

NOTICE OF MEETING

Meeting: PLANNING DEVELOPMENT CONTROL COMMITTEE

Date and Time: WEDNESDAY, 8 JUNE 2016, AT 9.00 AM*

Place: THE COUNCIL CHAMBER, APPLETREE COURT,
LYNDHURST

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

PUBLIC PARTICIPATION:

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

Bob Jackson
Chief Executive

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

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

AGENDA

Apologies

1. MINUTES

To confirm the minutes of the meeting held on 11 and 16 May 2016 as correct records.

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) **The Old Railway Station, Woodgreen Road, Breamore (Application 16/10231) (Pages 1 - 10)**

Use as holiday let (amended reason to advertise)

RECOMMENDED:

Planning consent subject to conditions

- (b) **124 Station Road, Fordingbridge (Application 16/10291) (Pages 11 - 18)**

Two-storey side and rear extension to provide 2 additional flats; bin/cycle stores

RECOMMENDED:

Refuse

- (c) **28 Flushards, Lymington (Application 16/10358) (Pages 19 - 26)**

Two-storey side extension with balcony; single-storey rear extension; roof lights; new driveway and access

RECOMMENDED:

Planning consent subject to conditions

- (d) **6 Highfield Avenue, Ringwood (Application 16/10360) (Pages 27 - 32)**

Raise ridge height in association with new first floor; two-storey front and rear extensions; solar panels

RECOMMENDED:

Refuse

- (e) **149 Hightown Road, Ringwood (Application 16/10364) (Pages 33 - 42)**

2 houses; access; parking; demolition of existing

RECOMMENDED:

Planning consent subject to conditions

- (f) **17 Christchurch Bay Road, Barton-on-Sea, New Milton (Application 16/10378) (Pages 43 - 48)**

Rear conservatory

RECOMMENDED:

Planning consent subject to conditions

(g) **Land at Roeshot & Burton, Hinton, Bransgore (Application 16/10443)
(Pages 49 - 60)**

Use of land as Natural Green Space (SANG)

RECOMMENDED:

Planning consent subject to conditions

(h) **Forest Lodge Home Farm, Fawley Road, Hythe (Application 16/10450)
(Pages 61 - 66)**

Extraction of soft sand and sharp sand and gravel, the construction of an improved access onto Fawley Road, the importation of inert materials and restoration of the site to agriculture

RECOMMENDED:

Raise no objection

(i) **1 Farm Lane South, Barton-on-Sea, New Milton (Application 16/10476)
(Pages 67 - 72)**

Single-storey side extension; front porch; fenestration alteration

RECOMMENDED:

Refuse

4. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

To:

Councillors:

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

Councillors:

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

STATUTORY TESTS

Introduction

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

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

The Development Plan

The Development Plan Section 38

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

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

Listed Buildings

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

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

Conservation Areas

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

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

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

Areas of Outstanding Natural Beauty (AONB's)

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

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

Trees

Section 197. Trees Town and Country Planning Act 1990

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

Biodiversity

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

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

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

Conservation of Habitats and Species Regulations 2010

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

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

Equality

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

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

Financial Considerations in Planning

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

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

Application Number: 16/10231 Full Planning Permission

Site: THE OLD RAILWAY STATION, WOODGREEN ROAD,
BREAMORE SP6 2AB

Development: Use as holiday let

Applicant: Mrs Grainger

Target Date: 16/05/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside

Historic Land Use

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
4. Economy
7. The countryside
9. Leisure and recreation

Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS17: Employment and Economic Development
- CS19: Tourism
- CS21: Rural Economy
- 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
- DM13: Tourism and visitor facilities
- DM20: Residential development in the countryside
- DM22: Employment development in the countryside
- DM24: Loss of rural employment sites, shops, public houses and community facilities

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

Mitigation Strategy for European Sites
Parking Standards
Breamore Village Design Statement
Conservation Areas

6 RELEVANT PLANNING HISTORY

02/74096: Change of use to Use Class B1 (a) (b) and (c). Granted: 3 July 2002

7 PARISH / TOWN COUNCIL COMMENTS

Breamore Parish Council: strong objection on the following grounds:

- The building offers employment opportunities and a change of use should be resisted;
- There has been no marketing since July 2015 which was at an inflated price (£12.50 per square ft as opposed to current marketing of £7.75 per square ft for similar properties);
- The building has not been adequately or appropriately marketed.

8 COUNCILLOR COMMENTS

No comments received

9 CONSULTEE COMMENTS

- 9.1 New Forest National Park Authority: providing habitat mitigation measures are secured, the Authority has no comments to make in relation to this development
- 9.2 Land Drainage: no comment
- 9.3 Hampshire County Council Rights of Way: no objection
- 9.4 Ministry of Defence: no safeguarding objections to proposal
- 9.5 Environmental Health: no concerns with this application
- 9.6 Hampshire County Council Highway Engineer: no objection subject to condition
- 9.7 Conservation Officer: no concerns
- 9.8 Planning Policy: The use of the building for visitor accommodation may indeed be appropriate and would support the tourist economy, but sufficient justification will be needed in order to override the policy presumption in favour of retaining the business use.
- 9.9 Estates and Valuation Manager: marketing exercise inadequate/ likely difficulty in finding B1 use

10 REPRESENTATIONS RECEIVED

5 letters (4 households) received expressing the following concerns::

- The marketing exercise is questionable, undertaken by a local residential agent, details were not widely distributed (i.e. it was not on Rightmove) and the price was too high;
- The Council should have limited regard to the marketing exercise;
- Why has the building not been marketed recently whilst still vacant?
- The Council refused similar application for the nearby dairy which now supports a thriving business employing over a dozen people;
- The premises have not been advertised for sale;
- There is a lack of parking;
- Concerns regarding safety of nearby children owing to 'strangers' staying;
- Holiday makers might cause noise and disturbance;
- Will be likely to increase house/ car insurance premiums;
- In January 2016, the National Park Authority refused planning permission for the conversion of a Methodist Chapel at Woodgreen for reasons including "beneficial community or business use would be more acceptable" and "the level of activity generated by the proposed development would have an unacceptable impact upon the character of the countryside". Both carry equal weight in the assessment of this planning application.

11 CRIME & DISORDER IMPLICATIONS

n/a

12 LOCAL FINANCE CONSIDERATIONS

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

Based on the information provided at the time of this report this development has a CIL liability of £4,208.42.

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

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

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

In this case, the applicant was requested to submit details of the marketing exercise which was undertaken which has now been assessed by the Estates and Valuation Manager. The application also follows pre-application advice sought by the applicant.

14 ASSESSMENT

Introduction

- 14.1 The application relates to the former Breamore railway station which stands on the former Salisbury and Dorset junction railway. The station has been restored while both platforms remain (in part) with the track bed a public footpath. The site falls within the countryside and the Breamore Conservation Area. The New Forest National Park boundary runs along the former track bed.
- 14.2 The building currently provides a business use further to the grant of planning permission 02/74096 (Change of use to Use Class B1 (a) (b) and (c)); this was permitted on 3 July 2002. This application seeks a change of use to a one bedroom holiday let. No external changes are proposed.

Principle of Proposal

- 14.3 The application site comprises an existing employment use, albeit vacant. Policy CS21 seeks to keep existing employment sites in rural areas; policy DM24 elaborates on this policy and sets out the exceptions where the loss of a rural employment site could be considered appropriate. These exceptions include where alternative equivalent provision is made; where the proposal would provide greater community benefits for which there is a recognised local need; or where the current use of the site or building has an adverse impact on the character and amenities of the area. None of these exceptions are considered to apply and therefore, the application has been advertised as a departure to policy.
- 14.4 Policy DM13 allows for the development of tourist and visitor facilities in certain circumstances, none of which would appear to apply in this case.

