdc.gov.uk)

**Bob Jackson**  
Chief Executive

Appletree Court, Lyndhurst, Hampshire. SO43 7PA  
[www.newforest.gov.uk](http://www.newforest.gov.uk)

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

---

## AGENDA

**Apologies**

**1. MINUTES**

To confirm the minutes of the meeting held on 9 March 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) **Spring Hill Farm, Bleak Hill, Ellingham, Harbridge & Ibsley (Application 15/11126) (Pages 1 - 14)**

Use of barn as residential dwelling

**Recommended:** Planning consent subject to conditions.

- (b) **33 Albert Road, New Milton (Application 15/11405) (Pages 15 - 22)**

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

**Recommended:** Planning consent subject to conditions.

- (c) **100 High Street, Milford-on-Sea (Application 15/11682) (Pages 23 - 30)**

Use of ground floor shop as flat; elevational alterations.

**Recommended:** Refuse.

- (d) **Plot 7, Forest Gate, Yeoman Road, Ringwood (Application 15/11720) (Pages 31 - 40)**

New access and roundabout, construct buildings for industrial, storage and business use (Use Class B1, B2 and B8) (Details of appearance, layout, scale and access for Plot 7 of development granted by Outline Permission 11/97377).

**Recommended:** Planning consent subject to conditions.

- (e) **Forest Gate Business Park, Wellworthy Way, Ringwood (Application 15/11745) (Pages 41 - 56)**

Retail food store; parking and landscaping

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

- (f) **7 Newlands Manor, Everton, Milford-on-Sea (Application 16/10003) (Pages 57 - 66)**

Alterations to create first floor including windows and rooflights; window to No 11

**Recommended:** Refuse.

- (g) **7 Newlands Manor, Everton, Milford-on-Sea (Application 16/10004) (Pages 67 - 74)**

Alterations to create first floor including windows and rooflights; flat lead roof; replace windows; new windows; block window; remove stud walls; insert stair case; window to No 11 (Application for Listed Building Consent)

**Recommended:** Refuse Listed Building Consent.

- (h) **Land of Inchmery, Queen Katherine Road, Lymington (Application 16/10052) (Pages 75 - 82)**  
Attached house  
**Recommended:** Refuse.
- (i) **232 Gore Road, New Milton (Application 16/10121) (Pages 83 - 88)**  
Outbuilding for use as ancillary living accommodation  
**Recommended:** Planning consent subject to conditions.
- (j) **10 Lodge Road, Pennington, Lymington (Application 16/10136) (Pages 89 - 94)**  
Roof alterations; front and rear dormers in association with new first floor; rooflights; two-storey side extension; single-storey rear extension  
**Recommended:** Planning consent subject to conditions.
- (k) **14 Beresford Road, Pennington, Lymington (Application 16/10206) (Pages 95 - 100)**  
Single-storey side and rear extension; fenestration alterations  
**Recommended:** Planning consent subject to conditions.
- (l) **Land at Forest Gate (Former Wellworthy Site), Yeoman Road, Ringwood (Application 16/10290) (Pages 101 - 110)**  
Building for offices and warehouse (Use Class B1 and B8); parking; landscaping; cycle shelters; bin store (Details of appearance, landscaping, layout, scale and access, development granted by Outline Permission 11/97377) not achieving the required BREEAM standard (energy efficiency of design) (Reserved Matters)  
**Recommended:** Planning consent subject to conditions.

**4. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT**

<b>To:</b>	<b>Councillors:</b>	<b>Councillors:</b>
	Mrs D E Andrews (Chairman)	J M Olliff-Cooper
	P J Armstrong	A K Penson
	Mrs S M Bennison	W S Rippon-Swaine
	Mrs F Carpenter	Mrs A M Rostand
	A H G Davis	Miss A Sevier
	R L Frampton	M H Thierry
	L E Harris	R A Wappet
	D Harrison	Mrs C V Ward (Vice-Chairman)
	Mrs A J Hoare	M L White
	Mrs M D Holding	Mrs P A Wyeth



## **STATUTORY TESTS**

### **Introduction**

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

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

### **The Development Plan**

#### **The Development Plan Section 38**

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

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

### **Listed Buildings**

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

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

### **Conservation Areas**

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

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

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

## **Areas of Outstanding Natural Beauty (AONB's)**

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

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

## **Trees**

### Section 197. Trees Town and Country Planning Act 1990

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

## **Biodiversity**

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

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

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

### Conservation of Habitats and Species Regulations 2010

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

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

## **Equality**

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

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

### **Financial Considerations in Planning**

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

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

This page is intentionally left blank



**Application Number:** 15/11126 Full Planning Permission

**Site:** SPRING HILL FARM, BLEAK HILL, ELLINGHAM, HARBRIDGE &  
IBSLEY BH24 3PX

**Development:** Use of barn as residential dwelling

**Applicant:** UA Farms Ltd

**Target Date:** 23/09/2015

---

## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Policy and Parish Council view in part

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside outside the New Forest

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

#### Objectives

1. Special qualities, local distinctiveness and a high quality living environment
3. Housing
7. The countryside
8. Biodiversity and landscape

#### Policies

#### Core Strategy

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

#### Local Plan Part 2 Sites and Development Management Development Plan Document

- DM2: Nature conservation, biodiversity and geodiversity
- DM3: Mitigation of impacts on European nature conservation sites
- DM20: Residential development in the countryside

## 4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

## **5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

SPD - Mitigation Strategy for European Sites  
SPD - Parking Standards  
SPG - Residential Design Guide for Rural Areas

## **6 RELEVANT PLANNING HISTORY**

- 6.1 Use as residential dwelling (west barn) - prior approval application (10488) Prior approval not required on the 18th May 2015
- 6.2 Use as residential dwelling (old dairy) - prior approval application (10401) Prior approval not required on the 11th May 2015

## **7 PARISH / TOWN COUNCIL COMMENTS**

Ellingham and Harbridge Parish Council: recommend refusal with the following comments:-

- Whilst the Parish Council are happy for this barn to be converted and appreciate the changes made so far they feel that there is a lack of detail to the plans.
- The Parish Council is concerned that the raising of the roof height of the filled in lean-to and because it is not recessed from the northern elevation the result blurs rather than defines the identity of a traditional Hampshire barn.
- There is insufficient information regarding the southern elevation's brick wall and piers. There is no indication of what it is constructed of, brick or rendered, herringbone or stretcher bond and it was thought it would look better if the piers are built as a feature with the depth being defined by the walls being set back slightly.
- The proposed three windows on the southern elevation in the main barn would visually look better as a single clerestory window along the length of the barn.
- Whilst provision for owls has been addressed, the Parish Council would welcome provision nearby for bats.
- The Parish Council would encourage the Case Officer to include all external lighting and light attenuation to be a material consideration when setting conditions.

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

- 9.1 Hampshire County Council Highway Engineer: No highway objection subject to condition
- 9.2 Ecologist: No objection subject to condition
- 9.3 Land Drainage Engineer: No objection subject to condition
- 9.4 Environmental Health (historic land use): No objection subject to conditions

## **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 £9,040.00.

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

## **13 WORKING WITH THE APPLICANT/AGENT**

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

This is achieved by

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

Revised plans have been submitted which have addressed the design concerns previously raised. Officers can now support the proposal.

## 14 ASSESSMENT

- 14.1 This application relates to an attractive traditional former farm building known as 'North Barn', which is the northerly building within the existing farm courtyard at Bleak Hill. The existing building is a traditional barn constructed from a brick plinth with timber cladding on its elevations under a pitched tiled roof and has some traditional features such as large barn door openings and cropped gables. The building has had some unfortunate modern additions to the front and side with asbestos roof and blockwork. To the rear of the building is a small grassed area enclosed by a post and rail fence with open fields further beyond. The single storey buildings along the western boundary within the courtyard are within the application site but are shown to be retained.
- 14.2 This planning application proposes the change of use of the barn into a dwelling together with external changes and alterations. Access is provided to the side of the building where there is a unmade track which also serves the barn buildings to the west.
- 14.3 The barn lies amongst a traditional farm courtyard of single storey buildings with the farm house to the east and at one time the whole site was a working farm with open fields to the rear. Although the barn has been altered over the years, it would appear that the barn and surrounding farmstead may have existed for over 100 years. To the west of the barn is a further collection of farm buildings which are separated by an access track.
- 14.4 Two recent Prior Approval Applications have been approved for the change of use of the barns to the west of the site and the single storey run of buildings within the courtyard into two separate dwellings (West Barn and Old Dairy respectively), but no works have commenced. There have been no previous applications at North Barn. The farm house to the east is currently being renovated and this has now been separated from the other farm buildings.
- 14.5 The character of the area is very rural in which there are a few detached dwellings located nearby, but generally, there are open fields and paddocks in a countryside setting with trees and vegetation defining the boundaries. The group of farm buildings and farm house make a positive contribution to the rural character of the area.
- 14.6 Starting with the policy position, Local Plan Part 2 Policy DM20 is applicable and relates to residential development in the countryside. The policy states that residential development in the countryside will only be permitted where it is for a replacement dwelling, affordable housing or agricultural workers dwellings. The policy goes on to state that in all cases, development should be of an appropriate design, scale and appearance in keeping with the rural character of the area, and should not be harmful to the rural character of the area by reason of traffic and other activity generated or other impacts.
- 14.7 In assessing this policy, the proposal is not a replacement dwelling, nor is it for an agricultural worker or for affordable housing. On this basis, the proposal for a new dwelling in the countryside does not accord with the policy criteria. While there is nothing in the policy which specifically relates to the conversion of existing buildings into residential uses, it is

clear that the proposal for new residential development in the countryside is only permitted if it is a replacement dwelling, or for affordable housing or an agricultural worker. There is no reference in the application to the residential use proposed being for affordable housing or for an agricultural worker.

- 14.8 In terms of central government guidance, it is clear that there is a general steer towards the conversion of vacant and former agricultural buildings into residential dwellings. Paragraph 55 of the National Planning Policy Framework is applicable and seeks to promote sustainable development in rural areas, and housing should be located where it will enhance or maintain the vitality of rural communities. The guidance states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as where the development would re-use redundant or disused buildings and lead to an enhancement of the immediate setting.
- 14.9 A further consideration is the recent changes to government legislation as set out in the Town and Country (General Permitted Development) Order 2015 which permits the change of use of an agricultural building to residential use without requiring planning permission, subject to a Prior Approval Application. In this case, the change of use requires planning permission because the two neighbouring buildings have recently been permitted to be converted to a dwelling under the Prior Approval Application procedure and utilised the 450 square metre limit, which means that there is no further scope to for the change of use of other buildings within this group of farm buildings.
- 14.10 In assessing the policy position, it is clear that there is now greater support from national guidance and policy to convert former agricultural buildings into dwellings. It should also be noted that the barn could be converted into a dwelling under the Prior Approval Procedure if the amount of floor space together with the neighbouring farm buildings was reduced. A further consideration is that given the close proximity to the farm house and other farm buildings that have been approved to be converted into dwellings, if the barn was to be changed to other uses, this could create a poor relationship to the other land uses.
- 14.11 Accordingly, in balancing the issues, it is considered that a policy exception can be made in this case in that the proposal to change the use of the barn into a dwelling would be appropriate in this instance. However, this would be subject to other considerations including design and, residential amenity.
- 14.12 In assessing the effect on the character and appearance of the area, as described above, the barn is a traditional former agricultural building which makes a positive contribution to the rural character of the area. It is proposed to replace the main roof with natural slate and the walls with new oak timber weatherboarding. The existing lean-to on the side and front elevations (west and south) would be removed and replaced with new lean to-additions. Two new rooflights are proposed on the north elevation together with two ground floor windows. On the first floor side elevations the existing windows would be replaced. On the south elevation the materials on the existing lean to addition facing the courtyard would be replaced with slate and brick utilising the existing structural frame and piers.

- 14.13 It is considered that the proposed changes have been designed to be sensitive to the rural appearance of the building with minimal glazing and replacing the poor materials with timber and slate. On this basis, the proposal would make a positive enhancement to this group of former farm buildings.
- 14.14 While concerns have been expressed that the proposed glazing on the northern elevation is excessive and would result in excessive light pollution, the large barn doors would have timber doors to minimise the glazing in the evening and only small ground floor windows are proposed and a reason for refusal on this ground would be unlikely to be substantiated at appeal.
- 14.15 With regard to residential amenity, the site lies adjacent to a farm house to the east which is currently being renovated. The proposed residential use of the building would have a different impact than if the barn was used for agricultural purposes. At one time, all of the farm buildings would have been in association with the farmhouse, but the farm buildings and dwellings appear to have been severed off and there is no longer a working farm. There are some benefits of the barn being used for residential purposes in terms of a reduction in the potential for noise and disturbance. In terms of privacy, there is currently a first floor window in the side elevation which faces the farmhouse, and it is proposed to re-use this window to serve the dwelling. The window has been shown to be fitted with obscure glass, which would maintain a reasonable level of privacy and it would be necessary to impose a condition for the window to be glazed with obscure glass.
- 14.16 In terms of car parking and highway related matters, access would be provided from an existing gate from the gravel track leading to a car parking and turning area to the rear of the building. It is considered that sufficient space would be provided for car parking and it is not anticipated that the proposal would prejudice public highway safety.
- 14.17 In terms of ecological matters, the Ecologist states that the ecological survey is appropriate and suitable recommendations are made to provide mitigation and compensation which mean the development would be in accordance with policy CS3 and it would be desirable to secure their implementation by a suitably worded planning condition.
- 14.18 While concerns have been raised that there is inadequate provision for owls and the total lack of provision for bats, the submitted ecological report states that both Barn Owls and Bats will be appropriately accommodated within the converted building and the Ecologist considers that this will be acceptable.
- 14.19 The proposed development requires contributions to be made towards affordable housing. In assessing whether it would be acceptable to permit the change of use into a residential use without any contributions towards affordable housing, consideration should be given to the recent changes in government legislation that permits the change of use from agriculture to residential without the need for contributions.

Officers consider that although this proposal does not fully accord with the legislation because it exceeds the floor space, it would be reasonable to permit the change of use of the building from agriculture to a residential unit without an affordable housing contribution. Officers

take the view that the only reason it cannot be changed without requiring planning permission is because of the floor space and accordingly it would be unreasonable to seek such contributions in these circumstances for a development which would not otherwise require planning permission.

- 14.20 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.
- 14.21 In conclusion, it is considered that in principle, the conversion of the barn to a dwelling will be acceptable, and the proposed external changes to the building have been shown to be sensitively designed and would be appropriate to this rural context. In addition given that under the new legislation the conversion of a building from an office to residential would now not require planning permission, it is considered that no affordable housing contributions should be required in this particular case.
- 14.22 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

### CIL Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses	291	178	113	£9,040.00

## 15. RECOMMENDATION

### Grant Subject to Conditions

#### Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: 1680/p06 rev a, 1680/p05 rev a, 1680/p04 rev a, 1680/p03 rev a, 1680/p02 rev a, 1680/p07 rev a.

Reason: To ensure satisfactory provision of the development.

3. Before development commences, the following details shall be submitted to, and approved in writing by the Local Planning Authority:
  - a) Details and samples of the external timber cladding and its colour finish to be applied and roof slates shall be submitted to and approved in writing by the Council prior to their installation.
  - b) Joinery and finish details of the new windows and glazed screens showing them in situ within the wall shall be submitted to and approved in writing by the Council prior to their installation.

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

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

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

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

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

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

5. 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).



6. 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.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (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 sites location, the Local Planning Authority would wish to ensure that any future development proposals do not adversely affect the Conservation Area in accordance with Policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park and policy DM1 of Local Plan Part 2 Sites and Development Management Document.

8. The first bathroom floor window on the rear [ south ] elevation of the approved building shown hatched black shall at all times be glazed with obscure glass.

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

9. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions relating to contamination no 10 to 12 have been complied with.

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 13 relating to the reporting of unexpected contamination has been complied with in relation to that contamination.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM4 of the Local Plan For the New Forest District outside the National Park. (Part 2: Sites and Development Management).

10. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

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

(ii) an assessment of the potential risks to:

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

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

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

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

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

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

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM4 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

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

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM4 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

13. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 9, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 10, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 11.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM4 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM4 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

**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.

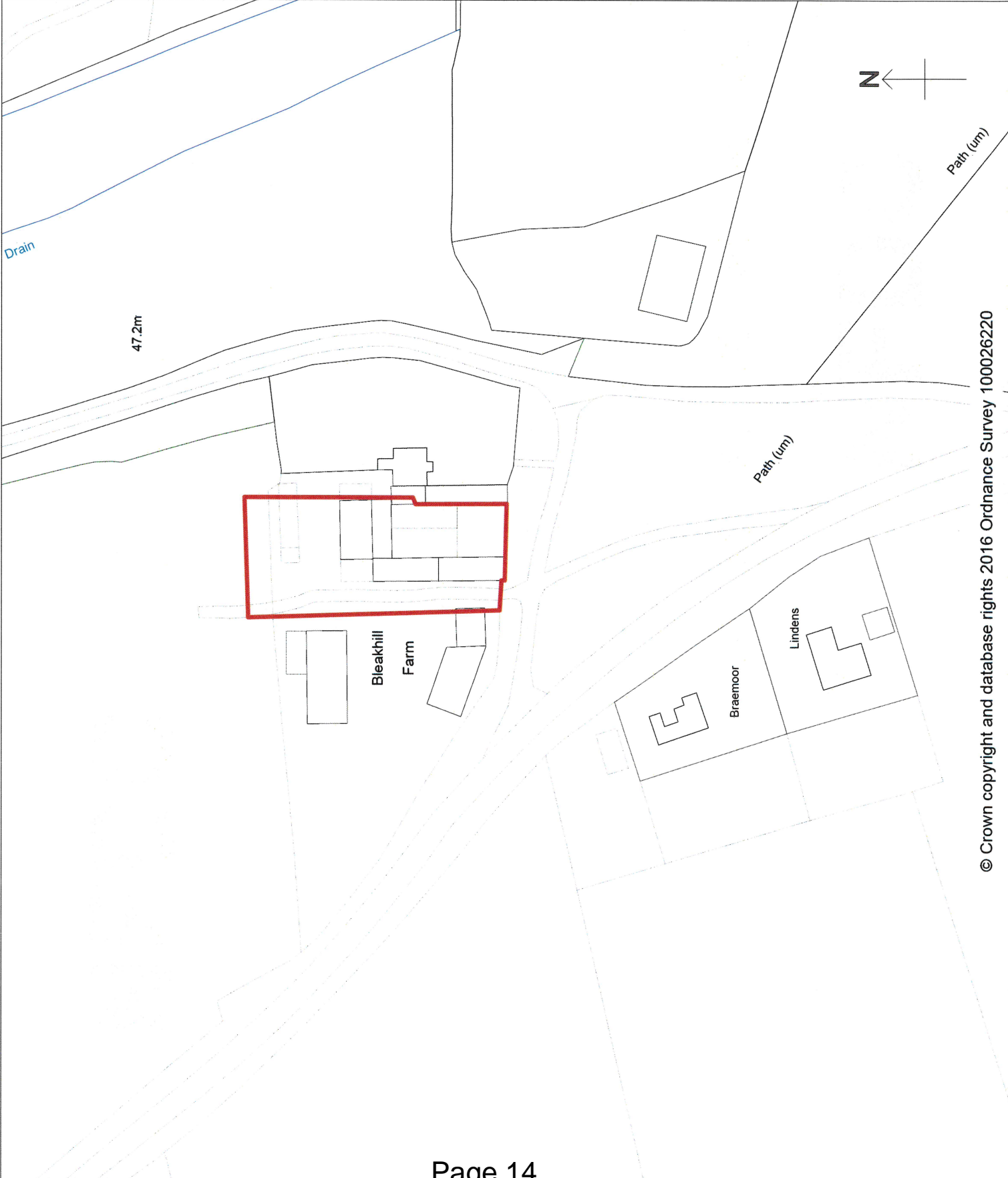
Revised plans have been submitted which have addressed the design concerns previously raised. Officers can now support the proposal.

2. In discharging condition No. 6 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/>
3. This decision relates to amended / additional plans received by the Local Planning Authority on 16th January 2016.

**Further Information:**

Major Team

Telephone: 023 8028 5345 (Option 1)



**Application Number:** 15/11405 Full Planning Permission

**Site:** 33 ALBERT ROAD, NEW MILTON BH25 6SP

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

**Applicant:** Mrs Bryant

**Target Date:** 20/11/2015

---

## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary Town Council view; previous Committee consideration (December 2015).

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

#### Objectives

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

#### Policies

CS1: Sustainable development principles  
CS2: Design quality

### Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

## 4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

## 5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - New Milton Local Distinctiveness

## **6 RELEVANT PLANNING HISTORY**

15/11406 Two-storey rear extension, Juliet balconies, side and rear extension to existing detached garage. Granted 9-12-15.

## **7 PARISH / TOWN COUNCIL COMMENTS**

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

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

9.1 Land Drainage - recommend approval

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

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

## **10 REPRESENTATIONS RECEIVED**

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

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

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

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

## **13 WORKING WITH THE APPLICANT/AGENT**

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



This is achieved by

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

The proposal generated many complaints with regard to the impact of the proposal on the parking situation which is already poor. The Highway Authority was in agreement with these concerns and following Members consideration of the application at their meeting on 9th December 2015, a revised plan has been submitted together with additional information in respect of how the business is proposed to be operated.

## **14 ASSESSMENT**

### Introduction

- 14.1 Members may recall considering this application at their meeting in December 2015 when the recommendation was to refuse permission due to concerns in respect of highway safety and parking issues. It was resolved to defer a decision pending revisions to the parking proposals and clarification of the use. This information has now been received and further comments sought from the Highway Authority and Environmental Health. As a result, the recommendation is now favourable.
- 14.2 The site lies within the built up area of New Milton in a residential area. The property currently benefits from an open air 13m x 5.6m swimming pool in the irregularly shaped rear garden. This is well screened to the west by the neighbour's conifer hedge. To the north east, trees within the site have been removed, since the application was last reported to Committee, due to their poor condition. The property also has several outbuildings including a garage, summer house and store. The proposal entails the provision of a retractable pool canopy and rear extension to the detached garage, use of the pool for tuition purposes and the summer house as a business related office.

- 14.3 Visually, the proposed addition to the garage would have a limited impact as it would be tucked behind the existing structure, replacing a small shed to the rear. The pool canopy would be a much larger structure within the rear garden area. However, it should be noted that as its height would not exceed 2.5m, it would be permitted development were it to be used for ancillary residential purposes only. As the only reason it requires planning permission is due to the proposed use of the structure rather than its proximity to residential properties or its height, it would be difficult to refuse permission for visual amenity or outlook reasons. The canopy is unlikely to be seen from public vantage points.
- 14.4 With regard to residential amenity, the properties in Pleasance Way have gardens which are at least 11m in length and have close boarded fencing adjacent to the site. The provision of new trees within the site replacing those recently cut down could help to screen the pool cover from upper floors and a condition in respect of landscaping is considered appropriate. It is not, therefore, considered to adversely affect the outlook from adjoining properties.
- 14.5 The use of the office for business purposes would have little impact on residential amenity as no teaching would occur within it, just paperwork when teaching was not being undertaken. The applicants have clarified the proposed hours of use which would be less than the hours stated on the application form and only if the demand was there. The proposed hours of use would therefore be 9.30am - 2.30pm Monday to Friday and 9.30am - 4.00pm on Saturdays and during terms times only (approximately 40 weeks/year). Although on Saturdays, these hours may be a little more than initially anticipated by Environmental Health, with a condition to allow a temporary 12 month consent from the commencement of the use, any impact on residential amenity can be fully assessed. The Environmental Health Officer raises no objection to the application on this basis.
- 14.6 It is understood that residents have been disturbed in recent months during pool parties held at the property. However, as the majority of teaching would be individual tuition (or no more than 4 pupils at any one time) within an enclosed area, it is unlikely that significant harm would arise from the actual teaching, given the low numbers proposed.
- 14.7 Many local residents have raised concerns about parking in Albert Road and this matter was a reason for the application to be deferred previously. Amended plans have now been received which show three spaces for the dwelling and three for the business together with an increase in the width of the access point to the highway. It is also understood that the majority of parking problems in the area arise in the evenings when the use would not be in operation. On this basis and subject to the retention of the car parking spaces and the provision of appropriate cycle parking provision, the Highway Authority do not raise any objections to the scheme.
- 14.8 In conclusion, the physical development is considered acceptable, as is the proposed use, subject to conditions relating to the hours of use and that it is temporary in order to allow further assessment.
- 14.9 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of

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

## **15. RECOMMENDATION**

### **Grant Subject to Conditions**

#### **Proposed Conditions:**

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: location plan, 1183:08B, 1183:09, 1183:10A, 1183:07B, 1183:11, 1183:02, 1183:01.

Reason: To ensure satisfactory provision of the development.

3. The external facing materials for the garage addition 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 development hereby permitted shall not be commenced until the spaces shown on plan 1183:10A for the parking and garaging of motor vehicles have been provided. These spaces shall be retained and kept available for the parking and garaging of motor vehicles for the existing dwelling and business (3 each) 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. The use hereby permitted shall not start on site until plans and particulars showing details of the provisions of cycle storage within the site have been submitted and approved in writing by the Planning Authority. The development shall be carried out in accordance with the approved details before the use of the development is commenced and shall be retained thereafter.

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

6. No activity shall take place on the site in connection with the approved use other than between the hours of 0930 and 1430 Monday to Fridays and 0930 and 1600 on Saturdays, not including recognised public holidays.

Reason: To safeguard the amenities of nearby residential properties in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

7. The use of the swimming pool for commercial purposes shall cease on or before August 31st 2017 or within 12 months of the commencement of the use whichever is the sooner.

Reason: In order that the impact on residential amenity can be fully assessed in accordance with policy CS2 of the New Forest District Council Core Strategy.

**Notes for inclusion on certificate:**

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

The proposal generated many complaints with regard to the impact of the proposal on the parking situation which is already poor. The Highway Authority was in agreement with these concerns and following Members consideration of the application at their meeting on 9th December 2015, a revised plan was submitted together with additional information in respect of how the business was proposed to be operated.

2. As the proposals include the alteration of an existing access onto the highway the applicant should be made aware of the requirement to carry out any works on the highway to the appropriate standard laid down by and under a licence agreement with the highway authority.

**Further Information:**

Major Team

Telephone: 023 8028 5345 (Option 1)



**New Forest**  
DISTRICT COUNCIL

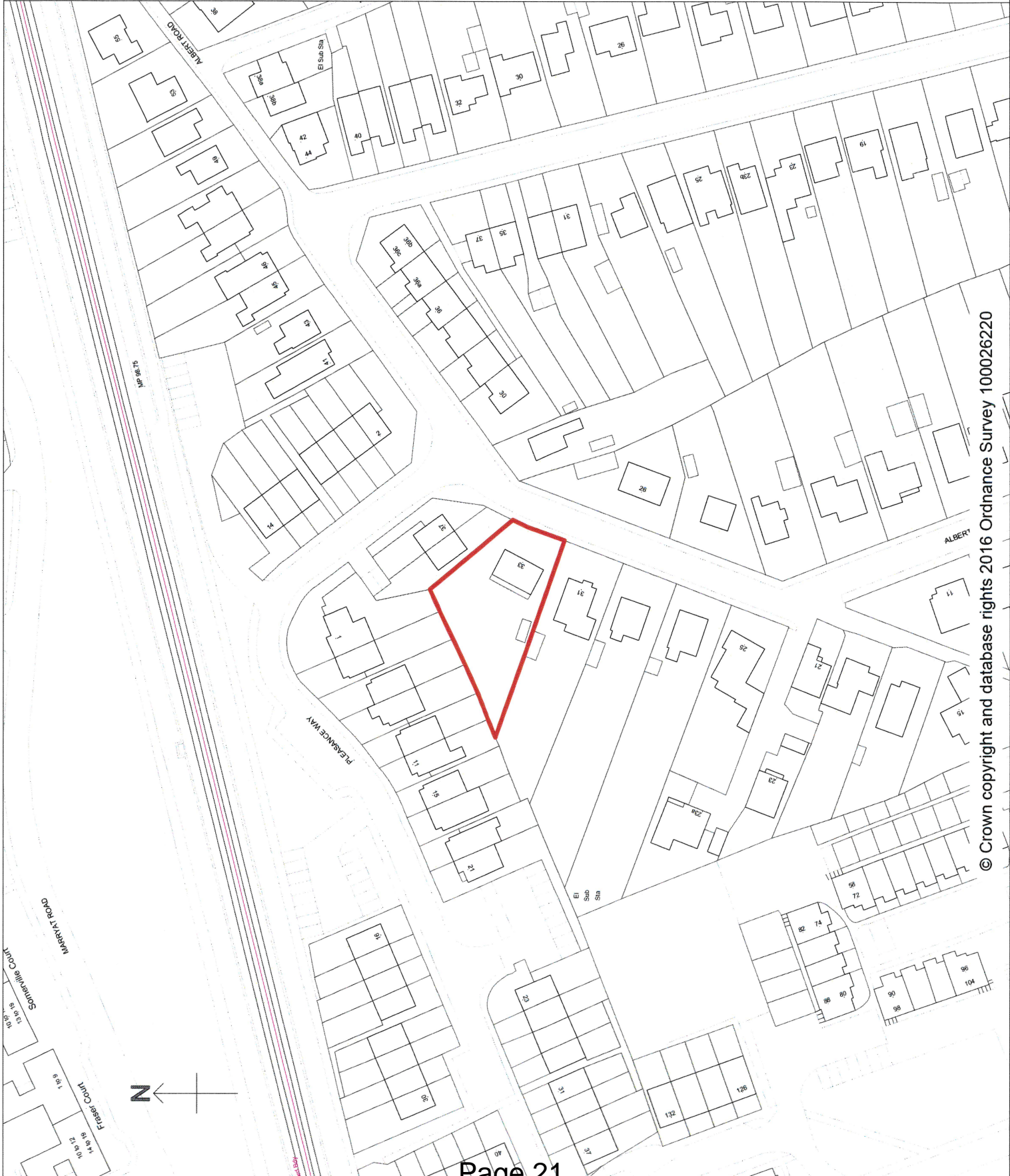
Tel: 023 8028 5000  
www.newforest.gov.uk

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

**Planning Development  
Control Committee**  
**April 2016**

**Item No: 3b**  
33  
Albert Road  
New Milton  
15/11405  
SZ2395

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



© Crown copyright and database rights 2016 Ordnance Survey 100026220

This page is intentionally left blank

**Application Number:** 15/11682 Full Planning Permission

**Site:** 100 HIGH STREET, MILFORD-ON-SEA SO41 0QE

**Development:** Use of ground floor shop as flat; elevational alterations

**Applicant:** Mr R Waters

**Target Date:** 23/03/2016

---

## 1 REASON FOR COMMITTEE CONSIDERATION

No affordable housing contribution being sought in this case

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Conservation Area  
Local Shopping Frontage

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

#### Objectives

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

#### Policies

CS2: Design quality  
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)  
CS10: The spatial strategy  
CS13: Housing types, sizes and tenure  
CS15: Affordable housing contribution requirements from developments

### Local Plan Part 2 Sites and Development Management Development Plan Document

DM1: Heritage and Conservation  
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**

Milford-on-Sea Village Design Statement  
Parking Standards Supplementary Planning Document

## **6 RELEVANT PLANNING HISTORY**

03/78806 Conversion to form 1 flat; 1 maisonette      Granted: 17 September  
2003

## **7 PARISH / TOWN COUNCIL COMMENTS**

Milford-on-Sea Parish Council: recommend refusal but would accept delegated officer decision

## **8 COUNCILLOR COMMENTS**

No comments received

## **9 CONSULTEE COMMENTS**

9.1 Planning Policy: objection

9.2 Conservation Officer: further information requested

9.3 Drainage Engineer: no comment

9.4 Hampshire County Council Highways Engineer: no objection

## **10 REPRESENTATIONS RECEIVED**

10.1 The Agent writes in support of the application and comments that there are other shopfronts in the immediate locality, other shop uses have been lost to residential uses and there are other empty shop units in Milford.

10.2 One letter received in support of the proposal stating that a residential use would be appropriate in this location; would be better than an empty shop and would provide much needed residential accommodation.

10.3 One letter received objecting to the proposal stating that UPVC is not appropriate on this location and the retail use should be retained.

## **11 CRIME & DISORDER IMPLICATIONS**

n/a

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission and a new dwelling is provided, 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.

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



## 13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

In this case, the application is contrary to planning policy and the applicant was advised of this through the Parish Briefing given that this application was not supported by any pre-planning application. It is not considered that this policy objection could be overcome through negotiation.

## 14 ASSESSMENT

### 14.1 The Proposal

- 14.1.1 The application seeks planning permission for the change of use of a shop to provide a one bedroom ground floor flat and relates to an existing retail unit on the south side of the High Street, Milford-on-Sea. Planning permission is required for this change of use because the application site is within a Conservation Area (the proposal does not fall under Part M (retail or betting office or pay day loan shop to dwelling houses) of Schedule 2 Part 2 of the General Permitted Development Order).
- 14.1.2 The application would also allow changes to the entrance area of the existing residential accommodation at 100 High Street which is accessed via a side passage to the north side of the premises. Additionally, the

Design Statement advises that the shop front is over 100 years old and would need replacing with a UPVC frontage, which would be similar to the existing, with the exception of the front door that would form a domestic half glazed unit.

#### 14.2 Principle of Development

- 14.2.1 The application site lies within the defined local shopping frontage in Milford-on-Sea where planning policy DM18 applies; this policy does not allow for residential development on the ground floor, thus there is a policy objection to the proposal.
- 14.2.2 The shop is currently vacant but it was occupied at the time of the most recent survey in 2015 and shows a long period of occupancy prior to that (with one exception in 2010). There would appear to be no evidence of prolonged vacancy in this shop and in general the level of vacancies within Milford-on-Sea is quite low (approx. 6% of units). Further, no particular problem has been identified with the commercial viability of the area and no evidence has been provided which might suggest that an exception to the policy is justified in this instance.

#### 14.3 Design/ Conservation Area

- 14.3.1 The site lies within the Milford-on-Sea Conservation Area and proposes replacement of the existing shop front with a new UPVC frontage. No details have been provided of the existing shop front (which is of good design) or its proposed replacement and the proposed change to UPVC is likely to have a detrimental impact on the front elevation of this building in the Conservation Area.
- 14.3.2 The further external changes proposed to the side of the building would not be readily visible and there is no objection to this element of the scheme, subject to a condition (in the event that planning permission were granted) in respect of the detailing of the openings proposed.

