



## NOTICE OF MEETING

**Meeting:** PLANNING DEVELOPMENT CONTROL COMMITTEE

**Date and Time:** WEDNESDAY, 6 MAY 2015, AT 9.00 AM\*

**Place:** THE COUNCIL CHAMBER, TOWN HALL, LYMINGTON

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

### **PUBLIC PARTICIPATION:**

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

**Dave Yates**  
**Chief Executive**

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

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

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## AGENDA

### **Apologies**

#### **1. MINUTES**

To confirm the minutes of the meeting held on 8 April 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) **Solent House, 5 Bath Road, Lymington (Application 14/11785) (Pages 1 - 8)**  
Use as 1 residential unit (Use Class C3)  
**Recommended:** Planning consent subject to conditions.
- (b) **Golden Hill Cottages, Hare Lane, Hordle (Application 15/10064) (Pages 9 - 16)**  
Variation of conditions 3 & 4 of planning permission 13/11416 to allow revised access and landscaping details.  
**Recommended:** Planning consent subject to conditions.
- (c) **Drove End Farm, Drove End, Martin (Application 15/10085) (Pages 17 - 26)**  
House; detached garage; access; parking; landscaping; demolition of existing – amendments to planning permission 99534 to include the siting of detached garage and the addition of an orangery.  
**Recommended:** Head of Planning and Transportation authorised to grant planning consent.
- (d) **1 Malwood Road West, Hythe (Application 15/10262) (Pages 27 - 34)**  
One and two-storey extension; single-storey front extension.  
**Recommended:** Planning consent subject to conditions.
- (e) **10a The Parade, Ashley Road, Ashley, New Milton (Application 15/10280) (Pages 35 - 40)**  
Use of building as offices.  
**Recommended:** Planning consent subject to conditions.
- (f) **47 Parsonage Barn Lane, Ringwood (Application 15/10271) (Pages 41 - 46)**  
Two-storey side and rear extension; single-storey rear extension; front porch; pitched roof over garage.  
**Recommended:** Planning consent subject to conditions.
- (g) **16 Linden Way, Pennington, Lymington (Application 15/10222) (Pages 47 - 52)**  
Raise ridge height; two-storey front and rear extension; front and rear dormers; rooflights; single-storey side extension.  
**Recommended:** Refuse.

(h) **2 Daniells Close, Lymington (Application 15/10137) (Pages 53 - 58)**

Front dormers in association with new first floor; roof alterations; rear extension; front porch; fenestration alterations.

**Recommended:** Refuse.

(i) **110 Calmore Road, Totton (Application 15/10132) (Pages 59 - 66)**

One and two-storey side extensions; first floor rear extension; front bay window with porch canopy; first floor side bay window.

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

(j) **South Lodge, 52 Church Lane, Lymington (Application 15/10249) (Pages 67 - 72)**

Single-storey rear extension; porch; detached double garage with store over.

**Recommended:** Refuse.

(k) **Stoney Stack, 17 Ashley Lane, Hordle (Application 15/10040) (Pages 73 - 78)**

Retention of single-storey extension.

**Recommended:** Planning consent.

(l) **Pinetops Nurseries, Ramley Road, Pennington, Lymington (Application 15/10290) (Pages 79 - 96)**

Development of 47 dwellings comprised; 1 terrace of 3 houses; 12 pairs of semi-detached houses; 1 terrace of 4 bungalows; 13 detached houses; 3 semi-detached bungalows; single and double garages; associated parking; access roads; footpaths; open space; landscaping; demolition of existing.

**Recommended:** Head of Planning and Transportation authorised to grant planning consent.

**4. LAND AT 4, 5 AND 7 HIVES WAY, LYMINGTON (EN/14/0762, EN/14/0531 AND EN/14/0533) (Pages 97 - 104)**

To consider whether to take enforcement action against:

- The removal of boundary fences from the rear gardens
- The erection of 1.8 metre high close boarded fences to the rear
- The enclosure of open space
- The change of use of land to residential garden
- The removal of tree screen and hedgerow.

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

**To:**

**Councillors:**

**Councillors:**

Mrs D E Andrews  
Mrs S Bennison  
G F Dart  
C J Harrison  
Mrs A Hoare (Chairman)  
C Lagdon  
Mrs M E Lewis  
J Penwarden  
A W Rice  
W S Rippon-Swaine

Mrs A M Rostand  
Miss A Sevier  
M D Southgate  
A J Swain  
M H Thierry  
R A Wappet  
Mrs C V Ward  
Mrs B M Woodfield (Vice-Chairman)  
P R Woods  
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.

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**Application Number:** 14/11785 Full Planning Permission

**Site:** SOLENT HOUSE, 5 BATH ROAD, LYMINGTON SO41 3RU

**Development:** Use as 1 residential unit (Use Class C3)

**Applicant:** Mr Osmond

**Target Date:** 12/03/2015

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## 1 REASON FOR COMMITTEE CONSIDERATION

Previous Committee Consideration, Item A12 - March 2015

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up area, Conservation Area, Grade II Listed Building

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

#### Objectives

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

#### Policies

- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS6: Flood risk
- CS7: Open spaces, sport and recreation
- CS15: Affordable housing contribution requirements from developments
- CS17: Employment and economic development
- CS24: Transport considerations
- CS25: Developers contributions

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

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

## 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 Change of use from residential to office accommodation (29660) - granted 6/8/85

6.2 Relief of Condition 2 on PP29660 (56918) - granted 13/7/95

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

Lymington & Pennington Town Council:- recommend permission

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

9.1 Hampshire County Council Highway Engineer:- no objection

9.2 Natural England:- No objection

9.3 Environmental Health (contaminated land):- No concerns

9.4 Land Drainage:- No comment

9.5 Policy: - No objection to the loss of an employment use given the small amount of employment floorspace lost and the residential character of the premises.

9.6 Environmental Design (Conservation & Design):- No objection to residential use

## **10 REPRESENTATIONS RECEIVED**

None

## **11 CRIME & DISORDER IMPLICATIONS**

No relevant considerations

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission and the dwelling formed, the Council will receive £1152 in each of the following six years from the dwelling's completion, and as a result, a total of £6912 in government grant under the New Homes Bonus will be received.

From the 6th April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments. Based on the information provided at the time of this report this development has a CIL liability of £0.00 because no new floorspace is proposed and the property was previously in office use..

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

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

This is achieved by

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

In this case all the above apply and as the application was acceptable as submitted (subject to small scale amendments) no specific further actions were required.

## **14 ASSESSMENT**

### Introduction

- 14.1 This application was considered at the March 2015 Planning Development Control Committee. The March Committee report is set out in the following paragraphs 14.1.1 to 14.1.8.
- 14.2 At the Committee Meeting it was resolved that the Head of Planning and Transportation be authorised to grant planning permission until 30th March 2015 and if permission had not been granted by that time, the Head of Planning and Transportation was authorised to refuse permission. Although the requisite Section 106 legal agreement was completed before 30th March 2015, a decision to grant planning permission was not then, unfortunately, issued within the requisite timescale. As such, it has been necessary to bring this application back to the May meeting for a final decision.
- 14.3 Since the application was considered by the March Meeting, the Council has begun to apply the Community Infrastructure Levy (CIL). The proposed development is potentially CIL liable, although in this case, the applicants have provided appropriate evidence to show that there would

be no increase in floorspace, given that there has been a recent active B1 use within the building. Accordingly, it is not considered this proposal would be liable to pay any CIL contributions and, as such, the requirements of the completed Section 106 legal agreement (which only covers habitat mitigation) would continue to apply.

- 14.4 Overall, it is regrettable that permission was not granted within the previously agreed timescales, but given the completed Section 106 legal agreement, it is considered that planning permission can now be reasonably granted for this proposal subject to the previously agreed conditions.

#### March Committee Report

- 14.1.1 Solent House is a Grade II Listed building within the Lymington Conservation Area. The building, which is 2-storeys high and detached, is set back from Bath Road. The building is currently vacant, but its most recent use has been as a B1 office. The property now has only a limited garden area to the rear. The surrounding area is comprised of a mix of commercial and residential properties.
- 14.1.2 The submitted application seeks to change the use of the building back to a single dwelling. No external alterations to the building are proposed. Internal alterations are the subject of a separate application for Listed Building Consent.
- 14.1.3 Core Strategy Policy CS17 seeks to keep all existing employment sites and therefore as this proposal would result in the loss of a B1 office it would not accord with this policy. However, in this case there are considered to be a number of factors that would support a residential conversion. Firstly, were the application building not a Listed Building it would now be possible to convert the building to a dwelling under permitted development rights (subject to the submission and approval of a Prior Approval application). Secondly, the building was historically a dwelling and was in residential use as recently as the mid 1980s. Thirdly, the existing B1 office permission was personal to "The Anaesthetics Agency" meaning that the building cannot be used for a more general B1 office use without an application to remove a previous planning condition. Fourthly, there would be benefits in a residential conversion as historic buildings such as this are generally best used for their original purpose. Taking all of these factors together it is felt that a residential conversion is fully justified.
- 14.1.4 The residential conversion that is proposed could take place without detriment to the heritage interest of the Listed Building or the character and appearance of the Lymington Conservation Area. Furthermore, the proposed conversion would not have a material impact on the amenities of neighbouring properties.
- 14.1.5 The creation of an additional dwelling would generally be expected to secure contributions to affordable housing and public open space in line with Core Strategy policies. In this case the target affordable housing contribution would be £45,900 and the target contribution to public open space would be £3504.90p. However, were the building not Listed then neither of these contributions would be required because permitted development rights would apply. It is felt unreasonable to require an

applicant to make contributions to affordable housing and public open space simply as a result of the building's listed status. Therefore, it is felt that these contributions should both be waived.

14.1.6 The provision of an additional dwelling would potentially result in increased recreational use of designated European sites. There is therefore considered to be a need for this impact to be mitigated. A mitigation contribution of £4250 would be appropriate in this instance. Because such a contribution would also be required under the prior approval procedure, it is felt the need for this contribution is fully justified. At the time of writing, the applicants have yet to secure this contribution by means of a completed Section 106 legal agreement.

14.1.7 Overall, the proposed development is considered to be consistent with Local Plan policies and Core Strategy objectives that seek to ensure that new development is well designed and sympathetic to its setting. The loss of an employment site is considered justified by the site's planning history, by recent changes to national planning legislation and by the resulting heritage benefits of this proposed conversion.

The development would not harm the amenities of the wider area and there is considered to be a reasonable justification to waive contributions to affordable housing and public open space. As such, the application is recommended for permission.

14.1.8 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.

### Developers' Contributions Summary Table

<b>Proposal:</b>			
<b>Type of Contribution</b>	<b>NFDC Policy Requirement</b>	<b>Developer Proposed Provision</b>	<b>Difference</b>
<b>Affordable Housing</b>			
No. of Affordable dwellings	0	0	0
Financial Contribution	£45,900	0	-£45,900
<b>Public Open Space</b>			
On site provision by area	0	0	0
Financial Contribution	£3504.90p	0	-£3504.90p
<b>Transport Infrastructure</b>			
Financial Contribution	0	0	0
<b>Habitats Mitigation</b>			
Financial Contribution	£4250	£4250	0

## 15. RECOMMENDATION

### Grant Subject to Conditions

#### Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: 1405\_PP-001 (amended version received 02/02/15), 1405\_PP-002 (amended version received 02/02/15), 1405\_PP-008\_col, 1405\_PP-010 (amended version received 20/02/15), 1405\_PP-011, 1405\_PP-005, 1405\_PP-006, 1405\_PP-007.

Reason: To ensure satisfactory provision of the development.

#### 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 (subject to small scale amendments) no specific further actions were required.

#### Further Information:

Major Team  
Telephone: 023 8028 5345 (Option 1)



# New Forest DISTRICT COUNCIL

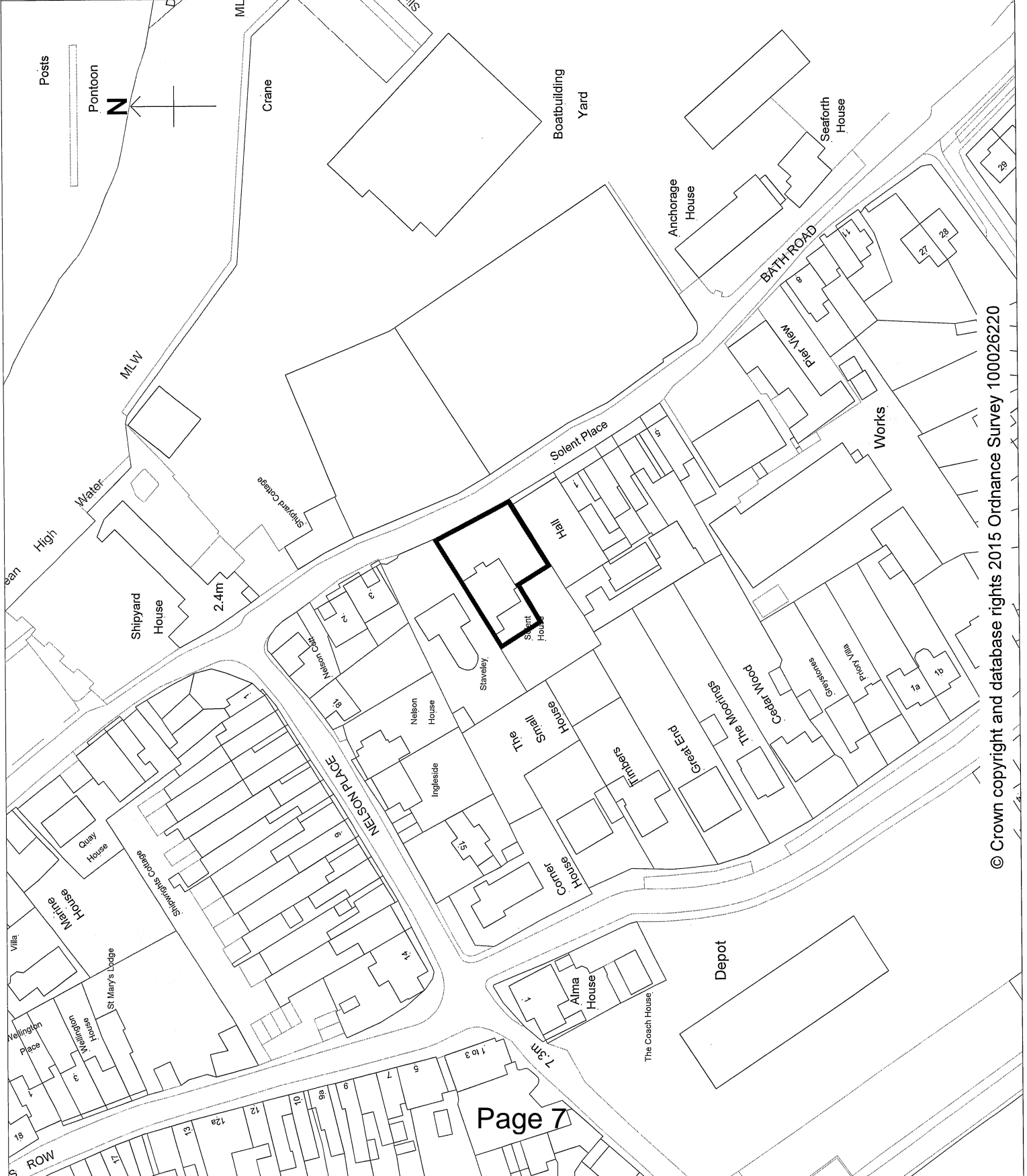
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Chris Elliott  
Head of Development Control  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

Planning Development  
Control Committee  
May 2015

Item No: 3(a)  
Solent House  
5 Bath Road  
Lymington  
App No 14/11785  
SZ3295

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



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**Application Number:** 15/10064 Variation / Removal of Condition

**Site:** GOLDEN HILL COTTAGES, HARE LANE, HORDLE SO41 0GE

**Development:** Variation of Conditions 3 & 4 of Planning Permission 13/11416 to allow revised access and landscaping details

**Applicant:** Heatherdene Properties Limited

**Target Date:** 16/03/2015

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## 1 REASON FOR COMMITTEE CONSIDERATION

Previous Committee consideration (Item A04 8th April 2015)

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

#### Objectives

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

#### Policies

- CS1: Sustainable development principles  
CS2: Design quality

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

None relevant

## 4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

## 5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

Hordle Village Design Statement

## 6 RELEVANT PLANNING HISTORY

- 6.1 14/10787 - variation of condition 3 of 13/11416 to allow revised landscaping scheme. Refused 14.8.14
- 6.2 13/11416 - 3 houses, detached garage, new access, associated parking. Granted 9.1.14
- 6.3 12/98418 - 3 houses; detached garage; new access; associated parking and communal store area; demolition of existing. Granted 8.10.12
- 6.4 10/96345 - 3 houses; detached garage; new access; associated parking and communal store area; demolition of existing. Granted 23.12.10

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

Hordle Parish Council - recommend refusal and would not accept a delegated approval. The PC gave some land to the developers, requiring them to provide a footpath along the length of the site. The proposal doesn't show this and it would result in a risk to pedestrian safety. They request an invitation to attend any future meetings.