- 14.5 Notwithstanding the above, having regard to the merits of this proposal, the Policy sections comments advise that use of the building for visitor accommodation may be appropriate and would support the tourist economy, but sufficient justification would be needed in order to override the policy presumption in favour of retaining the business use. Accordingly, the applicant needs to provide substantial evidence that the existing use is no longer viable, or that extensive marketing at a reasonable rent has taken place to seek an alternative business use. Rural business premises tend to be quite popular and so particular scrutiny should be afforded to the marketing of the premises.
- 14.6 In this instance, the applicant has submitted details of the marketing exercise which has been undertaken. This advises that a local agent was instructed to market the building in October 2013 with local adverts also placed in local shops by the applicant. As a result, one person rented desk space within the building for 15 months in 2013/ 2014. Proposals for a dog grooming business (May 2014) and a business that would have included demonstrations of hi-fi speakers (February 2015) were rejected given the potential impact on neighbours. Further to this marketing exercise, the applicant is of the understanding that the building is too big for a home worker upgrading but too small for a larger business.
- 14.7 Marketing with the estate agent was suspended in July 2014 and the applicant thereafter attempted to sell the lease of the building via an advert in the Salisbury Journal between August and October 2014. The restriction on the use of the building is cited as the reason why this advert proved unsuccessful.
- 14.8 Comments received from the Council's Estates and Valuation Manager in respect of this marketing exercise state that the marketing undertaken, particularly in recent times, has not been adequate given that a mainstream commercial agent would need to be instructed who would ensure adequate (and up to date) coverage (i.e. more widely advertised). With regards to the pricing, the annual quoting rent is considered to be within negotiating range of a reasonable market level but the selling price set in October 2014 was out of proportion and set at a level that would have been unlikely to attract B1 type users. Nevertheless, although nothing can be concluded from past marketing, it is advised that it is probably true that it remains difficult to find B1 occupiers in locations that are remote from other business concerns therefore, on a rental basis it could be expected to be difficult to maintain occupation on a consistent basis and it could also be difficult to motivate a sale at current commercial yields.
- 14.9 Notwithstanding the above shortcomings of the submitted marketing exercise (albeit noting the anticipated difficulties in renting/ selling this building for B1 purposes), the Council acknowledge that there is merit in securing a new use for this heritage building whilst the amount of employment floorspace that would be lost would be relatively modest. It is also considered that this building, given its design and history, would make an attractive holiday let while it is further acknowledged that use as a holiday let would still offer a form of employment and would help to support the local economy. These factors weigh in favour of the proposal.

- 14.10 In considering the sustainability of any refusal reason, it is also necessary to have regard to Class O of the General Permitted Development Order which allows the change of use of offices to dwelling houses. Whilst this is not directly applicable given condition 7 of planning permission 02/74096 (which restricts use of the building to Class B1 (a), (b) and (c) uses), it highlights that in many cases, the Council are now not able to resist the loss of rural employment space.
- 14.11 In weighing all of the above, it is considered that any associated refusal reason having regarding to a lack of marketing would be more difficult to sustain and for this reason, on balance, there is no associated objection to this application.

Design/ Visual Amenity

- 14.12 The proposal does not propose any external changes to the building. It is considered that the building has potential to be used as a holiday let and that it could become an attractive place for visitors to take a holiday given its countryside location close to Fordingbridge and other settlements in the Avon valley; the history and design of the building will also add special interest. Accordingly, there is no design/ visual amenity based objection to the proposal.

Residential Amenity

- 14.13 The application site sits amongst a handful of residential properties with the Old Station House opposite closest and with access in front of the building leading to the recent residential development of Breamore Halt. Historically the building would have received a higher number of visitors while given its size (one-bedroom), only small groups could be accommodated. Any impact on the neighbouring properties would therefore be limited and, despite the concerns raised, there is no objection on residential amenity grounds.

Highway Safety

- 14.14 The Highways Engineer has raised no objection to this application subject to a condition requiring provision and retention of the car parking spaces shown.

Habitats Mitigation

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

Conclusion

14.16 In conclusion it is considered that the proposed change of use would be acceptable in the circumstances of this case with no adverse implications to the character and appearance of the area or neighbouring properties.

Human Rights

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

CIL Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses	50.47	0	50.47	£4,208.42 *

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 building the subject of this permission shall not be occupied by any one person for more than one month in any calendar year.

Reason: To ensure the building is not used as a permanent dwelling which would be contrary to Policy DM20 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2005 and the Town and Country Planning (General Permitted Development) Order 2015 and the Town and Country Planning (General Permitted Development) (Amendment) Order 2015 or any subsequent re-enactments thereof, the development hereby approved shall be used as a holiday let only and for no other use purposes, whatsoever, including any other purpose in Class C3 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 ensure the building is not used as a permanent dwelling which would be contrary to Policy DM20 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

4. The car parking area for two vehicles shown on the submitted Site Plan/ Block Plan shall be retained solely for the use of the holiday let accommodation hereby approved.

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

5. No development shall be carried out until proposals for the mitigation of the impact of the development on the New Forest and Solent Coast European Nature Conservation Sites have been submitted to and approved in writing by the local planning authority, and the local planning authority has confirmed in writing that the provision of the proposed mitigation has been secured. Such proposals must:

- (a) Provide for mitigation in accordance with the New Forest District Council Mitigation Strategy for European Sites SPD, adopted in June 2014 (or any amendment to or replacement for this document in force at the time), or for mitigation to at least an equivalent effect;
- (b) Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing maintenance and monitoring of any Suitable Alternative Natural Green Spaces which form part of the proposed mitigation measures together with arrangements for permanent public access thereto.
- (c) The development shall be carried out in accordance with and subject to the approved proposals.

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

6. The development permitted shall be carried out in accordance with the following approved plans:

Site Plan/ Block Plan; Elevations; drg no. rev 00; Existing Floor Plan; drg no. rev 00; Proposed Floor Plan; drg no. rev 00

Reason: To ensure satisfactory provision of the development.

Notes for inclusion on certificate:

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

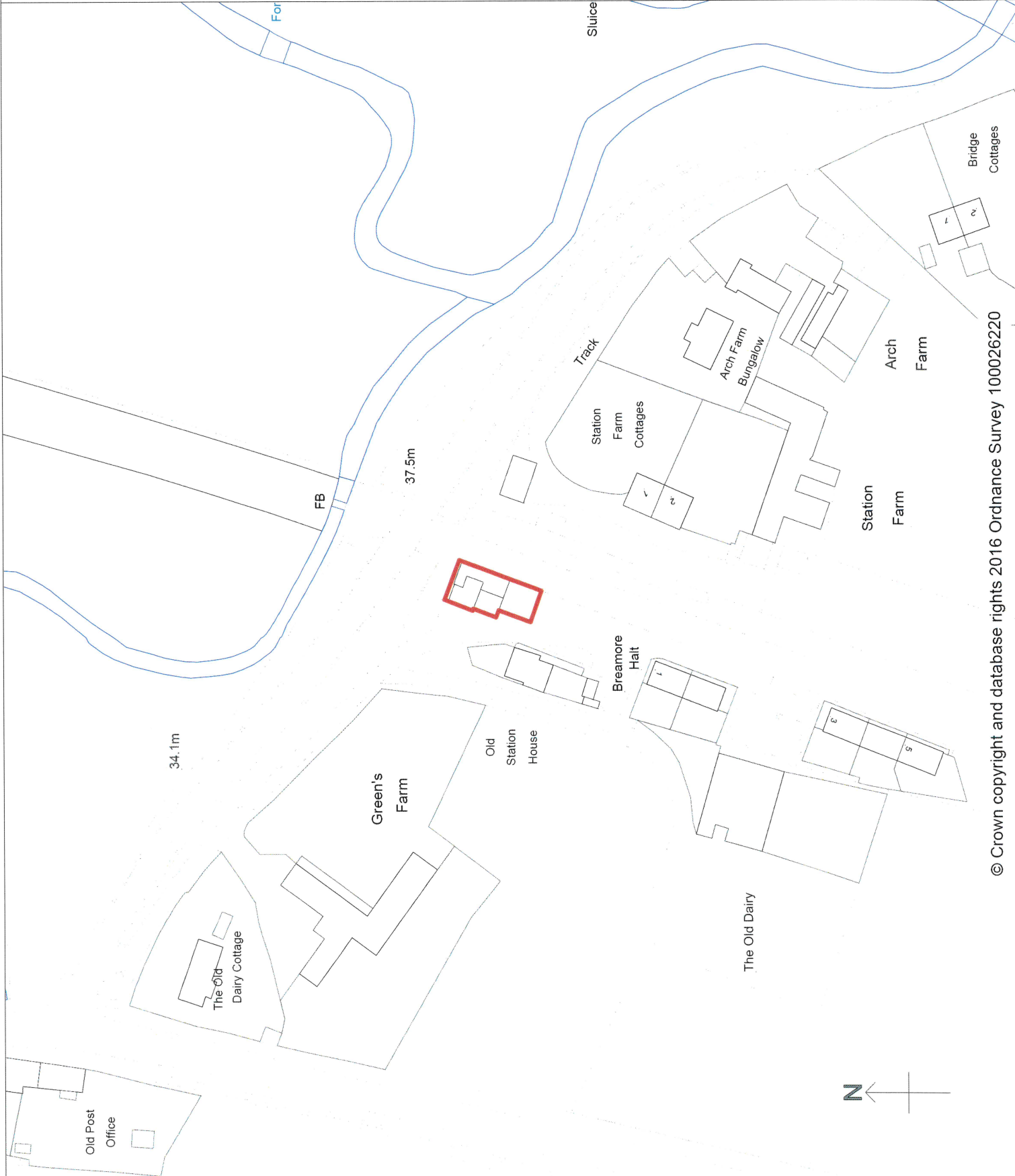
In this case, the applicant was requested to provide the marketing exercise that was undertaken and follows pre-application advice sought by the applicant and follows a pre-application discussions whereby the applicant was advised that this proposed change of use would be likely to be supported.

2. In discharging condition No. 5 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/>

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



Application Number: 16/10291 Full Planning Permission

Site: 124 STATION ROAD, FORDINGBRIDGE SP6 1DG

Development: Two-storey side & rear extension to provide 2 additional flats;
bin/cycle stores

Applicant: Crownshade Ltd

Target Date: 10/05/2016

1 REASON FOR COMMITTEE CONSIDERATION

Affordable housing negotiations and contrary to Town Council view (in part).

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

Core Strategy

- CS2: Design quality
- CS10: The spatial strategy
- CS15: Affordable housing contribution requirements from developments
- CS24: Transport considerations
- CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

DM3: Mitigation of impacts on European nature conservation sites

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Fordingbridge Town Design Statement
SPD - Mitigation Strategy for European Sites
SPD - Parking Standards

6 RELEVANT PLANNING HISTORY

- 6.1 Roof alterations and dormers to form flat (78682) Granted with conditions on the 22nd August 2003
- 6.2 Convert first floor flat to 2 flats, alterations to fenestration (77829) Granted with conditions on the 2nd June 2003
- 6.3 Erect a pair of semi-detached dwellings and associated parking for dwellings and existing flats at 124 Station Road (76143) Granted with conditions on the 31st March 2003
- 6.4 Dwelling with detached garage and parking for existing flats (68908) Granted with conditions on the 9th June 2000
- 6.5 Alterations and conversion of ground floor to form flats (61823) Granted with conditions on the 19th August 1997

7 PARISH / TOWN COUNCIL COMMENTS

Fordingbridge Town Council: Recommend refusal under PAR4 as the proposal would be overdevelopment of the site, creating further parking issues and loss of amenity to neighbouring properties. Members considered that an on site assessment should be carried out regarding the existing problems of parking on the highway and associated danger to road users this would be made worse with no increase in on-site parking provision.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer: No objection subject to condition
- 9.2 Land Drainage: No objection subject to condition
- 9.3 Councils Valuer: The submitted viability appraisal is acceptable
- 9.4 Environmental Health (historic land use): No objection subject to standard contaminated land conditions

10 REPRESENTATIONS RECEIVED

2 letters of objection concerned over car parking and access, loss of light, impact on outlook and privacy. Overdevelopment of the site. Lack of amenity space.

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission and the dwellings built, the Council will receive 2304 in each of the following six years from the dwellings' completion, and as a result, a total of £6912 in government grant under the New Homes Bonus will be received.

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

Based on the information provided at the time of this report this development has a CIL liability of £6,670.77.

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

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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.

No pre application advice was sought by the applicant and there are objections in principle to an extension to provide additional residential units which could not be overcome by negotiation.

14 ASSESSMENT

- 14.1 The site comprises a large detached two and a half storey building which lies in a prominent location along Station Road fronting onto a small roundabout. The existing building is a relatively attractive building constructed from brick with a slate roof with a simple pitched roof, flat roof dormer windows and front bay windows. The property contains five flats with car parking provided to the side of a pair of semi detached houses at No 124a. The application property sits on a restricted plot with a small outside area to the rear used for secured storage by the occupiers and walkways to the side of the building.
- 14.2 The character of the area is mixed comprising commercial and residential properties. To the east of the site is a business predominantly used for offices and storage and the premises has a long single storey building that bounds the side and part rear boundary of the site. There is a residential property to the rear of the site and No 10 Rookwood Gardens, which has its rear garden backing onto the site. To the west is a pair of semi-detached dwellings at Nos 124a and 124b Station Road. Opposite the site is a large two storey office building with semi detached dwellings to the east of the roundabout.
- 14.3 The proposal is to construct a two storey extension to create two residential flats. The proposed extension would be sited in the north east corner of the site currently used as an outside area and storage space for the residents. The proposed extension would be set back from the front of the existing building and would extend the north east corner of the building. The proposal also involves a new cycle and bin store.
- 14.4 In assessing the effect on the character and appearance of the area, at one time the existing residential building sat in a more spacious setting however the building has now been converted into five residential flats and most of the land has been developed for housing and car parking. To the rear of the site new housing has been built which is close to the rear of the site and an employment building wraps around the north and east boundary. The site is now very restricted with limited space around the building with only a narrow strip of greenery to the west of the building and a graveled area with storage to the rear.
- 14.5 The proposal would result in the loss of most of the land to the rear of the existing building and part of the greenery to the west being lost. The proposed building would be built up to two boundaries of the site further restricting access and space around the building. Although the space to the rear and side does not appear to be frequently used as amenity space, it does create space around the building for the residents. Accordingly it is considered that the proposed development would be an overdevelopment of the site that would materially increase the amount of built development on the site, reducing the already constrained amenity space and adding to the uncharacteristically cramped appearance of the overall development. Given the building is already used for five residential flats and the development built around the site, it is considered that the site has limited scope for additional development.
- 14.6 Visually the existing building is a substantial 'Edwardian' dwelling. Its simple detached form and appearance with small gaps to the side make a positive impact on the street. Although the employment building to the

east differs in form and design, the gap between the buildings and their different styles sit comfortably in their setting in the street scene and appear as two different land uses.