#### 14.4 Residential Amenity

- 14.4.1 The proposal would provide a small one-bedroom flat with a separate lounge/ kitchen and bathroom. While internal space would be limited (and with no garden space proposed), on balance it is considered that this would be unlikely to substantiate any refusal reason.
- 14.4.2 Concerns have been raised with regards to the impact of the proposal on the residential amenities of the occupier above primarily given the perceived poor quality of conversion works to date and anticipated noise disturbance. These issues are likely to be addressed by Building Regulations and it is not considered that planning permission could reasonably be withheld on this basis.
- 14.4.3 It is not considered that the proposal would cause any significant adverse impact to the residential amenities of those within the flat to the rear at 100 High Street (the Garden Flat) or to the amenities of other neighbouring occupiers.

#### 14.5 Highway Safety

14.5.1 The site currently has no parking facilities and there are no proposals to provide any parking; having regard to the Council's Supplementary Planning Document on parking standards, there is a requirement for the existing retail premises to provide 1 space and the proposed one-bedroom flat 2 spaces. However, the site is close to good public transport links and local amenities. While parking controls exist in the locality to help prevent the possibility of displaced vehicles causing an undue highway danger/ inconvenience. In view of the above, there is no highway objection.

#### 14.6 Affordable Housing

14.6.1 This proposal for a one-bedroom flat would typically generate an affordable housing contribution having regard to the provisions of planning policy CS15. However, in this instance, given that the proposal only requires planning permission because of its location within the Conservation Area (alternatively the proposal might have been considered as a part of the prior notification procedure), it is considered unreasonable to seek an affordable housing contribution in this instance.

#### 14.7 Habitats Regulations

14.7.1 In accordance with the Habitat Regulations 2010 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard.

#### 14.8 Conclusion

14.8.1 In conclusion, it is considered that residential use would not be appropriate in this local shopping frontage and there are concerns that the changes to the shopfront would be inappropriate within the Conservation Area.

#### 14.9 Human Rights

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

## CIL Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses	40	40	0	£0.00

### 15. RECOMMENDATION

#### Refuse

#### Reason(s) for Refusal:

1. The application site lies within the defined local shopping frontage in Milford-on-Sea where residential development is not permitted at ground floor. The proposal is therefore contrary to the provisions of the National Planning Policy Framework, Planning Policy CS10 of the New Forest District Core Strategy Document (Adopted October 2009) and Planning Policy DM18 of the Local Plan Part 2 (Sites and Development Management) Adopted 2014.
2. It is considered that the changes to the shopfront would have an adverse impact on the character and appearance of the Conservation Area. The proposal is therefore considered to be contrary to the provisions of the National Planning Policy Framework, Planning Policies CS2 and CS3 of the New Forest District Core Strategy Document (Adopted October 2009) and Planning Policy DM1 of the Local Plan Part 2 (Sites and Development Management) Adopted 2014.

#### Notes for inclusion on certificate:

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

In this case, the application was contrary to planning policy and the applicant was advised of this through the Parish Briefing given that this application was not supported by any pre-planning application. It was not considered that this policy objection could be overcome through negotiation.

#### Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



This page is intentionally left blank

**Application Number:** 15/11720 Reserved Matters

**Site:** PLOT 7, FOREST GATE, YEOMAN ROAD, RINGWOOD BH24 3FG

**Development:** New access and roundabout, construct buildings for industrial, storage and business use (Use Class B1,B2 & B8) (Details of appearance, layout, scale, & access for Plot 7 of development granted by Outline Permission 11/97377)

**Applicant:** G P Commercial Investments Ltd

**Target Date:** 26/02/2016

---

## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council View

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

#### Objectives

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

#### Policies

#### Local Plan Part 1 (Core Strategy) 2012:

Policy CS2 - Design quality  
Policy CS4: Energy and resource use  
Policy CS17: Employment and economic development  
Policy CS24 - Transport considerations

#### Local Plan Part 2 Sites and Development Management Development Plan Document

DM5: Contaminated land  
RING1: Land east of Christchurch Road - employment land allocation

## 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 - Ringwood Local Distinctiveness  
SPD - Ringwood Town Access Plan  
SPD - Parking standards (NFDC 2012)

## **6 RELEVANT PLANNING HISTORY**

- 6.1 Construct buildings for industrial, storage and business use, new roundabout ( Use Classes B1, B2 and B8) Outline application with details only of access ( 97377) Granted August 2013
- 6.2 Various approved Reserved Matters Applications for office, business and storage development throughout the site.

## **7 PARISH / TOWN COUNCIL COMMENTS**

Ringwood Town Council: recommend refusal. The Committee considered that the bulky form of Units 3 and 4A was unacceptably overbearing and there would be a detrimental impact on the residents of New Street, due to their size and proximity.

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

- 9.1 Hampshire County Council Highway Engineer: No objection subject to condition
- 9.2 Environmental Health (historic land use): No objection subject to condition
- 9.3 Environmental Health (pollution): No objection subject to condition
- 9.4 Urban Design Officer: Acceptable subject to resolving the details of landscaping and boundary treatment

## **10 REPRESENTATIONS RECEIVED**

- 10.1 1 letter of support
- 10.2 1 letter concerned with the screening for New Street following the felling of the Oak Tree and Silver Birches. Concerned about traffic onto New Street.

## **11 CRIME & DISORDER IMPLICATIONS**

No relevant considerations

## **12 LOCAL FINANCE CONSIDERATIONS**

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



## 13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

The initial submission was considered to be unacceptable for several reasons and following negotiations with the applicants and their agent, revised plans have been submitted which address the concerns previously raised.

## 14 ASSESSMENT

- 14.1 This 'reserved matters application' proposes a total of 6 buildings for business, office and storage use (Classes B1 and B8) together with car parking and landscaping on the north west part of the former Wellworthy site, now known as Forest Gate Business Park. The site is currently a vacant piece of land, bounded by a residential road known as New Street to the west, an employment building to the north and recently developed employment uses to the south and east on the existing Forest Gate Business Park. The internal road to the business park has been constructed and will provide access into the site.
- 14.2 The proposed layout comprises three office buildings, namely units 1, 2 and 3 which would be located on the southern part of the site, and three light industrial and storage buildings to the north of the site with ancillary offices at units 4, 5 and 6. Car parking would predominantly be provided to the front of the buildings. The proposed buildings would all be two storeys in scale with shallow pitched roofs. A new landscaping strip would be created along New Street.

- 14.3 In policy terms, the site is allocated for employment uses and given that outline planning permission has been granted for the site to be used for employment purposes which include offices, storage and industrial, there are no objections to the proposal in principle and it is considered that it would accord with the objectives and aims of the local plan. The main issues are the proposed layout of the site and how it responds to both New Street and the rest of Forest Gate Business Park.
- 14.4 The proposed layout has been designed with the office units to the south and storage and light industrial units to the north, creating two distinctive areas. The proposed three office buildings have been designed with some amenity space around the buildings and space for tree planting. The car parking is largely in front of the buildings with opportunities for large tree specimens to be planted in the central parts of the car parking areas. The design of the office buildings would incorporate hipped roofs, glazing and cladding materials (khaki green) to match the recent development to the south.
- 14.5 The proposed light industrial and storage units would be more compact and would be sited against the boundary of the site. These buildings would be less visible from the surrounding area, although, the siting of units 5 and 6 along the boundary would pick up the design and form of the recently built office building on the adjoining site. The layout of these buildings would also enable the new oak trees planted to the front of the recently built office building to establish. The materials would also match the adjacent office building and those used on the Eberspacher building. Car parking is more consistently spread around the site and the buildings are generally positioned close together. Overall it is considered that the proposed design and layout would be appropriate for the site.
- 14.6 The treatment of the development fronting New Street is important and it is proposed to plant a hedgerow along the complete boundary with tree planting to act as a foil to the buildings. The proposed buildings would front onto New Street. Subject to appropriate soft landscaping, the development would respond well to New Street. The roof form of units 3, 4A and 5A all match, with pitched roofs, and would provide an active frontage onto New Street. The scale, form and design would not appear overbearing or dominant from New Street, however, the treatment of the soft landscaping and tree planting, in terms of species would be important to the street and against the buildings. There would be no direct vehicular or pedestrian access into the site (other than the cycle way). Overall it is considered that the proposed development would appropriately address New Street and, subject to the landscaping, which can be dealt with by condition, the proposal would be acceptable.
- 14.7 With regard to residential amenity, the proposal does not seek to carry out any general industrial uses. Unit 3 would be located close to New Street but there would be a distance of around 13 metres to the nearest neighbour and, given the proposed boundary treatment with a new hedgerow and tree planting, and the design of the building with its hipped roof, it would not unacceptably impact on the living conditions of the neighbouring properties in New Street. The proposed units 4A and 5A essentially have their side elevations to New Street. The buildings are a sufficient distance not to result in an unacceptable impact on light, privacy or outlook. The proposed uses of these buildings would be for light industrial and storage use. While there would be some additional

noise from vehicular movements such uses would not result in an unacceptable impact on their living conditions. The Environmental Health Officer does not raise any objections to the proposal.

- 14.8 In relation to highway safety matters, the proposed access into the site would be onto the recently built internal access road. The Highway Authority considers that sufficient car parking is shown to be provided which would accord with the Councils adopted car parking standards.
- 14.9 In conclusion, it is considered that the development is acceptable as it creates employment uses and the design and layout of the site would appear integral to Forest Gate Business Park and respond positively to New Street with new landscaping and tree planting adjacent to the road.
- 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**

Reserved matters of layout, scale, appearance and landscaping, specified in condition 1 of outline permission reference number 97377 dated 6th August 2013.

#### **Proposed Conditions:**

1. The development permitted shall be carried out in accordance with the following approved plans: 33J, 40F, 43C, 42C, 36B, 35A, 37D, 39C, 38C, 44B.  
  
Reason: To ensure satisfactory provision of the development.
2. The buildings hereby approved shall only be constructed in accordance with the materials and details shown on drawings Nos 40F, 43C, 36B, 37D, 39C, unless otherwise agreed in writing by the Local Planning Authority.  
  
Reason: To ensure an acceptable appearance of the buildings in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park.

3. The development hereby approved shall only be constructed from the slab levels in relation to the existing ground levels as shown on Drawing No 33J unless otherwise agreed in writing by the Local Planning Authority.

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)

4. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2005 and the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent re-enactments thereof, the development hereby approved shall be used for B1 and B8 purposes only and for no other purposes, whatsoever, including any other purpose within Classes B2 of the Town and Country Planning (Use Classes) Order 2005 or any subsequent re-enactment thereof, without express planning permission first being obtained.

Reason: To safeguard the amenities of nearby residential properties in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

5. Before any development commences (involving the commencement of work on the building hereby approved), a detailed option appraisal and remediation strategy together with remediation verification plan must be prepared giving full details of the remediation measures required and how they are to be undertaken. This must demonstrate that the development at the site can be brought to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, including protection of controlled waters. The remediation options appraisal and remediation strategy are subject to the approval in writing of the Local Planning Authority, and must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The remediation strategy must consider that no infiltration of surface water drainage into the ground or foundation design using penetrative methods (e.g. piling) is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. A verification plan is required to demonstrate how the remediation strategy will be verified as being effective. This must provide details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete, and identify any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the Local Planning Authority. The scheme must ensure that the development will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation and shall be implemented as approved.

Reason: To protect controlled waters and to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policies CS5 and CS6 of the Core Strategy for the New Forest District outside the National Park.

6. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. The approved remediation scheme must be carried out in accordance with its terms. Following completion of measures identified in the approved remediation scheme, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long term monitoring and maintenance plan) for longer term monitoring of pollutant linkages maintenance and arrangements for contingency action as identified in the verification plan and for the reporting of this to the local planning authority. The long term monitoring and maintenance plan shall be implemented as approved.

Unless otherwise agreed in writing by the Local Planning Authority, the verification report must be completed and approved in writing by the Local Planning Authority either:

- prior to the commencement of development, other than that required to carry out remediation, or
- if the development is required to carry out the remediation, it must be carried out prior to the occupation of any buildings or use of the land as the proposed end use

Reason: To protect controlled waters and to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy CS5 and CS6 of the Core Strategy for the New Forest District outside the National Park.

7. If during development contamination not previously identified is found to be present, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the developer and approved by the Local Planning Authority until the developer has submitted and obtained approval from the Local Planning Authority for recommencement of development. An investigation and risk assessment must be undertaken, and if this finds remediation to be necessary, a remediation strategy and verification plan must be provided detailing how this unsuspected contamination shall be dealt with and approved by the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and with the same considerations as detailed within Condition 89. The remediation shall be implemented and verified with the same consideration as detailed within Condition 9, and approved by the Local Planning Authority.

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

controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policies CS5 and CS6 of the Core Strategy for the New Forest District outside the National Park.

8. In accordance with the submitted strategic landscape details under plan 33J, the following additional details shall be submitted to and approved in writing by the Local Planning Authority:
- (a) a specification for new planting (species, size, spacing and location);
  - (b) areas for hard surfacing and the materials to be used;
  - (c) other means of enclosure;
  - (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 10 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.

9. No delivery activity shall take place on the site in connection with the approved uses other than between the hours of 8:00am and 21:00 Monday to Fridays, and 8:30 am and 17:00 on Saturdays not including recognised Sundays or recognised public holidays.

Reason: To safeguard the amenities of nearby residential properties in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent re-enactment thereof, no additional floor space by way of the creation of a mezzanine floor shall be formed within the buildings hereby approved, other than that shown on the approved plans.

Reason: To safeguard the amenities of the area, in the interests of highway safety and to comply with policy CS2 of the Core Strategy for the New Forest District outside the National Park.

**Notes for inclusion on certificate:**

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

The initial submission was considered to be unacceptable for several reasons and following negotiations with the applicants and their agent, revised plans have been submitted and address the concerns previously raised.

2. This decision relates to amended plans received by the Local Planning Authority on the 10th Feb 2016.

**Further Information:**

Major Team

Telephone: 023 8028 5345 (Option 1)





**Application Number:** 15/11745 Full Planning Permission

**Site:** FOREST GATE BUSINESS PARK, WELLWORTHY WAY,  
RINGWOOD

**Development:** Retail food store; parking and landscaping

**Applicant:** Lidl UK GmbH

**Target Date:** 10/03/2016

---

## 1 REASON FOR COMMITTEE CONSIDERATION

Discretion of the Executive Head of Economy, Housing and Planning and contrary to Town Council view (in part).

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

#### Objectives

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

#### Policies

#### Local Plan Part 1 (Core Strategy) 2012:

Policy CS2 - Design quality  
Policy CS4: Energy and resource use  
Policy CS9: Settlement hierarchy  
Policy CS10: The spatial strategy  
Policy CS17: Employment and economic development  
Policy CS20: Town, district, village and local centres  
Policy CS24 - Transport considerations

#### Local Plan Part 2 (Sites and Development Management DPD) 2014

DM5: Contaminated land  
DM19: Small local shops and public houses  
RING1: Land east of Christchurch Road - employment land allocation

## 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 - Ringwood Local Distinctiveness  
SPD - Ringwood Town Access Plan  
SPD - Parking standards (NFDC 2012)  
Ringwood Town Centre Strategy Study

## 6 RELEVANT PLANNING HISTORY

- 6.1 Construct buildings for industrial, storage and business use, new roundabout (Use Classes B1, B2 and B8) Outline application with details only of access (97377) Granted August 2013
- 6.2 Various approved Reserved Matters Applications for office, business and storage development throughout the site.

## 7 PARISH / TOWN COUNCIL COMMENTS

Ringwood Town Council:

Recommendation of **PERMISSION (1)**, subject to the Highways improvements including a controlled pedestrian crossing of Christchurch Road (and not an uncontrolled crossing as stated in the letter from HCC Highways dated 7<sup>th</sup> March 2016), and the Town Council being consulted on the detail of this and other proposed improvements.

Members were content that previous concerns had now been addressed, and made the decision based on the knowledge that approval of this application would not set a precedent for any further retail development on the Forest Gate Business Park, and that the addition of a Lidl store in the town would give shoppers a greater choice.

## 8 COUNCILLOR COMMENTS

None

## 9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer: No objection subject to a legal agreement and condition
- 9.2 Environmental Health (historic land use): No objection subject to condition
- 9.3 Environmental Health (Pollution): No objection subject to condition
- 9.4 Environmental Health (Commercial): Concerned regarding the close proximity of the access for deliveries and pedestrians in the car park.
- 9.5 Policy: No policy objection
- 9.6 Urban Design Officer: No objection subject to condition
- 9.7 Retail Consultant: No Policy objection
- 9.8 Employment and Tourism Manager: No objection

- 9.9 Ecologist: No objection
- 9.10 Wessex Water: No objection
- 9.11 New Forest Access for All: Made comments in relation to access to the building and facilities within it.

## **10 REPRESENTATIONS RECEIVED**

- 10.1 10 letters of objection concerned that there are enough food stores and comments as follows:

Will impact significantly on the vitality and viability of the town centre; the retail assessment is out of date; fails to satisfy the sequential test and the applicant has not carried out a sufficiently thorough assessment of potentially preferable sites; the application site is on an allocated employment site and the plan makes no allocation or provision for additional convenience goods floor space; the proposal would result in the loss of employment contrary to policies RING1 and CS17 precedent for retail stores on the industrial/ business estates; concern over the impact on the already busy Christchurch Road and traffic generally, together with the lack of car parking; poor design; and lack of landscaping.