## **8 COUNCILLOR COMMENTS**

Cllr Tinsley - objects. Supports the Parish Council views, there has been inadequate consultation with the PC and it doesn't address the safety issues of the footpath.

## **9 CONSULTEE COMMENTS**

- 9.1 Hampshire County Council Highway Engineer - no objection subject to condition
- 9.2 Drainage Engineer - no comment
- 9.3 Environmental Health (Contamination) - request condition

## **10 REPRESENTATIONS RECEIVED**

Objections have been received from three local residents concerned with:

- doesn't provide the required footpath
- pedestrians will be at risk
- kerb should not be flush with the road
- surfacing should be better than the existing
- approved scheme should be enforced
- countryside kerb not appropriate in an urban area
- reasons why original scheme hasn't been implemented haven't been provided
- a footpath the length of the site should be built

A further response was received from one of the residents amplifying their concern regarding the loss of a footpath along the whole of the site's frontage.

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

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

### 13 WORKING WITH THE APPLICANT/AGENT

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

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

### 14 ASSESSMENT

#### Post April Committee update

This application was deferred by the Planning Development Control Committee at their meeting held on 8th April 2015 as Members required additional information to be provided about the location of the footpath as originally approved. This is set out below

Permission was initially granted for three dwellings on this site in 2010 (10/96345) with the landscaping agreed at the time of granting (drawing 10006 SP3 A) and a condition placed on the approval requiring its implementation. A subsequent scheme, identical in terms of the proposal but with a reduced rate of financial contributions (12/98418) was approved with a condition requiring landscaping to be submitted. The previously approved plan was submitted and approved as a discharge of condition on September 24th 2013. It is under this application reference that the development was commenced.

Application 13/11416 proposed some elevational changes to the approved

dwellings and approval was granted subject to the approved landscaping scheme being implemented (condition 3). The design of the dwellings follows this approval although the landscaping was not implemented as required. Application 14/10787 was submitted to address the discrepancies between approved and implemented landscaping and was not found to be acceptable. The current scheme is trying to address this remaining concern. In essence the same landscaping scheme has been approved on three occasions, that implemented on site was recently refused permission and this current proposal seeks to address the concerns raised.

The April Committee report is set out in the following paragraph 14.1 to 14.10.

- 14.1 The site lies within but at the edge of the built up area of Hordle opposite Golden Hill. It has been developed with three detached houses which are all understood to be occupied. The approved landscaping scheme included a footpath along the front of the site with a hedgerow behind to replace the mature boundary hedge which used to run along the front of the site prior to works commencing. This landscaping was not provided in full and a subsequent application to retain the works implemented failed in 2014. This proposal follows enforcement action, in view of the highway safety issues which have arisen due to gravel migrating onto the highway and a site meeting to discuss the way forward.
- 14.2 The proposal entails the provision of a kerb bound hoggin footpath to the south section of the site, the retention of a wider vehicular access, relocation of the bin collection point and the reinstatement of the bank with planting to the northern section of the site. An existing close boarded fence, which was provided across the previously approved pedestrian access to the site, would be retained and planting, to soften its impact, provided in front. Additional hedge planting would be provided to the south of the access in front of plot 3. Described as a variation of condition application, the proposal seeks agreement for the stopping up of the former access and revised landscaping details.
- 14.3 Visually, the site was well screened prior to any development taking place and was bound by a mature mixed hedge on a bank above road level. There was no footpath. During the course of several applications for the redevelopment of the site, it was agreed that the hedge could come out subject to it being replaced behind the visibility splays. Some hedge planting has taken place, although it will be some time before it matures. To the south of the site, ornamental planting has occurred, which is not considered to be appropriate. The current proposal would replace this inappropriate planting with additional mixed hedge planting. Other ground cover planting on the bank adjacent to plot 3 would be retained.
- 14.4 The section of footpath implemented to the north of the access, behind the electricity posts, is inappropriate in view of the cut away bank which is not supported with any sort of retaining mechanism and could be dangerous. Further, it is not suitable for wheelchair or pram use due to its restricted width. Reinstating the bank would be a preferable option - the approved landscaping did not fully take the electricity/BT posts and associated stays into consideration and would not have been possible to implement without their relocation - and the highway authority has accepted that there will not be a footpath along this section of the site.
- 14.5 The provision of the close boarded fence to the north of the site is unfortunate given the previous boundary treatment and approved landscaping. However, it is hoped that with the right maintenance, the

proposed planting will mature to provide a softer edge to the development.

14.6 The Highway Authority has not raised any objections to the revised scheme, subject to a condition relating to the kerb details.

14.7 It is understood that there is much concern locally with regard to the loss of the proposed footpath. As stated above, prior to works commencing, there was no footpath along this section of Hare Lane. The original approved scheme and subsequent landscaping included a footpath along the boundary or slightly within the site for all but around 8/9m to the north of the site. The proposal would provide approximately 24m of footpath with a further 13.5m of hard surface across the vehicular access to the site, a total of 37.5m of safe access which is more than was available previously. In addition to this, improvements have been made to road safety at the junction of Hare Lane and Ashley Lane through the closure of the slip road in front of properties to the north of the site.

14.8 One reason for concern relates to the Parish Council's transfer of land to the developer in order for a footpath to be provided. It is unclear where this land is as the Parish Council does not appear to have had notice served on them for any application with ownership of the site being the applicant. The comment made by the Parish Council with regard to the deed of covenant is not a planning matter.

14.9 It is understood that the landscaping scheme originally agreed has been partially implemented where adjacent to the dwellings and in their rear gardens. The changes to the frontages of the houses and the associated drive area are minimal and subject to appropriate maintenance of the new hedge would be screened in the future. The Highway Authority is satisfied that the proposed scheme would not adversely affect highway safety and, subject to conditions relating to the further implementation and maintenance of the soft landscaping and details of the proposed footpath, approval is recommended.

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

## **15. RECOMMENDATION**

### **GRANT the VARIATION of CONDITION**

#### **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. Materials shall be as approved by the Council's decision letter dated September 12th 2013.

Reason: In the interests of the visual amenities of the area and in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

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

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

4. The visibility splays of 2.4 metres by 21 metres at the junction of the proposed private shared drive with Hare Lane shall be kept free of any obstacles over 600mm in height at all times.

Reason: In the interest of highway safety and in accordance with Policies CS1 and CS10 of the Core Strategy for the New Forest District outside the National Park.

5. The drainage shall be implemented and maintained in accordance with the details approved by the Council's decision letter of September 3rd 2013.

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

6. In the event that contamination is found at any time when carrying out the approved development that was not previously identified under application 98418, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 9 of 98418, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 10 of 98418, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 11 of 98418.

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

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

7. No development shall start on site until details of the construction of the proposed footway, including kerbing, have been submitted to and approved in writing by the Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise first agreed in writing by the Planning Authority.

Reason: To ensure that the roads and footpaths are constructed to a satisfactory standard and in accordance with policy CS2 of the New Forest District Council Core Strategy.

8. The development permitted shall be carried out in accordance with the following approved plans: 13004-A-PL07 Rev B, 13004-PL08 Rev A and 13004-PL09 Rev A.

Reason: To ensure satisfactory provision of the development.

**Notes for inclusion on certificate:**

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

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

**Further Information:**

Major Team  
Telephone: 023 8028 5345 (Option 1)



Chris Elliott  
Head of Development Control  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

**Planning Development  
Control Committee  
May 2015**

**Item No: 3(b)**

Golden Hill Cottages  
Hare Lane  
Hordle

App No 15/10064  
SZ2695

Scale 1:1250

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scale.



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Planning Development Control Committee 06 May 2015

Item 3 (c)

**Application Number:** 15/10085 Full Planning Permission

**Site:** DROVE END FARM, DROVE END, MARTIN SP6 3JT

**Development:** House; detached garage; access; parking; landscaping; demolition of existing- amendments to planning permission 99534 to include the siting of detached garage and the addition of an orangery.

**Applicant:** Mr Sharpe

**Target Date:** 29/04/2015

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## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council View and contrary to policy in part

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside outside the New Forest  
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
3. Housing
7. The countryside
8. Biodiversity and landscape

### Core Strategy

CS2: Design quality  
CS10: The spatial strategy

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

DM2: Locally designated sites of importance for nature conservation  
DM21: Residential development in the countryside

## 4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

## 5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

**6 RELEVANT PLANNING HISTORY**

House, detached garage, demolition of existing (99534) Granted with conditions on the 7th Feb 2013

**7 PARISH / TOWN COUNCIL COMMENTS**

Martin Parish Council: Recommend refusal. The size of the proposed orangery/conservatory would have an adverse impact on the setting and character of the existing dwelling and would be out of keeping with the agricultural character of the area for which the property was intended.

**8 COUNCILLOR COMMENTS**

None

**9 CONSULTEE COMMENTS**

9.1 Ecologist: Comments awaited

**10 REPRESENTATIONS RECEIVED**

None

**11 CRIME & DISORDER IMPLICATIONS**

No relevant considerations

**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. Whilst the development is over 100sqm GIA under Regulation 42A developments within the curtilage of the principal residence and comprises up to one dwelling are exempt from CIL. As a result, no CIL will be payable provided the applicant submits the required exemption form.

**13 WORKING WITH THE APPLICANT/AGENT**

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

This is achieved by

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

applications through the availability of comments received on the web or by direct contact when relevant.

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

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 Drove End Farm lies to the northern end of Martin at the junction between Martin Drove End and the A354. The application site is approximately 0.175 hectares and lies within the countryside and Area of Outstanding Natural Beauty. On the site there is a single detached dwelling house, with the rest of the land being overgrown with trees, grass and vegetation. The existing dwelling at Drove End Farm is positioned on the corner of the two roads, with the main access gained from the A354. The existing building is a modest traditional cottage, with chimneys on either end. It is a well proportioned building and has its ridge running parallel with the A354. The site forms part of a small settlement of three properties at the Martin Drove End crossroads with the A354 dual carriageway, including Cote House and Sundown Farm.
- 14.2 Planning permission was recently granted under reference 99534 to demolish the existing dwelling and to replace it with a two storey dwelling and detached garage together with a new access. The approved dwelling would be sited in a different location than the existing dwelling to be demolished. Works have commenced to build the new dwelling but the existing dwelling still remains. As part of the approval, a Section 106 Agreement was completed to ensure that the existing dwelling is demolished before the new dwelling is occupied. The existing dwelling has not yet been demolished on the site because the survey work revealed the presence of an active bat roost in the building.
- 14.3 This current planning application is an amendment to that previously approved under reference 99534. There are two changes, one is the detached garage would be sited further away from the A354 and not on the footprint of the existing dwelling. It is also now proposed to construct an orangery on the side of the dwelling. There are no other changes proposed. In terms of the changes to the garage, the approved garage under planning reference 99534 was sited on the position of the existing dwelling. Due to bats occupying the building, the existing house cannot be demolished at this time and this revised proposal seeks to re-site the detached garage away from the existing house to enable the garage to be constructed to provide bat mitigation in the way of new bat roosts inside the new garage. The proposed garage has been re-orientated so that the side elevation and gable end faces onto Martin Drove End. An

updated bat report has been provided.

- 14.4 In assessing the changes made to the detached garage it is considered that re-siting it closer to the proposed dwelling would be appropriate and would not have any adverse impact on the character of the area. There would be a reduction in the length of the driveway which would be an improvement, and overall it is considered that the garage would have a better relationship with the proposed dwelling.
- 14.5 In terms of the proposed orangery, this is proposed to be sited on the side elevation of the dwelling. The proposed structure would rise to 2.6 metres high constructed with half brick to match the dwelling and have a flat roof with a roof lantern.
- 14.6 In policy terms, Policy DM20 is applicable and relates to residential development in the countryside. The Policy states that the replacement of a dwelling is acceptable providing that the design, scale and appearance are in keeping with the rural character of the area and the floor space should not be increased by more than 30% of the original dwelling. The policy does have some flexibility in terms of proposed additional floorspace in that the sub text states that, in considering proposals for a conservatory, some flexibility may be applied in implementing the 30% limit to cumulative extensions, having regard to the impact of the proposal on the setting of the dwelling and character of the area.
- 14.7 In this case, the design, appearance and siting of the replacement dwelling has been accepted following the grant of planning permission and it should be noted that the full 30% was utilised. This current application only concerns the proposed orangery which would have a floor area of 19.4 square metres. The proposed orangery does not have a fully glazed roof and there are large areas of brick work on the lower sections of the building.
- 14.8 From a technical point of view, the proposed orangery does not meet the definition of a conservatory and accordingly, the proposal is not strictly in accordance with the policy. However, the proposed orangery does have large areas of glazing on all three sides and a roof lantern that projects above the flat roof. A small increase in the level of glazing would mean that the proposal accords with the criteria. However, the quality of this design, subject to detailing, would be more appropriate than the design of a typical conservatory that would have more glazing. It is considered that the design and appearance of the orangery would be more appropriate than a standard conservatory and its design would have a much more traditional appearance that would complement the character of the dwelling. Accordingly, while the proposal is not strictly in accordance with the policy, the proposal would not have an adverse impact on the character of the dwelling or character of the area and a reason for refusal on these grounds would be difficult to substantiate at appeal.
- 14.9 On all other matters the proposal is acceptable. The proposal would not have an adverse impact on the living conditions of the adjoining or neighbouring properties. The Ecologist raises no objection to the proposal subject to condition.
- the Council's Ecologist does not raise an objection on the grounds that the habitat regulations tests of alternative solutions have been appropriately met and are set out in the applicant's Ecological Consultant's report.

- The Ecological Report states that there are bats in the existing cottage and the building is in a derelict condition and likely to deteriorate resulting in a collapse of the roof and desertion of the roost by the bats. Renovation of the cottage to meet modern standards would be financially unviable. The cottage is derelict and not fit for human occupation and is very close to a main road.
- The proposed new house will provide quiet accommodation that meets modern living standards for a family in rural surroundings.
- The Report states that the favourable conservation status of the bats on the site will be monitored. The dedicated new roost will be suitable for bats and will be located very close to the site of the existing roost.
- The Council's Ecologist concludes that provided development takes place in accordance with the mitigation/compensation measures proposed in the Ecological Report, the conservation status of the species concerned can be maintained.

- 14.10 This application requires a new Section 106 Agreement to secure the demolition of the existing dwelling prior to the dwelling hereby approved being occupied. The Section 106 Agreement is currently progressing.
- 14.11 In conclusion it is considered that the proposed amendments made in this application, which include the re-siting of the detached garage closer to the dwelling and the addition of an orangery to the building, would be acceptable and would be in keeping with the character and appearance of the existing building and the rural character of the area.
- 14.12 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

#### CIL Contribution Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses	156.7	105.9	50.8	£0.00

#### 15. RECOMMENDATION

That the Head of Planning and Transportation be **AUTHORISED TO GRANT PERMISSION** subject to:

- i) the completion, by 30th August 2015, of a planning obligation entered into by way of an Agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure the demolition of the existing dwelling before the new dwelling is occupied.
- ii) the imposition of the conditions set out below.

#### Conditions to be attached to any consent:

1. Notwithstanding the provisions of the Town and Country Planning (General

Permitted Development) Order 2015 (or any re-enactment of that Order) no extension (or alterations) otherwise approved by Classes A, B or C of Part 1 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.

Reason: To ensure the dwelling remains of a size which is appropriate to its location within the countryside and to comply with policy DM20 of the Local Plan Part 2 Sites and Development Management New Forest District outside the National Park.

2. The development permitted shall be carried out in accordance with the following approved plans: 3884-P-01 Rev B, 3884-P-06 Rev B, 3884-P-05 Rev B, 3884-P-04 Rev B, 3884-P-02 Rev B, 3884-P-03 Rev B.

Reason: To ensure satisfactory provision of the development.

3. Notwithstanding the provisions of the Town and Country Planning General Development Order the existing vehicular access to the site onto the A354 shall be stopped up and abandoned. The verge crossing shall be reinstated to the satisfaction of the Local Planning Authority, immediately after completion of the new access in accordance with drawing reference number MPN MDE unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of highway safety and to comply with Policy CS24 of the Core Strategy for the New Forest District outside the National Park.

4. Any gates provided should be located at least 5 metres back from the edge of the highway boundary and should open inwards away from the highway.

Reason: In the interests of highway safety and to comply with Policy CS24 of the Core Strategy for the New Forest District outside the National Park.

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

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

6. The orangery shall only be constructed to the design and materials shown on the approved plans. No alteration shall subsequently be made to the external walls and roof of the building, notwithstanding the provisions of the Town and Country Planning Act 1990 or the Town and Country Planning (General Permitted Development) Order 1995.

