

NOTICE OF MEETING

Meeting: PLANNING DEVELOPMENT CONTROL COMMITTEE

Date and Time: WEDNESDAY, 12 AUGUST 2015, AT 9.00 AM*

Place: THE COUNCIL CHAMBER, APPLETREE COURT,
LYNDHURST

Telephone enquiries to: Lyndhurst (023) 8028 5000
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PUBLIC PARTICIPATION:

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

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Chief Executive

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

AGENDA

Apologies

1. MINUTES

To confirm the minutes of the meeting held on 8 July 2015 as a correct record.

2. DECLARATIONS OF INTEREST

To note any declarations of interest made by members in connection with an agenda item. The nature of the interest must also be specified.

Members are asked to discuss any possible interests with Democratic Services prior to the meeting.

3. PLANNING APPLICATIONS FOR COMMITTEE DECISION

To determine the applications set out below:

- (a) **Land at Embankment Way, Ringwood (Application 14/11763) (Pages 1 - 14)**
Industrial building
RECOMMENDED: Planning consent subject to conditions
- (b) **Land adjacent 13 New Street, Ringwood (Application 15/10483) (Pages 15 - 24)**
One detached two storey building comprising 2 flats; access; parking
RECOMMENDED: Refuse
- (c) **2 Timberley Close, Holbury, Fawley (Application 15/10642) (Pages 25 - 30)**
Retention of 1.8m fence
RECOMMENDED: Planning consent subject to conditions
- (d) **Communications Site, North Charford Drove, North Charford, Breamore (Application 15/10699) (Pages 31 - 38)**
20m monopole; 300mm dish antenna; ancillary works
RECOMMENDED: Refuse
- (e) **43a Salisbury Street, Fordingbridge (Application 15/10831) (Pages 39 - 44)**
Stud walls and doors (Application for Listed Building Consent)
RECOMMENDED: Refuse
- (f) **1 Butts Ash Avenue, Hythe (Application 15/10758) (Pages 45 - 52)**
Attached house; access
RECOMMENDED: Refuse
- (g) **123 Southampton Road, Ringwood (Application 15/10776) (Pages 53 - 58)**
Outbuilding for use as ancillary living accommodation.
RECOMMENDED: Planning consent subject to conditions

4. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

To:

Councillors:

Councillors:

Mrs D E Andrews (Chairman)
Mrs C V Ward (Vice-Chairman)
P J Armstrong
Mrs S M Bennison
Mrs F Carpenter
A H G Davis
R L Frampton
L E Harris
D Harrison
Mrs A Hoare

Mrs M D Holding
J M Olliff-Cooper
A K Penson
W S Rippon-Swaine
Mrs A M Rostand
Miss A Sevier
R A Wappet
M L White
Mrs P A Wyeth

STATUTORY TESTS

Introduction

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

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

The Development Plan

The Development Plan Section 38

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

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

Listed Buildings

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

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

Conservation Areas

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

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

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

Areas of Outstanding Natural Beauty (AONB's)

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

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

Trees

Section 197. Trees Town and Country Planning Act 1990

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

Biodiversity

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

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

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

Conservation of Habitats and Species Regulations 2010

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

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

Equality

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

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

Financial Considerations in Planning

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

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

Planning Development Control Committee 12 August 2015

Item 3 a

Application Number: 14/11763 Full Planning Permission

Site: Land at, EMBANKMENT WAY, RINGWOOD

Development: Industrial building

Applicant: Burry and Knight Ltd

Target Date: 06/03/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up area
Industry/Business
Cycleway Improvement

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

CS1: Sustainable development principles
CS2: Design quality
CS4: Energy and resource use
CS5: Safe and healthy communities
CS6: Flood risk
CS10: The spatial strategy
CS17: Employment and economic development
CS18: New provision for industrial and office development and related uses
CS23: Transport proposals
CS24: Transport considerations
CS25: Developers contributions

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

RING2: Land south of Castleman Way
RING6.4 (PC8): Cycle route - Castleman Way to Crow Lane via Embankment Way

National Planning Policy Framework - Achieving Sustainable Development

NPPF Ch. 1 - Building a strong, competitive economy
NPPF Ch. 4 - Promoting sustainable transport
NPPF Ch. 7 - Requiring good design

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

Hampshire County Council's Transport Contributions Policy (Oct 2007)
Parking Standards SPD (Oct 2012)
Ringwood Local Distinctiveness SPD

6 RELEVANT PLANNING HISTORY

- 6.1 No pre-application advice was sought from the Planning Authority on the form of development proposed.
- 6.2 08/91782 - 10 office units - approved May 2008
- 6.3 07/90605 - 10 office units - Withdrawn January 2007

7 PARISH / TOWN COUNCIL COMMENTS

RINGWOOD TOWN COUNCIL - Recommend REFUSAL - Although welcoming the economic benefits of attracting a large company to the town, Ringwood Town Council recommends REFUSAL for the proposed development for the following reasons:

1. Contrary to Ringwood Local Distinctiveness SPD. The SPD states that Endeavour Park (has) one or two much larger buildings that are at odds with the town's roofscape and the valley landscape. While these may currently appear in isolation, a continuation of such imposing skylines would inevitably have a dramatic impact on the character of this part of Ringwood. Whilst the massing of the structure has been reduced and landscaping improved since the original submission, the height of the proposed building continues to be a concern in this location as it is out of context with the character of the area and will have a significant impact on views from the south across open fields. The proposal is therefore contrary to the Ringwood Local Distinctiveness SPD.
2. Noise and Air Pollution - The applicant's Air and Noise pollution report is inadequate and does not address the Environmental Health Officer's initial objection to the proposal. The impact of the increase in HGV movements particularly has not been assessed. There is concern that this could have a detrimental impact on residents living to the north of Castleman Way (off Waterloo Way).
3. Traffic - The Highways Officer has not taken into account either the nature of the proposed business or the type of traffic that it will generate. Although the proposal will generate fewer traffic movements than the extant permission for office use, consideration needs to be given to the following:
 - i) The business will be in operation 24 hours a day 7 days a week
 - ii) There will be a significant number of HGV movements during the day and night Monday to Saturday (up to 60 during the day and 12 at night, in addition to up to 33 van movements).

Existing businesses in Embankment Way and Pullman Way do not have sufficient parking on site for all employees. As a result of this, cars are parked either side of Castleman Way during office hours, reducing the width of the carriageway to one lane and creating hazardous driving conditions, particularly at the Waterloo Way junction. The location of the development

site is such that HGVs will need to travel along roads that are not fit for purpose. As no Traffic Assessment has been produced, it is not possible to assess this impact. No consideration has been given to the applicant's aspiration to increase the number of employees from 160 to 280 in the long term.

4. Impact on Castleman Trailway - The proposed development provides for the continuation of the Castleman Trailway adjacent to the site, which will in turn link up with the section from Bickerley Road westwards. The combination of the existing issue of cars parked in Castleman Way and the number of HGV movements proposed would create a conflict between vehicles and pedestrians and cyclists, creating an unsafe environment.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Ecologist - Given the previous survey and translocation, further survey work in order to determine presence/absence and impact at application stage isn't essential, subject to a condition to ensure that adequate reptile mitigation is implemented.
- 9.2 Hampshire County Council Archaeologist - No archaeological concerns are raised as the site was wholly occupied by gravel extraction when any archaeological features would have been removed.
- 9.3 Environment Agency - The site is located in Flood Zone 1, defined as having a low probability of flooding.
- 9.4 Land Drainage Engineer - The applicant has submitted a Preliminary Drainage Philosophy Statement (December 2014) which states that surface water flows on site will be managed on site using a flow control device, attenuation tank and if final design levels dictate a pumping station. It is stated that surface water for all attenuated flows for the 1 in 30 years + 10% climate change will be stored below ground and for the extreme events of 1 in 100 years + 30% the excess flows may be stored underground or over ground in profiled external paved areas or a combination of both methods. Also state that Wessex Water has stated that there is capacity in the public surface water sewer for 50 l/s. Recommend approval subject to surface water condition.
- 9.5 Environmental Health (Pollution) - object: The application does not provide details on the potential impact of the local air quality from vehicles accessing and exiting the development site, if the number of vehicles associated with the development is determined to be significant, or any mitigation measures to reduce the impact on local air quality. Furthermore the application does not provide details on the potential impact of noise on the local amenity for example from heavy goods vehicles on site and external plant such as air conditioning units, or any mitigation measures to reduce the impact of noise on the local amenity
- 9.6 Environmental Health (Contaminated Land) - The previous application for the site (08/91782) saw submission of a ground investigation report undertaken by Wilson Associates which has been re-submitted with this application. Environmental Protection comments previously requested further ground gas monitoring which was carried out and resulted in us

being satisfied that the proposal would not pose risks to human health.
No objections

9.7 Tree Officer - no objections

9.8 Hampshire County Council Highway Engineer - No objection subject to informative note and conditions to ensure the Castleman Trail link is provided and to ensure appropriate car parking is provided for use by visitors to the site:

9.9 Wessex Water - The developer has been working with Wessex Water to review waste services required to serve this new development and in this instance we have no further comments to make.

9.10 Natural England - no objections

10 REPRESENTATIONS RECEIVED

10.1 Ringwood Society - welcome the employment opportunities this development will bring. We note that there will be approx. 80 employees working on a 14 /24 hour shift system. It is likely that most will drive to the premises from the Christchurch area where the present company is located. Car parking will be provided for 73 vehicles which may be sufficient at the present time but as the anticipated employment growth will be 160 rising to 280 we are concerned about parking in the future as there is no spare capacity on the Industrial estate and there are already parking issues.

10.2 Objections have been received from two parties on grounds of traffic generation and loss of highway safety.

10.3 One letter of support received on grounds of improvements offered to the Castleman Trail by the development.

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.

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

In this case officers have worked closely with the applicant to secure amendments to the proposal and additional information seeking to overcome the initial concerns raised by officers and notified parties. The proposal will secure economic benefits for the town and locality and on balance the amendments and additional information are considered sufficient to make the proposal acceptable.