- 10.2 1 letter observing that adequate provision is needed for cycles, access and parking.
- 10.3 1 letter of support for the Lidl store which would offer a range of low cost products.

## **11 CRIME & DISORDER IMPLICATIONS**

No relevant considerations

## **12 LOCAL FINANCE CONSIDERATIONS**

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

## **13 WORKING WITH THE APPLICANT/AGENT**

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

This is achieved by

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

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

Concerns were initially raised in relation to the proposed layout, lack of landscaping, the siting of the building and highway issues. Amended plans have been submitted which have addressed these concerns and the Highway Authority's objection has been addressed.

## 14 ASSESSMENT

### 14.1 The site and location

14.1.1 This full planning application seeks consent for a Lidl food store (a discount food store, retail, Class A1), landscaping and car parking on part of the former Wellworthy site, now known as Forest Gate Business Park, along Christchurch Road in Ringwood. The site is currently vacant and enclosed by metal fencing and occupies a prominent location on the corner of Christchurch Road, Yeoman Road and Wellworthy Way.

14.1.2 Outline consent was originally granted on the former Wellworthy site for a new roundabout and access and employment uses to include Classes B1, B2 and B8. The roundabout and internal road, now known as Wellworthy Way and Yeoman Road have been constructed and several reserved matters applications have been approved to develop parts of the site, some of which have been implemented or are under construction and some plots remain unchanged.

14.1.3 The character of the immediate area is very mixed, but predominantly contains employment uses. To the south of the site, adjacent to Christchurch Road, is New Forest District Council's Depot. On the opposite side of the roundabout, to the west, is an industrial estate. New employment uses are being constructed to the north of the site, fronting onto Christchurch Road.

### 14.2 The proposal

14.2.1 The proposed building would be rectangular, measuring approximately 33 metres wide by 75 metres long that would be set back from Christchurch Road and Wellworthy Way. A total of 107 car parking spaces would be provided and laid out between the front of the building and the three roads. New landscaping and tree planting would be provided around the perimeter of the site. The main entrance to the building would be from the south west corner, with a new pedestrian access from Wellworthy Road and deliveries would be made to the east of the site.

14.2.2 Visually, the proposed building would have a simple mono pitch roof with the elevation to Christchurch Road and in part to Wellworthy Way being glazed. The south elevation to Wellworthy Way would comprise rendered walls painted white on the lower section and metal grey cladding on the upper section with an element of glazing. The building would essentially be single storey with the ground floor of the building comprising a sales area, a lobby, bakery, storage area, freezer and chillers and delivery area. On the first floor the building would comprise offices, staff room/ canteen and toilets.

### 14.3 Policy

14.3.1 There are several relevant local and national planning policies. Local Plan Policy Ring 1 relates to Land East of Christchurch Road. The policy allocates the whole of the Former Wellworthy site for employment development in accordance with Policy CS17 of the Core Strategy. This policy seeks to retain existing employment sites where they are capable of continuing or providing in employment use. Clearly, the site is capable of continuing in employment use. However, in many circumstances, an alternative commercial scheme would be acceptable where the proposed use would be appropriate to the location. Under subheading 2.85 of the Local Plan Part 2, it states that uses which are appropriate on employment sites includes industrial, office, business, storage and distribution, and other uses which are compatible with those listed and which also generate employment include leisure, hotel and retail development. Moreover, the total loss of 0.73 hectares of B Class employment land at this site is insignificant and the proposal to create a foodstore would make a positive contribution amongst the remainder of the business park. The proposal would therefore accord with these policies.

14.3.2 In terms of the retail impact, paragraph 26 of the National Planning Policy Framework indicates that the impact of retail developments is only required for retail developments outside a town centre and over 2,500 square metres gross or more, where there is no locally set floor space threshold within an up to date development plan. The application site is an out of centre location and is outside the edge of town centre, and accordingly consideration should be given as to whether the site is located in an accessible location. The proposed foodstore is 2,432 square metres gross and is only just below the NPPF threshold, but significantly above the Councils set threshold of 1000 square metres gross which post dates the NPPF and this has been considered in greater detail below.

14.3.3 Core Strategy Policy CS20 outlines the requirement for major shopping developments outside of town centres to comply with the Sequential Test for site selection, which prioritises development in existing centres, then edge of centre sites and only then out of centre sites which are accessible by a choice of means of transport. In essence, the purpose of the Sequential Test is to steer major shopping and commercial developments towards town centres, so that only if there are no reasonably available sites within the town centre or on the edge of the town centre should out of town centre sites normally be considered.

14.3.4 The application has been accompanied by a detailed retail impact assessment in respect of which the Council instructed a retail consultant to carry out a retail critique. The applicants report has considered two

areas in detail, namely the sequential test and the retail impact, comprising the impact on the town centre vitality, viability, local customer choice and trade in the town centre and wider area and impact on existing and committed and planned investment in centres within the catchment areas.

- 14.3.5 In assessing the retail impact, the Council's Retail Consultant states that the impact on other town centres (Fordingbridge, Verwood and Ferndown) would not be significant, given that nearly all of the trade diversion would come from other large stores. The impact on Ringwood town centre would be insignificant and more than offset by expenditure growth between 2015 and 2020. The report concludes that the Sainsbury store in Ringwood is currently trading below the company average by around 17%, however there is no evidence to suggest that the store is likely to close. Turnover levels of between 20% and 30% below company levels are not uncommon. It is unlikely that the impact on small convenience goods shops would result in a significant number of shop closures and this sector accounts for a small proportion of occupied units within the town centre. Moreover, it is also considered that the reports are up to date and also rely on the Local Plan Part 2, which was adopted in 2014, and that there have been no material changes over the last 10 years.
- 14.3.6 In relation to the sequential test, the Council's retail consultant has considered the four potential sites within or on the edge of Ringwood town centre, which include the former Cinema, Market Place; The Furlong Car Park; Blynkbonnie Car Park, Christchurch Road and the former Council Offices. In relation to Blynkbonnie Car Park and the Former Council Offices in Christchurch Road, both these sites are not appropriate. The former Council Offices have now been developed for retirement flats and Blynkbonnie Car Park is too small and is not an appropriate site for the proposed development. Concerning the former Cinema and area of land between the Furlong Shopping Centre and the Market Place, the overall size of the land extends to 0.25 hectares. It is considered that the size of the site is too small and irregular in shape, which would not be appropriate for a Lidl store. The owner of the land claims to have a longstanding desire to redevelop the area to provide an extension to the shopping centre. Moreover, there are a number of constraints which include retaining the existing cinema building and the close proximity to a number of listed buildings and while not a reason alone to not consider the site for a potential Lidl store, it does add to the weight that this is not an appropriate site.
- 14.3.7 In terms of The Furlong car park, this area comprises the short and long stay car park within the town centre. Policy RING4.1 identifies the site for primarily retail uses, although other uses may be acceptable as part of a mixed use scheme on upper floors. Retail development on the identified sites, together with extra retail floorspace created by extensions to existing shops, would provide for the additional retail provision identified in Policy CS20 of the Core Strategy. The development of a Lidl store would take up a significant proportion of the allocation and potentially compromise the Council's strategy for the town centre, which is to improve its comparison offer. Moreover the site is owned by this Council and is not being marketed and therefore not currently available for a Lidl store.

14.3.8 Having regard to all of the available evidence, including that submitted by the applicant, and the comments from the Council's Retail Consultant, it is considered that the proposal would, on balance, pass the sequential test. It is considered that there are currently no other sites which are clearly available within the town centre that could accommodate the retail element of the proposed development or indeed the development as a whole within a reasonable period of time. Importantly, the development would not be of a scale or character that would harm the vitality and viability of Ringwood town centre.

#### 14.4 Design matters

14.4.1 In assessing the impact on the character and appearance of the area, it is evident that a building of this size and scale would have a significant impact on the context of the area. Indeed, the application site is one of the more prominent sites within the business park, being the gateway into the estate and lying adjacent to Christchurch Road.

14.4.2 Visually the proposed building is a simple 'box' structure under a mono pitched roof which rises in height to the two principle elevations. The elevation to Christchurch Road would be completely glazed whereas the long elevation to the car parking and Wellworthy Way would consist of a mixture of render, glazing and metal cladding. Throughout the employment site, development proposals have included simple boxes with good quality cladding, consistent with brick for lower plinth sections of wall and elements of office type design with an enhanced use of brick where buildings are more visible.

14.4.3 The views from Christchurch Road would be onto the principle glazed front elevation, in which part of the glazing turns the south east corner of the building, which is considered to be the most appropriate design approach. The building would be reasonably set back from Christchurch Road and the building would be of a height (approximately 7.5 metres tall) that would not appear obtrusive in its setting. It is unfortunate that the south east elevation facing onto the car park and Wellworthy Way does not offer additional design features to break up the long and relatively unrelieved elevation, however, the combination of the materials used including glazing, render and metal cladding improve the quality of the design.

14.4.4 The treatment and quality of the soft landscaping is fundamental to how the building will blend into this context and good quality tree species that pick up the large trees along Christchurch Road and along Wellworthy Way will be important. The proposed layout will provide new tree planting around the perimeter of the site which will help soften the appearance of the building and car park. Although the type of tree species shown on the submitted plans are not suitable and there is scope for more tree planting along the frontage of the site, it is considered that this could be dealt with by a suitably worded landscaping condition.

14.4.5 Overall it is considered that the proposed development would be acceptable in this location and would not adversely impact on the character and appearance of the area.

#### 14.5 Highway matters

- 14.5.1 In terms of highway related matters, the application is accompanied by a Transport Assessment and Travel Plan together with additional information to support the proposal. Vehicular access to the site would be from an existing access formed onto Wellworthy Way, which is a recently constructed industrial estate distributor road. Wellworthy Way is linked to the local highway network some 70 metres to the west of the access to the site at the roundabout with the B3347 Christchurch Road.
- 14.5.2 The Highway Authority consider that the proposed development for a retail store would generate additional trips compared to the consented outline permission for the wider business park (which was for B1, B2 and B8). However, the highway network has been assessed and is suitable to accommodate additional traffic. The site is reasonably well served by both pedestrian and cycle infrastructure within the business park and adjacent highway. Moreover, the site is located within 400 metres of a bus stop which serves the local residential areas within Ringwood and the neighbouring towns.
- 14.5.3 The application has adequately demonstrated that an articulated delivery vehicle can access the site, manoeuvre for delivery and then egress the site. Concerning the proposed car parking provision, based upon the floor areas proposed and the recommended provision set out in the Councils adopted Supplementary Planning Document, the proposed development meets these requirements. The guidance indicates that 101 car parking spaces should be provided together with 5% disabled spaces which in this case equates to 6 spaces. The proposed layout achieves 107 spaces which accords with the SPD.
- 14.5.4 Overall the Highway Authority does not raise any objections to the proposal subject to a Section 106 Agreement to secure the Travel Plan and a financial contribution towards highway improvements to include additional signage on some of the routes to warn road users of the increased pedestrian and cycle movements that will be generated by the development, together with improvements to the pedestrian crossing at the junction of Christchurch Road and access to Millstone Trading Estate. Although the Town Council seek a controlled pedestrian crossing at Christchurch Road, the Highway Authority state that they cannot insist for a signal crossing, but that is a possibility that can be considered. Based upon the Highway Authority's assessment, an uncontrolled crossing would be acceptable.

#### 14.6 Residential amenity

- 14.6.1 With regard to the impact on residential amenity, there are no residential properties that bound the application site. The nearest residential properties are located more than 50 metres away (Monmouth Close) and more than 80 metres (Christchurch Road). The building itself would not give to any unacceptable impact on neighbouring properties. The main issue is the impact of noise and disturbance from the proposed use, which could include its activity, deliveries, freezer and chiller units etc. A noise assessment has been submitted and the Environmental Health Officer does not raise any objections.
- 14.6.2 It is anticipated that two deliveries will be made during the day, which would be wholly appropriate in this location on an allocated employment site. (A condition would need to be imposed to ensure deliveries take place only during the day). The level of noise and disturbance would be



no worse than if the site was developed for other employment uses. The use of the building requires several chillers and plant rooms. A condition would need to be imposed for delivery vehicles to take place only during the day.

#### 14.7 Conclusion

14.7.1 Overall, the proposed development is considered to be consistent with Core Strategy policy and objectives. Subject to appropriate conditions, the proposal would not harm town centre vitality, and there are considered to be no reasonably available sequentially preferable sites in the town centre where the different components of the proposed development could be accommodated at the current time. The proposal would have an acceptable impact on highway safety and would be of an acceptable design quality. It is felt that the development could be implemented without adversely affecting the amenities of the wider area. As such, the application is recommended for permission.

14.7.2 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

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

- i) the completion, by the 30th July 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 the Travel Plan and associated set-up and monitoring fees and bond; and a financial contribution of £152,000 towards transportation improvements.
- ii) the imposition of the conditions 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: PR-004 Rev D, PR-002 Rev D, SK-003, PR-011 Rev C, PR-003 Rev C, PR-001 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. Before development commences, the proposed slab levels in relationship to the existing ground levels set to an agreed datum shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with those details which have been approved.

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

5. In accordance with the submitted strategic landscape details under plan PR-011 Rev C, the following additional details shall be submitted to and approved in writing by the Local Planning Authority:

- (a) a specification for new planting (species, size, spacing and location);
- (b) areas for hard surfacing and the materials to be used;
- (c) other means of enclosure;
- (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 10 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.

6. No delivery activity shall take place on the site in connection with the approved use other than between the hours of 8:00am and 21:00 Monday to Fridays, and 8:30 am and 17:00 on Saturdays not including Sundays or recognised public holidays.

Reason: To safeguard the amenities of nearby residential properties in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

7. The retail store hereby approved shall not operate other than between the hours of 0700 and 2200 Monday to Saturdays and 1000 and 1600 on Sundays.

Reason: To safeguard the amenities of nearby residential properties in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

8. Before any development commences (involving the commencement of work on the building hereby approved), a detailed option appraisal and remediation strategy together with remediation verification plan must be prepared giving full details of the remediation measures required and how they are to be undertaken. This must demonstrate that the development at the site can be brought to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, including protection of controlled waters. The remediation options appraisal and remediation strategy are subject to the approval in writing of the Local Planning Authority, and must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The remediation strategy must consider that no infiltration of surface water drainage into the ground or foundation design using penetrative methods (e.g. piling) is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. A verification plan is required to demonstrate how the remediation strategy will be verified as being effective. This must provide details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete, and identify any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the Local Planning Authority. The scheme must ensure that the development will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation and shall be implemented as approved.

Reason: To protect controlled waters and to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policies CS5 and CS6 of the Core Strategy for the New Forest District outside the National Park.

9. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. The approved remediation scheme must be carried out in accordance with its terms. Following completion of measures identified in the approved remediation scheme, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also

include any plan (a long term monitoring and maintenance plan) for longer term monitoring of pollutant linkages maintenance and arrangements for contingency action as identified in the verification plan and for the reporting of this to the local planning authority. The long term monitoring and maintenance plan shall be implemented as approved.

Unless otherwise agreed in writing by the Local Planning Authority, the verification report must be completed and approved in writing by the Local Planning Authority either:

- prior to the commencement of development, other than that required to carry out remediation, or
- if the development is required to carry out the remediation, it must be carried out prior to the occupation of any buildings or use of the land as the proposed end use

Reason: To protect controlled waters and to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy CS5 and CS6 of the Core Strategy for the New Forest District outside the National Park.

10. If during development contamination not previously identified is found to be present, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the developer and approved by the Local Planning Authority until the developer has submitted and obtained approval from the Local Planning Authority for recommencement of development. An investigation and risk assessment must be undertaken, and if this finds remediation to be necessary, a remediation strategy and verification plan must be provided detailing how this unsuspected contamination shall be dealt with and approved by the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and with the same considerations as detailed within Condition 89. The remediation shall be implemented and verified with the same consideration as detailed within Condition 9, and approved by the Local Planning Authority.

Reason: To protect controlled waters and to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policies CS5 and CS6 of the Core Strategy for the New Forest District outside the National Park.

11. The development hereby permitted shall not be occupied until the spaces shown on plan PR-002 Rev D for the parking of motor vehicles and cycles have been provided. The spaces shown on plan PR-002 Rev D 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 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).

12. No development hereby permitted shall commence until a Construction Traffic Management Plan, to include details of provision to be made on site for contractors parking, construction traffic access, the turning of delivery vehicles within the confines of the site, lorry routeing and a programme of works has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development hereby permitted is commenced and retained throughout the duration of construction.

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

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent re-enactment thereof, no additional floor space by way of the creation of a mezzanine floor shall be formed within the building hereby approved.

Reason: To safeguard the amenities of the area, in the interests of highway safety and to comply with policy CS2 of the Core Strategy for the New Forest District outside the National Park.

14. Before development commences, details of the proposed external lighting shall be submitted to and approved by the Local Planning Authority. Development shall only take place in accordance with those details which have been approved.

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

**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.

Concerns were initially raised in relation to the proposed layout, lack of landscaping, and the siting of the building. Concerns were also expressed from the Highway Authority. Amended plans have been submitted which

have addressed these concerns and the Highway Authority's objection has been addressed.

2. This decision relates to amended / additional plans received by the Local Planning Authority on the 26th February 2016.