Reason: Permission would not normally have been granted for an addition to this property as this would have been contrary to policy DM20 of the Local Plan Part 2 Sites and Development Management New Forest District outside the National Park. The Local Planning Authority considers that an exception could

reasonably be made for an orangery of the size and type proposed as this would only serve as secondary accommodation rather than as part of the living space of the dwelling.

7. The development hereby approved shall only be constructed from the following materials unless otherwise agreed in writing by the Local Planning Authority:

- Roof tile: For dwelling - Sussex blend handmade clay tile - Sandtoft  
For orangery flat roof with roof lantern
- Brick squoins and stretcher panels: Hoskins Old Farmhouse code 60
- Flint blocks: Antique un-knapped details
- Fencing: Tornado R13/120/8
- Timber casement sash windows: Heritage in pale green

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.

8. The landscaping scheme shall be implemented in accordance with the submitted landscaping planting details and plan drawing reference number 1758 -201 Rev B and MPN MDE, including details of gates, by the end of the first planting and seeding seasons following the completion of development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.

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

9. The development hereby approved shall be implemented and only take place in accordance with the surface water drainage details submitted under drawing reference numbers 1758-200 A, 1758-202 A; 1758-203 A; 1758-204 A and calculations from percolation tests unless otherwise agreed in writing by the Local Planning Authority.

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

10. Development hereby approved shall be fully carried out in accordance with the details and recommendations for mitigation/ compensation measures as set out in the Bat Mitigation Method Statement and Bat Survey Report by Chalkhill Environmental Consultants dated the 28th March 2015 unless otherwise agreed by the Local Planning Authority.

Reason: To safeguard protected species in accordance with Policy CS3 of the Core Strategy for the New Forest District outside the National Park.

**Notes for inclusion on certificate:**

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

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

**Further Information:**

Major Team

Telephone: 023 8028 5345 (Option 1)





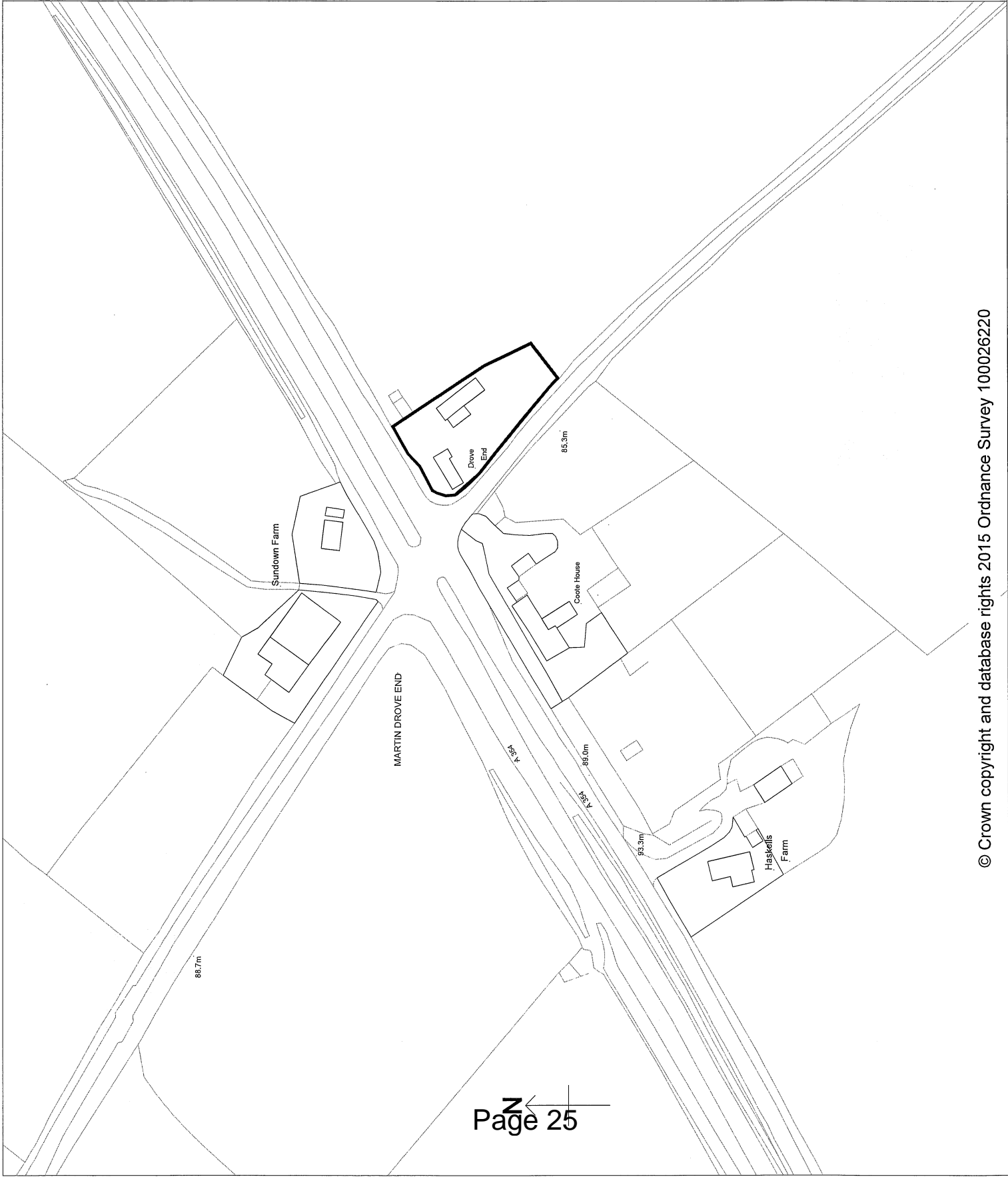
Chris Elliott  
Head of Development Control  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

**Planning Development  
Control Committee  
May 2015**

**Item No: 3(c)**  
Drove End Farm  
Drove End  
Martin  
App No 15/10085  
SU0421

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scale.



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Planning Development Control Committee 06 May 2015

Item 3 (d)

**Application Number:** 15/10262 Full Planning Permission

**Site:** 1 MALWOOD ROAD WEST, HYTHE SO45 5DB

**Development:** One & two-storey rear extension; single-storey front extension

**Applicant:** Little Shipmates

**Target Date:** 30/04/2015

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## 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  
CS8: Community services and infrastructure  
CS24: Transport considerations

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

No relevant policies

## 4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

## 5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

None

## 6 RELEVANT PLANNING HISTORY

- 6.1 Change of Use to Day Care Nursery (0-5 years) - granted 17/7/00
- 6.2 Erection of conservatory & relief of condition 1 of PP 69062 which limits number of children attending at one time to 30 (01/72366) - granted temporary permission 22/8/01
- 6.3 Variation of condition 1 of planning permission 69062 to allow the number

of children to increase from 30 to 40 (02/75565) - granted 9/9/02

- 6.4 Increase number of children to not more than 50 (variation of condition 1 of PP 75565) - granted temporary permission 7/4/03
- 6.5 Increase number of children to not more than 50 (partial relief of condition 1 of PP 77296) - granted 14/5/04
- 6.6 Variation of Condition 1 of Planning Permission 04/80956 to allow 60 children at any one time; first floor extension; single-storey infill extension (14/10582) - granted 10/7/14

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

Hythe & Dibden Parish Council:- Recommend refusal. The application site is adjacent to a multi-way extended junction and considers that the current levels of on-street parking, when children are being picked up and dropped off, are detrimental to road safety and neighbouring residents. If permission were granted would like to see further traffic management investigations.

## **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 Engineer:- No comment

## **10 REPRESENTATIONS RECEIVED**

2 letters of objection from nearby residential properties: - additional parking / vehicles waiting on local roads to detriment of safety and convenience of users of the highway.

## **11 CRIME & DISORDER IMPLICATIONS**

No relevant considerations

## **12 LOCAL FINANCE CONSIDERATIONS**

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

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

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

This is achieved by

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

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

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

## **14 ASSESSMENT**

- 14.1 The application site is located on the corner of Malwood Road West with Hollybank Road. The existing building is part 2-storey and part single-storey. The building has been used as a children's day nursery for the past 14 years. There is a visitor parking area to the front of the site with access onto Malwood Road West, and a staff parking area on the site's rear boundary, which has access onto Hollybank Road. There are outdoor play areas and a garden to the side and rear of the building. The surrounding area is otherwise entirely residential.
- 14.2 When planning permission was originally granted for the children's day nursery in 2000, it was subject to a number of conditions including a condition that restricted the number of children attending the day nursery at any one time to 30. In 2001, the number of children attending the day nursery at any one time was allowed to increase to 40 on a temporary basis, but then on a permanent basis from 2002 onwards. In 2003, the number of children attending the day nursery at any one time was allowed to increase to 50. This was initially approved on a temporary basis, but was then subsequently granted on a permanent basis in 2004.
- 14.3 Last year an application was submitted for a first floor extension onto an existing single-storey flat-roofed element of building. A modest single-storey infill extension was also proposed to the rear of the building. The application also sought to vary condition 1 of planning permission 04/80956 to enable the number of children attending the day nursery at any one time to increase from 50 to 60. The application was approved.
- 14.4 Due to structural difficulties, the applicants no longer intend to build the extensions that were approved last year. Instead, the applicants are now proposing to replace a conservatory at the rear of the premises and part of a ground floor canopy with a new extension, which would be partly

2-storeys high and partly single-storey. The application also proposes minor infilling to the main front entrance. The extensions would provide additional space for two classrooms, and would allow for improved toilet facilities. The applicants are not seeking to increase the number of children attending the nursery over and above the 60 children limit that was approved last year.

- 14.5 The extensions now proposed are considered to be of an acceptable design that would be in keeping with the character and appearance of the existing building. The site is large enough to be able to accommodate the proposed extensions without detracting from the character and appearance of the area.
- 14.6 There is a driveway serving a rear parking area to the north-west side of the site and therefore there would be a generous gap between the proposed extension and the adjacent residential property beyond this driveway (3 Malwood Road West). Accordingly, it is not considered nearby dwellings in Malwood Road West would be significantly affected by this application. The first floor extension would be set about 19 metres away from the residential property at 2 Hollybank Road to the rear. This would constitute a generous degree of separation and, overall, it is not considered the proposed extensions would harm the light, outlook or privacy of neighbouring dwellings.
- 14.7 Concerns have been raised about highway safety. However, the application does not propose to increase the number of children attending the nursery beyond the number that has already been approved. Nor would the proposal result in any loss of existing on-site parking. The impact of the proposal on highway safety and on-street parking would be identical to an impact that has already been deemed to be acceptable. Therefore, having regard also to the lack of an objection from the Highway Authority, there is no reasonable basis to conclude that the proposed development will be harmful to highway safety.
- 14.8 Given the extensions would facilitate increased use of the site, it is considered appropriate to require some on-site cycle parking to encourage alternative modes of transport to the private car with regard to staff trips.
- 14.9 Overall, the proposed extensions are considered to be an acceptable alternative to the extension that has already been granted planning permission. The extensions would be of a sympathetic design and appearance and could be built without harming the amenities of neighbouring dwellings. The proposal would not increase the number of children attending the day nursery beyond the number that has already been accepted. Therefore, the proposal would not cause undue harm to highway safety, and as such, the application can reasonably be recommended for permission.
- 14.10 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any

third party.

## 15. RECOMMENDATION

### Grant Subject to Conditions

#### Proposed Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
  
2. The development permitted shall be carried out in accordance with the following approved plans: 05 A, 01 A, 03 A, 04 A, 02 A.  
  
Reason: To ensure satisfactory provision of the development.
  
3. The number of children attending the day care nursery shall not exceed 60 at any one time and shall only be of an age between 0 and 5 years.  
  
Reason: To safeguard the reasonable amenities of nearby residential properties and public safety in accordance with policies CS2 and CS24 of the Core Strategy for New Forest District outside the National Park.
  
4. The existing arrangements for the parking of vehicles on site shall be kept available for their intended purposes at all times.  
  
Reason: To ensure adequate parking provision is made in the interest of highway safety and to comply with Policy CS24 of the Core Strategy for New Forest District outside of the National Park.
  
5. The external facing materials shall match those used on the existing building unless alternative material details which are to be used have otherwise been agreed in writing with the Local Planning Authority.  
  
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.
  
6. The use hereby permitted shall not be open for business outside the hours of 08.00hrs to 18.00hrs Mondays to Fridays or at any time on Saturdays, Sundays and Public Holidays  
  
Reason: To safeguard the reasonable amenities of nearby residential properties and public safety in accordance with policies CS2 and CS24 of the Core Strategy for New Forest District outside

the National Park.

7. Before the development is first implemented, details of the arrangements that are to be made on the site for the parking of cycles shall be submitted to and approved in writing by the Local Planning Authority. The approved development shall only be occupied in accordance with the approved details.

Reason: To promote sustainable means of travel and to comply with Policy CS2 and CS24 of the Core Strategy for New Forest District outside of the National Park.

**Notes for inclusion on certificate:**

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

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

**Further Information:**

Major Team  
Telephone: 023 8028 5345 (Option 1)





**New Forest**  
DISTRICT COUNCIL

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

Chris Elliott  
Head of Development Control  
New Forest District Council  
Appletree Court  
Lynchhurst  
SO43 7PA

**Planning Development  
Control Committee**  
**May 2015**

**Item No: 3(d)**

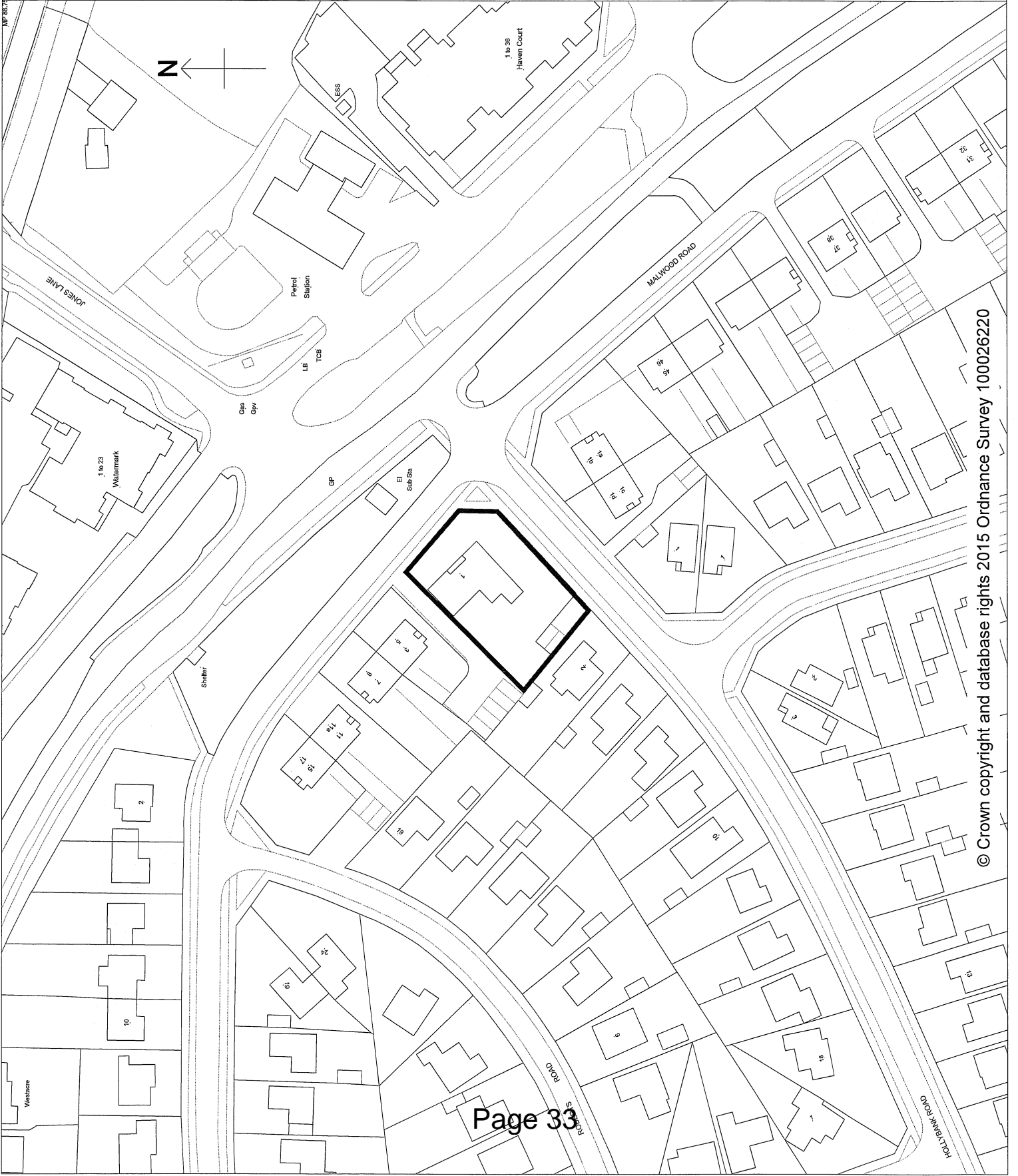
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**Malwood Road West  
Hythe**

**App No 15/10262  
SU4107**

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Planning Development Control Committee 06 May 2015

Item 3 (e)

**Application Number:** 15/10280 Full Planning Permission

**Site:** 10A THE PARADE, ASHLEY ROAD, ASHLEY, NEW MILTON  
BH25 5BS

**Development:** Use of building as office

**Applicant:** Juno Developments

**Target Date:** 07/05/2015

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## 1 REASON FOR COMMITTEE CONSIDERATION

Previous committee consideration

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

#### Objectives

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

#### Policies

### Core Strategy

- CS2: Design quality
- CS10: The spatial strategy
- CS17: Employment and economic development
- CS24: Transport considerations

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

None relevant

## 4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

## 5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Parking Standards  
SPD - New Milton Local Distinctiveness

## **6 RELEVANT PLANNING HISTORY**

Continued use of garage as 1 residential unit (10135) Refused on the 27th March 2014.