- 14.7 Although the proposed extension would be set back on the building, it would still be viewed from the road closing the gap between the two buildings and coming very close to the neighbouring employment building. The design of the extension does little to complement the existing building with its lower eaves line, shallow roof and narrow form, and would appear disjointed and awkward when compared with the character of the existing building and the adjacent development.
- 14.8 With regard to residential amenity, the proposed extension would be sited close to the neighbouring property to the rear at No 10. The proposed windows have been designed to avoid any direct overlooking to No 10, however the physical relationship of the extension is poor. No 10 stands at a higher ground level and their views currently look onto the rear of both 124 and the houses 124a/124b. The proposed extension would bring additional built development adjacent to No 10 further enclosing their outlook with buildings which would be unacceptable. Accordingly, it is considered that by virtue of its scale rising to two storeys and its close proximity to the boundary, the proposed extension would appear visually imposing and further enclose the outlook from the rear of No 10.
- 14.9 While concerns have been expressed in relation to car parking, and access, the Highway Authority does not raise any objections in relation to car parking or impact on public highway safety.
- 14.10 The proposed development requires an affordable housing contribution of £30,460. The application is accompanied by a viability appraisal which states that if the full affordable housing contribution is made, the development will be unviable. The submitted viability assessment concludes that a reduced contribution of £2494 can be offered towards affordable housing.
- 14.11 The Council's Valuer has assessed the appraisal and concludes that if the target Affordable Homes contribution is included within the appraisal, the Residential Development Land Value falls below the threshold Site Value and accordingly it is reasonable to accept a complete waiver in the level of the Affordable Homes financial contribution.
- 14.12 In accordance with the Habitat Regulations 2010 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard.
- 14.13 In conclusion it is considered that the proposed extension would be an overdevelopment of the site and visually would unacceptably detract from the character and appearance of the area and would have an

adverse impact on the adjacent neighbouring property. Whilst the Councils Valuer accepts a complete waiver of the affordable housing contribution, this does not override the other matters.

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

Section 106 Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings			
Financial Contribution	£30,460	0	-£30,460
Habitats Mitigation			
Financial Contribution			

CIL Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses	80		80	£6,670.77 *

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

- The proposed development would result in an overdevelopment of the site that would materially increase the amount of built development, reducing the already constrained amenity space and adding to the uncharacteristically cramped appearance of the overall development. In addition, by virtue of its siting, scale, and design, the proposed extension would appear awkward and disjointed with the character and form of the existing building, and would unacceptably close gap with the neighbouring building that would have a negative impact on the street scene to the detriment of the character and appearance of the area. For this reason, the proposal would be contrary to policy CS2 of the Core Strategy for the New Forest District outside the National Park.

2. By reason of its scale and close relationship to No 10 Rookwood Gardens, the proposed development would appear visually imposing and further enclose that neighbouring property with built development, to the detriment of the outlook and living conditions of that neighbouring property. For this reason, the proposal would be contrary to policy CS2 of the Core Strategy for the New Forest District outside the National Park and the New Milton Local Distinctiveness Document.

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.

No pre application advice was sought by the applicant and there are objections in principle to an extension to provide additional residential units which could not be overcome by negotiation.

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



Application Number: 16/10358 Full Planning Permission

Site: 28 FLUSHARDS, LYMINGTON SO41 3SB

Development: Two-storey side extension with balcony; single-storey rear extension; roof lights; new driveway and access

Applicant: Mr Stone

Target Date: 10/05/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Town Council View

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Flood Zone
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
CS6: Flood risk
CS24: Transport considerations

Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Lymington Local Distinctiveness

6 RELEVANT PLANNING HISTORY

15/11451 Single-storey front and rear extension; front balcony; two-storey side extension; roof lights; new access refused 10/02/16

7 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council: recommend refusal
Concerns regarding the safety of the proposed new access

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

Land Drainage: informative
HCC Highways: no objections subject to conditions
Natural England: no objection

10 REPRESENTATIONS RECEIVED

None received

11 CRIME & DISORDER IMPLICATIONS

Not applicable

12 LOCAL FINANCE CONSIDERATIONS

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

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

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

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

In this case all the above apply, and the application was acceptable as submitted.

14 ASSESSMENT

14.1 This application has been referred to the Committee as Lymington and Pennington Town Council have recommended the application be refused without the option to determine under delegated powers. This decision was based on concerns of highway safety, though the access details of the application have not changed since the previous application which received outright support from the Town Council. Furthermore, the previous application was not refused on the grounds of highway safety and no objection has been raised by HCC Highways. The applicant has been in correspondence with the Town Council, but to date no further revised comments have been received.

14.2 The previous application for extensions to this property was refused by this Committee on 10/2/16 for the following reason:

By reason of the excessive width, depth and height of the two storey side extension, coupled with the single storey front extension, the proposals would not respect the existing character, form and symmetry of this prominent pair of semi-detached houses. The introduction of the balcony, which would project forward of the front wall, would be an imposing feature and the addition of a front gable would further detract from the appearance of the individual dwelling and pair of semis. The harm would be further exacerbated by the introduction of cladding which would detract from the distinctiveness of this group of properties. Furthermore, due to the proposed width, height and siting of the two storey side extension it would erode the existing gap between the dwelling and the public footpath to the south side which would detract from the open spatial characteristics of the site and lead to a cramped appearance within the plot. Therefore the two storey side extension and single storey front extension with balcony would adversely impact upon the local distinctiveness of the street scene and general character of the area. As such the proposals are contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park and the Lymington Local Distinctiveness Supplementary Planning Document.

- 14.3 The current proposal is a significant improvement over the previous scheme, as it has reduced the bulk and mass of the proposed extension and deleted the element that projected forward. The set back of the side extension retains the definition of the existing dwelling, and even though a balcony still forms part of the proposal this does not now form a dominant feature within the resulting scheme. Furthermore, the proposed materials would match the existing dwelling. Even though the width of the side extension remains unchanged, the improvements to the scheme including the reduction in height, would compensate for any impact on the spatial characteristics of the site. As such, the revised scheme addresses the previous reason for refusal.
- 14.4 The proposed single storey rear extension links in with the existing single storey element and would only span the rear elevation of the existing house. This element would not be unsympathetic to the proportions of the existing dwelling or this pair of semis.
- 14.5 The proposed access and its required sight lines could lead to the loss of existing frontage boundary planting and the partial reduction of the bank. To ensure that this would not adversely impact upon the street scene, the landscaping and boundary treatment should be the subject of an appropriate planning condition.
- 14.6 By reason of the relationship of the proposed extensions with neighbouring properties they would not adversely affect their amenities. Furthermore, the introduction of a vehicular access to the front of the dwelling would not interfere with the access arrangements of the other half of the semi.
- 14.7 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: LP01 Rev A, SL01 Rev C, PP01 Rev C, PE01 Rev C, EP01,EE01 Rev A, S01 Rev E,SS.01 Rev A

Reason: To ensure satisfactory provision of the development.

3. The development hereby permitted shall not be occupied until the area shown on plan SL.01 Rev C for the parking and turning of motor vehicles has been provided. This area shall be retained and kept available for the parking and turning of motor vehicles for the dwelling at all times.

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

4. The development hereby permitted shall not be occupied until the height of the bank along the front boundary of the site adjacent to the highway has been reduced in height to not more than 1.05 metres above the level of the carriageway for a depth of not less than 2.0 metres from the edge of the carriageway along the full width of the site.

Reason: To create adequate sight lines in the interest of highway safety and in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

5. Before development commences a scheme of landscaping for enclosure planting along the front boundary of the site to the rear of the sight line created under the requirements of condition 4, shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :

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

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

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

Notes for inclusion on certificate:

1. The application drawings/form does not state how surface water will be discharged of. There should be no increase in flow to any surface water system or watercourse. The reason for this is that most of the watercourses in the New Forest catchment flood out of bank during high rainfall which can cause property flooding. A predicted 30% increase in flow rate caused by climate change over the next 100 years is likely to cause more properties to flood. NFDC Building Control can advise on the disposal of surface water.
2. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

In this case all the above apply, and the application was acceptable as submitted

Further Information:

Householder Team

Telephone: 023 8028 5345 (Option 1)



New Forest
DISTRICT COUNCIL

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

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

**Planning Development
Control Committee**
June 2016

Item No: 3c
28 Flushards
Lymington
16/10358
SZ3395

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



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Application Number: 16/10360 Full Planning Permission

Site: 6 HIGHFIELD AVENUE, RINGWOOD BH24 1RH

Development: Raise ridge height in association with new first floor; two-storey front and rear extensions; solar panels

Applicant: Mr & Mrs Khan

Target Date: 18/05/2016

1 REASON FOR COMMITTEE CONSIDERATION

Request of Member of the Committee

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

Ringwood Local Distinctiveness

6 RELEVANT PLANNING HISTORY

12/98477 Single-storey rear extension; roof alterations; dormers & rooflights in association with new first floor 28/05/2012 Refused

11/97043 Single-storey rear extension; roof alterations, dormers and rooflights in association with new first floor 06/06/2011 Refused

7 PARISH / TOWN COUNCIL COMMENTS

Ringwood Town Council - Recommend permission but would accept the decision reached by the DC Officers under their delegated powers.