14 ASSESSMENT

14.1 The Site

14.1.1 The site lies within the built up area of Ringwood in a commercial area, although it is currently undeveloped and vacant land. The south eastern part of Embankment Way which adjoins the site follows on from the disused railway, a right of way (Castleman Trail). The site has been recolonised by scrub vegetation to its peripheries, although there are some individual trees on the site's boundary with Crow Arch Lane. It is a relatively level site although there are steeper areas close to the site's boundary with Crow Arch Lane, which is at a higher level and crosses the Castleman Trail via the bridge adjoining the south east corner of the site. The Development Plan formally designates the site and surrounding land for employment purposes. The area is predominantly commercial in nature. The site is accessed directly from Castleman Way to the north west.

14.2 The Proposal

14.2.1 The plans relate to provision of a Class B1/B2/B8 (predominantly warehousing) unit, arranged in a single block pushed towards the site's north and west boundaries, with access, parking and turning provision located adjacent to and fronting Embankment Way. The unit would be occupied by Harvest Fine Foods who seek relocation from a site in Christchurch. The unit would be constructed of goosewing grey composite wall and roofing panels. Accommodation would be provided primarily at ground floor level, but with some first and second floor office and ancillary

accommodation. The floorspace applied for totals 4435 sq.m. The eaves height of the buildings would be about 11 metres with a ridge height of approximately 13.2 metres.

14.3 The Principle of Development

14.3.1 The site is designated for employment development under Policy RING2. Policies CS17 and CS18 of the Core Strategy refer to employment and economic development and new provision for industrial and office development and related uses. The thrust of Policies CS17 and CS18 is supportive of industrial development and in principle, the type of development proposed is acceptable, subject to other material planning considerations outlined below.

14.4 Character Impacts

14.4.1 Policy CS2 of the Core Strategy and the guidance offered by the Ringwood Local Distinctiveness SPD relate to design quality and, among other things, seek to ensure that development does not impact adversely on the character of the area. Visually, the proposed building is much larger than other buildings in the locality, in terms of footprint and scale and it should be considered whether this would be seen in context with the character of the area.

14.4.2 The character of the area is informed largely by two storey office buildings, with landscaped buffers onto Embankment Way, although it should be acknowledged that the site is set at a much lower level than the adjoining Crow Arch Lane. Following discussions between the Council and applicant, the design and scale of the proposed building has been amended, seeking to address the initial concerns of officers and notified parties. To this end the roofing arrangement of the building has been altered to lower the structure in places and offer a more articulated form of roofline. The proposal now offers more in terms of a landscape setting, following receipt of amended plans showing more substantial planting alongside the Crow Arch Lane embankment which will facilitate establishment of heavy standard tree stock and soften the appearance of a building of the 'reduced' scale now proposed. The use of heavy standard tree specimens will be a requirement throughout the site, but particularly on the Crow Arch Lane boundary. Full details of landscaping may be ensured by condition, should permission be granted. The quality of the working environment is now considered, with incorporation of an amenity area in the southern corner of the site. This is well related to the line of the Castleman Trail offering opportunity for landscaping and passive surveillance of the right of way and linking into the landscaping for the frontage of the site with Embankment Way.

14.4.3 While the building will be admittedly large and would have a strong impact on the northern arm of Crow Arch Lane in particular, on balance it is considered that the amendments made to the original submission and incorporation of significantly enhanced landscaping arrangements have overcome initial concerns over the design and impact of the form of development proposed. The amended proposal is considered to comply with the design and character related provisions of Policy CS2 and the Local Distinctiveness Document.

14.5 Amenity Impacts

- 14.5.1 Policy CS2 places emphasis upon protecting the amenity of adjoining occupiers, who may be affected by new development proposals. The Environmental Protection Section have raised concerns over the potential noise and air quality impacts of a significant number of HGVs accessing the site on a 24 hour basis, particularly in relation to residential properties on the north side of Castleman Way. They also raise concerns over the potential impact of plant, equipment and operations at the premises on nearby occupiers.
- 14.5.2 A rudimentary noise and air quality assessment was submitted with the application, which suggests that vehicular noise impacts will be limited, as the proposal would involve fewer vehicle movements than the extant permission for business units. However, the Environmental Health Officer (EHO) points out that it is the nature of the type of vehicle to be used (HGVs) that raise concerns in respect of noise disturbance and air quality. However, it is important to note that this site is located within an established industrial estate where the use proposed is entirely appropriate.
- 14.5.3 The proposed building is unlikely to directly impact upon the amenity of residential properties, by virtue of its siting within a commercial area, which is allocated for employment generating purposes and is well separated from the nearest dwellings to the north west by intervening buildings and a distance of 91m. However, the EHO has suggested that a condition be imposed to require the submission of a scheme to control noise from the development in order to minimise the potential for nuisance.
- 14.5.4 With regard to air quality, the EHO has recommended that a condition should be imposed to require an air quality assessment to be undertaken.

14.6 Highway Considerations

- 14.6.1 The site benefits from an extant permission, 08/91782, that would provide 3,444sqm of office, B1 (a), floor space, whilst the current application would result in 4,435sqm, consisting of 544sqm of B1 (a) (office); 152sqm of B2 (general industrial) & 3,739sqm of B8 (storage). This site has been zoned for commercial development and, therefore, the adjacent estate infrastructure would have been designed to accommodate any future commercial development upon it. The Highway Authority notes that based upon floor areas the approved development would generate in the order of 645 multi-modal trips, whilst the proposed development with its mixed uses would generate in the order of 465 multi-modal trip rates. On this basis the proposed development would have less of an impact upon the local highway network than the extant approval.
- 14.6.2 The County Highway Authority notes concerns raised by third parties regarding under-provision of parking, especially having regard to the existing problems, but given that the guidance provided within the parking SPD sets recommended average provision the highway authority does not object on the basis of under-provision. The NFDC document 'Parking Standards Supplementary Planning Document (SPD) provides recommended car parking provisions for commercial developments of 1 space per 30sqm of B1 (a) floor area; 1 space per 45sqm of B2 floor area

& 1 space per 90sqm of B8 floor area. Based upon the floor areas proposed the current scheme would generate a requirement for 63 spaces, plus an additional 3 disabled spaces, which results in a recommended provision of 66 spaces. The scheme as submitted would result in the provision of 60 off-street parking spaces. Given that the parking SPD provides a recommended provision and does not seek to set minimum/maximum standards the highway authority consider that an objection based upon an under-provision of parking would be neither appropriate nor sustainable. The parking SPD provides standards for cycle, motorcycle and disabled parking. The applicant has addressed these requirements by providing the requisite number of spaces.

14.6.3 Policy RING 6.4 seeks to facilitate use of the former railway line on the south east boundary of the site as an off-road cycle route. This route continues the existing "Castleman Trailway" route, improving accessibility to Ringwood and the industrial estate from the Crow area (see also policy RING3). As part of the extant permission a Section 38 Agreement dated 08 March 2012 has been entered into to secure the provision of a shared footway/cycleway along the frontage of the site. The proposal incorporates this route along the southwest boundary of the site, separated from the operational area of the site by landscaping. In order to secure the provision and adoption of the proposed route the highway authority seek the imposition of an appropriately worded condition to ensure that the existing Castleman Trail connects to the adopted highway, Embankment Way.

14.7 Other Matters

14.7.1 A reptile survey of the site has been submitted, which the Ecologist is satisfied with, subject to the imposition of a condition to secure adequate reptile mitigation and compensation measures.

14.7.2 Policy CS4 of the Core Strategy requires the building to be constructed to BREEAM 'excellent' standard in the interests of sustainable development. This can be secured by a condition.

14.8 Conclusion

14.8.1 The benefits of the proposal in relation to employment generation are acknowledged and need to be balanced against the matters raised by consultees and notified parties in respect of noise generation, air quality, parking, visual impacts and traffic generation. Amended plans and additional information have been received which address these matters and the County Highway Authority raise no objections to the highway impacts of the development. As a result permission is recommended,

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

15. RECOMMENDATION

Grant 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: 5356-101-D13, 5356-102-D8, 5356-103-D4, 5356-104-D6, 5356-105-D5, 5356-106-D4, 5356-107-D1, 5356-108-D1 and 5356-109-D3.

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: A pre-commencement condition is required as precise details of materials were not submitted with the application, 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 and the Ringwood Local Distinctiveness Document.

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

Reason: A pre-commencement condition is required as precise details of drainage arrangements were not submitted with the application, in order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS6 of the Core Strategy of the New Forest District Local Plan First Alteration and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

5. Details of the width, alignment, gradient and type of construction proposed for the footway/cycleway to be adoptable standard shall be submitted to and approved in writing by the Local Planning Authority before commencement of development. The development shall not be occupied until the proposed footway/cycleway has been constructed and made available to the public and thereafter maintained and retained in perpetuity.

Reason: A pre-commencement condition is required as precise details of the footway/cycleway construction were not submitted with the application, to ensure the footway/cycleway is constructed to a standard which will enable it to be taken over as highway maintainable at the public expense and to ensure that the existing Castleman Trail connects to the adopted highway, Embankment Way, in accordance with Policy RING 6.4 of the Local Plan Part 2 - Sites and Development Management Development Plan Document.

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

Reason: To ensure adequate on-site car parking provision for the approved development.

7. The development hereby permitted shall not be occupied until the arrangements for the provision of cycle parking facilities within the curtilage have been implemented in accordance with a scheme to be agreed by the Local Planning Authority. These parking spaces shall be kept available for their intended purposes at all times.

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

8. Prior to development commencing, including vegetation clearance, details of a reptile mitigation and compensation plan shall be submitted and agreed, and the development shall be implemented in accordance with the details unless otherwise agreed.