Continued use of garage as 1 residential unit (10627) Refused on the 18th June 2014. Appeal dismissed.

Use of building as office (10627) Refused on the 13th Feb 2015

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

New Milton Town Council: objects; the proposed development is contrary to policy CS2 which sets design standards for all development; the use garage as an office is not appropriate in the 'back of shopping precinct' yard setting accessed by a gravel road; it would constitute poor design for an office with insufficient access, parking and landscaping resulting in a sub-standard working environment.

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

None

## **10 REPRESENTATIONS RECEIVED**

2 letters of objection concerned that the building is unsuitable for an office. The rear of the shops is limited for parking and the building is only fit for a garage use which was the originally approved use for the building. The building should be demolished and re-built as a garage. Concerned over the impact on traffic on this unmade road and the proposed use would lead to public highway safety concerns.

## **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 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 site comprises a single storey building originally granted permission as a garage in 2009 but which has been converted into a one bedroom dwelling. There is no planning permission for the use of the building as a dwelling and currently the unauthorised use is subject to Enforcement Action. The site occupies the majority of the rear yard/open area at No 10, one of several ground floor shop units in The Parade with flats on the first floor accessed from the rear. There is a narrow path to the side of the building giving access to its entrance door, as well as a rear door to the ground floor shop unit and the door to the first floor flat at No 10A.
- 14.2 The rear of the shops and flats is serviced from a partially paved access track, which runs between Lower Ashley Road and Molyneux Road. The rear of these units is characterised by garages or hard surfaced parking areas either for the shop units or flats above, as well as by mainly commercial bulk refuse bins. On the other side of this access track from the site is a builder's yard with a large quantity of building materials stored in the open.
- 14.3 This planning application seeks the change of use of the building to an office and follows a very recent and nearly identical application that was refused by the Planning Development Control Committee on the 13<sup>th</sup> February 2015 under planning reference 10627 to convert the building into an office. In comparison to the recent refusal, the only difference is that the garage door on the front elevation facing the access road would be replaced with a large window. Internally the building would comprise an office area with kitchenette and separate room used for a toilet. There are no other changes made compared to the recent refusal.
- 14.4 Officers had recommended the application to use the building as an

office under reference 10627 for permission but the application was refused on the grounds that the use of this building as an office would give rise to a substandard working environment, of a poor design, in an inappropriate location.

- 14.5 In assessing this current planning application, Officers still consider that the use of the building as an office, would be acceptable in planning terms and the proposed changes to install a large glazed opening to the front of the building, would provide a better working environment for the future occupiers of the building through additional light and a better outlook from the building. The building would have windows on two sides which would create a more than reasonable working environment and place to work.
- 14.6 From a policy perspective, Officers consider that Core Strategy Policy CS17 supports employment development and growth and the site is surrounded by different types of employment development with a builder's yard opposite, offices at No 2 Lower Ashley Parade, although most of the employment uses are along The Parade.
- 14.7 In terms of other matters, it is not considered that the use of the building as an office would give rise to unacceptable noise and disturbance to neighbours so as to justify a refusal of planning permission. The building has a small floor area and the number of people that could be accommodated within it is limited and accordingly there would be no significant comings and goings to the site.
- 14.8 The site does not have any space for car parking but consideration should be given to the fact that the building is very small and would not generate a significant level of traffic to the area. The Highway Authority have no objection to the proposal based on no parking being available on site. Given the small scale of the building with a floor space less than 100m<sup>2</sup>, it would not be reasonable to seek transport contributions.
- 14.9 In conclusion, while it is accepted that Members previously refused the application to use the building as an office, it is considered that the use of the building as an office would be appropriate and would provide employment for two or three people in the area that would not have a harmful impact on the character and appearance of the area or living conditions of the adjoining neighbouring properties. In addition the proposed changes in this current application with a large window opening would enhance the quality of the working environment for occupiers of the building and address the concerns previously raised. Accordingly approval is recommended.
- 14.10 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

## 15. RECOMMENDATION

### Grant Subject to Conditions

#### Proposed Conditions:

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

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

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

Reason: To ensure satisfactory provision of the development.

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2005 and the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent re-enactments thereof, the development hereby approved shall be used for office (Class B1a) purposes only and for no other use purposes, whatsoever, including any other purpose in Classes B2 or B8 of the Town and Country Planning (Use Classes) Order 2005 or any subsequent re-enactment thereof, without express planning permission first being obtained.

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

#### Notes for inclusion on certificate:

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

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

#### Further Information:

Major Team  
Telephone: 023 8028 5345 (Option 1)



Chris Elliott  
Head of Development Control  
New Forest District Council  
Appletree Court  
Lynchhurst  
SO43 7PA

**Planning Development  
Control Committee  
May 2015**

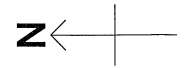
**Item No: 3(e)**  
10a The Parade  
Ashley Road  
Ashley New Milton  
App No 15/10280  
SZ2595

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**Application Number:** 15/10271 Full Planning Permission

**Site:** 47 PARSONAGE BARN LANE, RINGWOOD BH24 1PS

**Development:** Two-storey side & rear extension; single-storey rear extension;  
front porch; pitched roof over garage

**Applicant:** Mr & Mrs Mitchell

**Target Date:** 06/05/2015

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## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Plan Area

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

#### Objectives

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

#### Policies

- 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

14/11584 - Two-storey side and rear extension; single-storey rear extension;  
front porch. 19/01/2015 Withdrawn by applicant.

## 7 PARISH / TOWN COUNCIL COMMENTS

Ringwood Town Council - Recommend refusal. The proposals are unsympathetic to the site due to its bulk and mass and it would overshadow No. 47. Parking should be addressed due to the increase in bedrooms and location of the site at a busy junction. Cladding is out of keeping with the area.

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

Land Drainage - No comments

## **10 REPRESENTATIONS RECEIVED**

None received to date.

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments. Based on the information provided at the time of this report this development is not CIL liable.

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

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

This is achieved by

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

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

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

## 14 ASSESSMENT

- 14.1 The site is within an established suburban area of Ringwood which is characterised by a mix of property types. The property sits on the east side of Parsonage Barn Lane, between Cadogan Road and Cloughs Road. Its frontage is open to the street scene and has a simple design form, externally clad in brick under a tile roof with modest single storey extensions at the rear. A garage with outbuilding behind is located to the north side of the dwelling. The garden area to the rear of the property is generous, however low screening from bungalows along Cloughs Road to the south-east and first floor windows on a property along Cadogan Road, result in much of its far end being overlooked. There is a mature silver birch tree at the rear of the property. Adjacent neighbouring premises include a convenience store to the north and a detached property to the south, which has windows at first and ground floor level on its opposing side elevation.
- 14.2 This application follows a previously withdrawn scheme over which concerns were raised regarding the visual impact of the proposed two storey addition as a result of its design, bulk and mass. There were also some reservations regarding the proposed materials and highway safety implications.
- 14.3 This proposal has seen revision in the design of the extensions to address concerns over the bulk and mass of the two storey extension, as viewed from the south side. Design changes have seen the incorporation of visual breaks in the form of stepping in external wall positions, ridge heights and changes in materials. As a result of these changes the proposed two-storey element is now considered sympathetic to the proportions and form of the existing dwelling. The use of brick cladding for the front section would be consistent with the appearance of the existing property and although some fibre cement cladding would be incorporated, limited to the rear of the property, this would not be unduly prominent on the street scene. Furthermore this limited use of the cladding would not be inconsistent with the variety of materials used in this residential area. The proposed alterations to the garage roof and new porch canopy would be modest alterations which would be consistent with the appearance of this residential property. As such the impacts on visual amenity and the appearance of the street scene should be acceptable.
- 14.4 Given the relative orientation and separation between this and neighbouring properties, the extensions would not result in any harmful impacts through loss of light, being to the north of No.47a and well set back from the boundary with No.43 and No.45. Design changes made to the two-storey extension, reduce its visual prominence, and would provide an acceptable outlook as viewed from neighbouring premises. New windows on the south side elevation would be obscure glazed, with top hung fan lights, and those on the rear of the first floor would be obscure glazed in their lower panels. The new bedroom windows on the rear elevation would enable views towards neighbouring sites. However,

considering the existing open relationships, relative separation and that these windows would serve a bedroom, this should not result in any significant adverse impacts on the privacy of neighbouring occupiers.

- 14.5 In response to the Town Council's comments regarding highway safety, the proposal would retain the existing access and parking arrangements on site. The addition of two bedrooms to this dwelling is not considered to result in an intensification of use that would result in a significant increase in vehicular movements from the site or parking need. The Highways Authority has been consulted and has provided no comment.
- 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 plan: 2014/MITCHELL/10 Revision A  
  
Reason: To ensure satisfactory provision of the development.
  
3. The first floor windows on the south elevation of the approved building extension shall be obscurely glazed and, other than fan light opening, fixed shut at all times.  
  
Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park.
  
4. The bricks to be used as external facing materials for the walls and tiles to be used as external facing materials for the roof shall match those used on the existing building.

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.

5. Before development commences, samples of the fibre cement cladding to be used as the external facing material for the walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

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

**Notes for inclusion on certificate:**

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)



Chris Elliott  
Head of Development Control  
New Forest District Council  
Appletree Court  
Lynchurst  
SO43 7PA

**Planning Development  
Control Committee  
May 2015**

**Item No: 3(f)**

**47**

Parsonage Barn Lane  
Ringwood

App No 15/10271

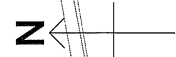
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Planning Development Control Committee 06 May 2015

Item 3 (g)

**Application Number:** 15/10222 Full Planning Permission

**Site:** 16 LINDEN WAY, PENNINGTON, LYMINGTON SO41 9JU

**Development:** Raise ridge height; two-storey front & rear extension; front and rear dormers; rooflights; single-storey side extension

**Applicant:** Mr Williamson

**Target Date:** 16/04/2015

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## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Plan Area

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

#### Objectives

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

#### Policies

- 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

Lymington Local Distinctiveness

## 6 RELEVANT PLANNING HISTORY

14/10371 Single-storey rear extension; garage extension. 06/05/2014 Granted, subject to conditions

## 7 PARISH / TOWN COUNCIL COMMENTS

Lymington and Pennington Town Council - Recommend permission, subject to conditions stated by the case officer

**8 COUNCILLOR COMMENTS**

None received

**9 CONSULTEE COMMENTS**

Land Drainage - No comment

**10 REPRESENTATIONS RECEIVED**

55 representations have been received, 36 in support and 19 raising objection.

Those in support raise the following material planning considerations;

- Design would be in keeping and acceptable in the Highfield Estate
- Wider area subject to recent change and new development
- Would provide improved accommodation to meet current standards
- Personal circumstances of the applicants

Those objecting raise the following material planning considerations;

- Design harmful to the street scene, disproportionate and incongruous addition out of keeping with established character of development
- Planning history, refusal of similar alterations at No. 4 Linden Way
- Reduce housing stock availability of this type of dwelling
- Loss of privacy
- Highway safety
- Protection of existing trees

**11 CRIME & DISORDER IMPLICATIONS**

None

**12 LOCAL FINANCE CONSIDERATIONS**

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

Regulation 42 of the CIL Regulations 2010 (as amended) states that CIL will be applicable to all applications over 100sqm GIA and those that create a new dwelling. Based on the information provided at the time of this report this development has a CIL liability of £9,599.20. Whilst the development is over 100sqm GIA under Regulation 42A developments within the curtilage of the principal residence and comprises up to one dwelling are exempt from CIL. As a result, no CIL will be payable provided the applicant submits the required exemption form.

**13 WORKING WITH THE APPLICANT/AGENT**

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



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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 applicants did not submit a pre-application enquiry. The case officer's initial concerns were made available in the briefing note published on the Council's website, together with concerns received by representation. The changes required to address these concerns could not be dealt with as an amendment to the current scheme and as the application has not been withdrawn this application it is being determined on the basis of the plans submitted.

## **14 ASSESSMENT**

14.1 This is a detached property located in an established residential area which is characterised by bungalow style development. The property sits among a row of modest proportioned bungalows on this side of the road, all of which have a related low-profile design. There are neighbouring properties on either side of the site, opposite and to the rear. It is noted that the dwelling to the south has windows on the opposing side elevation. Separation is provided from the neighbouring sites by a driveway to the north and neighbour's driveway to the south, and by virtue of mixed fencing along the side and rear boundaries. To the rear there are some trees which provide additional screening from properties along Fullerton Road.

14.2 This application follows a more recently approved application for single storey additions to the property under planning application 14/10371. It proposes extensions and alterations to provide increased ground floor accommodation and new first floor accommodation. This would be achieved by increasing and rationalising the ground floor footprint, projecting at the rear by approximately 5.75m, the same distance as the formerly approved single storey extension, and infilling the recess at the front of the property. This would provide a rectangular footprint over which a new roof of pitched design, 1.9m higher than that existing, with front and

rear pitched dormer window projections and roof lights, would be added. A new attached garage is proposed on the north side of the property.

- 14.3 Linden Way is characterised by bungalows of low profile design with modest proportions, which creates a strong rhythm to the appearance of the street scene. This proposal, with the increase in roof height, depth and alteration to the roof form would result in a much bulkier roof form, which would stand out within this group. The resulting visual discordance would go against the established rhythm of the street scene and as such create an unduly prominent development, further exacerbated by the inclusion of proportionately large dormer windows on the front roof slope. This would be detrimental to visual amenity and the appearance of the street scene
- 14.4 In coming to this recommendation full regard is had to the previous planning history for Linden Way and the wider development, as referred to in comments received from the applicants and third parties. In respect of No. 4 Linden Way, to which this case is directly comparable being on the same side of the road and for a similar proposals, it is noted that the two applications under Apps. 09/93553 and 09/94103 were refused. The latter was also dismissed on appeal. In this appeal decision the Inspector made specific reference to the established low profile character of bungalows in Linden Way. They also referred to the different contextual circumstances in the case of other alterations made to properties in Highfield Road, Cowley Road, Fullerton Road, Beresford Road and those to No. 1 Linden Way, such that those other developments did not appear visually intrusive on the street scene. As previously noted, this would not be the case in this instance.
- 14.5 The increase in the size of the property would impact on the outlook of adjacent neighbouring premises, however given the relative orientation, separation and relationship between window openings, this would not result in any significant adverse impacts as a result of loss of light. It is noted that new first floor windows would enable views into the rear garden areas of properties along Fullerton Road which are not currently overlooked from properties in Linden Way. However, given the distance of separation is in excess of 21m and the limited window openings that are proposed in the rear roof slope, which could be obscure glazed, on balance this would not result in sufficient harm to substantiate refusal on these grounds. In respect of side facing windows, again, these could be obscure glazed to maintain the privacy of neighbouring occupiers.
- 14.6 In respect of parking, the proposal would provide space within the curtilage, including a garage and the applicant's further letter notes the provision of an additional parking space at the front of the property.
- 14.7 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses	212.66	92.67	119.99	£9,599.20

## 15. RECOMMENDATION

### Refuse

#### Reason(s) for Refusal:

1. By reason of its increased roof height and span this proposal would result in an overly bulky roof design, at odds with the established modest and low profile character and form of surrounding development. The resulting visual discordance, exacerbated by proportionately large front dormer projections would be harmful to visual amenity on the street scene and as such contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park, Section 7 of the National Planning Policy Framework (2012) and guidance within the Lymington Local Distinctiveness Supplementary Planning Document (2013).

#### 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 applicants did not submit a pre-application enquiry. Initial concerns from the case officer have been made available in the briefing note and also concerns received by representation. Changes required to address concerns could not be dealt with as an amendment to the current scheme and as the applicant has not withdrawn this application it is being determined on the basis of the plans submitted.

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

#### Further Information:

Householder Team  
Telephone: 023 8028 5345 (Option 1)



Planning Development Control Committee 06 May 2015

Item 3 (h)

**Application Number:** 15/10137 Full Planning Permission

**Site:** 2 DANIELLS CLOSE, LYMINGTON SO41 3PQ

**Development:** Front dormers in association with new first floor; roof alterations;  
rear extension; front porch; fenestration alterations.