**Further Information:**

Major Team

Telephone: 023 8028 5345 (Option 1)



**New Forest**  
DISTRICT COUNCIL

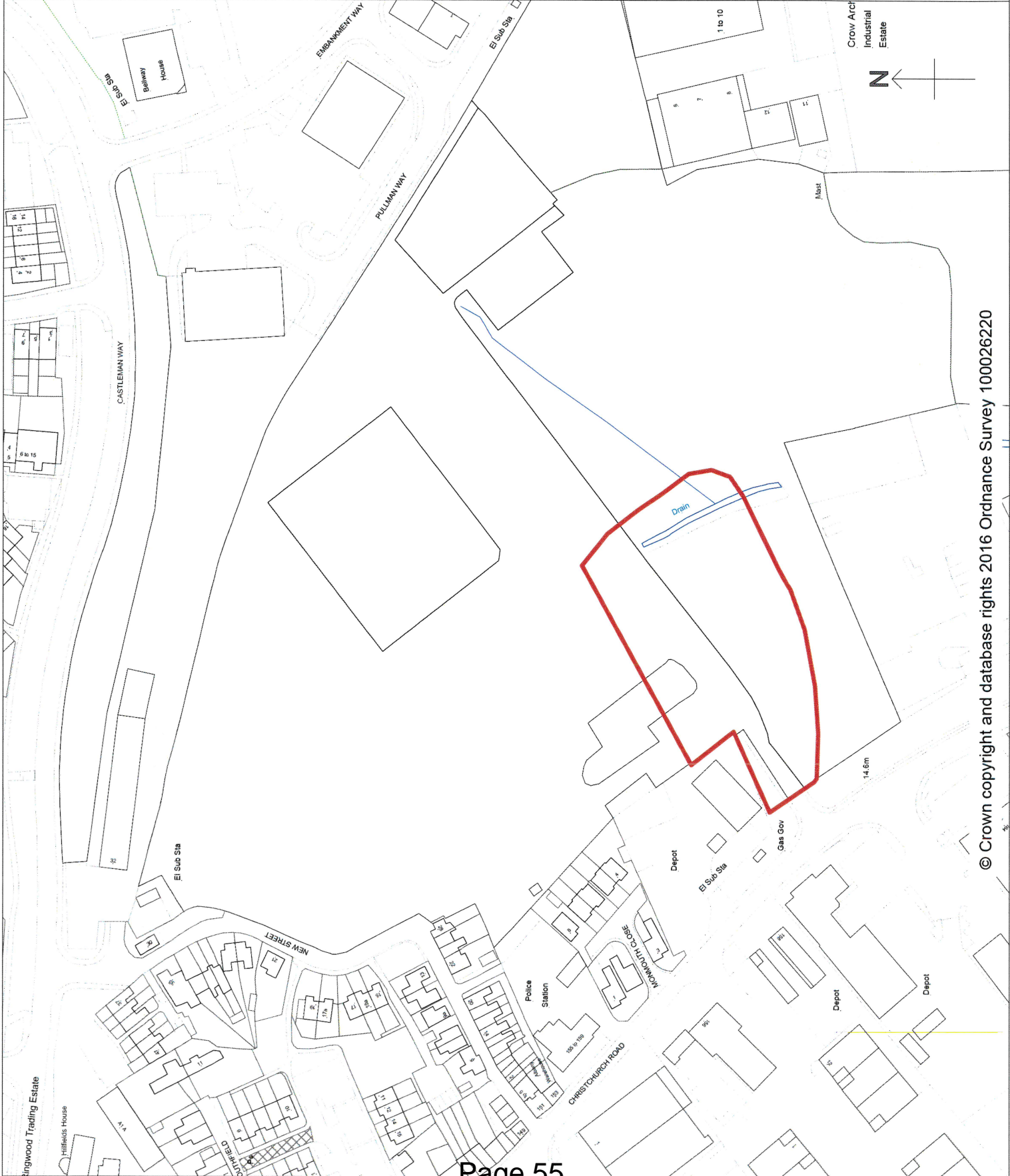
Tel: 023 8028 5000  
www.newforest.gov.uk

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

**Planning Development  
Control Committee**  
**April 2016**

**Item No: 3e**  
Forest Gate Business Park  
Wellworthy Way  
Ringwood  
15/11745  
SU1404

Scale 1:2000  
N.B. If printing this plan from  
the internet, it will not be to  
scale.



© Crown copyright and database rights 2016 Ordnance Survey 100026220

This page is intentionally left blank



**Application Number:** 16/10003 Full Planning Permission

**Site:** 7 NEWLANDS MANOR, EVERTON, MILFORD-ON-SEA SO41 0JH

**Development:** Alterations to create first-floor including windows and rooflights;  
window to No 11

**Applicant:** Mr Halliwell

**Target Date:** 03/03/2016

---

## 1 REASON FOR COMMITTEE CONSIDERATION

Discretion of Executive Head of Economy, Housing and Planning.

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Green Belt  
Plan Area  
Listed Building

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

#### Objectives

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

#### Policies

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

### Local Plan Part 2 Sites and Development Management Development Plan Document

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

## 4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan  
Planning and Compulsory Purchase Act 2004  
National Planning Policy Framework NPPF Ch. 7 - Requiring good design  
NPPF Ch. 9 - Protecting Green Belt land  
NPPF Ch. 12 - Conserving and enhancing the historic environment  
Section 66 General duty as respects listed buildings in exercise of planning functions.  
Planning (Listed Buildings and Conservation Areas) Act 1990

## 5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPG - Residential Design Guide for Rural Areas

## **6 RELEVANT PLANNING HISTORY**

- 12/98282 First floor extension (application for listed building consent) withdrawn 27/06/2012
- 12/98281 First floor extension withdrawn 27/06/2012
- 08/93188 Replacement porch, 2 windows, 2 conservation rooflights (application for Listed Building Consent) granted subject to conditions 03/12/2008
- 08/92573 Replacement porch , 2 windows, 2 conservation rooflights (application for Listed Building Consent) refused 27/08/2008
- 16/10004 Alterations to create first-floor including windows and rooflights, flat lead roof, replace windows, new windows, block window, remove stud wall, insert stair case, window to no 11 (application for Listed Building Consent) current application

## **7 PARISH / TOWN COUNCIL COMMENTS**

Milford on Sea Parish Council: recommend permission but would accept the decision reached by the DC Officers under their delegated powers. The Parish Council noted there were no objections from neighbours and appreciated the collaborative approach this applicant had taken with regard to developing the plans in consideration of adjacent properties. The Parish Council also felt this was a tasteful design that could improve both the living accommodation and the exterior appearance of this section of the building.

## **8 COUNCILLOR COMMENTS**

Cllr Mrs S Beeton: It is acknowledged that this is an unusual development however as it has been well received by neighbours and the Parish Council it needs some careful thought as to how it could progress alongside the listed building.

Please allow this application to go before the committee as the heritage and listed building issues need to be explored further - we need to protect the historic interest whilst allowing for good quality living accommodation today.

Cllr M Kendall: In order to be as helpful as we can to the applicant please let this go to committee for allowing the listed building issues to be further explored. However please note that I do not have a view on this application.

## **9 CONSULTEE COMMENTS**

Land Drainage: no comment

Conservation: cannot support scheme as proposed (full comments available to view on website)

## **10 REPRESENTATIONS RECEIVED**

Mr Brin, 11 Newlands Manor:

- confirmation that new window proposed in their property is acceptable to them

Correspondence from applicant:

- establishing history of property since it has been in family ownership as a 'weekend cottage', now required for full time accommodation
- has support of residents and neighbours of Newlands Manor
- no objections from NFDC at Parish Council meeting

Correspondence from agent:

- further comments relating to points raised following correspondence and conversations had with NFDC ( these are available to view on the website)

## **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.

Pre-application advice was been sought, when concerns were expressed over the acceptability of the proposals and the applicant's attention drawn to the need for additional information to justify the works proposed. On submission of the application concerns remained over aspects of the proposal's design and the lack of information to justify the works proposed, which have been conveyed to the applicant's agent. However, on the basis of the plans and information currently provided with this application, significant concerns remain over the impacts of the proposal on this heritage asset and as such, it is recommended for refusal.

## 14 ASSESSMENT

- 14.1 The application site consists of a single storey dwelling, which forms part of the complex of residential dwellings created by the subdivision of Newlands Manor in the 1950s, and was originally used as holiday and weekend accommodation by the owners. Newlands Manor is a Grade II listed building and is situated on a secluded site in the Green Belt.
- 14.2 No 7 Newlands Manor forms a link between the main house and the cottages to the north, and consists of a pitched roof building with flat roofed element to the side. The historic use of the building has not been categorically established, but it appears to have originally been part of the ancillary servant and domestic accommodation. The pitched roof part of the building may have been a workshop/studio and potentially could have originally contained a glass atrium, while the flat roofed element appears to be a later addition.

Although there are limited records for the history of this building the Conservation Officer has advised that this roof would have had a central glazed element, evidenced from within the roof space itself given the visible scarring of the ceiling below. Furthermore, the significance of this part of the house has not been satisfactorily ascertained. The association with the service element of the building would suggest the original use may have been as a top lit workshop, though it possibly could have formed a studio space, but this has not been conclusively established.

The evidence submitted with the application appears to conclude that there are some interesting features, but, because insufficient fabric can be seen the significance of this part of the building is low. However, neither the 'Assessment of Significance' nor 'Design and Heritage Statement' submitted with the application suggests that further information could not be gathered through non-invasive investigations or small areas of opening up. This could also have been carried out in the ground floor room to establish linkage with the main house and a better indication of construction dates and value. The statement of significance only covers those elements which are visible.

Consequently, it is not agreed that the value of the existing building is of low significance. While changes may have taken place in the late 19th century to achieve the lantern, the current roof and its construction could potentially date from the 18th to mid-19th century. The finish of the timberwork, the cleanliness and crisp detail of the jointing suggest an earlier date for this roof. The softwood is of sufficiently high quality to

indicate a well-constructed and better quality building even if at the service end of the building. The remnant of the spine beam and the position of purlins mean it is not possible to firmly locate the date of this roof. However, as identified in the accompanying documentation for the application, it could form part of the earlier house or an associated structure. The location of the building to the rear of the property does not diminish its value compared to other areas of the building, neither does the assertion that it could have formed part of the service wing. The application site forms an important element of the wider listed building.

- 14.3 Essential repairs are required as identified in the accompanying design and access statement, but these works are necessary regardless of the outcome of the current applications. Furthermore, unauthorised works have been identified in respect of the installation of UPVC windows and works undertaken in connection with a previous planning consent 08/93188, which was not implemented in accordance with the approved plans and therefore need rectifying, but these further works should not be reliant on whether consent is granted and the identified breaches can be resolved independently of these applications.
- 14.4 Pre-application advice has been sought on a couple of occasions in recent years to try and find a sympathetic way forward to extend this property, to update and create additional space in line with its current use as a primary residence. Due to the constraints and sensitivities of the site, an acceptable approach has not been agreed and following the most recent pre application enquiry concerns were expressed with regard to the adverse impact the proposed development would have on the historic fabric and appearance of the Listed Building. Furthermore, there were concerns in respect of the floor area being in excess of policy criteria, and also the impact upon neighbour amenity.
- 14.5 The current proposal has made some revisions to the previous proposals. The existing roof would still be raised (but retain its gable form) and a second gable is proposed over part of the existing flat roof, the pair being connected by a flat roofed section. A small flat roofed dormer is also proposed on the eastern side of the new roof facing the inner courtyard and the dwellings opposite (nos 4 & 5 Newlands Manor). Also, as part of the proposal, a new window is proposed at first floor level on the flank wall of the adjacent property, no 11 Newlands Manor.
- 14.6 The considerations when assessing this application are neighbour amenity, and the impact of the extensions on the character and appearance of the Listed Building and the wider area.
- 14.7 The proposed dormer window and rooflights on the eastern side of the new roof would look towards existing windows at no 4 & 5 Newlands Manor, which are arranged over 3 floors, but it has not been established what type of accommodation these windows serve. Due to the arrangement of the neighbouring properties however, there is already likely to be a degree of overlooking and the introduction of the proposed dormer should not exacerbate the current situation, or create an unacceptable issue of overlooking that would adversely impact on neighbour amenities. Furthermore, no objections to the proposals have been received from the occupants of these properties. Overshadowing plans have been included in the supporting evidence which demonstrate that there should not be any significant exacerbation of the existing situation.

- 14.7.1 There is an existing window in the rear elevation of no 11 which would be impacted upon by the introduction of built form over the flat roof, but as this window does not appear to serve a primary living area within the property, this should not adversely impact upon the occupiers' amenity.
- 14.7.2 The proposal also includes an additional window in the side wall of no 11, which would achieve views over the private garden area of No 7. As the applicant would be the only neighbour to be impacted upon, it is not considered that this should be raised as a concern.
- 14.8 As the property is sited in the countryside Policy DM20 of the Local Plan Part 2: Sites and Development Management Development Plan is relevant and this places restrictions on the amount of floorspace that can be achieved. This issue was flagged up at pre application stage, and also when the application was submitted as the floorspace still exceeded policy limitations. Notwithstanding this, there was some confusion over how to calculate the proposed floorspace, and this partly arose as it had not been appreciated that the floorspace within the raised roof had not been included in the calculations. As the roof was being raised to accommodate a first floor, this area also is considered new floorspace for the purposes of the policy. It is unfortunate that this discrepancy in calculation was not highlighted sooner, nevertheless the extensions had not complied with this policy so it is not accepted that the applicant was disadvantaged, and clarification was not sought on the wording of the policy. Even though the dwelling has previously been extended, there is still scope to extend it further and be in line with policy, provided the total floorspace does not exceed 100m<sup>2</sup>. The current proposals would result in a total floorspace area of 111.63m<sup>2</sup>, and therefore would be contrary to policy.
- 14.9 The increase in height of the existing gable roof, coupled with the new gable incorporating a side dormer, and awkward flat roofed link would adversely impact upon the character of the listed building as it would diminish the more subservient and ancillary character of this part of the building. Furthermore, the works would require the dismantling of the existing roof, loss of ceiling fabric, rebuilding of wall tops, possible further structural intervention (not covered in the application), the imposition of a staircase sweeping across the back wall and the lowering of the ceiling height. This level and degree of intervention into the building could not be supported. It would result in some quite significant intervention into historic fabric and the significant redesign of this simple single storey element of the Listed Building. The proposal would destroy the original dimensions of the room and the external appearance and proportions of this part of the building.
- 14.10 The current flat roofed addition is of limited historic significance to the listed building and possibly fills a former gap between the earlier structures. While it has limited architectural merit it is still very subservient to the buildings adjacent and clearly shows the break between the main part of the house and the rear cottages to the north of the courtyard. This part of the proposal has more impact on the gap between the main house and the cottages and its height and bulk partially erodes that important separation. Coupled with the proposed alterations to the western part of no 7, this would result in significant harm to the character and appearance of the Listed Building.

- 14.11 The proposals seek some structural interventions to achieve new ceilings and support for roofs and new first floors. This was a concern raised with the applicant at pre-application stage. The scheme seeks to build on top of some existing historic walls with new roof and wall structures. The scheme as proposed gives no indication whether the existing structure would support these changes without further removal of fabric becoming necessary. It also has no structural information to set out what the impact of new roofs, joists and floors would have on historic fabric. Despite an offer at pre-application stage, no small areas have been opened up to understand this fabric. The application has failed to explore this element further for the local authority to understand how these interventions would fully impact upon historic fabric. Furthermore, the internal alterations to create a new first floor within the dwelling would involve the loss of the existing ceiling and altering the internal proportions of the room with the introduction of a lower ceiling, and with the introduction of the staircase could result in the loss of the lath and plaster construction. Without this information the application could result in the removal of more historic fabric than proposed within the current application. It is recognised within the statement of significance that these walls might well relate to the earlier house on this site. The agent has stated that they could supply structural calculations, but these have not been forthcoming. Therefore on the basis of the limited information provided with the application the Council is not satisfied that the alterations could be undertaken without causing harm to the historic fabric and significance of this building.
- 14.12 The importance of the historic fabric and the relationship of this part of the building within Newlands Manor and the impact any changes could have on the significance of the Listed Building as a whole, has resulted in limitations to what could be achieved on this property. The needs of the applicant to change this property from what has been essentially a weekend property, to instead provide a permanent form of accommodation and update it, has resulted in a conflict which is not easily resolved. If anything is achievable within this site, it potentially would be a much reduced scheme above the more 'modern' flat roofed element, that did not interfere with the more historic parts of this building, but this would limit the additional accommodation that would be achievable within the site.
- 14.13 In conclusion the cumulative alterations and extensions to the dwelling would adversely impact on the appearance and character of the Listed Building. Furthermore, the identified and further potential loss of historic fabric would be significant and could not be mitigated by condition. Moreover, essential repairs and resolution of earlier breaches are not reliant on consent being granted for these works.
- 14.14 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

## 15. RECOMMENDATION

### Refuse

#### Reason(s) for Refusal:

1. The increase in height of the existing roof, coupled with the additional gabled roof, dormer and flat roofed link would create a bulky addition that would erode the subservience of this historic link within the wider context of the Listed Building as a whole, that would be detrimental to the Listed Building and detract from its historical significance. Furthermore on the basis of the limited information provided with the application the Council is not satisfied that the alterations could be undertaken without causing harm to the historic fabric and significance of this building. As such the proposal would be contrary to Policy CS3 of the Core Strategy for the New Forest District outside the National Park, and Policy DM1 of the Local Plan Part 2: Sites and Development Management Development Plan, and Chap 12 of the National Planning Policy Framework.
2. In order to safeguard the long term future of the countryside, the Local Planning Authority considers it important to resist the cumulative affect of significant enlargements being made to rural dwellings. Consequently policy DM20 of the adopted Local Plan Part 2: Sites and Development Management Development Plan seeks to limit the proportional increase in the size of such dwellings recognising the benefits this would have in minimising the impact of buildings and human activity generally in the countryside and the ability to maintain a balance in the housing stock. This proposal would result in a building which is unacceptably large in relation to the original unit of accommodation and would undesirably add to pressures for change which are damaging to the future of the countryside and contrary to policy DM20 and policy CS10 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.