8 COUNCILLOR COMMENTS

Cllr Thierry - Requests that this application be determined by the Planning Development Control Committee.

9 CONSULTEE COMMENTS

Land Drainage: No comment

10 REPRESENTATIONS RECEIVED

Five representations have been received in support of the proposal for the following reasons;

- It would not be out of keeping in an area which has seen a lot of redevelopment, including larger developments and this proposal will enhance the area
- The proposal will benefit the family's quality of life

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. The development is under 100 sq metres and is not for a new dwelling and so there is no CIL liability in this case.

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

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

In this case the applicants did not seek pre-application advice from the Council. The applicant has been made aware of the Council's concerns and that these could not be overcome through amended plans under the scope of this submission.

14 ASSESSMENT

- 14.1 The site is located within an established residential area of Ringwood. This is a detached bungalow externally clad in render under a plain tiled roof. It has a flat roofed garage projection on its southern side and a small glazed lean-to extension at the rear. Neighbouring properties are on both sides of the site and to the rear along Highfield Drive.
- 14.2 This application proposes to extend the property at the front and rear, and to replace the existing roof to encompass these additions under a simplified structure while providing first floor accommodation. This would see a change in roof form and increase in height of approximately 1m. Solar panels are also proposed. This application follows previous schemes for roof alterations submitted in 2001 and 2012, which were refused for reason of their impacts on the appearance of the street scene and impacts on neighbouring occupiers. It is however noted that this proposal differs significantly in its form and design.
- 14.3 The streetscene along this stretch of Highfield Avenue is characterised by bungalow style development, however most have been subject to alterations from their original form. This has seen properties extended at ground floor level and also subject to roof alterations to create first floor accommodation.
- 14.4 Given that other properties in this row have seen roof alterations with increases in height and roof form, there is no in-principle objection to the intentions of this proposal. However, it is where these neighbouring properties have increased in height the new roof forms have retained the property's original span. This has maintained relationships between them in the relative proportions of space to built form and reinforced the rhythm to the appearance of the street scene and established the spatial characteristic of its development.

- 14.5 This proposal would see an increase in the principle span of the property such that would see it fill almost the full width of the plot. In comparison with other dwellings in this row this would appear overly wide and the encroachment across the plot would relate poorly to the established spatial characteristics. Furthermore, the proposed large, full gable design against a streetscene of hipped and cropped roof forms together with the proposed pair of first floor windows would act to accentuate its conspicuousness. On this basis it is considered that the proposal would relate poorly to the established character and form of development, resulting in harm to visual amenity and the appearance of the street scene.
- 14.6 The applicant has submitted a supporting statement which includes a street scene, examples of other integrated garages near to the site and gables fronting Highfield Avenue. In respect of the street scene drawing, it is considered this demonstrates the inappropriateness of the proposed span of the dwelling in comparison with others on this row. Furthermore, the other integrated garages differ significantly in their streetscene context and it is not the principle of incorporating the garage that is of concern, but the external expression of this in the design proposed. The examples of fully gabled roof forms relate to subservient single storey elements of the properties shown. That at two storey height, No 1 Highfield Avenue, is on the opposite side of the road at the junction with Farm Close. This is a corner plot property which stands alone between the planned development along Orchard Close and Farm Close and its appearance is not out of keeping with the two storey development at Farm Close against which it viewed in the street scene.
- 14.7 The proposal would lead to some additional overshadowing of adjacent neighbouring premise and the presence of existing side windows in these properties is noted. However given the proposed roof design and relative scale of the proposals it is not considered that this would lead to demonstrable harm through loss of light.
- 14.8 New first floor side window openings would face towards neighbouring premises. However, a condition restricting glazing could be used to mitigated any potential loss of privacy. The rear elevation full height glazed opening would direct views to the rear of the site and views towards neighbouring premises would be oblique or distant. Given the limited aspect of these views it is not considered that they would lead to any harmful loss of privacy and would be reflective of relationships that could reasonably be expected in such established residential areas.
- 14.9 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposed alterations, as a result of the roof design with its overly wide span and full gable design, would relate poorly to the established appearance of development which has hipped roof forms, and the spatial characteristics of the built development in this row. This would result in a visually conspicuous form of development, harmful to visual amenity and the appearance of the street scene. As such this would be 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 Ringwood Local Distinctiveness SPD (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 seek pre-application advice from the Council. The applicant has been made aware of the Council's concerns and these could not be overcome through amended plans under the scope of this submission.

2. This decision relates to additional plans received by the Local Planning Authority on 04.05.16

Further Information:

Householder Team

Telephone: 023 8028 5345 (Option 1)



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Application Number: 16/10364 Full Planning Permission

Site: 149 HIGHTOWN ROAD, RINGWOOD BH24 1NL

Development: 2 houses; access; parking; demolition of existing

Applicant: Mulberry Developments

Target Date: 19/05/2016

1 REASON FOR COMMITTEE CONSIDERATION

Affordable housing negotiations

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

Core Strategy 2009

- CS2: Design quality
- CS10: The spatial strategy
- CS15: Affordable housing contribution requirements from developments
- CS24: Transport considerations
- CS25: Developers contributions

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

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

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

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

6 RELEVANT PLANNING HISTORY

- 6.1 4 houses, 2 detached garages, new access (95219) Refused on the 6th May 2010 (Land of 149 and 151 Hightown Road).
- 6.2 3 houses, associated garages, parking, access alterations (95938) Refused on the 18th October 2010. Appeal dismissed. (Land of 149 and 151 Hightown Road).

7 PARISH / TOWN COUNCIL COMMENTS

Ringwood Town Council: recommend refusal but would accept the decision reached by the DC Officers under their delegated powers. The Committee supported the Planning Officer's comments and viewed this proposal as overbearing and out of character with the area, particularly in that the Local Distinctiveness document details Edwardian buildings, separation of dwellings and frontages of properties, which are all typical of the area.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Land Drainage: No objection subject to condition
- 9.2 Ecologist: No objection
- 9.3 Hampshire County Council Highway Engineer: No objection subject to condition
- 9.4 Tree Officer: No objection
- 9.5 Councils Valuer: The viability appraisal submitted is acceptable

10 REPRESENTATIONS RECEIVED

- 10.1 1 letter of objection concerned with the impact on the character and street scene. Discrepancies in the drawings. Impact of the building on the light and outlook from windows in annexe.
- 10.2 1 letter of observation about additional access onto Hightown Road which would effectively create 4 entry points within a short distance which could cause conflict on the highway. Can housing be sited further north further away from neighbours.

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

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

Based on the information provided at the time of this report this development has a CIL liability of £20,184.91.

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

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

Following concerns raised by officers, revised plans have been submitted which form the basis of this application and it is considered that the proposals are now acceptable.

14 ASSESSMENT

14.1 The site comprises a detached two storey dwelling on a wide and deep plot along a residential street known as Hightown Road. The existing property is a relatively attractive building with a simple form set back from the road with wide gaps to the side boundaries. The front, side and rear

boundaries are defined with trees, hedgerows and vegetation. There is a collection of good trees along the side boundary and within the rear garden area.