**Applicant:** Mr & Mrs Frost & John Whitehead

**Target Date:** 06/04/2015

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## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Plan Area

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

#### Objectives

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

#### Policies

- 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

Lymington Local Distinctiveness

## 6 RELEVANT PLANNING HISTORY

None relevant

## 7 PARISH / TOWN COUNCIL COMMENTS

Lymington and Pennington Town Council - Recommend permission

## 8 COUNCILLOR COMMENTS

None received

**9 CONSULTEE COMMENTS**

Land Drainage – No comment

**10 REPRESENTATIONS RECEIVED**

None received

**11 CRIME & DISORDER IMPLICATIONS**

None

**12 LOCAL FINANCE CONSIDERATIONS**

From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments. Based on the information provided at the time of this report this development is not liable for CIL.

**13 WORKING WITH THE APPLICANT/AGENT**

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

This is achieved by

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

In this case no pre-application enquiry was submitted. Initial concerns were

raised in the Parish Briefing note and discussed with the applicant's agent. Amendments to address these concerns could not be dealt with under the scope of this current submission and as the applicant did not wish to withdraw it, the application is being considered on the basis of the plans submitted.

## 14 ASSESSMENT

- 14.1 The site is located in an existing residential area of Lymington generally characterised by low rise bungalow development, many with converted or purpose built chalet second floors. The property is located in a small cul-de-sac off Daniell's Walk one of five properties orientated around a central turning head. It is a bungalow of brick construction under a plain tile, hipped, gable roof, sitting back from the road, with a parking area to the front and enclosed garden area to the rear. The property has been previously extended on its north side with a front facing gable end projection and a flat roofed extension behind, extending very close to the site's side boundary. It is noted that there are existing shed outbuildings in the south-east corner of the site.
- 14.2 Neighbouring properties are to the north-west (No.1) and south-east (No.3) of the site, with garden areas serving properties along Bingham Drive and Church Lane to the rear. Screening is provided by a combination of fencing and hedgerow, with some trees and vegetation on the neighbouring side along the rear boundary. No.1 is a bungalow of similar design, which has previously been extended on its side and rear elevations, bringing it close to the common boundary. No.3 has a more detached relationship, set back from the boundary, with an intervening driveway. Both neighbouring properties have windows in the opposing side elevations.
- 14.3 This is a property of simple form and modest proportions which sits among the context of similar properties in this small cul-de-sac. Although it is appreciated that properties along Daniell's Walk have been subject to various alterations, Daniell's Close has very much retained its modest bungalow and chalet bungalow character. The proposed alterations would introduce full two-storey height elements to the dwelling, which would be at odds with the existing character of development in Daniell's Close. The proposed raised eaves height across the rear of the property and flat roofed section would be bulky and at odds with the otherwise traditional roof form and proportions of the existing property. This being said, it is noted that a similar alteration has been made at the rear of No.1 and, given the positioning of the dwelling relative to the road, this would not be readily visible of the street scene. As such this element would not be at odds with the form of development at the rear of neighbouring properties and would not directly impact on the appearance of the street scene.
- 14.4 However, alterations to the front elevation of the property would directly impact on the street scene. In its full two-storey height, with elevated eaves, the proposed gable projection would be unsympathetic to the form and character of the existing dwelling and to the other this Close. Furthermore, given its scale and positioning close to the boundary, this enlarged element would result in a cramped visual relationship with No.1, interrupting the established rhythm of the streetscene. This visual discordance would be further exacerbated by the inclusion of disproportionately large dormers and a porch addition. Overall, it is considered that this proposal would result in an unbalanced design, unsympathetic to the character of the existing property and surrounding

development and detrimental to the appearance of the street scene.

- 14.5 With reference to the applicant's further statement, it is noted that more extensive alterations and also larger replacement dwellings have been permitted along Daniell's Walk. However, this small cul-de-sac differs in its context of development. The bungalow does have an asymmetrical frontage at present, however, given the single-storey scale of the existing extensions, this is visually recessive and does not interrupt its principle roof form.
- 14.6 As a result of its design and the relationship with neighbouring sites the proposals would not result in any adverse impacts as a result of loss of privacy to neighbouring occupiers. There were some initial concerns over the loss of light to windows serving No.1, given the proximity and proposed height of extensions on this side. However, as these windows are already subject to overshadowing and their relative orientation, it is not considered that the proposal would result in significant adverse impacts. With a greater distance of separation and being to the north of No.3 this proposal would not cause any additional overshadowing of this neighbouring property.
- 14.7 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

## 15. RECOMMENDATION

### Refuse

#### Reason(s) for Refusal:

1. The proposed additions as a result of their form and detailed design, would be unsympathetic to the modest proportioned bungalow form of the existing dwelling and that of neighbouring dwellings. Furthermore, given their close proximity to the boundary, the proposed extensions at the north end of the property would encroach into the gap which currently exists with the neighbouring premises to the north, resulting in a cramped visual appearance at odds with the established rhythm of the street scene. As such this would result in harm to visual amenity and the appearance of the street scene, contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park and Section 7 of the National Planning Policy Framework (2012)

#### Notes for inclusion on certificate:

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development



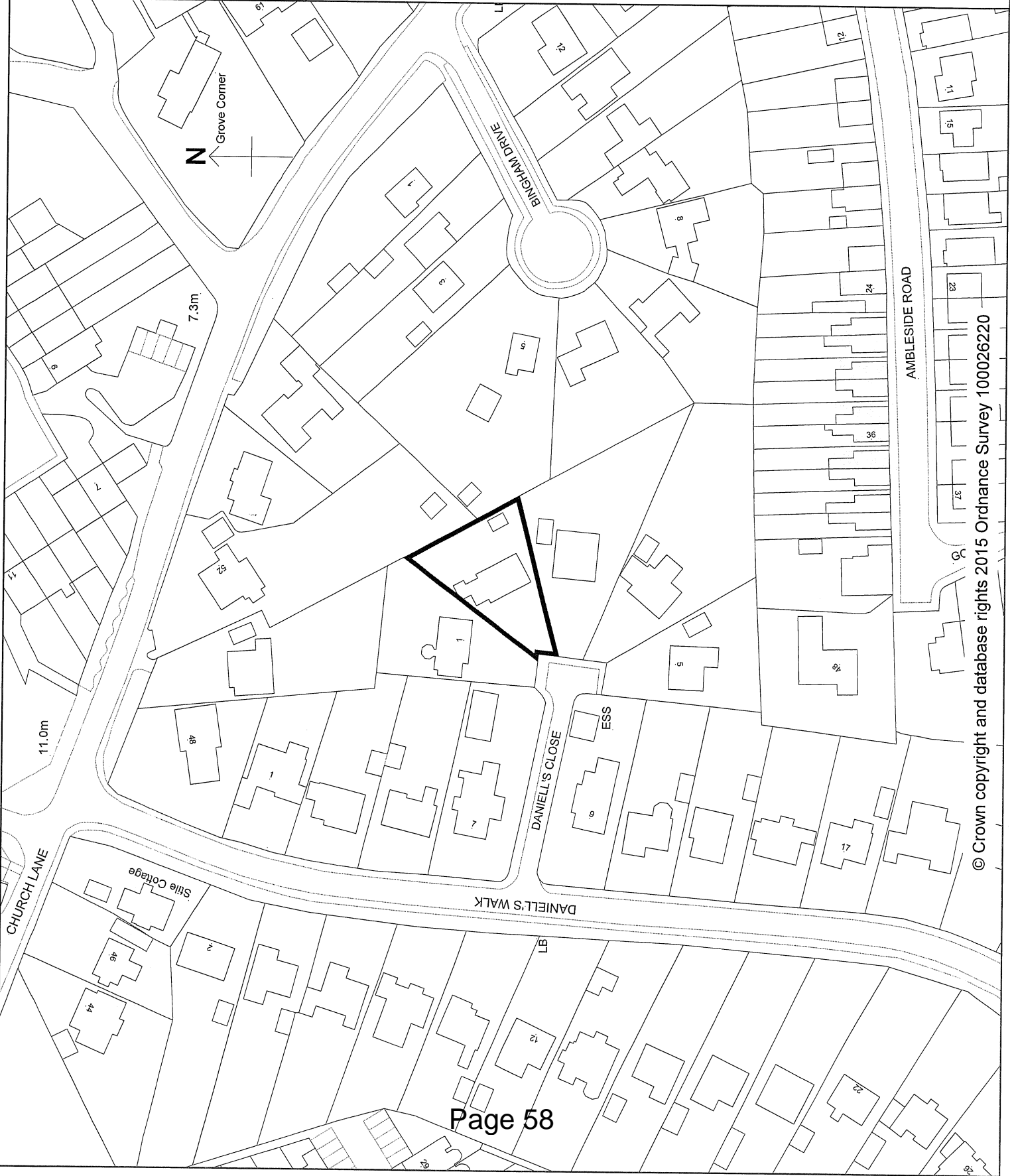
Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

In this case no pre-application enquiry was submitted. Initial concerns were raised in the Parish Briefing note and discussed with the applicant's agent. Amendments to address these concerns could not be dealt with under the scope of this current submission and as the applicant did not wish to withdraw, the application is being considered on the basis of the plans submitted.

2. This decision relates to amended/additional plans received by the Local Planning Authority on 02/04/2015

**Further Information:**

Householder Team  
Telephone: 023 8028 5345 (Option 1)



Planning Development Control Committee 06 May 2015

Item 3 (i)

**Application Number:** 15/10132 Full Planning Permission

**Site:** 110 CALMORE ROAD, TOTTON SO40 8GQ

**Development:** One & two-storey side extensions; first floor rear extension; front bay window with porch canopy; first floor side bay window

**Applicant:** Bosinney Investments Limited

**Target Date:** 07/04/2015

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## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Explosives Safeguarding Zone  
Plan Area

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

#### Objectives

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

#### Policies

- 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

None relevant

## 6 RELEVANT PLANNING HISTORY

14/11494 Single-storey side extension; front porch; bay window; two-storey side extension; first-floor side and rear extensions; hard standing. Refused  
18/12/2014

14/11209 Single-storey side extension; front porch; bay window; two-storey side

extension; first-floor side and rear extensions. Withdrawn by applicant  
20/10/2014

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

Totton and Eling Town Council – Recommend refusal. The application follows two previous schemes at the same site which were recommended for rejection by the Town Council. The latest application showed some improvement to the rear extension which had a reduced ridge height and a hipped design rather than a gable end. The members were largely in agreement that the change had negated the loss of light and amenity to neighbouring properties which was the main reason for objection to previous proposals. However there were still major concerns from Members about the overall quality of design, believing that this would have a negative impact on the street scene. The contrived and ungainly design was at odds with the simple forms of both the original building and neighbouring properties.

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

Land Drainage - No comment

## **10 REPRESENTATIONS RECEIVED**

10.1 Six letters of representation have been received.

10.2 Two in support for the following reasons;

- Principle of development appropriate in this location
- Design of third bedroom is subservient and will have no detrimental impact on visual amenity or the amenities of neighbouring properties. The proposal will enable renovation of this property and make a positive contribution to its surroundings.

10.3 Four raising objection for the following reasons;

- Latest submission does not adequately address previous concerns
- Design out of context and character. Inappropriate materials
- Accommodation provision would be sub-standard in size
- Overdevelopment which will set a precedent
- Proposal would reduce quality of life for residents
- Loss of light to kitchen and kitchen and dining room of No. 112 and kitchen window of No. 108, no demonstration of shadow diagrams provided
- Loss of privacy to bathroom window of No. 108 from new side window and rear patio area of No. 112
- Impact on outlook and loss of privacy in respect of bungalows on Sedgfield Close
- Access to undertake works will need to be gained from neighbouring sites
- Concerns over potential future use, and intensification of use as an HMO
- Legal agreements should be used to; preclude any future use of the dwelling as an HMO; preclude further development at the rear of the property or any outbuildings; to ensure adequate family sized internal

- accommodation; and to control construction works.
- Insufficient public consultation

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments. Based on the information provided at the time of this report this development is not liable for CIL.

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

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

This is achieved by

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

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

## **14 ASSESSMENT**

14.1 The site is within a residential area of Totton. It is a detached property in a narrow plot with neighbouring properties on either side of the site. The

property is of a simple form and design with a wider pitched single storey extension at the rear, extending part way beyond its north-west side. It is clad in brick under a tile roof and has two existing chimneys. The front of the site is open to the road and there is a parking area providing two tandem spaces. The rear garden area is enclosed by a mixture of fencing and hedgerow shrubs.

14.2 Neighbouring premises include No.112 to the north-west and No.108 to the south-east. No.112 is a semi-detached property and has windows at ground and first floor level facing towards the site. No.112's garage is positioned at the rear of the property, alongside the common boundary and between this and the rear of the property is a patio area. No. 108 is a semi-detached property again with a garage adjacent to the common boundary line to its rear. Side windows face towards the site at first and ground floor level.

14.3 This application follows a previous scheme under planning application 14/11494 which was refused for the following reasons;

*The cumulative visual impact of the proposed change in cladding materials and various additions to the property would result in an awkward, over complex and unbalanced design at odds with the otherwise simple form and appearance of the existing and neighbouring dwellings. As such this would result in harm to visual amenity on the street scene, contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park and Section 7 of the National Planning Policy Framework (2012).*

*Due to the relationship with the neighbouring property to the north-west of this site in proximity and orientation, it is considered that the proposed first floor extension at the rear of the property would have an overbearing impact on the outlook of these neighbouring occupiers. Coupled with the additional overshadowing, this would have an adverse impact on the living conditions of these neighbouring occupiers. As such this would be contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park and Section 7 of the National Planning Policy Framework (2012).*

14.4 This proposal again seeks consent for various extensions to the property on its front, rear and side elevations. Changes from the previous scheme see the retention of the existing facing brick opposed to the addition of render and a reduction in the height and change in form of the first floor rear extension. This element now sees a recessed ridge line and hipped roof, with the window provided in part within a dormer projection. The projecting oriel style window has been reduced in size and the support below omitted. The roof of the front side single storey extension has also been reduced in height.

14.5 These proposals would still see a number of additions to the property however in their cumulative scale this would not be inconsistent with development which could be expected in such a residential area. The extensions to the front and side of the property would be comparatively modest additions, reflecting the roof form of the existing dwelling. Furthermore, the retention and use of brick cladding would see a more limited change in the appearance of the dwelling. Similarly, the use of hanging tile cladding would be consistent with that used on adjacent dwellings. Although the oriel style window would project to the side of the property, given its reduced size and set back position it would be

recessive in terms of street scene views.

- 14.6 The rear extension has been altered in form such that it would appear as a clearly subservient addition to the dwelling. Although the first floor addition would project beyond the two storey extent of neighbouring dwellings, given the individual character of this dwelling and scale of the proposal this is not considered detrimental to the wider character of the area. Overall the proposals are now considered to be acceptable in their design, sympathetic to the character and form of the existing dwelling and have acceptable impacts on visual amenity among the context of this varied suburban street scene.
- 14.7 Given the narrow width of the site and close relationship with neighbouring properties, a key issue is the impact on the residential amenity of neighbouring occupiers. With reference to the previously refused scheme it is noted that there were concerns over the impact of the first floor rear addition on the property to the north-west of the site, No 112. The cumulative impact of the full height design of the first floor extension and resulting overshadowing was considered harmful to the living conditions of those neighbouring occupiers.
- 14.8 This application now proposes a first floor addition of recessed ridge height and fully hipped roof design, which will reduce its bulk. As previously noted, overall this change would increase the visual subservience of the extension which, as a consequence, would improve the outlook from neighbouring sites. Given the increase in height it is acknowledged that there would be some additional overshadowing of No.112. However, given their relative separation and orientation, it is not considered that this would result in significant adverse impacts on the residential amenity of the neighbouring occupiers. Due to the scale of the proposals, the separation and relative orientation relative to No.108 this would also not result in any harmful loss of light to these neighbouring occupiers.
- 14.9 New first floor side elevation windows would enable views towards neighbouring properties, however, subject to the retention of these with obscure glazing, this would maintain the privacy of neighbouring occupiers. The rear first floor addition would see the inclusion of a dormer style window which would enable views of the rear garden areas of neighbouring sites. However, given its size, orientation and that it would serve a bedroom, the potential impact is considered acceptable. In respect of other windows, given its modest size, orientation and position within the bedroom, views from the oriel window would be limited and consequently not lead to any harmful loss of privacy. The window at the top of the stairs would be small and, given the relationship with neighbouring sites, should again not result in any harmful impacts.
- 14.10 Parking provision under this proposal remains as detailed in the previous scheme, showing two standard size parking bays. The dwelling already benefits from an access and having consideration to the New Forest District Council parking Supplementary Planning Document which recommends 2 parking spaces for 2 or 3 bedroom dwellings; the proposed increase in the size of the dwelling by one bedroom is unlikely to result in demonstrable harm to highway safety through additional vehicular activity. As such the impact on highway safety would be acceptable.
- 14.11 In response to other third party comments received, all plans have been

drawn to a recognised metric scale and there is no additional requirement for dimensions to be stated on submitted plans. The details submitted are considered sufficient to assess the impacts of the application and it is noted that boundary treatments have been detailed on the plan which, as drawn, would fall under permitted development. The proposed external materials would not be render or UPVC cladding, but brick and hanging tile as detailed on the submitted application documents. Publicity of this application has been undertaken in accordance with the Council's usual protocol.