Reason: A pre-commencement condition is required as precise details of reptile mitigation and compensation were not submitted with the application, which need to be approved prior to works commencing on site, to safeguard protected species in accordance with Policy CS3 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM2 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

9. The building hereby approved shall achieve the BREEAM 'excellent' standard and shall not be occupied until the requisite certificate has been submitted to and approved in writing by the Local Planning Authority certifying that the building has achieved the BREEAM 'excellent' standard.

Reason: In the interests of sustainable development, including resource use and energy consumption, in accordance with Policy CS4 of the Core Strategy for the New Forest District outside the National Park.

10. 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 tree and other planting (showing tree pit design including available rooting volume, species, size, spacing and location);
 - (c) areas for hard surfacing and the materials to be used;
 - (d) other means of enclosure;
 - (e) a method and programme for its implementation and the means to provide for its future maintenance.

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

Reason: A pre-commencement condition is required as precise details of landscaping arrangements were not submitted with the application, 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) and the Ringwood Local Distinctiveness Document.

11. 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. Any trees or landscaping that are removed, die or become, in the opinion of the Local Planning Authority seriously damaged or defective within five years of planting shall be replaced with specimens of similar size and species as originally planted.

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) and the Ringwood Local Distinctiveness Document.

12. Before development commences a scheme to control noise from the development shall be submitted to and approved by the Local Planning Authority prior to the building first coming into use. Any mitigation shall be implemented, retained and maintained in accordance with the approved scheme.

Reason: A pre- commencement condition is required in order to protect the amenity of the area in accordance with Policy CS5 of the Core Strategy for the New Forest District outside the National Park.

13. Before development commences an air quality assessment shall be undertaken, submitted and approved by the Local Planning Authority if development has the potential to significantly change vehicle flows on the roads in the local area. Should mitigation be required by the approved air quality assessment, measures shall be implemented, retained and maintained in accordance with the assessment.

Reason: A pre- commencement condition is required in order to protect the amenity of the area in accordance with Policy CS5 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 officers have worked closely with the applicant to secure amendments to the proposal and additional information seeking to overcome the initial concerns raised by officers and notified parties. The proposal will secure economic benefits for the town and locality and on balance the amendments and additional information are considered sufficient to make the proposal acceptable.

2. The County Highway Authority advises the applicant of the requirement to apply to the highway authority for the appropriate licence in respect of the works within the limit of the adopted highway.
3. The Council's Land Drainage Section advise that the applicant will need to submit a Flood Risk Assessment assessing the flood risk to the site (in accordance with the District Council's Strategic Flood Risk Assessment (Clause 103 - not increasing flood risk elsewhere) and New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks (September 2007) Clause 10.3 (Proposed Development within Zone 1 where development is less than one hectare) and any flood risk to be caused by the proposed construction works. Under the National Planning Policy Framework all developments should be undertaken in a sustainable manner and under the National Standards for Sustainable Drainage Systems (December 2011) the following destinations must be considered for surface runoff in order of preference:
 1. Discharge into the ground
 2. Discharge to a surface water body
 3. Discharge to a surface water sewer
 4. Discharge to a combined sewer

Currently any surface water from what is currently a greenfield site makes its way to the Avon slowly through the ground, and any increase in rate of flow to the Avon will increase the flood risk that already exists along the Avon where several properties have flooded.

The following clauses are from the Council's Strategic Flood Risk Assessment and should be complied with:

SUDS techniques will be required for most, if not all, proposed land allocations. The attenuation to 'greenfield' (undeveloped condition) discharge should be the norm and the method adopted will depend on the

individual circumstances. SUDS may improve the sustainable management of water for a site by:

1. Controlling or reducing peak flows to watercourses or sewers and potentially reducing the risk of flooding downstream;
2. reducing volumes of water flowing directly to watercourses or sewers from developed sites;
3. improving water quality, compared with conventional surface water sewers, by removing pollutants from diffuse pollutant sources;
4. reducing potable water demand through rainwater harvesting improving amenity through the provision of public open space and wildlife habit;
5. replicating natural drainage patterns, including the recharge of groundwater so that base flows are maintained.

Any reduction in the amount of water that originates from a given site is likely to be small. However, if applied across a catchment, the cumulative affect from a number of sites could be significant. Any increase above greenfield runoff rate from the site would therefore be detrimental to the aims of the Strategic Flood Risk Assessment in reducing flood risk. The applicant will need to submit the final Drainage Strategy which will include a fully detailed drainage design and the Flood Risk Assessment must show the Applicant has considered flood risks from all sources and demonstrated how flood risk will be managed for the lifetime of the development taking climate change into account. If soakaways are proposed the Flood Risk Assessment is to include a full report on the permeability and suitability of the ground at appropriate locations in the site

4. In relation to condition 13, significant changes to local traffic flows include an increase in light duty vehicles (<3.5t gross vehicle weight) of more than 500AADT and/or an increase in heavy duty vehicles (>3,5t gross vehicle weight) of more than 100AADT, as advised in the document *Land-Use Planning & Development Control: Planning for Air Quality. Environmental Protection UK, Institute of Air Quality Management (May 2015 v1.1)*

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



Planning Development Control Committee 12 August 2015

Item 3 b

Application Number: 15/10483 Full Planning Permission

Site: Land adjacent 13 NEW STREET, RINGWOOD BH24 3AD

Development: One detached two storey building comprising 2 flats; access; parking

Applicant: Elsak Plc

Target Date: 27/05/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council View

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

Core Strategy

- 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

- DM2: Nature conservation, biodiversity and geodiversity
- DM3: Mitigation of impacts on European nature conservation sites

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

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

6 RELEVANT PLANNING HISTORY

- 6.1 Erect 2 one bedroom flats and create new access (75232) Granted with conditions on the 29th May 2002
- 6.2 House, parking, access - outline application with details only of access, layout and scale (10878) Granted with conditions on the 24th April 2014

7 PARISH / TOWN COUNCIL COMMENTS

Ringwood Town Council: Recommend refusal. There is insufficient parking for 2 x 2 bedroom flats - 3 spaces are required in line with the Parking Standards SPD. Parking in this narrow road is already a problem and there is no room for additional on-street parking (it is expected that residents of the proposed flats would require 4 spaces) - in fact the entrance to the new parking will remove space for on-street parking. In addition, the proposed new cycle way from Moortown to Castleman Way will follow a route past this site - it is essential therefore that parking issues in this area are not exacerbated (see Scheme PC15 in the Ringwood Town Access Plan and RING6.9 in the Local Plan Part 2 - Policies Map 12A)

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer: No highway objections
- 9.2 Environmental Health (historic land use): No objection subject to condition
- 9.3 Land Drainage Engineer: No objection subject to condition
- 9.4 Ecologist: No objection subject to condition
- 9.5 Council's Valuer: The proposed development is viable

10 REPRESENTATIONS RECEIVED

12 letters concerned that the proposed development would create a blind corner and this would be a public highway safety issue. There are no pavements for children to play. There are concerns with visibility. The proposal would result in a lack of parking and this would create more traffic problems in the area. Concerns over contractor's vehicles which would lead to traffic and parking problems in the area and noise implications. Lack of space for emergency vehicles. The proposal would be out of character with the area. Improvements to the road should be sought through 106 contributions.

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 £2,304 in each of the following six years from the dwellings' completion, and as a result, a total of £13,824 in government grant under the New Homes Bonus will be received.

From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments. Based on the information provided at the time of this report this development has a CIL liability of £9,120.00

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

- i) Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- ii) Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
- iii) 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.
- iv) 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.
- v) 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.
- vi) 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.
- vii) When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

The applicant's agent has been made aware that the application will be recommended for refusal. The applicant's agent does not accept that contributions should be made towards affordable housing and while a viability assessment has been submitted, this has not been accepted by the Council's Valuer.

14 ASSESSMENT

- 14.1 The site comprises a vacant piece of land on the corner of New Street, within the built up area of Ringwood. The land is currently overgrown and does not positively contribute to the character of the area. To the rear of the site is a narrow track, which provides access and car parking to the rear of some of the residential properties in New Street. The immediately adjoining property at No. 13 New Street is a modern semi-detached dwelling that has a blank side gable facing the application site.
- 14.2 The site is positioned half way along New Street with the partly vacant Wellworthy site at the eastern end of the road. New Street is predominantly a residential street comprising two storey dwellings in a very dense and close knit urban area with semi-detached, terraced and detached houses. On the southern section of New Street at the point where access is gained from Christchurch Road, it comprises an older and more historic element of the street, in which properties are laid out in a terraced form with little or no front gardens, with the buildings positioned right up to the road frontage with very small rear garden areas. There appears to be no on-site car parking spaces that serve these dwellings, and parking tends to be on the road and to the rear of the houses in single large car parking areas. Plot sizes vary, but generally, the terraced houses tend to have narrower frontages, the semi-detached properties are slightly wider, and the detached dwellings are positioned on the larger plot widths. Materials, roof shapes and forms and fenestration vary in the area.
- 14.3 In terms of the northern part of New Street, the character changes slightly and comprises more modern housing with a pair of semis and a single terrace of three, however, these properties are sited on larger plots with the front areas dedicated to on-site car parking with rear garden areas. It is also noted that a footpath lies in front of these dwellings. Further along New Street, there are some older residential properties, both detached and semi-detached.
- 14.4 The proposal is to develop the site with a two storey building containing two residential flats. The proposed development is nearly identical to a planning permission granted back in 2002 under reference 75232 for a two storey building containing two flats. In comparison to that previously approved, the changes involve an increase from 2 one bedroom flats to 2 two bedroom flats which essentially has been achieved through internal alterations to the building. The design, siting and scale of the building is the same and there are minor changes to the outside car parking and soft landscaping but generally there are strong similarities to the 2002 permission.
- 14.5 It should be noted that outline planning permission was recently granted for a detached two storey dwelling on this site under planning reference 10878. The approved layout plan shows that the dwelling would have fronted onto the southern section of New Street, with one on site car parking space adjacent to the northern section of New Street, with a small rear garden area enclosed by a brick wall.
- 14.6 In terms of this current planning application, the proposed building would take up the majority of the plot with a small communal rear garden area, a small front lawn to both New Street frontages and two on site car parking spaces. Visually, the dwelling would rise to two storeys with a

pitched roof and front protruding gables and its main front elevation would face onto the southern section of New Street.