Pre-application advice was sought, when concerns were expressed over the acceptability of the proposals and the applicants attention was drawn to the need for additional information to justify the works proposed. On submission of the application concerns remained over aspects of the proposals design and the lack of information, to justify the works proposed, which have been conveyed to the applicants agent. On the basis of the plans and information currently provided with this application significant concerns remained over the impacts of the proposal on this heritage asset.

#### Further Information:

Householder Team  
Telephone: 023 8028 5345 (Option 1)





**New Forest**  
DISTRICT COUNCIL

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

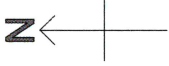
Chris Elliott  
Head of Planning & Transportation  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

**Planning Development  
Control Committee**  
**April 2016**

**Item No: 3f & 3g**  
7 Newlands Manor  
Everton  
Milford on Sea  
16/10003-04  
SZZ2893

Scale 1:1250

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



Farm Lodge



Newlands  
Manor

Pond

Pond

Path (um)

This page is intentionally left blank

**Application Number:** 16/10004 Listed Building Alteration

**Site:** 7 NEWLANDS MANOR, EVERTON, MILFORD-ON-SEA SO41 0JH

**Development:** Alterations to create first-floor including windows and rooflights; flat lead roof; replace windows; new windows; block window; remove stud walls; insert stair case; window to No 11 (Application for Listed Building Consent)

**Applicant:** Mr Halliwell

**Target Date:** 03/03/2016

---

## 1 REASON FOR COMMITTEE CONSIDERATION

Discretion of Executive Head of Economy, Housing and Planning

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Green Belt  
Plan Area

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

#### Objectives

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

#### Policies

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

### Local Plan Part 2 Sites and Development Management Development Plan Document

DM1: Heritage and Conservation

## 4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan  
Planning and Compulsory Purchase Act 2004  
National Planning Policy Framework NPPF Ch. 12 - Conserving and enhancing the historic environment

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

Planning (Listed Buildings and Conservation Areas) Act 1990

## 5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

None relevant

## **6 RELEVANT PLANNING HISTORY**

- 12/98282 First floor extension (application for listed building consent) withdrawn 27/06/2012
- 12/98281 First floor extension withdrawn 27/06/2012
- 08/93188 Replacement porch, 2 windows, 2 conservation rooflights (application for Listed Building Consent) granted subject to conditions 03/12/2008
- 08/92573 Replacement porch , 2 windows, 2 conservation rooflights (application for Listed Building Consent) refused 27/08/2008
- 16/10003 Alterations to create first-floor including windows and rooflights, window to no 11 current application

## **7 PARISH / TOWN COUNCIL COMMENTS**

Milford on Sea Parish Council: recommend permission but would accept the decision reached by the DC Officers under their delegated powers. The Parish Council noted there were no objections from neighbours and appreciated the collaborative approach this applicant had taken with regard to developing the plans in consideration of adjacent properties. The Parish Council also felt this was a tasteful design that could improve both the living accommodation and the exterior appearance of this section of the building.

## **8 COUNCILLOR COMMENTS**

Cllr Mrs S Beeton: It is acknowledged that this is an unusual development however as it has been well received by neighbours and the Parish Council it needs some careful thought as to how it could progress alongside the listed building.

Please allow this application to go before the committee as the heritage and listed building issues need to be explored further - we need to protect the historic interest whilst allowing for good quality living accommodation today.

Cllr M Kendall: In order to be as helpful as we can to the applicant please let this go to committee for allowing the listed building issues to be further explored. However please note that I do not have a view on this application.

## **9 CONSULTEE COMMENTS**

Conservation: cannot support scheme as proposed (full comments available to view on website)

## **10 REPRESENTATIONS RECEIVED**

Mr Brin, 11 Newlands Manor:

- confirmation that new window proposed in their property is acceptable to them

Correspondence from applicant:

- establishing history of property since it has been in family ownership as a 'weekend cottage', now required for full time accommodation
- has support of residents and neighbours of Newlands Manor
- no objections from NFDC at Parish Council meeting

Correspondence from agent:

- further comments relating to points raised following correspondence and conversations had with NFDC ( these are available to view on the website)

## **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.

Pre-application advice was been sought when concerns were expressed over the acceptability of the proposals and the applicant's attention drawn to the need for additional information to justify the works proposed. On submission of

the application concerns remained over aspects of the proposal's design and the lack of information to justify the works proposed, which have been conveyed to the applicant's agent. On the basis of the plans and information currently provided with this application significant concerns remain over the impacts of the proposal on this heritage asset and as such, it is recommended for refusal.

## 14 ASSESSMENT

- 14.1 The application site consists of a single storey dwelling, which forms part of the complex of residential dwellings created by the subdivision of Newlands Manor in the 1950s, and was originally used as holiday and weekend accommodation by the owners. Newlands Manor is a Grade II listed building and is situated on a secluded site in the Green Belt.
- 14.2 No 7 Newlands Manor forms a link between the main house and the cottages to the north, and consists of a pitched roof building with flat roofed element to the side. The historic use of the building has not been categorically established, but it appears to have originally been part of the ancillary servant and domestic accommodation. The pitched roof part of the building may have been a workshop/studio and potentially could have originally contained a glass atrium, while the flat roofed element appears to be a later addition.

Although there are limited records for the history of this building the Conservation Officer has advised that this roof would have had a central glazed element, evidenced from within the roof space itself given the visible scarring of the ceiling below. Furthermore, the significance of this part of the house has not been satisfactorily ascertained. The association with the service element of the building would suggest the original use may have been as a top lit workshop, though it possibly could have formed a studio space, but this has not been conclusively established.

The evidence submitted with the application appears to conclude that there are some interesting features but, because insufficient fabric can be seen, the significance of this part of the building is low. However neither the 'Assessment of Significance' nor 'Design and Heritage Statement' submitted with the application suggest that further information could not be gathered through non-invasive investigations or small areas of opening up. This could also have been carried out in the ground floor room to establish linkage with the main house and a better indication of construction dates and value. The statement of significance only covers those elements which are visible.

Consequently, it is not agreed that the value of the existing building is of low significance. While changes may have taken place in the late 19th century to achieve the lantern, the current roof and its construction could potentially date from the 18th to mid-19th century. The finish of the timberwork, the cleanliness and crisp detail of the jointing suggest an earlier date for this roof. The softwood is of sufficiently high quality to indicate a well-constructed and better quality building even if at the service end of the building. The remnant of the spine beam and the position of purlins mean it is not possible to firmly locate the date of this roof. However, as identified in the accompanying documentation for the application, it could form part of the earlier house or an associated structure. The location of the building to the rear of the property, does

not diminish its value compared to other areas of the building, neither does the assertion that it could have formed part of the service wing. The application site forms an important element of the wider listed building.

- 14.3 Essential repairs are required as identified in the accompanying design and access statement, but these works are necessary regardless of the outcome of the current applications. Furthermore, unauthorised works have been identified in respect of the installation of upvc windows and works undertaken in connection with a previous planning consent 08/93188, which was not implemented in accordance with the approved plans and therefore need rectifying, but these further works should not be reliant on whether consent is granted and the identified breaches can be resolved independently of these applications.
- 14.4 Pre-application advice has been sought on a couple of occasions in recent years to try and find a sympathetic way forward to extend this property, to update and create additional space in line with its current use as a primary residence. Due to the constraints and sensitivities of the site, an acceptable approach has not been agreed and following the most recent pre application enquiry concerns were expressed with regard to the adverse impact the proposed development would have on the historic fabric and appearance of the Listed Building. Furthermore, there were concerns in respect of the floor area being in excess of policy criteria, and also the impact upon neighbour amenity.
- 14.5 The current proposal has made some revisions to the previous proposals. The existing roof would still be raised (but retain its gable form) and a second gable is proposed over part of the existing flat roof, the pair being connected by a flat roofed section. A small flat roofed dormer is also proposed on the eastern side of the new roof facing the inner courtyard and the dwellings opposite (nos 4 & 5 Newlands Manor). Also, as part of the proposal, a new window is proposed at first floor level on the flank wall of the adjacent property, no 11 Newlands Manor. Internally the existing ceiling within the lounge would be removed to facilitate the insertion of a lower ceiling to create a new first floor. The new floor would be set centrally to the room with gaps at either end creating a mezzanine effect. In addition the scheme requires inserting a staircase along the southern wall to the western range.
- 14.6 The increase in height of the existing gable roof, coupled with the new gable incorporating a side dormer, and awkward flat roofed link would cumulatively result in a bulky addition that would adversely impact upon the character of the listed building, diminishing the more subservient and ancillary character of this part of the building to the detriment of the Listed Building as a whole. The current flat roofed addition is of limited historic significance to the listed building and possibly fills a former gap between the earlier structures. While it has limited architectural merit it is still very subservient to the buildings adjacent and clearly shows the break between the main part of the house and the rear cottages to the north of the courtyard. This part of the proposal has more impact on the gap between the main house and the cottages and its height and bulk partially erodes that important separation. Coupled with the proposed alterations to the western part of no 7, this would result in significant harm to the character and appearance of the Listed Building.

- 14.7 The proposals seek some structural interventions to achieve new ceilings and support for roofs and new first floors. This was a concern raised with the applicant at pre-application stage. The scheme seeks to build on top of some existing historic walls with new roof and wall structures. The scheme as proposed gives no indication whether the existing structure would support these changes without further removal of fabric becoming necessary. It also has no structural information to set out what the impact of new roofs, joists and floors would be on historic fabric. Despite an offer at pre-application stage, no small areas have been opened up to understand this fabric. The application has failed to explore this element further for the local authority to understand how that these interventions would fully impact upon historic fabric. Furthermore, the internal alterations to create a new first floor within the dwelling would involve the loss of the existing ceiling and altering the internal proportions of the room with the introduction of a lower ceiling, and with the introduction of the staircase could result in the loss of the lath and plaster construction. Without this information the application could result in the removal of more historic fabric than proposed within the current application. It is recognised within the statement of significance that these walls might well relate to the earlier house on this site. The agent has stated that they could supply structural calculations, but these have not been forthcoming. Therefore on the basis of the limited information provided with the application the Council is not satisfied that the alterations could be undertaken without causing harm to the historic fabric and significance of this building.
- 14.8 The importance of the historic fabric and the relationship of this part of the building within Newlands Manor and the impact any changes could have on the significance of the Listed Building as a whole, has resulted in limitations to what could be achieved on this property. The needs of the applicant to change this property from what has been essentially a weekend property, to instead provide a permanent form of accommodation and update it, has resulted in a conflict which is not easily resolved. If anything is achievable within this site, it potentially would be a much reduced scheme above the more 'modern' flat roofed element, that did not interfere with the more historic parts of this building, but this would limit the additional accommodation that would be achievable within the site.
- 14.9 In conclusion the cumulative alterations and extensions to the dwelling would adversely impact on the appearance and character of the Listed Building. Furthermore, the identified and further potential loss of historic fabric would be significant and could not be mitigated by condition. Moreover, essential repairs and resolution of earlier breaches are not reliant on consent being granted for these works.
- 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 this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.



## 15. RECOMMENDATION

### REFUSE LISTED BUILDING CONSENT

#### Reason(s) for Refusal:

The increase in height of the existing roof, coupled with the additional gabled roof, dormer and flat roofed link would create a bulky addition that would erode the subservience of this historic link within the wider context of the Listed Building as a whole, that would be detrimental to the Listed Building and detract from its historical significance. Furthermore, the internal alterations would further erode the historical significance of the building and result in the loss of significant historic fabric. Moreover, on the basis of the limited information provided with the application the Council is not satisfied that the alterations could be undertaken without causing further harm to the historic fabric and significance of this building. As such the proposal would be contrary to Policy CS3 of the Core Strategy for the New Forest District outside the National Park, and Policy DM1 of the Local Plan Part 2: Sites and Development Management Development Plan, and Chap 12 of the National Planning Policy Framework.

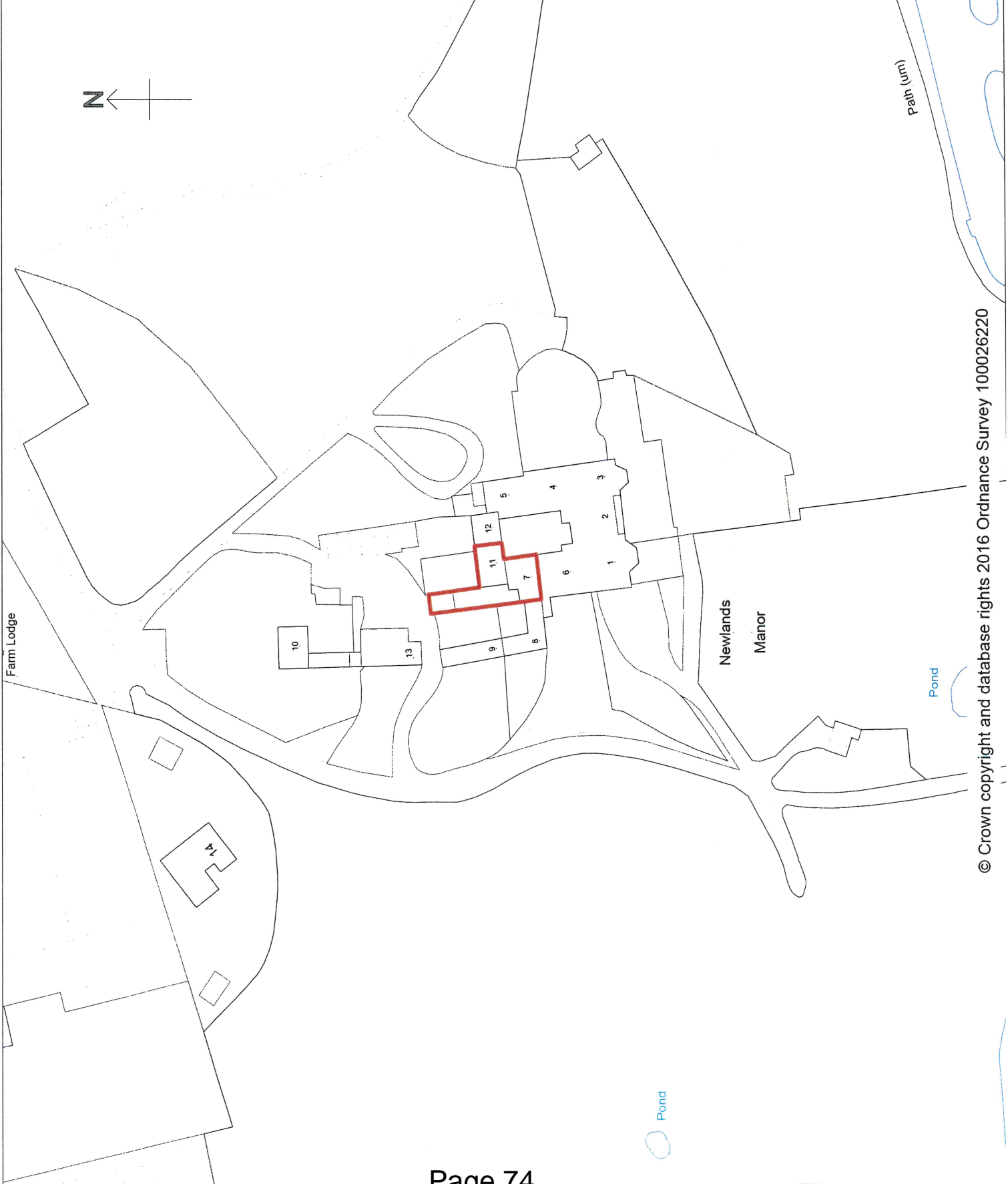
#### Notes for inclusion on certificate:

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.

Pre-application advice was sought when concerns were expressed over the acceptability of the proposals and the applicants attention was drawn to the need for additional information to justify the works proposed. On submission of the application concerns remained over aspects of the proposals design and the lack of information to justify the works proposed, which have been conveyed to the applicant's agent. On the basis of the plans and information provided with this application significant concerns remained over the impacts of the proposal on this heritage asset.

#### Further Information:

Householder Team  
Telephone: 023 8028 5345 (Option 1)



**Application Number:** 16/10052 Full Planning Permission

**Site:** Land of INCHMERY, QUEEN KATHERINE ROAD, LYMINGTON  
SO41 3RZ

**Development:** Attached house

**Applicant:** Mr & Mrs G Clarke

**Target Date:** 22/03/2016

---

## 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
- CS10: The spatial strategy
- CS15: Affordable housing contribution requirements from developments
- CS24: Transport considerations
- CS25: Developers contributions

### Local Plan Part 2 Sites and Development Management Development Plan Document

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

Lymington Local Distinctiveness  
Housing Design, Density and Character  
Parking Standards  
Mitigation Strategy for European Sites

## **6 RELEVANT PLANNING HISTORY**

6.1 Various permissions for extensions to the property

6.2 Misty Reach

15/11630 Two-storey side and rear extensions; rear dormer in association with new second floor; fenestration alterations; roof lights.  
10/02/16 Granted with conditions

## **7 PARISH / TOWN COUNCIL COMMENTS**

Lymington and Pennington Town Council – Recommend approval

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

9.1 Land Drainage – Recommend approval, subject to condition requiring the submission of details of the means of surface water disposal.