14.12 Given that these are modest extensions to a residential dwelling, with an increase of only one bedroom the potential intensification of use would not be out of keeping with this residential area. Works associated with the development would be of limited scale and for a temporary period such that it is not considered reasonable or necessary to attach conditions relating to construction.

14.13 The Drainage Engineer has been consulted and has no comments to make. Foul water drainage would be a matter considered separately under building regulations. There is no requirement for the submission of sustainability information in the case of this application. The biodiversity checklist has been completed by the applicant and in this residential context and given the nature of the proposals, an ecological report is not considered necessary. Any approval would not convey rights for entry to neighbouring land. This would be a private matter for the applicant.

14.14 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that 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 plan: 15/07/SK/1  
  
Reason: To ensure satisfactory provision of the development.
3. New first floor windows shown to be obscure glazed on the side elevations



as detailed in Drawing No 15/07/SK/1 shall at all times be glazed with obscure glass and fixed shut other than fanlight openings.

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

4. The tiles to be used as the external facing material for the roof and bricks to be used as the external facing material for the walls shall match those used on the existing building.

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.

5. Before development commences, samples or exact details of the tiles to be used as the external facing material for the walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

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

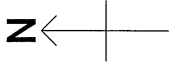
**Notes for inclusion on certificate:**

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)



Planning Development Control Committee

06 May 2015

Item 3 (j)

**Application Number:** 15/10249 Full Planning Permission

**Site:** SOUTH LODGE, 52 CHURCH LANE, LYMINGTON SO41 3RD

**Development:** Single-storey rear extension; porch; detached double garage with store over

**Applicant:** Mrs Canning

**Target Date:** 21/04/2015

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## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Historic Land Use  
Plan Area

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

#### Objectives

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

#### Policies

- CS1: Sustainable development principles  
CS2: Design quality  
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)  
CS5: Safe and healthy communities

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

- DM1: Heritage and Conservation  
DM5: Contaminated land

## 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

Lymington Local Distinctiveness SPD

## 6 RELEVANT PLANNING HISTORY

10/95050 1.83 metre high boundary fence; retaining wall; landscaping. Granted, subject to conditions 12/03/2010

LYB/15285 Double garage. Granted, subject to conditions 20/05/1974

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

Lymington and Pennington Town Council – Recommend Permission

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

Land Drainage - No comment

Environmental Health – No concerns with potential land contamination.

Tree Officer – No tree objections

## **10 REPRESENTATIONS RECEIVED**

Two third party representations have been received from neighbouring residents at Grove Place. These raise concerns regarding;

- The necessity for the height of the proposed garage, and its relationship to the existing property.
- Impact on the outlook from the dining room and kitchen of No. 7 Grove Place

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments. Based on the information provided at the time of this report this development is not CIL liable.

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

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

This is achieved by

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

(through the release of a Parish Briefing Note) as to the key issues relevant to the application.

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

In this case no pre-application enquiry was submitted. Concerns were raised in the Parish Briefing note. Amendments to address these concerns could not be dealt with under the scope of this current submission and as the applicant has not withdrawn the scheme, the application is being considered on the basis of the plans submitted.

## **14 ASSESSMENT**

- 14.1 The site is located in an established residential road, to the south of the High Street. The Conservation Area boundary is on the opposite side of the road, delineated by a Grade II Listed wall. It is also noted that historic land uses within the vicinity of the site indicate there is the potential for contamination.
- 14.2 This is a detached property of substantial size which sits in generous grounds amongst a varied street scene of C20 residential development. It is set back and elevated from the road with a more recently modified roadside boundary of timber fencing with a hedgerow now established in front. There is a detached flat roofed garage on its eastern side, a later C20 addition and parking / driveway area at the front of the property. There are protected trees along boundaries at the front of the site.
- 14.3 Neighbouring detached residential premises are to the east and west while the development on the opposite side of the road is far less evident in the street scene. The dwelling to the east (No. 54) is constructed in the former grounds of South Lodge and has a close relationship. No. 54 is set on lower ground with separation provided from the existing garage by a wall and timber fencing. The attached garage serving this property provides separation between the dwelling and the boundary and there are no windows on the opposing side of the property facing back toward the site. The neighbouring property to the west, a detached bungalow style dwelling is detached with mature hedgerow boundary screening
- 14.4 As a result of their scale and design the proposed extensions to the house would be sympathetic additions and have limited impact. The new garage would be larger than that existing although in its design form, more sympathetic to the character of the existing property than the existing attached flat roofed garage. This being said in its positioning it would be

much closer to the front boundary of the site, forward of the existing dwelling and established set back on this side of the road. Given the established spatial characteristics of development in the vicinity this forward positioning of the new garage would be out of keeping. Furthermore in its proposed size and height this would be a relatively large building, which would, overall, result in a conspicuous and unduly prominent feature on the street scene. This would be to the detriment of the visual amenity and the appearance of the street scene, and the wider setting of the adjacent Conservation Area and heritage assets, namely the listed wall on the opposite side of Church Lane.

- 14.5 Given the design of the proposals and their relationship with neighbouring premises there would be no significant adverse impacts on the residential amenity of neighbouring occupiers.
- 14.6 The Environmental Health Officer has no concerns in respect of potential land contamination and as such the impacts in this respect are considered acceptable. The Tree Officer has no objections and as such the proposal would not cause harm to the protected trees.
- 14.7 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

## 15. RECOMMENDATION

### Refuse

#### Reason(s) for Refusal:

1. As a result of its positioning and size the proposed garage would be a conspicuous and unduly prominent feature, at odds with the established pattern of development and spatial characteristics of development on this side of the road. This would be detrimental to visual amenity and the appearance of the street scene, and the wider setting of the adjacent Conservation Area and heritage assets, contrary to Policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park, Policy DM1 of the Local Plan Part 2: Sites and Development Management Plan and Section 7 of the National Planning Policy Framework (2012).

#### Notes for inclusion on certificate:

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

takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

In this case no pre-application enquiry was submitted. Concerns were raised in the Parish Briefing note. Amendments to address these concerns could not be dealt with under the scope of this current submission and as the applicant did not withdraw the scheme, the application was considered on the basis of the plans submitted.

**Further Information:**

Householder Team

Telephone: 023 8028 5345 (Option 1)



# New Forest DISTRICT COUNCIL

Tel: 023 8028 5000  
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Chris Elliott  
Head of Development Control  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

**Planning Development  
Control Committee  
May 2015**

**Item No: 3(j)**

South Lodge  
52 Church Lane  
Lymington  
App No 15/10249  
SZ3295

Scale 1:1250

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Planning Development Control Committee 06 May 2015

Item 3 (k)

**Application Number:** 15/10040 Full Planning Permission

**Site:** STONEY STACK, 17 ASHLEY LANE, HORDLE SO41 0GB

**Development:** Retention of single-storey extension

**Applicant:** Mr & Mrs Richardson

**Target Date:** 26/03/2015

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## 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

No relevant policies

## 4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan  
Planning and Compulsory Purchase Act 2004

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

## 5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

No relevant documents

## 6 RELEVANT PLANNING HISTORY

14/10368 Roof alterations, single storey side extensions 20th May 2014

## 7 PARISH / TOWN COUNCIL COMMENTS

Hordle Parish Council recommend refusal on the grounds that the extension was built without planning permission and also the Party Wall legislation was not followed. This has had a detrimental effect on neighbouring properties and was carried out without consultation with them.

Further comments were received to clarify the reasons for refusal. The Parish Council confirmed that they supported the comments raised by the owner of the neighbouring property. They added that Councillors were concerned regarding the issue of the extension's proximity to the neighbouring property causing problems for maintenance. Concern was also raised regarding the poor communication with the adjacent neighbour before and during construction.

## **8 COUNCILLOR COMMENTS**

- 8.1 Councillor Lovelace: Two letters of support. Considered a nice add on to the bungalow; aware building inspectors involved; note that next door's gutter was over the boundary of the bungalow.
- 8.2 Councillor Tinsley: Appears it was built under permitted development and visited by building inspectors during construction. Despite being marginally over height, it does not seriously affect neighbours' amenity.

## **9 CONSULTEE COMMENTS**

Land Drainage - No comment

## **10 REPRESENTATIONS RECEIVED**

Two letters of objection from neighbour at number 19 Ashley Lane for the following reasons:-

- Overdevelopment of site, infilling and loss of open space.
- Visual impact on the development, extension is obtrusive and the design out of sympathy with the rest of the property. Overbearing, out of scale and out of character with the existing bungalow
- The extension is prominent even when the property is viewed from Stopples Lane.
- Effect on residential amenity of neighbours. Maintenance problems; Substantial excavation work could have a serious impact on the existing structures. Extension is built over drains, exterior wall built on boundary.
- The scale and bulk of the extension has an adverse effect on the visual amenity of the area as a whole. Inappropriate and unsympathetic to the appearance of the local environment.
- Noise and disturbance during construction period between June and October 2014.
- Inaccuracies in previous correspondence from agent.

One letter of support from neighbour at 1 Stopples Lane for the following reasons:-

- Whilst the extension is visible it is unobtrusive and blends in well with the existing building.
- It utilises a shaded and virtually unusable space and makes a worthwhile addition to the property.

The agent has written in respect of the objection received with the following comments:-

- No objection was received by the neighbour during the previous application which included an extension to the west elevation.
- Numerous properties in Ashley Lane are built up to the side boundaries.

- The site area is 460 square metres with the building footprint being only 160 square metres, leaving 300 square metres amenity space.
- Prior to the erection of the extension there was a 1.8 metre concrete fence on the common boundary with number 19 which collapsed. This was not reinstated in order to allow additional space for dustbin storage.
- The neighbour's view that the extension is obtrusive and out of sympathy is a subjective view.
- The building work was carried out under Building Regulation and inspected by an inspector until the completion certificate was issued. Works to the public sewer were approved by Southern Water.
- There are no windows to number 17 overlooking the neighbouring property.

## **11 CRIME & DISORDER IMPLICATIONS**

No relevant implications

## **12 LOCAL FINANCE CONSIDERATIONS**

From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments. Based on the information provided at the time of this report this development is not liable for CIL.

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

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

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

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

## 14 ASSESSMENT

- 14.1 The property is a detached bungalow on a corner plot in an area where there is a mixture of styles and sizes of properties. A large chimney is positioned on the external wall of the east elevation. A detached garage is located to the rear which is accessed via Stopples Lane. The front and side gardens adjacent to the highway are defined by low walls and high hedges. The level of the land rises up slightly from Stopples Lane.
- 14.2 The main issue to take into consideration when assessing this application is the general design and its impact on the street scene. The property has recently been extended to the side at ground floor level, which is the subject of this application. The reason for the refusal on the previous application (14/10368) was for the impact on the street scene from an extension to the east elevation and did not include specific objection to the extension to the west.
- 14.3 The neighbouring property at number 19 is a two storey dwelling which is built up to the shared boundary. High hedges form the shared boundary to the front. There is a small gap retained between the properties and this neighbour (No. 19) has utilised this area for dustbin storage. This neighbour has raised an objection to the extension for a number of reasons which include the visual impact, loss of spatial gap and the effect on residential amenity in terms of lack of space for maintenance to their walls and the drains. There are no windows on this neighbour's side elevation which faces the application site and therefore the side extension to the west does not have an adverse impact on this neighbour's amenity in terms of loss of light or visual intrusion.
- 14.4 There is a loss of the spatial gap between the properties but being only at ground floor the overall impact on the spatial characteristics of the street scene is considered acceptable. This neighbour has also raised concern that the building of the extension has compromised the stability of the structures, however along with the maintenance of the walls, this would not be a planning concern. The drainage of the site would be considered under building regulations and with no adverse comment from the Council's Drainage Engineer is not considered material to this application.
- 14.5 The property at number 2 Stopples Lane is a bungalow and has an attached garage built up to the shared boundary with a high hedge beyond. Given the separation between the properties there would not be a significant adverse impact on this neighbour.
- 14.6 Hordle Parish Council have recommended refusal and have agreed with the objections raised by the neighbour at number 19. Further comment from the Parish are made in terms of the extension being built without planning consent and the Party Wall Act not followed. There are not considerations when determining this application. The Party Wall Act is civil legislation and not planning matters.
- 14.7 The single storey side extension has a flat roof design with a parapet wall to a height of 3.2 metres which is higher than the eaves of the property. While this results in a form of development which is not sympathetic to

the existing dwelling, as it is only single storey, is set back both from the road and marginally from the front wall of the existing property, with some established hedge screening to the front, on balance the overall impact on the street scene is considered to be acceptable. While part of the extension is visible from Stopples Lane it is set back considerably and is not imposing in this street scene context.

14.8 In conclusion, while a reduced height would be preferable, the extension is not visually imposing in this location and does not have an unacceptable impact on neighbour amenity. Therefore the application is recommended for approval.

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

## **15. RECOMMENDATION**

### **Grant planning consent**

#### **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 15.01.2A

#### **Further Information:**

Householder Team  
Telephone: 023 8028 5345 (Option 1)



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DISTRICT COUNCIL

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

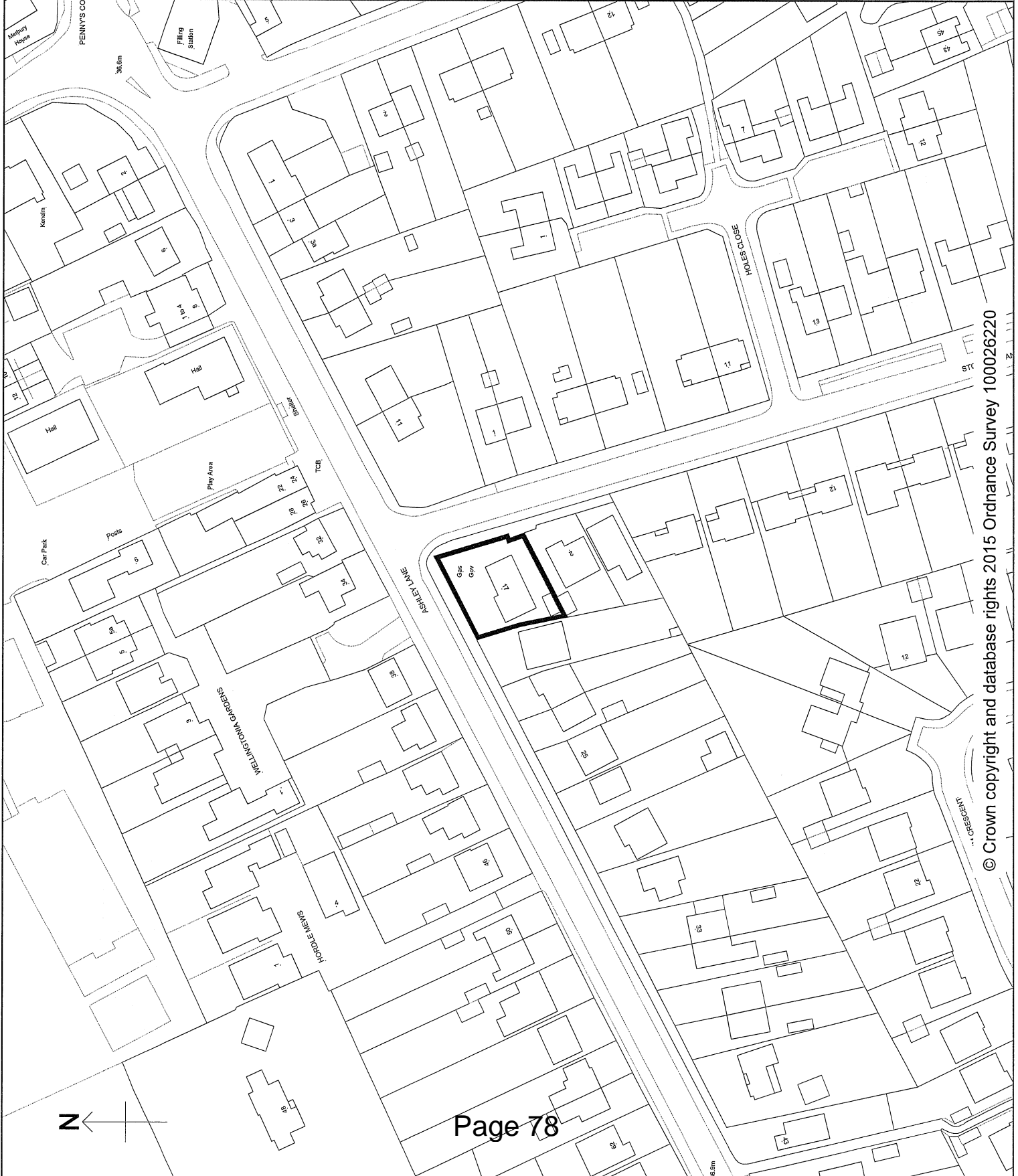
**Item No: 3(k)**

Stoney Stack  
17 Ashley Lane  
Hordle

App No 15/10040  
SZ2695

Scale 1:1250

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**Application Number:** 15/10290 Full Planning Permission