- 14.2 The proposal is to demolish the existing dwelling and to construct two interlinked houses. The proposed dwellings would rise to two storeys in height with pitched roofs, double front gables constructed from render under slate roofs. Front gardens would be provided with some car parking and long rear garden areas.
- 14.3 In assessing the effect on the character and appearance of the area, the site lies within a residential street which comprises mainly detached and semi detached dwellings. The site is one of the largest plots along the northern side of Hightown Road, although there is a collection of large detached dwellings along the road which occupy wide and long plots. Although plot widths vary throughout, the character of the area is spacious with gaps to the side of the dwellings and trees, vegetation and trees define the front and side boundaries.
- 14.4 The site lies within 'Character Area 7 - Parsonage Barn and East Fields' within the adopted Ringwood Local Distinctiveness Document. Paragraph 4.7.9 refers to Hightown Road and states that the northern side of Hightown Road has a pavement in place of verge and development dating from around the beginning of the twentieth century. Fig 7.6 illustrates a photograph of part of Hightown Road with a comment which states '*a variety of villas, semi-detached cottages and a terrace sit behind suburban gardens from where they once looked out onto the wide open countryside to the south*'.
- 14.5 It is considered that although the proposed subdivision of this plot would result in narrower plot frontages and a reduction in the gap between buildings along the street, the development has the appearance of one large single detached dwelling, rather than two detached dwellings. This would help maintain the generous gaps between the buildings, which would maintain the spacious quality of the area. A good level of hedgerow and vegetation will also be retained and enhanced to the front and part of the side boundaries, which would help maintain the semi-rural character along Hightown Road.
- 14.6 Visually, the proposed development has been designed to a high standard using simple roof forms, chimney, detailing and traditional fenestration, which would maintain the quality of dwellings along Hightown Road. The proposed building would be taller than the neighbouring properties rising to around 9 metres to the ridge, however the sloping roof form will help break up its massing. The proposed building would extend deep into the rear of the site, considerably further than the neighbouring properties, however, the design of the building with its single storey rear elements and the design of the sloping two storey roof will help reduce the scale of the building. Overall it is considered that the proposed development has been designed to a high standard that would be in keeping with the character and appearance of the area.
- 14.7 With regard to residential amenity, the neighbouring property at No 151 Hightown Road is a detached property, which has its garaging on the side adjacent to the site. The proposed dwelling on plot 149A would come closer to this property however, given the degree of separation, it is not

considered that the proposal would compromise the available light or outlook of that neighbour. In order to protect the privacy of that neighbour, the bathroom windows on the side elevation can be fitted with obscure glass to maintain a reasonable level of privacy.

- 14.8 In terms of No 147 Hightown Road, this property is one half of a semi-detached dwelling. There are a number of windows on the side elevation which face the site, however, on the basis that they currently face the existing dwelling at No 149 and the proposed building would be sited in a similar position, the proposal is not likely to significantly worsen the outlook or light of that neighbour. On the side elevation of the annex to No 147 there is a ground floor window, which currently has a view on both vegetation and the existing detached garage and accordingly, it is not considered that there will be a severe impact on this property. The first floor windows on the side elevations serve bathrooms and it would not be unreasonable to impose a condition for these windows to be fitted with obscure glass.
- 14.9 The proposed layout of the site would provide sufficient car parking and turning spaces and the Highway Authority do not raise any objections to the proposal. There are no objections to the introduction of an additional access onto Hightown Road.
- 14.10 The proposed development requires an affordable housing contribution, in which the Council would accept a financial contribution of £76,200. The applicants contend that this would render the development unviable and have submitted a viability appraisal. The Council's Valuer has assessed the viability appraisal and concludes that the viability appraisal is acceptable and any affordable housing contribution would render the scheme unviable.
- 14.11 In accordance with the Habitat Regulations 2010 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard.
- 14.12 In conclusion it is considered that the proposed development would be in keeping with the character and appearance of the area and would not have any adverse impact on residential amenity or public highway safety.
- 14.13 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

Section 106 Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings			
Financial Contribution	£76,200	0	£76,200
Habitats Mitigation			
Financial Contribution			

CIL Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses	428.02	185.95	296.05	£20,184.91

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: 02B, 01B.

Reason: To ensure satisfactory provision of the development.

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

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

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

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

5. The development hereby permitted shall not be occupied until the spaces shown on plan 01B for the parking and garaging of motor vehicles have been provided.
The spaces shown on plan 01B for the parking and garaging of motor vehicles shall be retained and kept available for the parking and garaging of motor vehicles for the dwellings hereby approved at all times.

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

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

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

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

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

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

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

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

9. The works hereby approved shall be undertaken in strict accordance with the Ecological Survey methodology and details by Phil Smith dated 29th March 2016 unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To safeguard protected species in accordance with Policy CS3 of the Local Plan for the New Forest District outside of the National Park (Core Strategy) and Policy DM2 of the Local Plan for the New Forest District outside the National Park (Part 2 : Sites and Development Management).

10. The first floor windows on the side elevations of the approved building shall at all times be glazed with obscure glass.

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

11. No development shall be carried out until proposals for the mitigation of the impact of the development on the New Forest and Solent Coast European Nature Conservation Sites have been submitted to and approved in writing by the local planning authority, and the local planning authority has confirmed in writing that the provision of the proposed mitigation has been secured. Such proposals must:

- (a) Provide for mitigation in accordance with the New Forest District Council Mitigation Strategy for European Sites SPD, adopted in June 2014 (or any amendment to or replacement for this document in force at the time), or for mitigation to at least an equivalent effect;
- (b) Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing maintenance and monitoring of any Suitable Alternative Natural Green Spaces which form part of the proposed mitigation measures together with arrangements for permanent public access thereto.
- (c) The development shall be carried out in accordance with and subject to the approved proposals.

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

12. Notwithstanding the provisions of the Town & Country Planning General Development Order 2015 nothing over 600mm in height shall be placed or permitted to remain on the land shaded green on the approved plan.

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

Notes for inclusion on certificate:

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

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

2. In discharging condition No 11 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/>
3. This decision relates to amended / additional plans received by the Local Planning Authority on the 18th April 2016.

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)

Application Number: 16/10378 Full Planning Permission

Site: 17 CHRISTCHURCH BAY ROAD, BARTON-ON-SEA,
NEW MILTON BH25 7NU

Development: Rear conservatory

Applicant: Mr McConnell

Target Date: 13/05/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to New Milton Town Council views

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 NPPF Ch. 7 - Requiring good design

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - New Milton Local Distinctiveness

6 RELEVANT PLANNING HISTORY

89/NFDC/41117 Erect 2 chalet houses & 3 garages (dem extg garage)
19/06/1989 Granted Subject to Conditions

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: recommend refusal, object 1) Loss of amenity space and 2) Overdevelopment

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

Land Drainage: No comment

10 REPRESENTATIONS RECEIVED

None received

11 CRIME & DISORDER IMPLICATIONS

Not applicable

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

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 permitted development rights at this property under classes 'A' and 'E' were removed by condition under planning permission 89/NFDC/41117. The reason being 'to maintain as far as possible the appearance of the site.'
- 14.2 The proposal seeks to replace the existing small rear conservatory with a larger conservatory. The dwelling has the benefit of a front garden and fenced rear garden. Given that there is garden space to the front and a part of the rear garden would be retained, it is considered that there would be sufficient amenity space. Furthermore the addition of a larger conservatory would not significantly alter the appearance of the site.
- 14.3 The impact on adjoining neighbours is considered to be acceptable given the single storey nature of the development.
- 14.4 Due to its siting the bulk of the proposal would not be visible in the street scene therefore would not adversely impact on the street scene.
- 14.5 For the above reasons it is considered that the proposed development is acceptable and would not harm the "the appearance of the site" as safeguarded by the planning condition imposed on planning permission 89/NFDC/41117.
- 14.6 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: 8417/1.