- 14.7 Since the approval of the application in 2002, there have been changes in local and national planning policy and the Ringwood Local Distinctiveness Document has been adopted. Both local and national policies seek to ensure a high standard of design and to ensure that development is integrated and in keeping with the local distinctiveness and the context of the area.
- 14.8 In assessing the effect on the character and appearance of the area, given that the site lies within the built up area, and that planning permission has twice been granted on this site for a housing development it is considered that an appropriate proposal would make good use of the site. Moreover, on the basis that this application largely reflects the design and layout of the 2002 approval, this current application is considered acceptable in that the design and layout would be in keeping with the character of the area.
- 14.9 With regard to residential amenity, there are no main windows in the side elevation facing the neighbouring building at No. 13 New Street and the siting of the building would effectively straddle the neighbouring flank wall at No 13 which does not have any main windows on the side elevation facing the application site. Accordingly, it is considered that the proposed building would have an acceptable relationship with No 13 New Street.
- 14.10 The proposed windows on the rear elevation would face the rear garden area which would be acceptable with oblique views to No 15 New Street. The proposed windows on the south and east elevations would face in the direction of the road which would be acceptable.
- 14.11 In terms of highway access and car parking requirements, based upon the Council's adopted car parking, the level of car parking provision recommended is 4 spaces and accordingly, the proposal is below this by 2 spaces. In cases where the proposal has a shortfall of car parking spaces, this would be unacceptable when the shortfall would lead to a public highway safety issue or environmental damage such as when cars have to park on grass verges. The site lies close to the town centre of Ringwood which has a range of facilities and amenities in walking distance and slight shortfall of two car parking spaces would not justify an objection on highway grounds.
- 14.12 The Highway Authority does not raise any objections and considers that the proposal would not prejudice public highway safety and whilst the proposal would have two car parking spaces below the recommend guidance a reason for refusal would not be sustainable.
- 14.13 The current proposal provides 2 secure cycle parking spaces within covered lockable accommodation for each unit which would meet the minimum requirement for long stay cycle parking.
- 14.14 The proposed development would require contributions towards affordable housing which in this case would equate to £30,460. The proposed development would also require financial contribution towards monitoring and maintenance for habitat mitigation which equates to £1100. The other contributions would be dealt with under CIL.

- 14.15 The applicant has provided a viability appraisal which states that if the full affordable housing contributions were made, the development would not be viable. The applicant has recently purchased the site and has stated that the price paid for the site was on the understanding that affordable housing contributions would not be applicable.
- 14.16 The Council's Valuer does not accept the case made and considers that if the full contributions were made towards affordable housing the development would still be viable. It is understood that the site was purchased knowing that there was an extant planning permission for a detached dwelling on the site which included the Section 106 Agreement for all contributions. Whilst it is unfortunate that the applicant has anticipated that the Council would abolish their policy on affordable housing contribution, this cannot override the fact that the development is still viable.
- 14.17 In addition, the applicant's agent has stated that regardless of the submission of a viability appraisal, the proposed development should not require an affordable housing contribution based on the national policy as set out in the Written Ministerial Statement dated 28th November 2014.
- 14.18 On the 28th November 2014 National Planning Practice Guidance was updated with regard to the charging of contributions for affordable housing. The changes are not strictly new national policy but they are "material considerations" when determining a planning application. As such when determining an application they have to be weighed against all other material considerations notably locally adopted policies in the Development Plan. The changes do not apply to Habitat Mitigation measures or site-specific requirements e.g. an improved access on highway land that will continue to be applied in full. This is a complex issue. However, New Forest District Council's evidence shows that small sites' contributions are being varied when appropriate in response to site specific viability considerations (in accordance with our Local Plan policy). The loss of affordable housing provision from all small site developments would result in a reduced supply of affordable housing as small sites make a major contribution to our housing supply in this area. Developers not wishing to make a financial contribution do have the option of making provision on-site for affordable housing, to comply with the policies in the adopted Local Plan.
- 14.19 In these circumstances, and with an up-to-date Local Plan, it will generally be appropriate to conclude that the material consideration of the Government's announcement does not outweigh the presumption in favour of following the Development Plan.
- 14.20 While the site could have had potential for protected species such as reptiles or slow worms, survey work carried out on the previous application in 2013 by the applicant's Ecologist states that no protected species were found. The Ecologist does not raise any objections subject to a condition that the site is assessed prior to work commencing.
- 14.21 In conclusion, it is considered that the proposed development is acceptable in all other respects apart from the failure to secure a Section 106 Agreement for affordable housing and habitat mitigation contributions.

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 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 Contribution Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses	114	0	114	£9,120.00
Dwelling houses	122		122	£9,760.00

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The recreational impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area, the New Forest Ramsar site would not be adequately mitigated and the proposed development would therefore be likely to unacceptably increase recreational pressures on these sensitive European nature conservation sites, contrary to Policy DM3 of the New Forest District Local Plan Part 2: Sites and Development Management.
2. The proposed development would fail to make any contribution toward addressing the substantial need for affordable housing in the District. The proposal would therefore conflict with an objective of the Core Strategy for the New Forest District outside the National Park 2009 and with the terms of Policies CS15 and CS25 of the Core Strategy.

Notes for inclusion on certificate:

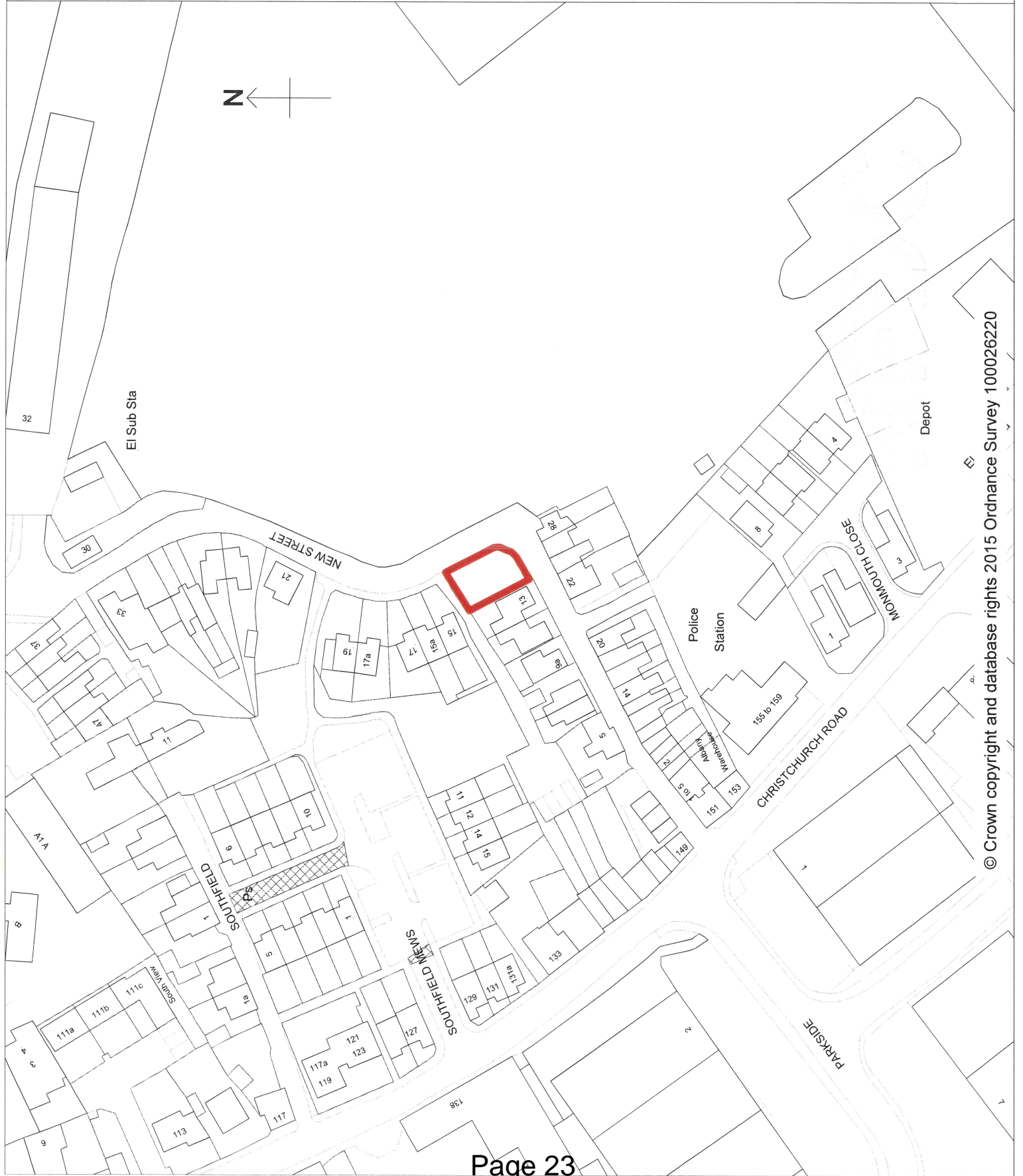
In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants. The applicant's agent has been made aware that the application would be recommended for refusal.

The applicant does not accept that contributions should be made towards affordable housing and whilst a viability assessment was been submitted, this has not been accepted by the Councils Valuer.