**Site:** PINETOPS NURSERIES, RAMLEY ROAD, PENNINGTON,  
LYMINGTON SO41 8GY

**Development:** Development of 47 dwellings comprised: 1 terrace of 3 houses; 12 pairs of semi-detached houses; 1 terrace of 4 bungalows; 13 detached houses; 3 detached bungalows; single & double garages; associated parking; access roads; footpaths; open space; landscaping; demolition of existing

**Applicant:** Pennyfarthing Homes Ltd.

**Target Date:** 12/06/2015

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## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Policy

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up area

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

#### Objectives

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

#### Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS4: Energy and resource use
- CS7: Open spaces, sport and recreation
- CS10: The spatial strategy
- CS12: Possible additional housing development to meet a local housing need
- CS15: Affordable housing contribution requirements from developments
- CS24: Transport considerations
- CS25: Developers contributions

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

- DM1: Heritage and Conservation
- DM3: Mitigation of impacts on European nature conservation sites
- LYM1: Pinetops Nurseries

## 4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

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

## **6 RELEVANT PLANNING HISTORY**

- 6.1 Residential Development (03/78699) - refused 10/9/04
- 6.2 Residential Development (05/84022) - refused 11/5/05
- 6.3 80 Dwellings; demolition of existing (07/90876) - withdrawn 11/12/07
- 6.4 Residential Development of 45 dwellings; access road; footpaths; open space; landscaping; demolition of existing (13/11561) – Outline permission granted 15/7/14
- 6.5 Development of 45 dwellings comprised; 1 terraces of 3 houses; 11 pairs of semi-detached houses; 2 pairs of semi-detached bungalows; 13 detached houses; 3 detached bungalows; access road; footpaths; open space; landscaping; demolition of existing (Details of appearance, landscaping and scale) (14/11341rm) - granted 18/3/15

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

Lymington & Pennington Town Council:- Views awaited

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

- 9.1 Hampshire County Council Highway Engineer:- Views awaited
- 9.2 Land Drainage:- No objection subject to conditions
- 9.3 Environmental Health (contaminated land):- No objection subject to conditions (14a - 14e)
- 9.4 New Forest Access for all: - access to houses should be flat, level and allow for easy entry of wheelchairs / scooters.
- 9.5 NFDC Waste & Recycling Manager:- queries refuse collection for plots 39 & 40; accessways must be constructed to an adoptable standard and hammerheads must be designed to enable safe turning of refuse vehicles; more detail on type and construction of bin stores is needed
- 9.6 Tree Officer:- No objection subject to conditions
- 9.7 Building Control: - Careful consideration of B5 issues is required.
- 9.8 Environment Agency:- No comment



- 9.9 Environmental Design (Urban Design):- Final views awaited
- 9.10 Estates & Valuation: - the reduction in the amount of affordable housing sought is considered reasonable.
- 9.11 Housing Development Manager:- views awaited
- 9.12 Hampshire County Council(Education):- requests an education contribution of £289,238.
- 9.13 Ecologist:- No objection subject to conditions
- 9.14 Southern Water: - No objection; requests informative & condition; advises that there is currently inadequate capacity on the local network to service the proposed development. However, the applicant should enter into a formal agreement with Southern Water to provide the necessary infrastructure required to service this development.

## **10 REPRESENTATIONS RECEIVED**

None

## **11 CRIME & DISORDER IMPLICATIONS**

See Assessment Report below

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission and the dwellings built, the Council will receive £54,144 in each of the following six years from the dwellings' completion, and as a result, a total of £324,864 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 £354,649.60.

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

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

In this case, all of the above apply. The application proposals have been the subject of lengthy discussions and negotiations and amended plans have been submitted to address some initial design concerns which has enabled a positive recommendation to be made.

## 14 ASSESSMENT

### Introduction

- 14.1 Pinetops Nurseries is an extensive area of glasshouses that lies on the north side of Pinetops Close and to the east side of Ramley Road. The application site, which extends to 1.91 hectares, is almost entirely covered with glass houses / horticultural structures. The site is relatively flat. On its northern side, the site is bounded by open countryside that has a scrublike character. To the south of the site, the existing residential properties fronting onto Pinetops Close are mainly single-storey residential bungalows with open and unenclosed front gardens. On its eastern side, the site is bounded by detached residential properties in Yarrell Mead and Yaldhurst Lane, whilst to its west side, the site is bounded by detached residential dwellings fronting onto Ramley Road as well as the site offices of the Pinetops Nurseries site. The neighbouring dwelling at 73 Ramley Road is a Grade II Listed building.
- 14.2 The application site is allocated for development under policy LYM1 of the Local Plan Part 2. In July 2014, outline planning permission was granted for a residential development of 45 dwellings, including access roads, footpaths, open space and landscaping. Both the means of access to the site and the layout of the development were formally approved. The approved scheme was subject to a Section 106 legal agreement that secured 31 of the 45 dwellings (69%) as affordable housing units. Subsequently, in March 2015, the outstanding reserved matters of scale, appearance and landscaping were all approved.
- 14.3 The application that has now been submitted is a full planning application for 47 dwellings (i.e. 2 more dwellings than the recently approved scheme). The layout and design is broadly similar to the recently approved scheme, although there have been material amendments to the layout where the 2 additional dwellings are proposed, which had a

knock-on effect on some of the immediately adjacent dwellings. In addition, this latest scheme includes a number of additional garages, and carports, and there have also been some alterations to the footprints of individual units.

#### Design Considerations

- 14.4 It is considered that the 2 additional dwellings and the associated design changes that have been made have not undermined the design quality of the approved development. The dwellings would have an appropriate spatial setting and the slightly increased density would remain appropriate to the site's rural-edge context. Development along the site's northern boundary would still have a sufficiently soft edge, and the open spaces within the development would help to give the layout an appropriate sense of spaciousness. Gaps between individual buildings, as well as the rear garden sizes, would be reasonable. The layout would allow for reasonable levels of planting / soft landscaping to be secured, and thereby enable the development to integrate successfully into its rural edge context.
- 14.5 Dwellings would address Pinetops Close in an appropriate manner and the large open space on the frontage of the site has the potential to be an attractive open feature within the Pinetops Close streetscene. The 2-storey scale of development at the western end of the site would be appropriate and would relate acceptably to adjacent development in Ramley Road. At the eastern most end of the site, 7 bungalows are still proposed and these would relate acceptably to adjacent bungalows. The proportions of the proposed dwellings would be sympathetic. There would be an appropriate consistency in the architectural detailing and roof forms of the closely related building groups, but at the same time there would be sufficient variety within the development as a whole to give the development appropriate visual interest. The dwellings would include traditional details such as arched window heads and feature courses between ground and first floors, which would help the development to respond positively to its rural edge context. The dwellings would address the streets and public spaces of the site in an appropriate manner and corner properties would have adequate visual interest on their exposed side elevations. Individually and collectively, it is considered that the dwellings would be of an acceptable appearance.
- 14.6 Although the number of dwellings proposed would marginally exceed the 40-45 dwelling guideline set out in policy, this is only a guide. Given that the layout and design is one that would still integrate successfully into its particular context, the additional dwellings proposed and the design changes that have been made are considered to be reasonable and acceptable.

#### Affordable Housing Considerations

- 14.7 Aside from the design changes discussed above, this application proposes one very significant change, namely in the proportion of affordable housing units that would be secured.
- 14.8 Policy LYM1 allocates the Pinetops Nurseries sites for residential

development specifically to provide for local housing needs in accordance with Policies CS12 and CS15(b) of the Core Strategy. The policy indicates that 70% of the dwellings provided will be affordable housing. The recently approved scheme secures 31 affordable housing units (69% of units), and therefore largely meets the requirements of policy. The scheme that has now been submitted proposes only 23 affordable housing units, which would be 49% of the overall number of units proposed. This would constitute a significant shortfall of affordable housing that would not meet the aims and objectives of policy.

- 14.9 The applicant's reason for reducing the proportion of affordable housing units is because they feel that the scheme would not be financially viable if it were required to secure a greater proportion of affordable housing than the 49% level of provision that is now proposed. They have submitted a detailed viability appraisal to support their position.
- 14.10 In considering the applicant's arguments on viability, it is first important to recognise changes in Central Government Planning advice since the Council's Core Strategy was adopted in October 2009. In particular, the National Planning Policy Framework (NPPF), which was adopted in 2012, makes it clear that Plans should be deliverable. Therefore Paragraph 173 of the NPPF makes it clear that *"the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to the development, such as requirements for affordable housing ... should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable."*
- 14.11 National Planning Practice Guidance adopted in 2014 provides more detailed guidance on viability. With reference to brownfield sites, it is indicated that to incentivise the bringing back into use of brownfield sites, local planning authorities should take a flexible approach in seeking levels of planning obligations and other contributions to ensure that the combined total impact does not make a site unviable. The Guidance indicates that *"Where an applicant is able to demonstrate to the satisfaction of the local planning authority that the planning obligation would cause the development to be unviable, the local planning authority should be flexible in seeking planning obligations. This is particularly relevant for affordable housing contributions which are often the largest single item sought on housing developments. These contributions should not be sought without regard to individual scheme viability."*
- 14.12 Even though the Pinetops Nurseries site was only allocated for residential development (and brought into the built-up area) on the basis that it would secure 70% affordable housing, it is clear from recent national planning policy advice that it is not reasonable to apply Core Strategy Policies CS12 and CS15 in a rigid and inflexible manner. These policies must be applied with an appropriate degree of flexibility, having regard to the particular viability considerations being put forward by the applicant.
- 14.13 The Council's Senior Valuer has given detailed consideration to the applicant's viability appraisal. In considering viability in this case, it is important to recognise that the existing landowner should receive a sufficient incentive to motivate a sale, taking into account the costs of

relocating to an alternative horticultural site. Having regard to all relevant costs, the Council's Senior Valuer considers that a scheme that secures 70% affordable housing would not be viable because the Development Value of the land would fall significantly below the benchmark Site Value (by over £600,000). The Council's Senior Valuer therefore considers that a reduction in the affordable housing contribution would be justified. If the proportion of affordable housing is reduced to 49% of units, then the development land value and the Threshold Site Value will be approximately in balance, and accordingly the Council's Senior Valuer considers that a reduction in the proportion of affordable housing units to 49% of units is reasonable.

- 14.14 It should be noted that the applicants are specifically proposing 51% private housing, 32% intermediate affordable housing and just 17% Social Rented housing. This compares to a policy requirement of 30% private housing, 30% intermediate affordable housing and 40% social rented housing. Therefore, it is the social rented element of the affordable housing requirement that is being sacrificed on viability grounds. This is of course regrettable. However, given the applicant's arguments on viability, which have been broadly accepted by the Council's Senior Valuer, it is felt that the reduction in both the proportion of social rented housing and the overall proportion of affordable housing is reasonable and justified. In reaching this conclusion, it is important to have regard to the fact that the application site is a brownfield site where development costs are inevitably much higher than on greenfield sites. It is also important to recognise the environmental benefits associated with the development of a large brownfield site. However, perhaps most fundamentally of all, because the applicant's arguments on viability are accepted, it is felt that granting permission for a lower proportion of affordable housing would be consistent with National Planning Policies and Guidance.

#### Other Considerations

- 14.15 Two of the bungalows at the eastern end of the site have slightly larger footprints than on the approved scheme, and car ports have been added. However, it is not felt that this change would materially affect the development's relationship to neighbouring bungalows. Nor is it felt that changes in the north-west corner of the site would materially affect the development's relationship to neighbouring dwellings in Ramley Road. Overall, it is felt the development would still adequately respect the light, outlook, privacy and general amenities of neighbouring residential properties.
- 14.16 Since the previous application for 45 dwellings was implemented, the Council has adopted CIL. This means that a contribution to formal public open space off-site will no longer be required as this will be covered by CIL. However, on-site public open space (0.29 hectares) and maintenance contributions (£49,280) still need to be secured through a Section 106 legal agreement in accordance with the requirements of Core Strategy Policy CS7.
- 14.17 Transportation Contributions that were previously agreed would now be covered by CIL. The habitat mitigation contribution would also now be met by CIL for the 24 private dwellings. However, the 23 affordable dwellings would be subject to relief from CIL requirements, and as a consequence this means that the impact of the 23 affordable dwellings on designated European sites would still need to be mitigated within a

Section 106 legal agreement. In addition, a visitor management and monitoring contribution is required for all dwellings and this too would need to be secured within a Section 106 legal agreement. The overall habitat mitigation contribution (including visitor management and monitoring requirements) that will need to be secured within a Section 106 legal agreement is a contribution of £101,550.

- 14.18 At the time of writing, the affordable housing has yet to be secured within a completed Section 106 legal agreement.
- 14.19 Hampshire County Council (Education) have requested a significant education contribution. However, they did not request any such contribution with the extant 45 dwelling scheme. They have also not clearly set out how this money would be spent. In these circumstances, it is not felt an education contribution would be justified.
- 14.20 The development would not harm the setting of the Listed Building at 73 Ramley Road and, as with the previous application, concerns relating to trees, ecology, contamination and drainage could all be dealt with by condition. The application is not accompanied by detailed landscaping proposals, but again it is felt the matter could be satisfactorily addressed by means of condition. The views of the Highway Authority are still awaited, although it is not anticipated that the design changes that have been made would have material implications for highway safety.
- 14.21 The previously approved scheme was subject to a condition that the dwellings meet level 4 of the Code for Sustainable Homes in accordance with Policy CS4 of the Core Strategy for New Forest District outside of the National Park. However, recently, the government has scrapped the Code for Sustainable Homes. Therefore, such a condition is no longer deemed necessary.
- 14.22 There have been some relatively small-scale changes to the design of the scheme since it was first submitted, but these changes are still sufficiently material as to require readvertising. The readvertisement period for these amended plans will not expire until after May Committee. Therefore, any resolution should be subject to no further representations being submitted raising substantive new issues.

### Conclusion

- 14.23 Overall, it is recognised that this proposal would be contrary to Core Strategy Policies CS12 and CS15 and Local Plan Policy Part 2 Policy LYM1, in that the proportion of affordable housing being provided (specifically the social rented element) would fall well below policy expectations. However, it is felt that a lower 49% rate of affordable housing provision would be justified in this instance on viability grounds, having regard to Central Government policy and the particular costs and benefits associated with the development of this brownfield site. The proposed development would be well designed and would be sympathetic to the character and appearance of the area. The development would not ham residential amenities or the wider environment. As such, subject to the conditions and the completion of a Section 106 legal agreement, the application is recommended for permission.
- 14.24 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and

Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed.

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

### Developers' Contributions Summary Table

<b>Proposal:</b>			
<b>Type of Contribution</b>	<b>NFDC Policy Requirement</b>	<b>Developer Proposed Provision</b>	<b>Difference</b>
<b>Affordable Housing</b>			
No. of Affordable dwellings	33	23	-10
Financial Contribution	0	0	0
<b>Public Open Space</b>			
On site provision by area	0.29	0.29	0
Financial Contribution	0	0	0
<b>Transport Infrastructure</b>			
Financial Contribution	0	0	0
<b>Habitats Mitigation</b>			
Financial Contribution	£101,550	£101,550	0

### CIL Contribution Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses	4433.12	0	4433.12	£354,649.60
			0	£0.00

### 15. RECOMMENDATION

That the Head of Planning and Transportation be **AUTHORISED TO GRANT PERMISSION** subject to:

i) the completion, by 12th June 2015, of a planning obligation entered into by way of an Agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure appropriate provision towards public open space and affordable housing and to ensure the development's impact on designated European sites is adequately mitigated.

ii) the receipt of no substantive new material objections to the scheme from third parties by 22nd May 2015.

iii) the imposition of the conditions set out below.

BUT, in the event that the Agreement is not completed by 12th June 2015, the Head

of Planning and Transportation be **AUTHORISED TO REFUSE PERMISSION** for the reasons set out below.

**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, 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.
2. The proposed development would fail to adequately secure the provision and management of public open space on the site to meet the needs of the occupants of the development for public open space. The proposal would therefore be contrary to an objective of the Core Strategy for the New Forest District outside the National Park 2009 and with the terms of Policies CS7 and CS25 of the Core Strategy.
3. 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.