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 no specific further actions were required.

Further Information:

Householder Team
Telephone: 023 8028 5345 (Option 1)



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Application Number: 16/10443 Full Planning Permission

Site: Land at ROESHOT & BURTON, HINTON, BRANSGORE

Development: Use of land as Natural Green Space (SANG)

Applicant: Christchurch Environmental Management Ltd

Target Date: 01/07/2016

1 REASON FOR COMMITTEE CONSIDERATION

Requested by Committee Member

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Plan Area
Green Belt
Landfill (Former)
Flood Zone

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

CS1: Sustainable development principles
CS2: Design quality
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
CS5: Safe and healthy communities
CS6: Flood risk
CS7: Open spaces, sport and recreation
CS10: The spatial strategy

Local Plan Part 2 Sites and Development Management Development Plan Document

DM2: Nature conservation, biodiversity and geodiversity
DM3: Mitigation of impacts on European nature conservation sites
DM9: Green Infrastructure linkages
DM25: Recreational uses in the countryside

Hampshire Minerals and Waste Plan (2013) (HMWP)

Policy 15: Safeguarding – mineral resources

National Planning Policy Framework

Chapter 9 - Protecting Green Belt Land

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

No relevant history

7 PARISH / TOWN COUNCIL COMMENTS

BRANSGORE PARISH COUNCIL - recognise the special character of this area which should be protected from any urbanisation. The railway line acts as a natural barrier from any future development and this application should be considered to ensure that the Avon Valley is not vulnerable to any loss of character or urbanisation.

8 COUNCILLOR COMMENTS

Councillor Richard Frampton requested the application be determined by Committee as this may be the first time NFDC have been asked to mitigate a development in another County and there may also be implications on the quality of the development if open space is commuted off site.

9 CONSULTEE COMMENTS

9.1 Land Drainage Section - no objections

9.2 Southern Gas Networks - give informatives

9.3 Environment Agency - no objection in principle to the proposal. The Central SANG lies adjacent to the Main River Mude and in addition to any other permission(s) that the applicant may have already obtained, e.g. planning permission, an Environmental Permit for Flood Risk Activities is required to carry out work in, under, over or near a main river and in the flood plain of a main river. There are a number of elements of work which will require an Environmental Permit, such as the proposed new bridges, upgrading of existing bridges, resurfacing of existing right of way, proposed trees/planting and any other permanent or temporary works in, under, over or within 8m of the Main River.

9.4 Environmental Health (Contaminated Land) - The area of land forming the north-east tip of the proposed SANG, referred to in the application as Eastern SANG Area 2, is shown on historic maps dated 1970 onwards as a disused pit which was then a landfill that accepted inert / construction material from Wimpey Homes. The licence issued by the Environment Agency for the landfill is dated 1989. The proposal does not detail any ground invasive works as the space is to be kept open and used predominantly for dog walking. However, due to the former use of the site it is recommended that an informative note is applied to any planning permission.

9.5 Planning Policy Section - no policy objections

9.6 Natural England - no comments received

- 9.7 Hampshire County Council Minerals and Waste - The development lies within the mineral consultation area (MCA). This area is informed by the mineral safeguarding area (MSA) as defined through Policy 15: Safeguarding – mineral resources of the adopted HMWP. This development represents part of a larger proposed SANG with applications in each of the relevant authorities. The area is known to have high quality sand and gravel resources, as there is a site allocation for mineral extraction (Roeshot) adjoining the proposed area that is now the subject of a planning application and that is closely related to the creation of this SANG. HCC supports the maximisation of mineral resource use where they would be sterilised or otherwise rendered inaccessible. While a SANG would not necessarily sterilise the resources underneath, this depends on the specific design and execution of the SANG which the documents available state is still to be finalised. Furthermore the presence of the SANG may make the mineral resources inaccessible in order to avoid future disruption in the area. Therefore, in order to maximise the minerals that are gained, HCC supports incidental extraction of minerals where this is complementary with the landscape works that are undertaken as part of the development. This could be incorporated within the construction management plan. Furthermore, the development is of relevance based on its potential impacts on the allocated Roeshot site. To our knowledge the Roeshot mineral site developer has been involved in the SANG proposals and there are elements of the SANG documentation that discuss the minerals site and propose mitigation measures to ensure there is no impact from and on the mineral site. If these measures are adopted, the proximity of the minerals site is considered in any finalised plans for the SANG and significant impacts from and on the mineral site are avoided, HCC is satisfied that the Roeshot site has been safeguarded.
- 9.8 Ecologist - Overall, provided the Council is regarding this as a decision to allow change of use from agriculture to public open space, and that adequate controls can be put in place to secure submission of further details which the Council can control, the change of use can be regarded as being in accordance with policy. However the conditioning/reserved matter control would be vital to ensure all the varying objectives for this land can be adequately delivered within the parameters acceptable to the Council. In particular it would be important to secure details of biodiversity mitigation, compensation and enhancement, final landscape design and management details for the open space. If the Case Officer was minded the above could be secured I would no objection to the proposal at this outline stage.
- 9.9 Open Space Officer - There are no objections to the principal of converting this land into a SANG. It will compliment and not conflict with the POS and SANG works that are being carried out in the rest of our district, provided that the detailed design is appropriate. It is not clear how the timing of the adjacent proposed quarrying works may impact on users of the proposed SANG. Also there is a need to be clear about future ownership and management of the entire SANG. For example within NFDC all our proposed and future SANGS land will be transferred freehold to NFDC as owner and body responsible for ongoing maintenance.
- 9.10 Landscape Officer - There is no objection in principle for the land to be used as SANG to deflect visitor numbers to the SPA, SSSI and RAMSAR locally. However, the scheme appears to be driven entirely by

the ecological benefits that may be achieved. Concern raised that there does not appear to have been any formal Landscape Visual Impact Assessment undertaken, which would identify this land as part of the Lower Avon Valley, by its very topography, a flat an open landscape with a very specific range of native species present. There is also no information regarding the phasing, restoration and delivery of the SANG, with regard to the delivery of housing which this SANG will serve. The other prime concern is the list of native tree, shrub and hedgerow species which does not include common species to this landscape type and an opportunity has been lost to pick up on some key features identified in the principles for landscape management. Similar concerns regarding the wild flower grass mixes which are too generic. It may well be that a species rich grass mix is a better way to approach this, allowing flowers to colonise themselves. Given that the land is currently nutrient rich there are no proposals diminish the nutrients to allow a suitable range of native grass and flower species to establish. There seems to be an over reliance on mown footpath routes, to make this site work all year round (given its wet location) consideration should also be given to provide a suitably surfaced circular walking route. If there is a desire to impose a new landscape character on this landscape then this must be made absolutely clear, normally through an LVIA process, that justifies the changes, whether through a change of use (to open access) that requires new infrastructure, or through the promotion of a new ecology. At this point in time the plans submitted are not sufficient to provide confidence that the landscape scale proposals will have a significant benefit to the existing landscape character or structure.

10 REPRESENTATIONS RECEIVED

None

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

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

In this case the applicant has been requested to provide more information regarding the impacts of the proposal upon local landscape character, details of the phasing, restoration and delivery of the SANG, a more native planting mix, suitably surface details of circular walking route and details of future ownership and management of the SANG, which will assist in informing the determination.