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



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Planning Development Control Committee 12 August 2015 Item 3 c

Application Number: 15/10642 Full Planning Permission

Site: 2 TIMBERLEY CLOSE, HOLBURY, FAWLEY SO45 2QE

Development: Retention of 1.8m fence

Applicant: Mr Hallam

Target Date: 04/08/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

Non relevant

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

None relevant

6 RELEVANT PLANNING HISTORY

80/NFDC/16619 69 dwellings and garages with construction of parking spaces

7 PARISH / TOWN COUNCIL COMMENTS

Fawley Parish Council:

Recommend refusal

Understand the land may be public open space, perhaps under the ownership of New Forest District Council.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

9.1 Highway Authority: Comments awaited

9.2 Land Drainage: No comment

10 REPRESENTATIONS RECEIVED

4 objections:

- land is public open space
- land is in ownership of the Council
- livestock (chickens and ducks) kept on land causing offensive odours and encouraging foxes and vermin
- bonfires lit daily
- possible damage to rear boundary of adjacent property

2 in favour:

- fence is of a tidy and robust nature
- no objection to fence though concern in regards to keeping of poultry

11 CRIME & DISORDER IMPLICATIONS

Not applicable

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

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

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

14 ASSESSMENT

- 14.1 The application site consists of a two-storey semi-detached dwellinghouse within an estate of similar properties. There is a relatively small rear garden while the majority of the private amenity space that serves the dwelling lies to the south side of the house.
- 14.2 This application is for the retention of a 1.8m high close boarded fence. The garden boundary with Timberley Close is a high hedge, the bottom of the garden shares its boundary with a parking area and it is along this boundary that a 1.8m close board fence has been erected.
- 14.3 The position of the fence is unlikely to have a detrimental impact on neighbours in terms of loss of light or visual intrusion and as such the retention of the fence would not result in local amenity issues. There are existing close board fences and brick boundary walls within the street scene and as such the fence does not appear out of character with the area or prevailing street scene.
- 14.4 There is no record of the land enclosed being designated as public amenity space and no conditions on relevant planning permissions which control or stipulate land use. Land registry documents evidence that the now enclosed land has been in the ownership of 2 Timberley Close since 1982. Accordingly, no evidence has been found that any part of the site is or was ever formal public open space.
- 14.5 Class E of Schedule 2 of the General Permitted Development Order 2015 permits amongst other things, the keeping of poultry, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse. The keeping of birds at the property is not therefore a breach of planning control and no permission is required in this case.
- 14.6 The Highways Authority has been consulted given the location of the fence close to the edge of the highway and adjacent to car parking. However the fence as erected does not obstruct visibility to any greater extent than the existing hedge and is not therefore considered to raise highway safety concerns.
- 14.7 In conclusion, the erection of the fence is not considered to be an inappropriate form of enclosure in this location and would not involve the loss of public open space. The application is therefore recommended for permission.

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

15. RECOMMENDATION

Grant Permission

Notes for inclusion on certificate:

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

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

Further Information:

Householder Team
Telephone: 023 8028 5345 (Option 1)



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Planning Development Control Committee 12 August 2015 Item 3 d

Application Number: 15/10699 Full Planning Permission

Site: COMMUNICATIONS SITE, NORTH CHARFORD DROVE,
NORTH CHARFORD, BREAMORE

Development: 20m monopole; 300mm dish antenna; ancillary works

Applicant: CTIL & Vodafone Ltd

Target Date: 07/07/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Member View

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside, Area of Outstanding Natural Beauty

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
8. Biodiversity and landscape

Policies

CS2: Design quality

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

CS8: Community services and infrastructure

CS10: The spatial strategy

Local Plan Part 2 Sites and Development Management Development Plan Document

No relevant policies

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

None

6 RELEVANT PLANNING HISTORY

- 6.1 Mast & equipment housing (97/60960) - granted 14/5/97

6.2 Replace existing mast with 15 metre monopole mast with four cross polar antennas and radio equipment cabin - granted 30/1/01

7 PARISH / TOWN COUNCIL COMMENTS

Breamore Parish Council:- No view expressed

8 COUNCILLOR COMMENTS

Cllr Edward Heron: - Supports - Whilst the proposed mast would be some 3m taller than the existing and have a greater profile, any minor increased adverse impact on the AONB would be more than offset by the community and business advantages from 4G services.

9 CONSULTEE COMMENTS

9.1 Land Drainage:- No comment

9.2 NATS Safeguarding:- No objection

9.3 Ministry of Defence:- No objection

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.

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

In this case, the application proposals were not the subject of specific pre-application discussions. There has been communication with the applicant's agent since the application was submitted, but given the objections identified it is not felt this matter can be resolved by negotiation within the timeframes available for dealing with this application.

14 ASSESSMENT

- 14.1 This application relates to an existing telecommunications base station at North Charford Drove, which lies in an attractive area of open countryside to the north of Breamore. The existing base station incorporates a single monopole with antennas, the top of which is 17.4 metres in height. The monopole is set within a small compound in which there are also a couple of small cabinets. The compound is set in an elevated position to the north side of the adjacent highway, from which it is screened by a mature and high deciduous hedge. The compound is set to the west side of an old chalk pit that is now covered in dense vegetation. North Charford Drove is a narrow rural lane (that is also a Public Bridleway) that only serves some isolated rural properties to the west of the site. The lane past the application site rises up from east to west and is somewhat sunken, with tall hedgerows on both sides. The wider landscape is an open agricultural (downland) landscape, with large arable fields on sloping ground. The application site is situated within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty (AONB).
- 14.2 This application (for full planning permission) seeks to remove the existing monopole. It is proposed to erect a new monopole slightly to the west of the existing structure. The new mast would be taller and wider than the existing structure, with more antennas on top of the mast. The top of the proposed antennas would be 20 metres in height. The mast would therefore be 2.6 metres higher than the existing mast, but also somewhat bulkier, particularly in the more exposed upper sections.
- 14.3 The National Planning Policy Framework (NPPF) promotes the expansion of electronic telecommunications networks, and encourages mast sharing. Where new masts are proposed, the NPPF indicates that new applications should be accompanied by evidence that the applicant has explored the possibility of erecting antennas on existing masts and structures. The NPPF also makes it clear that "Great weight should be given to conserving landscape and scenic beauty in "Areas of Outstanding Natural Beauty".

- 14.4 Because of the high hedgerows along North Charford Drove, only the top part of the existing mast is visible from the adjacent highway. The mast is also only visible along a relatively short length of this highway. From wider public viewpoints, the mast is relatively well screened from public viewpoints to the south due to the landform and intervening vegetation. The mast is, however, visible from the section of the A338 to the north-east of the site. The mast is also inevitably slightly more visible in the winter months.
- 14.5 With its greater height and bulk, the new (replacement) mast that is proposed would have a greater visual impact than the existing mast. It would be more visible and intrusive from viewpoints along North Charford Drove, and it is from these closer range viewpoints where the additional visual impact of the mast would be most pronounced. The mast would also have some additional visual impact within the wider landscape, particularly from areas to the east of the site. It is felt that the larger mast would detract from the intrinsic character of this attractive rural landscape, and as such, the proposal would be detrimental to the character and appearance of a designated Area of Outstanding Natural Beauty.
- 14.6 The current installation provides 2G coverage to Vodafone customers. The proposed upgrade is intended to provide a new 3G and 4G service, plus an enhanced and integrated 2G service for both Vodafone and Telefonica. The applicants consider that the proposal adheres to national planning policies on mast sharing. The mast has been designed to be capable of accommodating new technologies when they come on stream. The applicants have not considered any alternative site options. The applicants advise that an increase in height is necessary since the radius of a 4G cell is much larger than that of a 2G only cell. The increase in height would offer certainty of continuous coverage between 4G cells. The applicant has confirmed that it would be possible to maintain the existing height, but there would be a reduction in radio coverage meaning that new 3G and 4G services would be available to fewer customers, with a possible result being the requirement for further installations in the area in the future. However, the applicants have not indicated that further installations in the area would be an inevitable consequence of maintaining the existing mast height.
- 14.7 Central government have recently announced an intention to increase permitted development rights for telecommunications developments, including in protected areas. However, there is currently no detail to the changes that could take place, and therefore the potential future change to permitted development rights is something that can only be given limited weight.
- 14.8 Ultimately, this is a fairly balanced decision. The proposal would result in additional visual harm, but at the same time the proposal would result in telecommunications improvements to the local area. Were the application not in a designated Area of Outstanding Natural Beauty, the balance would probably be in favour of approving the proposal on the basis that the scheme's benefits would outweigh the harm to the character and appearance of the countryside. However, because the site is in an Area of Outstanding Natural Beauty, the visual harm arising from the proposal must be given greater weight. The applicants have not clearly demonstrated that the mast needs to be higher than the existing mast (for example by submitting projected coverage maps to show

differences in coverage between masts of differing heights). From their submissions, it appears that a lower replacement mast would still provide material improvements to 3G and 4G coverage, without having the adverse visual impact that a taller mast would have. On this basis, and because the applicants have not clearly demonstrated the necessity for a higher mast, it is felt that the balance should be in favour of protecting the special qualities of the existing protected AONB landscape. As such, the application is recommended for refusal.

- 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 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. As a result of its greater height and bulk, the proposed replacement mast would result in a more visually intrusive and incongruous structure within a designated Area of Outstanding Natural Beauty that would be detrimental to the attractive rural character of the surrounding area. Furthermore, the Local Planning Authority is not persuaded that the scheme's benefits would outweigh the resulting visual harm, particularly as it has not been adequately demonstrated that the need for the development could not be met by a lower structure or a less visually intrusive design. As such, the proposed development would be contrary to Policies CS2, CS3, CS8 and CS10 of the Core Strategy for New Forest District outside of the National Park.