9.2 Hampshire County Council Highways Engineer – Parking space provision meets with the adopted SPD. Recommends refusal due to inadequate access width

9.3 Tree Officer – No objection

## **10 REPRESENTATIONS RECEIVED**

One letter of objection on the grounds of over development, loss of garden space, insufficient turning and loss of privacy.

## **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 dwellings' completion, and as a result, a total of £6,912 in government grant under the New Homes Bonus will be received.

From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments. Based on the information provided at the time of this report this development has a CIL liability of £7,120.80.

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 no pre-application advice has been sought from the Council. Concerns raised by the case officer and consultees have been made available publically and also discussed with the applicant. As this application has not been withdrawn it is being determined on the basis of the plans submitted.

## **14 ASSESSMENT**

- 14.1 The application site is located within a residential part of the built up area of Lymington, to the south of the town centre. The site comprises the garden of a semi-detached property 'Inchmery' which is located at the southern end of Queen Katherine Road. This area is currently garden with parking and a car port at the front and contains some existing garden outbuildings. The neighbouring property 'Misty Reach' is to the north of the site with its garage close to the site's side boundary, and it is noted that an extant consent exists for the addition of extensions to this property under 15/11630. To the rear of the site fencing separates the end of the gardens serving premises along Brook Road with a large outbuilding in this neighbouring garden area. There are some ornamental trees in the garden area.
- 14.2 This proposal would see the sub-division of the side garden area serving Inchmery and the construction of a new attached two bedroom dwelling. In its design it would see the continuation of the existing two storey side extension with a flat roofed central element and front and rear bay window projections. It would be clad in brick and tile to match Inchmery, to which it would attach. Parking would be provided at the front of the site, sharing a common access point with the existing property, with garden areas to the rear and side.

- 14.3 Queen Katherine Road is characterised by suburban development, dating from the inter-war to post-war period with later C20 phases of development on the east side of its southern end. The application site is on the west side of the road which at this southern end is characterised by detached well-proportioned properties which sit in long plots and benefit from generous garden areas. This relatively high proportion of space to built form provides a spacious suburban character which, supplemented by avenue tree planting, affords a softer appearance to the street scene as recognised within the Lymington Local Distinctiveness SPD. This spacious character is also reflected in the layout of development opposite the site. Although Inchmery is one of a semi-detached pair of properties, with a smaller rear garden area by virtue of adjacent development along Brook Road, in its form and layout it remains well related to the surrounding character of development.
- 14.4 This proposal would see the creation of a new plot and dwelling notably smaller from that of surrounding development. This, in combination with the limited garden area afforded to the property, a frontage dominated by parking and the creation of a terraced row would result in a cramped form of development. This would be out of keeping with the more spacious character and form of development and as such would result in harm to the appearance of the street scene. This would be irrespective of the completion of the extant consent for the adjacent property Misty Reach. The garden area serving Inchmery would also see a significant reduction in size with, again, its frontage dominated by parking areas. Although it is noted that the rear garden area would be comparable in size to that serving the attached property, the reduction in the front garden area and its domination by parking would, overall, exacerbate the cramped appearance of the development.
- 14.5 It is recognised that the side garden area serving the attached property in this pair has been subsequently developed. However the resulting plot size was larger than that now proposed, providing a more comfortable setting and benefiting from a dual aspect onto Brook Road. Furthermore, the new dwelling was of a detached two storey design which responds well to the prevailing form of development and remains visually distinct from the existing property. In the case of more recent development along Westfield Road, this differs contextually and responds to the higher density and less spacious style of surrounding development.
- 14.6 Given the relationship with neighbouring premises this should not lead to any harmful impacts through loss of light or privacy. This said, the reduction in the size of the garden area serving Inchmery would notably compromise the outlook and amenity space serving this dwelling and would also see a poor outlook for future residents of the host dwelling. However, it is not considered that this would be of such extent to warrant refusal of this application on these grounds.
- 14.7 The proposal would share an access with the existing property with parking provided at the front of the site comprising two parking spaces for the new dwelling and three, including the garage, for the existing. This would meet with the Council's adopted Parking Standards SPD. However, the Highways Officer notes that it is not clear how these spaces can be accessed conveniently without the need for multiple shunting movements. Such inconvenience may result in on-site parking arrangements being under used in favour of on street parking.

- 14.8 The Highways Officer also notes that the proposal would result in a multiple use of the access which would result in the possibility of cars having to pass each other in the vicinity of the site entrance. The width of the existing access point would not enable two cars to enter and leave the site at the same time, the minimum width to facilitate this being 4.5 metres for a distance of not less than 6 metres back from the adjoining footway. This would lead to the possibility of cars having to reverse back out onto the highway which would likely cause undue interference with the safety and convenience of users of the adjacent highway, posing a danger to highway safety.
- 14.9 The Council's Land Drainage team notes that surface water from impermeable areas would need to be balanced, given the larger number of watercourses in the New Forest catchment that flood out of bank during high rainfall and cause property flooding. Should approval be granted then it is considered appropriate to attach a condition requiring further details of this to be submitted. Although there are some existing trees on site these are not subject to any formal protection and as such are not considered a constraint to development. The Tree Officer has raised no objection.
- 14.10 The proposed development is one that would be expected to secure a contribution to affordable housing in line with the requirements of Core Strategy Policy CS15. In this case the required contribution of £31,925 has been secured through a Section 106 legal agreement, dated 18 March 2016.
- 14.11 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 were to be granted for the proposed development, a condition would be required that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. In this case, the full mitigation contribution that would be required would be £3,050, part of which could potentially be met through CIL.
- 14.12 Further supporting statements have been received from the agent and applicant in response to the case officer's initial briefings, dated the 10th, 12th and 22nd March. These raise differences of opinion in terms of the assessments made on the relationship of the development to the surrounding area, matters which have been assessed and expanded upon within this report. However additional points raised refer to the development providing an affordable dwelling and that adjustments could be made to the proposed access arrangements.
- 14.13 In response to these, for the dwelling to be considered affordable this would need to be assigned to and managed by a registered social landlord, which is not proposed in this instance. Furthermore no amended plans have been received amending the access arrangements to address the Highway Officer's concerns.

14.14 In conclusion this proposal is considered to be out of character with the surrounding pattern of development and also to give rise to highway danger.

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

### Section 106 Contributions Summary Table

<b>Proposal:</b>			
<b>Type of Contribution</b>	<b>NFDC Policy Requirement</b>	<b>Developer Proposed Provision</b>	<b>Difference</b>
<b>Affordable Housing</b>			
No. of Affordable dwellings			
Financial Contribution	£31,925	£31,925	
<b>Habitats Mitigation</b>			
Financial Contribution	£3,050	£3,050	

### CIL Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses	89.01	0	89.01	£7,120.80

## 15. RECOMMENDATION

### Refuse

#### Reason(s) for Refusal:

- The proposed development in its layout and design, with the resulting small plot sizes, frontage dominated by parking and the attached form of the new dwelling, would relate poorly to and erode the established more spacious character and form of surrounding development. This would result in a comparatively cramped form of development which does not respond positively to local distinctiveness and would be harmful to visual amenity and the character and appearance of the area, contrary to Policy CS2 of the Core Strategy for New Forest District outside of the National Park and Section 7 of the National Planning Policy Framework.



2. The vehicular access point would provide insufficient width to enable its multiple use, such that vehicles could enter and leave the site at the same time. This would lead to cars undertaking reversing manoeuvres onto the highway which would likely cause undue interference with the safety and convenience of users of the adjacent highway. This would result in increased risks to highway users, to the detriment of highway safety, contrary to Policy CS24 of the Core Strategy for New Forest District outside of 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 no pre-application advice was sought from the Council. Concerns raised by the case officer and consultees were made available publically and also discussed with the applicant. As this application was not withdrawn it was determined on the basis of the plans submitted.

**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  
Lynchhurst  
SO43 7PA

**Planning Development  
Control Committee**  
**April 2016**

**Item No: 3h**  
Land of Inchmerry  
Queen Katherine Road  
Lymington  
16/10052  
SZ3295

Scale 1:1250

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



© Crown copyright and database rights 2016 Ordnance Survey 100026220

**Application Number:** 16/10121 Full Planning Permission

**Site:** 232 GORE ROAD, NEW MILTON BH25 5NQ

**Development:** Outbuilding for use as ancillary living accommodation

**Applicant:** Ms Farr

**Target Date:** 29/03/2016

---

## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary view to Town Council

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside outside the New Forest  
Green Belt

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

DM20: Residential development in the countryside

## 4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan  
Planning and Compulsory Purchase Act 2004

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

## 5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

Residential Design Guide for Rural Areas of the New Forest District

## 6 RELEVANT PLANNING HISTORY

02/75270 Ground floor addition 19/07/2002 Granted Subject  
to Conditions

89/43525 Construction of new vehicular access 21/12/1989 Granted

## **7 PARISH / TOWN COUNCIL COMMENTS**

New Milton Town Council recommend refusal:-

1. Potential for sub-division
2. Back land development
3. Poor attempt to circumvent Local Plan Part 2 DM20 regarding development in the Countryside

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

Land Drainage - Have requested that a condition is applied in respect of details of surface water drainage being submitted. However as this outbuilding would replace an existing structure it would not be justified to attach this condition.

## **10 REPRESENTATIONS RECEIVED**

None received

## **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.

An additional block plan was requested to show the existing structure which is to be replaced. Therefore in this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

## **14 ASSESSMENT**

- 14.1 The property is a cottage positioned within an area designated within the countryside and Green Belt. The position of the property is elevated with the level of the land increasing from the road to the dwelling. There is a mixture of styles and sizes of properties along the row, including some more modern dwellings. To the rear of the property is a detached outbuilding with a small shed beyond. High hedges and shrubs form the boundaries to the rear and there are trees along the front boundary which are protected with Tree Preservation Orders.
- 14.2 The main considerations when assessing this proposal are the impact on the neighbouring property along with the effect on the Countryside and Green Belt.
- 14.3 The neighbouring property to the east, 230a Gore Road, is a two storey dwelling with high hedges on the shared boundary. The proposed outbuilding with its limited height and roof pitched away from the shared boundary, would not have an adverse impact on this neighbour's amenity.
- 14.4 There are trees to the front of the site which are protected by a Tree Preservation Orders but they are a sufficient distance from the proposed outbuilding not to be a constraint to development.
- 14.5 New Milton Town Council have objected to the proposal and one of the objections is that the plot could be sub-divided. The proposed outbuilding would be used as living accommodation as part of the residential use of the site. The limited size of the structure and the layout shown on the floor plans demonstrate that it is unlikely that it could be used as a separate unit of accommodation. Furthermore, the applicant has stated that the proposed building would be used as an annex for use in connection with the main property.
- 14.6 The proposed outbuilding would have dimensions similar to the existing garage on the site which it would replace. This size of outbuilding is therefore in scale with the existing property and, being used in conjunction with the main dwelling, cannot be considered as "back land development" in that it is not a separate dwelling.

- 14.7 The Town Council have also objected as the outbuilding would be used for additional floorspace to the main dwelling and should therefore be constrained under the same policies for the Countryside within the Local Plan Part, Policy DM-20. It should be noted that the use of an existing outbuilding to form accommodation, ancillary part and to the main dwelling would not require planning consent. Furthermore, as this proposed structure is not linked to the main dwelling it does not need to comply with the floor space limitations under Policy DM-20 which relate to attached structures and extensions only.
- 14.8 The applicant's son has written in support of the application to confirm that there is no intention to sub divide the plot and that the outbuilding would be used by himself as part of the family home.
- 14.9 The proposed outbuilding would be in keeping with the property and as a replacement of similar sized building within the rear garden, would not have a detrimental impact on the openness of the Green Belt or the Countryside outside the New Forest. Being to the rear of the property there would not be an adverse impact on the street scene.
- 14.10 The proposed development would be consistent with Core Strategy policies and objectives and, as such, the application is recommended for permission.
- 14.11 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that 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: submitted block plan existing and proposed, and drawing number GOR 001/P

Reason: To ensure satisfactory provision of the development.

3. The external facing materials shall match those used on the main dwelling.

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

**Notes for inclusion on certificate:**

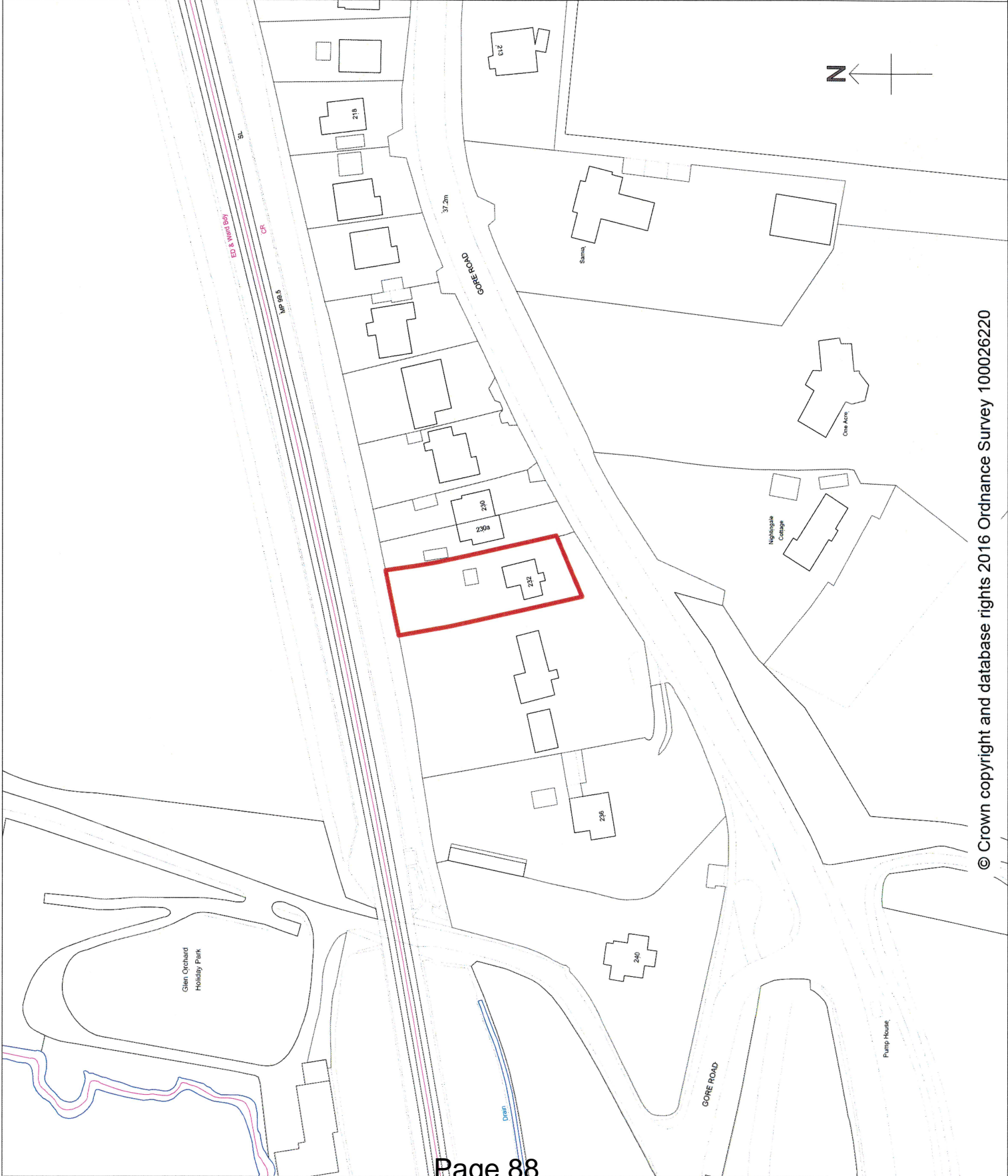
1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising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

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

**Further Information:**

Householder Team

Telephone: 023 8028 5345 (Option 1)





**Application Number:** 16/10136 Full Planning Permission

**Site:** 10 LODGE ROAD, PENNINGTON, LYMINGTON SO41 8HJ

**Development:** Roof alterations, front & rear dormers in association with new first floor; rooflights; two-storey side extension; single-storey rear extension

**Applicant:** Ms Ritchie

**Target Date:** 05/04/2016

---

## 1 REASON FOR COMMITTEE CONSIDERATION

Applicant is a District Council employee

## 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

None relevant

## 7 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council: recommend permission

## **8 COUNCILLOR COMMENTS**

Cllr Penny Jackman: No objection subject to implementation of the case officer's suggested amendment/conditions in para 4 of the report

## **9 CONSULTEE COMMENTS**

Land Drainage: no comment

## **10 REPRESENTATIONS RECEIVED**

Representation of support from adjacent neighbour at No.8 Lodge Road.

## **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.

Based on the information provided at the time of this report this development has a CIL liability of £0.00.

## **13 WORKING WITH THE APPLICANT/AGENT**

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council take a positive and 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.

Pre-application advice was sought prior to the application being submitted. Nevertheless there were still some outstanding concerns relating to the revised scheme but as these were identified early on in the process they did not compromise the target date and were overcome by accepting amendments to the proposals which have resulted in an acceptable scheme.