**Conditions to be attached to any consent:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development permitted shall be carried out in accordance with the following approved plans: 5096/PL/001, 5096-PI-010, 5096-PL-011, 5096-PL-012, 5096-PL-013, 5096-PL-014 rev A, 5096-PL-015, 5096-PL-016 rev A, 5096-PL-017 rev A, 5096-PL-018 rev A, 5096-PL-19 rev A, 5096-PL-021, 5096-PL-022, 5096-PI-024 rev A, 5096-PL-025, 5096-PL-026, 5096-PL-027, 5096-PI-030, 5096/PL/002 rev B, 5096/PI/004, 31772-01 rev D, 001/pen/01/A, 5096-PL-003 rev B, 13277-BT4.  
  
Reason: To ensure satisfactory provision of the development.
3. Before development commences, details of the means of disposal of surface water from the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved details.



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

4. Before the development is first occupied details of the future maintenance of the drainage system to be approved under condition 6 shall be submitted to and approved in writing by the Local Planning Authority. The drainage system shall thereafter be maintained in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

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

5. Before development commences, details of the means of foul sewerage disposal 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 sewerage arrangements are appropriate and in accordance with Policies CS2 and CS6 of the Core Strategy for the New Forest District outside the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local development Frameworks.

6. Development shall take place fully in accordance with the protected species mitigation measures set out in Sections 5 of the Lindsay Carrington Ecological Services Ltd Ecological Appraisal dated February 2015.

Reason: To safeguard ecological and biodiversity interests in accordance with Policy CS3 of the Core Strategy for the New Forest District outside the National Park.

7. Before the commencement of development details of the biodiversity enhancement measures that are to be incorporated into the approved development shall be submitted to and approved in writing by the Local Planning Authority. Development shall only proceed in accordance with the approved details.

Reason: To safeguard ecological and biodiversity interests in accordance with Policy CS3 of the Core Strategy for the New Forest District outside the National Park.

8. The development hereby permitted shall not be occupied until cycle parking facilities have been provided on the site in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning

Authority. These approved parking spaces shall thereafter be retained and kept available for their intended purposes at all times.

Reason: To ensure adequate cycle parking facilities are provided, to promote sustainable travel and to comply with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

9. The development hereby permitted shall not be occupied until the approved arrangements for the turning of vehicles on site have been implemented. These areas shall be kept available for their intended purposes at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and to comply with Policy CS24 of the Core Strategy for the New Forest District outside the National Park.

10. Before development commences, the proposed slab levels in relationship to the existing ground levels set to an agreed datum shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with those details which have been approved.

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

11. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions relating to contamination no 12 to 14 have been complied with.

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 15 relating to the reporting of unexpected contamination has been complied with in relation to that contamination.

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

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

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

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

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

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

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

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

15. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 12, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 13, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 14.

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

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

- a) samples or exact details of the facing and roofing materials to be used;
- b) details of the solar panel design.

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

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

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

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

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

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

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

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

19. The first floor (bedroom) window on the south-west side elevation of the approved dwelling at Plot 11 shall at all times be glazed with obscure glass.

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

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any re-enactment of that Order) no extension (or alterations) otherwise approved by Classes B or C of Part 1 of Schedule 2 to the Order, shall be erected or carried out on Plots 38, 39, 40 or 41 without express planning permission first having been granted.

Reason: In view of the physical characteristics of these plots, the Local Planning Authority would wish to ensure that any future roof alterations do not adversely affect the privacy of neighbouring properties, contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

21. Prior to commencement of works (including site clearance and any other preparatory works) the scheme for the protection of trees in accordance with the submitted Barrell Tree Consultancy Arboricultural Impact Appraisal and Method Statement ref 13277-AIA3-DC and Plan Ref:13277 BT4 dated 20.02.15 shall be implemented and at least 3 working days notice shall be given to the Local Planning Authority that it has been installed before any other works are undertaken.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area and to comply with Policy CS2 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 have been the subject of lengthy discussions and negotiations and amended plans have been submitted to address some initial design concerns which has enabled a positive recommendation to be made.

**Further Information:**

Major Team

Telephone: 023 8028 5345 (Option 1)



**New Forest**  
DISTRICT COUNCIL

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www.newforest.gov.uk

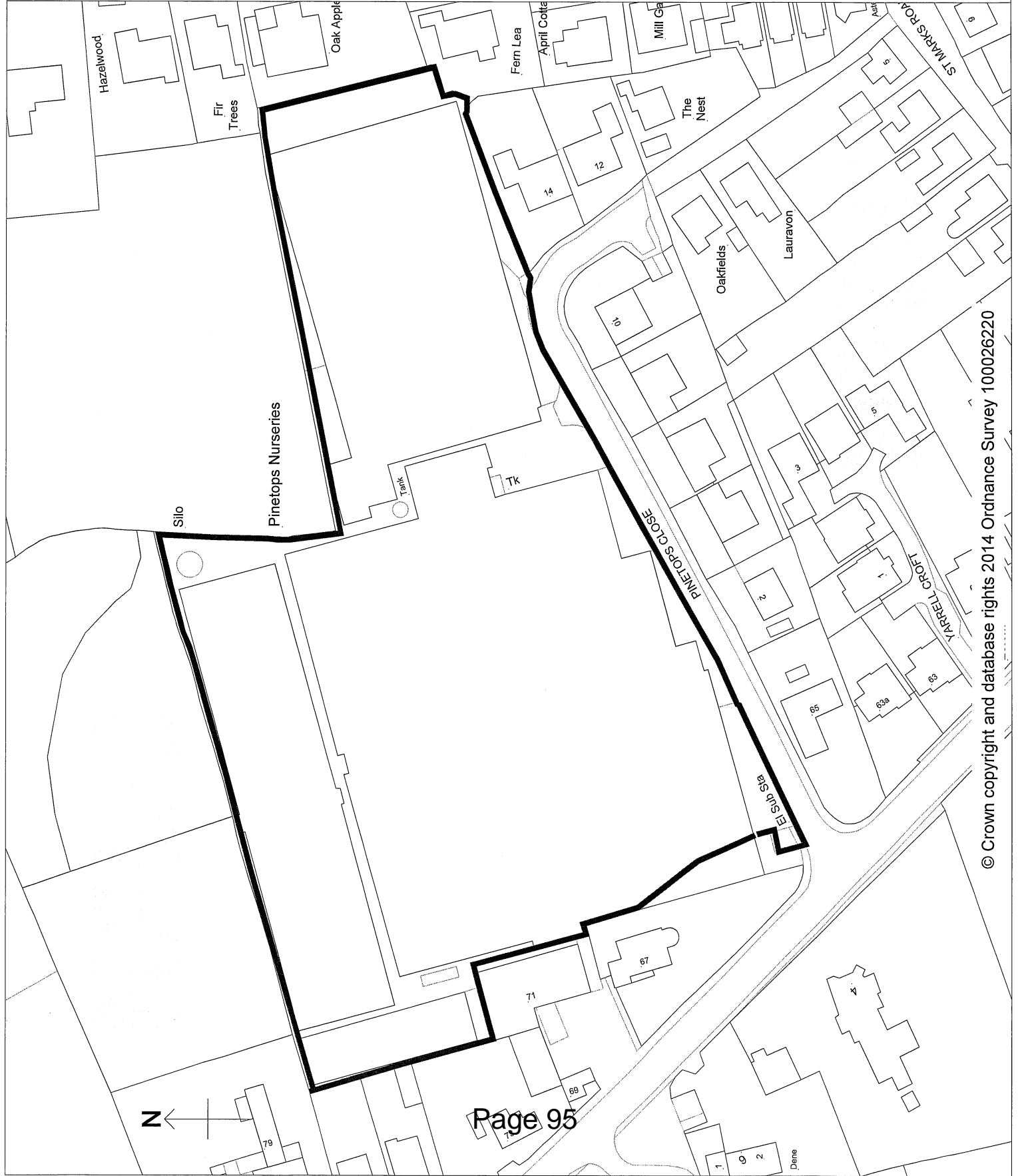
Chris Elliott  
Head of Development Control  
New Forest District Council  
Appletree Court  
Lynchhurst  
SO43 7PA

**Planning Development  
Control Committee  
May 2015**

**Item No: 3(I)**  
Pinetops Nurseries  
67-69 Ramley Road  
Pennington  
App No 15/10290  
SZ3095

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 6<sup>TH</sup> MAY 2015

Enforcement case reference numbers: EN/14/0762, EN/14/0531 and EN/14/0533.

Site: Land at 4, 5 and 7 Hives Way, Lymington, SO41 8YE

### Development:

- Removal of boundary fences to the rear gardens
- Erection of 1.8 metre high close boarded fences to the rear.
- Enclosure of open space
- Change of use of land to residential garden.
- Removal of tree screen and hedgerow.

### 1. REASON FOR COMMITTEE CONSIDERATION

In view of conflict of opinion between Town Council and Member of Parliament

### 2. DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

### 3. DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

#### Core Strategy

Objectives

Policies

CS2: Design Quality

CS3: Protecting and enhancing our special environment

CS10: The Spatial Strategy

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

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

### 4. RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

National Planning Policy Guidance

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

Lymington Local Distinctiveness Document SPD

The New Forest District Council Local Enforcement Plan (December 2013).

**6. RELEVANT PLANNING HISTORY**

79/NFDC/13449 Erection of 52 houses and 6 flats on land south of railway line, off Southampton Road, Lymington. Construction of pedestrian/vehicular access, road and drainage. Granted Subject to Conditions 15/12/1980.

**7. PARISH / TOWN COUNCIL COMMENTS**

Lymington and Pennington Town Council: Object: The works result in a significant eyesore on an approach road into Lymington. A decision not to take action could set a terrible precedent for any property adjacent to public open space. The Town Council endorse the complainants' concerns and want steps to be taken to address the situation and restore the boundaries.

**8. COUNCILLOR COMMENTS**

None received

**9. MP COMMENTS**

Desmond Swayne TD MP, (Member of Parliament for New Forest West);

The owners of the properties have made it clear that they are prepared to go to some considerable length in terms of screening and planting. To require them to restore the status quo is an injustice.

**10. CONSULTEE COMMENTS**

NFDC Trees: The trees as a group provide a good level of public amenity especially as screening. However, the individual trees within the group are not in good structural condition and as such are unsuitable for long term retention by way of a Tree Preservation Order.

Hampshire County Council Highways: Raise no objection provided that any encroachment does not extend as far as the back of the adopted highway.

**11. REPRESENTATIONS RECEIVED**

One complainant:

Concerned and strongly object to the encroachment, cutting down of trees and shrubs and the erection of close boarded fencing on landscaped / open space land.

- This detracts from the approach to the town, is an eyesore and detracts from the visual outlook along Marsh Lane, a main road into Lymington.

- The works result in a breach of planning conditions the purpose of which is to screen the adjacent houses from the main road and to provide public amenity.
- Fencing is unsuitable at this location.
- The works will set a precedent resulting in a mass of fencing in various states of repair along one of the main routes into Lymington, a very prominent location.
- The works are contrary to the NFDC vision: “Conserving the environment of the New Forest District for the peaceful enjoyment of residents and visitors”.

Correspondence from owners:

Guidance was sought from the Council prior to the commencement of works.

They have confirmed that they are willing to plant evergreen hedging along the boundary line with the public highway, on land in their ownership, to act as screening for the fence.

## **12. CRIME & DISORDER IMPLICATIONS**

Not applicable

## **13. LOCAL FINANCE CONSIDERATIONS**

Local financial considerations are not material to the decision.

## **14. WORKING WITH THE APPLICANT/ AGENT**

These cases relate to an enforcement complaint. Attempts have been made to resolve the breach of planning control and assessment has now to be made on the expediency of taking formal enforcement action. It is not normal practice to seek a Committee determination but in view of the objections raised and other material consideration, it is appropriate in this case.

## **15. ASSESSMENT**

15.1 The sites are located in a prominent position adjacent to Marsh Lane – a classified road linked to Southampton Road - where there has historically been a verge to the highway and open landscaping features in the form of trees and shrubs. These works were undertaken to Nos 4, 5 and 7 Hives Way between August and November 2014. In these cases the residential curtilages of 3 properties on Hives Way have been extended towards Marsh Lane and enclosed with 1.8 m high close boarded fencing. A number of trees and shrubs have been removed. The combined impact of the removal of the planting and re-location of fencing has had an impact on visual amenity and the character of the area.

15.2 By way of context, conditions 7 and 12 of the original planning approval 79/NFDC/13449 are particularly relevant in this case;

Condition 7 states:

“The existing natural tree screen (or hedgerow) along the western boundary of the site shall be retained and reinforced where necessary to the satisfaction of the Local Planning Authority”

The reason for this condition was to maintain the appearance of the locality

Condition 12 states:

“The land annotated as Public Open Space and Play Areas on the approved plan shall be laid out and maintained to the satisfaction of the Local Planning Authority for these purposes in relation to the remainder of the site to be redeveloped.

The reason for this condition was to provide adequate amenities for the development.

15.3 It is accepted that the current development has resulted in a breach of conditions 7 and 12 outlined above. The conditions however were drafted in 1979 and have been reviewed accordance with NPPF guidance on conditions (Paragraph 206). This guidance requires conditions to be necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. In this policy context these conditions are not seen to be specific enough in their terms or requirements to enable the Council to confidently pursue enforcement action on a breach of condition.

15.4 As such the development that has been undertaken has been considered having had regard to the following matters:

1. Tree screen and hedgerow:

Condition 7 of the original planning approval requires the tree screen on the western boundary to be retained. The tree screen was not however protected by a Tree Preservation Order after the development was completed to preserve the visual character of the area. A condition alone is not the most appropriate way to secure protection of important trees in the longer term. Following consultation with the tree team it is not considered that the remaining trees on the site are worthy of protection

2. Public open space

The land has never fulfilled a function as public open space and is in the ownership of 4, 5 and 7 Hives Way.

If the land had been adopted as public open space then protection of the trees and hedgerow may have been more realistic however it was conveyed, along with other land, into private ownership.

Evidence indicates that prior to the unauthorised development taking place this was an overgrown area of scrub land which fulfilled no public function other than as a visual barrier. The evergreen planting offered by the property owners will restore a green edge to the site once it reaches maturity. However, while the owners have undertaken to carry out this planting, it is important to note that in the absence of a planning condition the long term retention (and the replanting of any plants that do not thrive) could not be guaranteed

### 3. Fencing

Close board fencing of 1.8 m in height now forms the boundary treatment of the rear gardens of these properties. The erection of a fence over 1 metre is not permitted if it is adjacent to a highway. It is not however considered that the fences as now present are erected adjacent to the highway as the setback allows for the planting of the area between the fence and highway as outlined above. The ability to plant this area in itself is considered evidence that the fence is not located adjacent to the highway.

For this reason formal planning permission is not required for the erection of these fences in the absence of the other matters outlined in this report.

### 4. Change of use

By incorporating this land into residential gardens a material change of use has occurred. However, as the land was not adopted as Public Open space or formally in use for any other purpose, it is not considered that this change of use, whilst technically a breach of planning control, is so harmful in its impact to justify enforcement action being taken in this instance.

### Conclusion

- 15.5 On the balance of the issues set out above, and subject to the satisfactory planting of an evergreen hedge as agreed by the owners of the sites, it is not considered that it would be expedient to pursue enforcement action. The proposed planting is considered to ameliorate any visual harm to the street scene that could be demonstrated to an acceptable level.
- 15.6 Notwithstanding conditions of the original planning consent, , once planting has been carried out, the development would not result in an obtrusive or overbearing feature that causes demonstrable visual or functional harm to the character of the area.
- 15.7 As each case is considered on its own individual merits the issues of precedent raised by the complainant are not relevant to this determination.
- 15.8 The need to maintain public confidence in the planning system and the proportionality of taking action underpins enforcement procedures and the decision on whether it is appropriate to serve an Enforcement Notice. Having had regard to Paragraph 207 of the National Planning Policy Framework (2012) it is considered that it would be unreasonable for the Local Planning Authority to issue an enforcement notice as there is felt to be no significant harm or planning objection.
- 15.9 While it is unsatisfactory for any person to carry out development without first obtaining permission, the local planning authority should not issue an enforcement notice solely to "regularise" the development, which can be considered acceptable on its individual planning merits.
- 15.10 In coming to this recommendation not to take enforcement action, consideration must be given to the rights set out in Article 8 (rights to privacy) and Article 1 of the First Protocol (right to a peaceful enjoyment of possessions) of the European Convention on

Human Rights. In this case, the outcome is considered proportionate to the legitimate aim and in the wider public interest.

15.11 Notwithstanding the above, it is important to note that the absence of the required planning permission for such works may present difficulties if the property owners wished to dispose of the property in the future.

## **16. RECOMMENDATION**

**HEAD OF PLANNING AND TRANSPORTATION** be authorised to determine that it is **NOT EXPEDIENT** to take formal Enforcement Action **SUBJECT TO** the planting of suitable screening between the fences and Marsh Lane.

**Further Information:**  
Enforcement Team  
Telephone: 023 8028 5345 (Option 1)



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