Notes for inclusion on certificate:

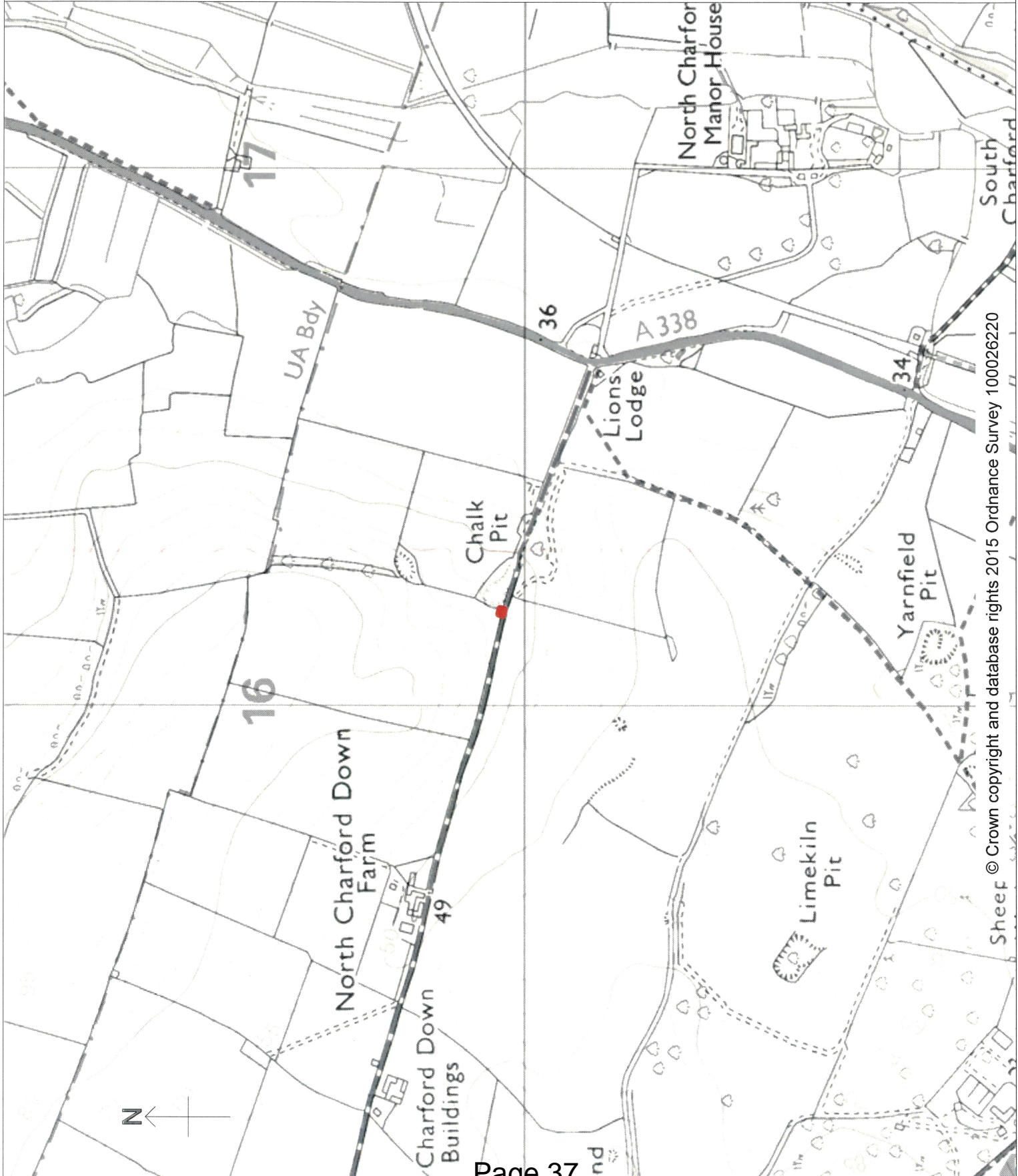
1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising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

In this case, the application proposals were not the subject of specific pre-application discussions. There was been communication with the applicant's agent when the application was submitted, but given the objections identified it was not felt this matter could be resolved by negotiation within the timeframes available for dealing with this application.

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



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Planning Development Control Committee 12 August 2015

Item 3 e

Application Number: 15/10831 Listed Building Alteration

Site: 43a SALISBURY STREET, FORDINGBRIDGE SP6 1AB

Development: Stud walls & doors (Application for Listed Building Consent)

Applicant: Gullivers Osteopathy

Target Date: 29/07/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council View

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Listed building

Conservation Area

Town Centre

Secondary Shopping Frontage

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

Core Strategy

CS2: Design quality

CS10: The spatial strategy

CS20: Town, district, village and local centres

Local Plan Part 2 Sites and Development Management Development Plan Document

DM15: Secondary shopping frontages

DM1: Heritage and Conservation

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

None relevant

6 RELEVANT PLANNING HISTORY

- 6.1 Single storey rear extension, create front door, internal alterations to ground floor and shop layout, re-open doorway near to cellar (10373) Granted with conditions on the 28th May 2013
- 6.2 Single storey rear extension, create front door, internal alterations, new doorway (10374) Granted with conditions on the 28th May 2013
- 6.3 Shopfront (11201) Granted with conditions on the 21st Nov 2013
- 6.4 Use of part of ground floor as osteopathy clinic (Use Class D1) granted with conditions on 22nd July 2015 (15/10830).

7 PARISH / TOWN COUNCIL COMMENTS

Fordingbridge Town Council: Recommend permission. As the works are necessary to enable the accompanying change of use and would not harm the character of the existing building

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Conservation Officer: Recommend refusal. The proposed internal alterations would have a harmful impact on the character of the listed building

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.

The applicant's agent was advised that the proposal would not be supported. The Conservation Officer has discussed with the agent whether having one permanent partition and a moveable screen on the other side of the ground floor space would be acceptable to the applicant, which would allay concerns surrounding the permanent nature of some the walling. However, this has been found to be an unacceptable solution as it does not fit with the needs of the business.

14 ASSESSMENT

- 14.1 The site comprises a Grade II Listed Building standing at the end of a terrace fronting onto a main highway which passes through the town centre of Fordingbridge, in the Conservation Area. The property is a three bay, two and a half storey dwelling of probably late C18 origin. The building has been subject to considerable intervention including the alteration of the ground floor to create a retail space. Immediately adjacent to the site, to the south-west, is a church, and on the north-east side are residential properties at 45A, 45B and 45C Salisbury Street, which are listed buildings and have their front elevations facing the application site.
- 14.2 The ground floor premises is currently vacant but was previously used as a shop and has an internal floor area of 33 square metres. A separate planning application has been approved for the change of use to an osteopathy clinic (Use Class D1) under application reference number 10830.
- 14.3 This listed building application proposes to use part of the existing ground floor shop (Use Class A1) as an osteopathy clinic (Use Class D1). Listed Building Consent is requested for new stud walls and doors to be fixed to the existing building fabric. The internal layout would entail two treatment rooms and reception area with a utility area to the rear.

- 14.4 The building has been greatly altered under previous planning and listed building applications and is now much improved. The main retail space on the ground floor, however, has not changed and retains the open feel expected from this sort of unit. The exterior of the building is recessed from the main street front.
- 14.5 The proposal is seeking the insertion of 2 stud partition walls which would be attached to the main structure of the building but not the new suspended ceiling. The Conservation Officer considers that the main issue is the subdivision of an historic open plan retail space into three small spaces and the effect that would have on the character of the Listed Building from both the interior and the exterior. The two partition walls would start either side of the main entrance door which would result in a particularly narrow waiting area with a tunnel effect to the staff area and kitchen, and the loss of the open plan feel. It also materially changes the character of the Listed Building.
- 14.6 While the new partition walls would be plasterboard and screwed to the walls which would cause little damage to the materials of the historic structure, the Conservation Officer's main concern in this case is the loss of an open retail space and the ability to read the historic structure of the building if the new walls are erected. The placement of two essentially permanent walls creating three small spaces would have an effect on the character of the listed building through the alteration of its plan form.
- 14.7 Accordingly, the proposal would have a negative impact upon the character of the Listed Building both in the short term with the tunnelling effect produced from the insertion of two stud partition walls, and in the long term from the permanent loss of open plan retail space in this Listed Building.
- 14.8 The Conservation Officer has discussed with the agent whether having one permanent partition and a moveable screen on the other side of the ground floor space would be acceptable to the applicant which would allay concerns surrounding the permanent nature of some the walling. However, this has been found to be an unacceptable solution as it would not fit with the needs of the business.
- 14.9 In conclusion, while Officers sympathise with the applicants wish to find suitable premises, and has looked at ways of accommodating the space for the applicant, no solution has been found that would not impact on the fabric of the listed building. Accordingly, the proposed insertion of two permanent partitions would result in the loss of a historic open plan appearance creating an arrangement of small internal spaces within the front part of the building that would have an adverse and negative impact on the character and integrity of both the interior and exterior of the Listed Building.
- 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:

1. The proposed insertion of two permanent partitions would result in the loss of a historic open plan appearance creating an arrangement of small internal spaces within the front part of the building that would have an adverse and negative impact on the character and integrity of both the interior and exterior of the Listed Building. As such, the proposed works would impact adversely on the historic character and architectural interest of the Listed Buildings, contrary to Policy CS3 of the Core Strategy for New Forest District outside of the National Park and Policy DM1 of the Local Plan part 2: Sites and Development Management.

Notes for inclusion on certificate:

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

The applicant's agent was advised that the proposal would not be supported. The Conservation Officer discussed with the agent whether having one permanent partition and a moveable screen on the other side of the ground floor space would be acceptable to the applicant which would allay concerns surrounding the permanent nature of some the walling. However, this was not found to be an acceptable solution as it would not fit with the needs of the business.