## 14 ASSESSMENT

- 14.1 The proposed extensions would retain the low profile and hipped form of the existing dwelling. There are examples of dormers within the road, and on receipt of the amendments which included reducing the width of the proposed dormer and introducing a hipped roof over, this would contribute sympathetically to the appearance of the extended dwelling. Furthermore, the proposed rear dormer by reason of its siting on the back of the dwelling and being set in, would not be overly prominent within the street scene or detract from the character of the area.
- 14.2 Two rooflights are proposed on the side elevation facing no 12 Lodge Road. The plans would appear to indicate that the cill height would be below 1.7m, and when opened they could achieve views into the rear garden of this neighbouring property. As this room would also be served by an additional rooflight on the front elevation, it would be acceptable to condition the side rooflights to be fixed shut to protect the privacy of the occupants of no 12 Lodge Road.
- 14.3 The single storey rear extension would elongate an existing element of the dwelling, which would run parallel with the boundary with no 12. This neighbouring property though has a longer rear garden than the application site, and by reason of the position and single storey form of this element it would not create an overbearing form of development.
- 14.4 The proposed rear dormer would incorporate two windows, serving a bathroom and ensuite respectively, which could potentially overlook the rear garden area of 1 Edwards Close, but this issue could be overcome by an appropriate condition to restrict opening and obscure glaze. There is a further rooflight on the rear elevation, which serves as a secondary window and therefore it would be acceptable to also condition this window to be obscure glazed and fixed shut to protect the neighbour's privacy.
- 14.5 The proposed extensions would create an additional bedroom, but even with the side extension there should still be sufficient parking provision within the curtilage of the site.
- 14.6 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

## 15. RECOMMENDATION

### Grant Subject to Conditions

#### Proposed Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
  
2. The development permitted shall be carried out in accordance with the following approved plans: LP 01B, EE.01, EP.01, PE.01 B, PP.01A  
  
Reason: To ensure satisfactory provision of the development.
  
3. The external roofing 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 two rooflight windows on the east elevation of the approved building shall at all times be 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. The first floor dormer windows on the rear elevation of the approved 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).
  
6. The rooflight on the rear of the approved extension 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).

**Notes for inclusion on certificate:**

1. This decision also relates to amended plans received by the Local Planning Authority on 25 February 2016 and 3 March 2016
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.

Pre application advice was sought prior to the application being submitted. Nevertheless there were still some outstanding concerns relating to the revised scheme but as these were identified early on in the process they did not compromise the target date and were overcome by accepting amendments to the scheme which have resulted in an acceptable scheme.

**Further Information:**

Householder Team

Telephone: 023 8028 5345 (Option 1)



**Application Number:** 16/10206 Full Planning Permission

**Site:** 14 BERESFORD ROAD, PENNINGTON, LYMINGTON SO41 9JS

**Development:** Single-storey side and rear extension; fenestration alterations

**Applicant:** Mr Dunsdon

**Target Date:** 12/04/2016

---

## 1 REASON FOR COMMITTEE CONSIDERATION

The applicant is a District Council employee

## 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

15/11175 Detached single garage 29/09/2015 Granted Subject to Conditions

## 7 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council: recommend permission

## **8 COUNCILLOR COMMENTS**

Cllr Penny Jackman: No objection

## **9 CONSULTEE COMMENTS**

Land Drainage: No comment

## **10 REPRESENTATIONS RECEIVED**

None received

## **11 CRIME & DISORDER IMPLICATIONS**

Not applicable

## **12 LOCAL FINANCE CONSIDERATIONS**

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

## **13 WORKING WITH THE APPLICANT/AGENT**

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 bungalow in the built up area of Pennington where development is predominantly characterised by bungalows. The dwelling is on a corner position and enclosed by fencing with an existing detached garage sited at the rear. The proposal is for a single storey side and rear extension with alterations to fenestration, following demolition of the existing conservatory.
- 14.2 The proposed extension would maintain the eaves height of the existing dwelling and would not significantly alter the appearance of the front elevation. The development seeks to utilise matching materials to those of the host dwelling and would provide a sense of continuity with the existing. The extension would be visible in the street scene but, due to its limited size and design, it would not appear visually imposing or harmful to the character of the area.
- 14.3 The detached garage on the eastern boundary and established vegetation and fencing in the south east corner of the plot help to screen the properties along these boundaries. Furthermore, by virtue of its layout, scale and degree of separation from neighbouring properties, the proposals would not have a significant adverse impact on the amenities of adjacent properties.
- 14.4 The proposal would result in increased living accommodation but would not result in the loss of parking space. There is an existing single detached garage sited on the eastern side of the plot with a drive leading thereto. There is ample parking space within the curtilage which can accommodate up to 3 cars. The proposal therefore accords with the Parking Standards
- 14.5 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

## **15. RECOMMENDATION**

**Grant Subject to Conditions**

**Proposed Conditions:**

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: ED16/01, ED16/02, ED16/03 and ED16/04.

Reason: To ensure satisfactory provision of the development.

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

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

**Notes for inclusion on certificate:**

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

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

**Further Information:**

Householder Team  
Telephone: 023 8028 5345 (Option 1)



© Crown copyright and database rights 2016 Ordnance Survey 1000262220

This page is intentionally left blank

**Application Number:** 16/10290 Reserved Matters

**Site:** Land at FOREST GATE (FORMER WELLWORTHY SITE)  
YEOMAN ROAD, RINGWOOD

**Development:** Building for offices & warehouse (Use Class B1 & B8); parking; landscaping; cycle shelters; bin store (Details of appearance, landscaping, layout, scale & access, development granted by Outline Permission 11/97377) not achieving the required BREEAM standard (energy efficiency of design)

**Applicant:** Comax Ltd

**Target Date:** 27/05/2016

---

## 1 REASON FOR COMMITTEE CONSIDERATION

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

#### Policies

#### Local Plan Part 1 (Core Strategy) 2012:

Policy CS2 - Design quality  
Policy CS4: Energy and resource use  
Policy CS17: Employment and economic development  
Policy CS24 - Transport considerations

#### Local Plan Part 2 Sites and Development Management Development Plan Document

DM5: Contaminated land  
RING1: Land east of Christchurch Road - employment land allocation

**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 - Ringwood Local Distinctiveness

**6 RELEVANT PLANNING HISTORY**

6.1 New access and roundabout, construct buildings for industrial, storage and business use - Classes B1, B2 and B8 (97377) Granted with conditions on the 6th August 2013

6.2 Building for offices and warehouse-B1 and B8 (11120) Granted with conditions on the 5th Nov 2015

**7 PARISH / TOWN COUNCIL COMMENTS**

Ringwood Town Council: Awaiting comments

**8 COUNCILLOR COMMENTS**

None

**9 CONSULTEE COMMENTS**

9.1 Hampshire County Council Highway Engineer: No objection subject to condition

9.2 Environmental Health (pollution): No objection subject to condition

9.3 Environmental Health contaminated land: No objection subject to condition

9.4 Urban Design Officer: Awaiting comments

9.5 Policy: Awaiting comments

9.6 New Forest Access For All: Made comments in relation to the building and facilities within it.

**10 REPRESENTATIONS RECEIVED**

None

**11 CRIME & DISORDER IMPLICATIONS**

No relevant considerations

**12 LOCAL FINANCE CONSIDERATIONS**

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

## 13 WORKING WITH THE APPLICANT/AGENT

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 proposal is for a single detached building to be used as offices and storage on land to the south east of the recently constructed premises for 'Eberspacher'. The site measures around 65 metres wide by 135 metres long with the front of the site facing onto the access road and the rear of the site backing onto Embankment Way, although there is no direct access onto the site from this road. The land to the front (southwest) and to the side (south east) is currently vacant and there are no extant full permissions on this part of the site. There is a dense group of trees immediately to the east of the site, which is subject to a Tree Preservation Order.
- 14.2 The proposed layout of the site entails the building fronting onto the access road with car parking between the building and road and car parking to the rear of the site. The north side of the building would be provided for delivery vehicle access. Internally the building shows offices to be provided on the front part of the site with warehousing to the rear. The front part of the building would have three floors of offices. The

proposed building would measure just under 12 metres high, which would be lower in height than the recently constructed 'Eberspacher' building.

- 14.3 The proposed building would be required by a company that distribute Janitorial products and the workforce is currently 50 employees. It has been stated that all deliveries would be during the day, by vans, and the deliveries to the site would be made by two to three arctic lorries a day.
- 14.4 This application is an amendment to a previous approval for a building to be used as offices and warehouse under planning reference 11120. The main change in this current application is that the proposed building would be 'handed' to the south of the site. Basically the proposed building would be sited further away from the boundary with the Eberspacher building.
- 14.5 In policy terms, given that outline planning permission has been granted for the site to be used for employment purposes, which include offices, storage and industrial, there are no objections to the proposal in principle and it is considered that it would accord with the objectives and aims of the Core Strategy.
- 14.6 In assessing the effect on the character and appearance of the area, the proposed building has a large footprint, rising to just under 12 metres in height. It would be of a scale that would be prominent within this site. Visually, the proposed building would be set back from the road and set back from the building line to the neighbouring building at Eberspacher. The proposed building would not be as wide as the neighbouring building. The proposed front elevation would contain the offices and the building has been designed with an active frontage onto the road. The proposed design of the building would be acceptable and the main consideration is how the soft landscaping can be achieved and provided to soften the scale of the building.
- 14.7 It is considered that the proposed changes would be an improvement compared to that previously approved given that the recently planted trees along the southern boundary of Eberspacher would be retained and this will ensure that sufficient landscaping throughout the site can establish.
- 14.8 With regard to residential amenity, the proposed development would be sited a considerable distance away from the nearest residential properties so as not to result in any disturbance in terms of overlooking, loss of light or outlook. The main issue is the effect of the use of the building and any noise/ disturbance related matters. The site has no open storage proposed and it should be noted that a condition was imposed on the original outline consent stating that there should be no open storage.
- 14.9 The front part of the building would be dedicated to offices and there would be no noise related issues from the front part of the building. The remainder of the building would be used for storage and this would be contained within the building with openings on the side (south east) elevation.
- 14.10 The Environmental Health Officer does not raise any objections to the proposal. It is considered that the site is located a significant distance



away from neighbouring residential properties. The only proposed openings are located on the side (north east) elevation and this includes 6 loading bays. In addition, business uses are currently located around the application site. The nearest residential properties are located in Monmouth Close and Willow Drive.

- 14.11 In terms of the residents at Monmouth Close, these dwellings are located around 145 metres away and are partly shielded by existing employment buildings. Any noise outbreak from within the building would be directed north and this would not be in the direction of these residents. Moreover, new buildings have been constructed to the rear of Monmouth Close which will act as a noise buffer to these residential properties.
- 14.12 In terms of the residential properties at Willow Drive, these residential properties are located more than 160 metres away and the openings of the proposed building faces in the opposite direction, which would not result in any noise concerns.
- 14.13 The main issue is delivery times. No conditions were imposed on the outline consent restricting operational or delivery times, however it was considered that this could be assessed as part of any of the reserved matters applications on a site to site basis. In addition, no restrictions were imposed on the neighbouring unit at Eberspacher. Although restrictions apply to the recently built units at Austin Park, these units are directly adjacent to residential properties. Given that the site lies in the central part of the employment site surrounded by existing employment uses and the distances involved, a restriction on delivery times would not be reasonable. Moreover, it is not justified to seek a noise report given that the use of the building is for offices and storage and any noise would be contained within the building.
- 14.14 In relation to highway safety matters, the proposed access into the site would be onto the recently built internal access road. The Highway Authority does not raise any objections to the proposal. In terms of car parking and cycle provision, the submitted plan shows that some 101 car parking spaces have been provided on the whole site. In assessing the car parking requirements, the adopted Car Parking Standards Supplementary Planning Document (October 2012), which relates to commercial developments needs to be considered. The car parking provision relates to a recommended amount, whereas cycle parking is a minimum standard. Based upon these figures, and the proposed floor space, the level of car parking proposed (100 spaces) is significantly higher than the recommended guidance.
- 14.15 This application also proposes not to formally discharge the required BREEAM standard (energy efficiency of design) as set out by condition on the outline consent under reference 97377. The applicants state that although the proposed development will have sufficient BREEAM points to meet the required rating, the applicant would prefer to spend the money required to get the BREEAM certificate on a PV installation. The condition required written documentary evidence demonstrating that any building which has a gross internal floorspace of in excess of 1000 square metres has achieved at a minimum a rating of Good against the BREEAM standard. The reason for the condition is to meet energy efficiency design objectives, having regard to the requirement of Policy CS4 of the Core Strategy for the New Forest District outside the National Park.

- 14.16 The applicants agent states that while the development will provide a number of sustainable benefits which achieve the points set out in BREEAM, however they simply do not seek to carry out a full assessment and certificate due to the costs involved to obtain the evidence and would prefer for these cost to be put towards PV installation. It has been stated that PV installation would not be eligible for points unless an independent energy assessor has been appointed to review all types of renewable energy available and conclude that the PV installation is the most appropriate. The applicants agent has set out all the points that the proposed development would achieve, and should the proposals be vetted by an approved assessor, the cost would be around £25,000. As stated above, the applicants would rather use this money in PV installation which would generate 16 KwP equating to 30% of the buildings energy consumption.
- 14.17 In assessing the case put forward, essentially the proposal would still achieve the required rating level for BREEAM but the Council would not receive a certificate which confirms that the level has been achieved. Although this would not follow the requirements set out in the condition, the proposal would still provide a highly sustainable building and would have additional environmental benefits such as the PV installation. Accordingly, on the basis that the proposed development is carried out in accordance with the details and measures set out by the applicants agent including the PV installation, there are no objections for the relaxation of this condition. Moreover, it is not considered that this would set a precedent for other similar developments to seek relaxation of the condition.
- 14.18 In conclusion, it is considered that the proposed changes in this application would be acceptable and would not have any greater impact on the character of the area or living conditions of the adjoining neighbouring properties than the already approved Scheme.
- 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.

## **15. RECOMMENDATION**

### **Grant Subject to Conditions**

Reserved matters of layout, scale, appearance and landscaping, specified in condition 1 of outline permission reference number 97377 dated 6th August 2013.

**Proposed Conditions:**

1. The building hereby approved shall only be constructed from the materials set out below and detailed on Drawing No 4904 14 unless otherwise agreed by the Local Planning Authority:

Facing:

Lower section -Cranwell Cream clay facing brick  
Middle section - Wedgwood Blue Microrib composite panel  
Upper section - Silver Microrib composite panel  
Fascia/ soffits/ doors/ windows frames - Anthracite

Roofing:

Gooswing Grey profiled cladding

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.

2. The development permitted shall be carried out in accordance with the following approved plans:15C, 11, 14A, 13A, 23

Reason: To ensure satisfactory provision of the development.

3. In accordance with the submitted strategic landscape details under plan 11, the following additional details shall be submitted to and approved in writing by the Local Planning Authority:

- (a) a specification for new planting (species, size, spacing and location);
- (b) areas for hard surfacing and the materials to be used;
- (c) other means of enclosure;
- (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 10 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.

4. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. The approved remediation scheme (that has been approved as part of any submitted reserved matters application) must be carried out in accordance with its terms. Following completion of measures identified in the approved remediation scheme, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long term monitoring and maintenance plan) for longer term monitoring of pollutant linkages maintenance and arrangements for contingency action as identified in the verification plan and for the reporting of this to the local planning authority. The long term monitoring and maintenance plan shall be implemented as approved. Unless otherwise agreed in writing by the Local Planning Authority, the verification report must be completed and approved in writing by the Local Planning Authority either: prior to the commencement of development, other than that required to carry out remediation, or if the developer is required to carry out the remediation, it must be carried out prior to the occupation of any buildings or use of the land as the proposed end use

Reason To protect controlled waters and to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies CS5 and CS6 of the Core Strategy for the New Forest District outside the National Park.

5. If during development contamination not previously identified is found to be present, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the developer and approved by the Local Planning Authority until the developer has submitted and obtained approval from the Local Planning Authority for recommencement of development. An investigation and risk assessment must be undertaken, and if this finds remediation to be necessary, a remediation strategy and verification plan must be provided detailing how this unsuspected contamination shall be dealt with and approved by the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11 'The remediation shall be implemented and verified with the same consideration as detailed within Condition B, and approved by the Local Planning Authority.

Reason: To protect controlled waters and to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies CS5 and CS6 of the Core Strategy for the New Forest District outside the National Park.

6. The development hereby permitted shall not be occupied until the spaces shown on plan 11 for the parking of motor vehicles and cycles have been provided. The spaces shown on plan 11 for the parking of motor vehicles and cycles shall be retained and kept available for the parking of motor vehicles and cycles for the employment building hereby approved at all times.

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

7. The development hereby approved shall only take place in accordance with the points and measures set out for all types of renewable energy as detailed on Lionel Gregory Ltd letter of the 1<sup>st</sup> April 2016 and the PV installation shall be fully implemented on the building as shown on drawing No 14A unless an otherwise agreed time frame is agreed in writing by the Local Planning Authority.

Reason: To meet energy efficiency design objectives, having regard to the requirement of Policy CS4 of the Core Strategy for the New Forest District outside the National Park.

**Notes for inclusion on certificate:**

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

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

**Further Information:**

Major Team  
Telephone: 023 8028 5345 (Option 1)