Further Information:

Major Team
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New Forest
DISTRICT COUNCIL

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Chris Elliott
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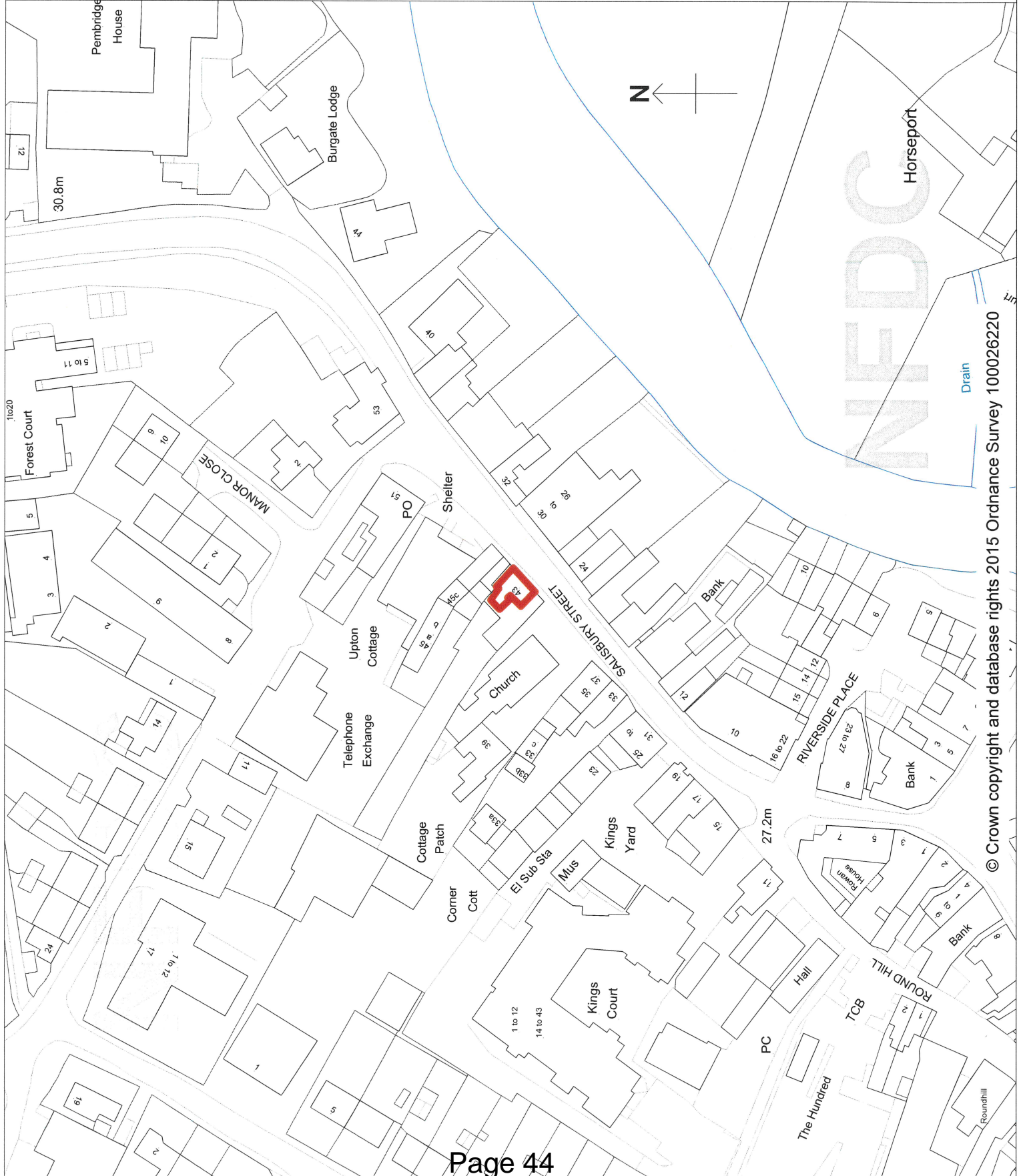
**Planning Development
Control Committee
August 2015**

Item No: 3e

43a
Salisbury Street
Fordingbridge
15/10831
SU1414

Scale 1:1250

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



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Planning Development Control Committee 12 August 2015 Item 3 f

Application Number: 15/10758 Full Planning Permission

Site: 1 BUTTS ASH AVENUE, HYTHE SO45 3RB

Development: Attached house; access

Applicant: Mrs Bailey

Target Date: 28/07/2015

1 REASON FOR COMMITTEE CONSIDERATION

To agree the waiving of the affordable housing contribution

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

- CS2: Design quality
- CS15: Affordable housing contribution requirements from developments
- CS24: Transport considerations
- CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

DM3: Mitigation of impacts on European nature conservation sites

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

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

6 RELEVANT PLANNING HISTORY

Attached house; access; parking; cycle store (14/10550) - refused 10/7/14

7 PARISH / TOWN COUNCIL COMMENTS

Hythe & Dibden Parish Council: - Recommend refusal, but would accept a delegated decision - the dwelling would be intrusive in the streetscene; there are concerns over the additional access which would be potentially hazardous at a complex junction.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

9.1 Hampshire County Council Highway Engineer:- No objection subject to car and cycle parking conditions

9.2 Land Drainage:- No objection subject to condition

9.3 Estates & Valuation:- the development would not be viable if required to make an affordable housing contribution

10 REPRESENTATIONS RECEIVED

10.1 3 letters of objection from local residents: - proposal would fail to address the objections to the development that was refused at this site in 2014; access would be dangerous; overdevelopment of plot; poor design; adverse impact on neighbour's light, outlook and privacy; concerns that development would impact on adjacent pedestrian pathway; adverse impact on local sewerage system.

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 £1,152 in each of the following six years from the dwelling's completion, and as a result, a total of £6,912 in government grant under the New Homes Bonus will be received.

From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments. Based on the information provided at the time of this report this development has a CIL liability of £8,960.00.

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

- i) Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- ii) Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
- iii) 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.
- iv) 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.
- v) 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.
- vi) 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.
- vii) When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

In this case, the application was not the subject of pre-application discussions and it is not considered that the concerns that have been identified could be reasonably resolved by negotiation.

14 ASSESSMENT

- 14.1 1 Butts Ash Avenue is a 2-storey end-of-terrace property that is located on the corner of Butts Ash Avenue and Butts Ash Lane. The property currently has a hedged boundary to Butts Ash Lane that is set behind a grass roadside verge. To the east side of the site is a short 2-storey terrace at 1-4 Firtree Grove, which is set back from Butts Ash Lane by a similar distance to the existing dwelling at 1 Butts Ash Avenue. To the west side of the site, 51 Butts Avenue is separated from Butts Ash Lane by a fairly strong green margin. This green margin to Butts Ash Lane is a fairly characteristic feature, particularly on the lane's south side.
- 14.2 Last year, an application to build a 2-storey dwelling, attached to the north side of 1 Butts Ash Avenue, was refused planning permission. The development was deemed to be harmful to the character and appearance of the area. Specifically, it was felt the dwelling would have appeared intrusive in the streetscene; it would have been of an imposing and unsympathetic appearance and out of character with the existing terrace at 1-4 Butts Ash Avenue; and the dwelling would have had an unreasonably poor setting due to the additional hardstanding and limited green garden amenity space. The development was also refused for failing to secure contributions to affordable housing, public open space and transportation improvements, and also for failing to mitigate the development's potential impact on designated European sites.

- 14.3 The application that has now been submitted also seeks to build a 2-storey dwelling, attached to the north side of 1 Butts Ash Avenue, thereby resulting in an extended terrace. As with the previously refused application, it is proposed to create a new vehicular access point onto Butts Ash Lane, as well as a separate pedestrian access point. The layout of the development would not be dissimilar to the previously refused scheme. The footprint of the dwelling has been slightly modified to create a narrower projecting gable on the north-west side of the building. The appearance and form of the dwelling has also been amended.
- 14.4 As with the previously refused proposal, the dwelling that is proposed would be very prominent in the Butts Ash Lane streetscene. It is considered that this increased prominence would not be characteristic of the immediate context, and would therefore be visually harmful. The loss of greenery resulting from the formation of new access points onto Butts Ash Lane would compound the dwelling's prominence and would result in a harmful break in the existing green frontage. The development's adverse visual impact would be further compounded by the dwelling's detailed design and appearance. The north-west elevation of the dwelling, which would front onto Butts Ash Lane would have an imposing appearance in this particular setting. The projecting central gable would have an awkward and poorly proportioned appearance, with an uncharacteristic raised eaves detail that would be materially at odds with the scale and design of the existing terrace at 1-4 Butts Ash Avenue. The pattern of fenestration and detailing on the dwelling would not reflect that on the adjacent terrace, and the result would be a dwelling that would appear as a rather incongruous addition to the existing terrace. The useable private amenity space for the proposed dwelling would also be rather limited in extent. Overall, the development would be a poor design that would not respect the site's context and, consequently, the proposal would be harmful to the character and appearance of the area.
- 14.5 The proposed development would be set sufficiently away from neighbouring dwellings as not to adversely affect their outlook, light and privacy. The front corner of the adjacent dwelling at 1 Firtree Grove would be set about 14 metres away from the rear of the proposed new dwelling. Therefore, impact on this adjacent dwelling would not be unduly harmful.
- 14.6 Concerns have been raised about highway safety. However, the Highway Engineer has not objected to the proposed access and parking arrangements. As such, it is not considered that the proposal would be detrimental to highway safety.
- 14.7 Local resident's concerns about impact on the local sewerage system are noted. However, there is no reason why this matter could not be dealt with in an adequate manner, were the application otherwise acceptable.
- 14.8 The application is one that would be expected to secure a contribution towards affordable housing (£25,070). The application is accompanied by a detailed viability assessment, which has been considered by the Council's estates and valuation team. They have concluded that it would not be viable for the development to secure any contribution to affordable housing. On this basis, it is felt that it would be reasonable to completely waive the affordable housing contribution.

- 14.9 Since the introduction of CIL, there would no longer be a requirement to secure any contributions towards public open space or transportation improvements.
- 14.10 The development is one that would have a potential impact on designated European sites that would need to be mitigated. Most of the mitigation requirement would now be likely to be met through CIL. However, an element of the required contribution (£550) that would be put towards visitor management and monitoring would still need to be secured through a Section 106 legal agreement. This remains to be completed.
- 14.11 Overall, the proposal is not considered to have adequately addressed the key design objections to the application that was refused last year. The proposed development is considered to be inconsistent with Local Plan policies and objectives. The proposed development would not be well designed or appropriate in character to its setting. The development would be detrimental to the visual amenities of the area. As such, the application is recommended for refusal.
- 14.12 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

Developers' Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings	0	0	0
Financial Contribution	£25,070	0	-£25,070
Public Open Space			
On site provision by area	0	0	0
Financial Contribution	0	0	0
Transport Infrastructure			
Financial Contribution	0	0	0
Habitats Mitigation			
Financial Contribution	£550		-£550

CIL Contribution Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses	112		112	£8,960.00

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposed development would be inappropriate to its context, and detrimental to the character and appearance of the area because:-
 - a) the proposed dwelling would appear intrusive within the Butts Ash Lane streetscene due to its uncharacteristically close proximity to that road and due to an erosion of the site's existing green frontage to that road;
 - b) the proposed dwelling would be of an imposing and unsympathetic appearance due to its size, its poorly proportioned and awkward projecting gable feature, and its detailed fenestration design, thereby resulting in a development that would be significantly at odds with the scale and character of the existing terrace at 1-4 Butts Ash Avenue;
 - c) the setting of the proposed dwelling would be unreasonably poor due to the extent of additional hardstanding and the limited green garden amenity space.

As such, the proposal would be contrary to Policy CS2 of the Core Strategy for New Forest District outside of the National Park.

2. The recreational impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area, the New Forest Ramsar site, the Solent and Southampton Water Special Protection Area, the Solent and Southampton Water Ramsar site, and the Solent Maritime Special Area of Conservation would not be adequately mitigated and the proposed development would therefore be likely to unacceptably increase recreational pressures on these sensitive European nature conservation sites, contrary to Policy DM3 of the New Forest District Local Plan Part 2: Sites and Development Management.

Notes for inclusion on certificate:

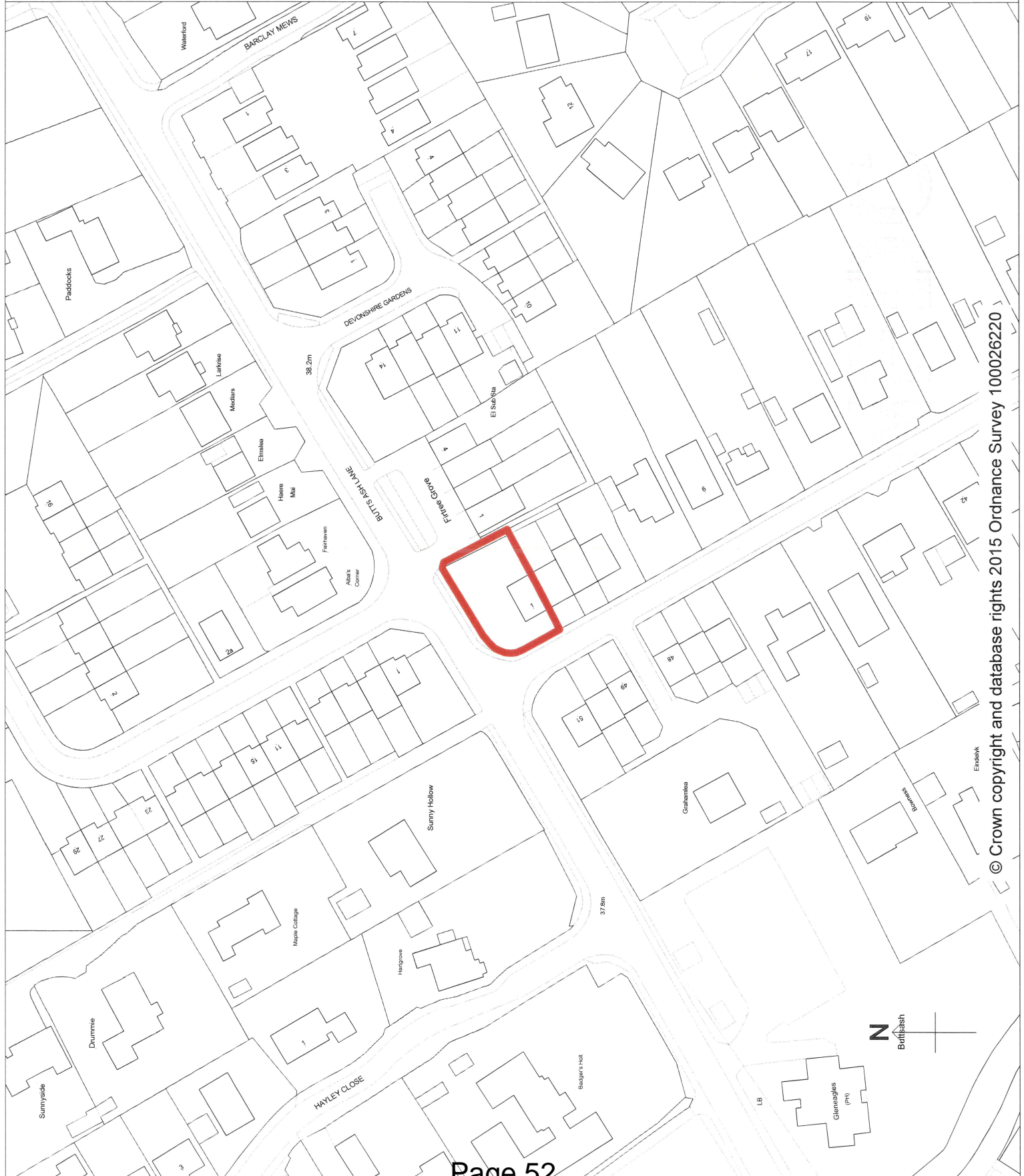
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In this case, the application was not the subject of pre-application discussions and it is not considered that the concerns that have been identified could be reasonably resolved by negotiation.

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



Planning Development Control Committee 12 August 2015

Item 3 g

Application Number: 15/10776 Full Planning Permission

Site: 123 SOUTHAMPTON ROAD, RINGWOOD BH24 1HS

Development: Outbuilding for use as ancillary living accommodation

Applicant: Mr & Mrs Silver

Target Date: 30/07/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

- CS1: Sustainable development principles
CS2: Design quality

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 2012

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

Ringwood Local Distinctiveness

6 RELEVANT PLANNING HISTORY

15/10176 Outbuilding for ancillary use. Refused 02/04/2015

05/86017 Single-storey side extension; porch; dormer & roof alterations in association with new first floor. Granted, subject to conditions 16/11/2005

7 PARISH / TOWN COUNCIL COMMENTS

Ringwood Town Council - PAR4: Recommend refusal. Members wished to re-submit comments made for the previous application, i.e. that they were unhappy that the proposed outbuilding would be visible from the public highway. Against the established pattern of development and of detriment to the amenity and the appearance of the area.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

9.1 Tree Officer – No objection. Given that the trees in the garden have relatively modest root protection areas, it is feasible that they can be safely retained if this proposal is implemented. The trees are not therefore considered to be a constraint due to the development proposals.

9.2 Land Drainage – Recommend condition requiring details of disposal of surface water as this proposal will increase the impermeable area on site.

10 REPRESENTATIONS RECEIVED

None received

11 CRIME & DISORDER IMPLICATIONS

None

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 existing detached bungalow on the site is situated on the corner of Southampton Road and Beechcroft Lane. It is set back from the corner with a reasonable degree of screening afforded by existing fencing and hedgerow. The property has been previously extended under App 05/86017, which saw the reworking of the roof form to provide first floor accommodation. Vehicular access to the site is from Beechcroft Lane with a detached garage in the north west corner of the site and driveway / parking area on the property's north and east sides. The garden area surrounds to the south and west of the site. Adjacent neighbouring properties are to the north and west of the site with a reasonable degree of detachment by virtue of their relative positioning.
- 14.2 This application proposes a new single-storey detached outbuilding on the east side of the property to be used as ancillary accommodation. It follows a previous scheme for a similar proposal under App 15/10176 which was refused for reasons of its unduly prominent visual impact, as the cumulative result of its proposed size, design and positioning. Amendments made from the original proposal see a building of reduced size, revised positioning and external materials. Of note the building has been reduced from 8m x 5m to 6.2m x 3.7m (maximum length and width), its position set back 1.2m from the roadside boundary and external materials changed from render to timber cladding.
- 14.3 This property comprises part of a mid C20 phase of development characterised by bungalow and modified chalet bungalow style dwellings, punctuated by some larger older two storey dwellings and those as a result of subsequent redevelopment. It is located on an island of dwellings between Southampton Road, Beechcroft Lane and Fieldway which although not having a uniform building line have an established set back in their relationship with the highway, an integral part of the character of the street scene.
- 14.4 Given its positioning the proposed new building would encroach into this space and, as such, would be at odds with the established layout of development. However, taken alone this may not necessarily be

unacceptable for an outbuilding and it is noted that the previous scheme was refused on the basis of the cumulative impact of the size and design of building proposed in this location. The design alterations made in the reduction in the size of the building, set back from the boundary and change in external materials would notably reduce its visual prominence. This would be assisted by the retention of the boundary fence and existing vegetation. Although the building would be forward of the established building line and visible in the street scene, as a result of its overall scale, position and detailed design it is considered that, on balance, it would be acceptable in its visual impacts

- 14.5 Due to the separation from neighbouring residential premises and the single storey nature of the proposed building, it would not result in any significant adverse impacts on the residential amenity of neighbouring occupiers.
- 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: Diagram 1; Diagram 2; Diagram 3 (Amended 23/06/15).

Reason: To ensure satisfactory provision of the development.

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

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

4. The development hereby approved shall not be occupied at any time other than for purposes which form an integral part of the existing planning unit as indicated as being within the red line on the approved location plan received by the Local Planning Authority on the 23/06/2015, as a single dwelling unit.

Reason: The accommodation is not considered suitable for separate use due to its relationship with neighbour dwellings and the potential impacts on the living conditions of neighbouring and resident occupiers contrary to Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

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

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

Notes for inclusion on certificate:

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

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

2. This decision relates to amended plans received by the Local Planning Authority on 23/06/2015

Further Information:

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DISTRICT COUNCIL

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**Planning Development
Control Committee**
August 2015

Item No: 3g
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