14 ASSESSMENT

- 14.1 The proposal is for a Site of Alternative Natural Green space (SANG) associated with the development of approximately 875 houses within Christchurch Borough Council's boundary. The site is extensive in area, located to the north of the railway line, between Salisbury Road and Roeshot. The land is predominantly in agricultural use, with some pockets of woodland. The River Mude passes through the centre of the site and it is crossed by Hawthorn Road to the west, a byway to the centre and a bridleway to the east at Roeshot. The SANG spans the boundary of three local authorities; Christchurch, New Forest National Park Authority and this Council. Individual applications will be submitted to each authority to consider the impact of the proposals. The Christchurch and NFNPA proposals essentially book-end the proposal that is the subject of this application, to the west and east respectively. It should be noted that the detailed plans submitted with the proposal are labelled 'for illustrative purposes only' and that the proposal needs to be firmed up prior to formal determination of this full planning application. The applicant has agreed to provide additional plans to clarify the points raised in regard to lack of clarity on the current submissions.
- 14.2 The SANG is required in order to mitigate the potential harm caused by occupiers of the new dwellings within Christchurch to the nature conservation interest of protected sites including the New Forest SAC and SPA. It is proposed to provide an integrated network of paths for use by existing and future residents, including bridge enhancements, a pond, a car park, upgrading of existing rights of way and planting of woodland, hedgerow, trees and wildflower meadows, to enhance the experience of walkers and biodiversity interests. The element of the SANG within NFDC's boundary occupies the largest, central portion of the site. It would predominantly be wildflower meadow, with mown paths and shrub, tree and hedgerow planting to the peripheries of the site. Existing woodland would be retained and the surfaces of existing rights

of way will be improved. The purpose of the SANG is to attract recreational users, being well related to the associated housing development, thereby taking pressure off important, protected wildlife sites.

- 14.3 It is intended that the SANG would be secured by a Section 106 Agreement with Christchurch Borough Council being the lead authority on the proposal, as it is intended that the SANG mitigates the harmful impact that the occupiers of 875 new dwellings in Christchurch Borough would have on European wildlife sites. The onus is therefore on Christchurch Borough to ensure that the requisite arrangements are in place to ensure the SANG comes forward to mitigate any harm their housing development may pose to protected wildlife sites. The proposal is not required to mitigate harm caused by new housing within this Council's jurisdiction. This Council is not, therefore, required to be party to the mechanism by which the SANG is delivered. The main matters for consideration by this Authority are whether the proposal impacts upon the Green Belt, its impacts upon the character of the area; biodiversity; whether it enhances recreational uses in the countryside; whether mineral resources would be safeguarded by the development; and whether proposals for mineral extraction nearby would compromise the value of the SANG as a recreational alternative.
- 14.4 The proposal does not include any urbanising features except paths and some bridge enhancements and would not result in any harm to the openness or purpose of the Green Belt. The development is limited to the provision of a network of paths, bridge enhancements and soft landscaping and planting arrangements. Subject to clarification of the landscaping arrangements alluded to in the Landscape Team's consultation response, the proposal would have no harmful impacts on the Green Belt and is likely to enhance the character and appearance of the area, particularly in comparison to the current agricultural use, in accordance with Policies CS2 and CS10.
- 14.5 Policy CS5 of the Council's Local Plan part 1 Core Strategy states that 'development will be planned, designed and managed to create environments in which people feel safe', it goes on to state that 'particular attention will be given to creating places that have well-defined routes, spaces and entrances that provide for convenient movement without compromising security'. The design of the SANG appears to be consistent with this policy in terms of creating a number of new circular routes and access points across the whole site. Amended plans are awaited in respect of the final layout and planting proposals, however, the proposals broadly comply with this policy.
- 14.6 Policy CS7 states "Improvements will be made to enhance recreation, play and sports facilities within communities" and "in order to prevent adverse effects on internationally designated nature conservation sites, the Council will work with other local authorities to develop and implement a strategic approach to protecting such sites from recreational pressures, including provision for new and enhanced open spaces." With regard to NFDC's cross boundary duty to co-operate with other Councils, the Statement of Common Ground from the Local Plan Inquiry indicates that NFDC were aware of the Christchurch Urban Extension from 2008, and that the draft SANG strategy with the concept of three SANG sites, very similar to the current application was shared with the Council in April 2012. The proposed site acts as the required

strategic mitigation required by Christchurch Borough Council to offset the recreational pressures from new housing development. It will be for Christchurch Borough Council to assess the success of the project in mitigating the impacts of the new development within its boundary, but the proposal complies with the policy of this Council.

- 14.7 Policy DM2 of the Local Plan Part 2: Sites and Development Management states "Existing ecological networks should be identified and maintained to avoid habitat fragmentation, and ecological corridors should form an essential component of green infrastructure provision in association with new development to ensure habitat connectivity." The proposal has considered this aspect and appears to comply with this policy. The Council's Ecologist raises no objections to the proposal, subject to conditions. Given that the current agricultural use has resulted in an impoverished ecology within the site, the proposal is likely to enhance opportunities for biodiversity, although final details will need to be finalised through the discharge of conditions requested by the Ecologist.
- 14.8 In terms of mineral impacts, the Minerals and Waste Authority do not consider that the proposal would sterilise mineral resources in the locality, but this would be dependent upon the final layout of the SANG. The Mineral Authority suggest that opportunities should be taken to extract minerals from the development site during the course of construction, but considering the very limited nature of excavation proposed within NFDC's boundary, a condition requiring a construction management plan would appear to be unnecessary. The development proposes only soft landscaping, planting and recreational routes, which would not impinge upon underlying mineral resources. It should however, be noted that mineral extraction is proposed on an adjoining site at Roeshot, to the east of the River Mude, which will undoubtedly impact upon the quiet enjoyment of the SANG as a recreational facility. Environmental bunds are proposed around the peripheries of the mineral site to separate extraction operations from the SANG and some native woodland planting is proposed within the SANG against the boundaries of the extraction site, which will assist to some extent. It should be also borne in mind that the phases of extraction immediately adjoining the SANG would last for approximately 9 years and will not impact upon the SANG in perpetuity. There will also be opportunities to landscape the boundary of the extraction site to mitigate harmful impacts on the SANG. The extraction proposals are currently being considered by Hampshire County Council under ref. 16/10618.
- 14.9 In light of the above, it is considered that the proposal is worthy of support
- 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 : to be updated.

Reason: To ensure satisfactory provision of the development.

3. Before development commences a scheme showing the final, detailed 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;
 - (b) a specification for new planting (species, size, spacing and location);
 - (c) areas for hard surfacing and the materials to be used;
 - (d) other means of enclosure;
 - (e) a method and programme for its implementation;
 - (f) management details of the open space reflecting the approved biodiversity measures and demonstrating other activities on and adjacent to the sites do not compromise the biodiversity measures during the lifetime of the use;
 - (g) details of the mechanisms to provide ongoing management and maintenance of the SANG, including proposals for resourcing this mechanism.

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 enhance opportunities for biodiversity in accordance with Policies CS2 and CS3 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

4. All hard and soft landscape, agreed under the provisions of condition number 3 shall be carried out within one year of the date of commencement of development and maintained thereafter and subject to changes or additions (including signage) only if and as agreed in writing with the Local Planning Authority.

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

5. Prior to commencement of development full details of biodiversity mitigation, compensation and enhancement to achieve net biodiversity gain and in accordance with the principles of BS 42020 shall be submitted to and approved in writing by the Local Planning Authority. In particular measures for Southern damsel fly and farmland birds of conservation concern should be addressed, on-site and via off-site compensation areas, as well as demonstration of mitigation for impacts on Burton Common SSSI.

Reason: To ensure that the development takes place in an appropriate way and to enhance opportunities for biodiversity in accordance with Policy CS3 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

Notes for inclusion on certificate:

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

In this case the applicant has been requested to provide more information regarding the impacts of the proposal upon local landscape character, details of the phasing, restoration and delivery of the SANG, a more native planting mix, suitably surface details of circular walking route and details of future ownership and management of the SANG, which will assist in informing the determination.

2. Southern Gas Networks advise of the presence of pipes owned by SGN in our role as a Licensed Gas Transporter (GT). Please note that privately owned gas pipes or ones owned by other GTs may be present in this area and information regarding those pipes needs to be requested from the owners. If we know of any other pipes in the area we will note them on the plans as a shaded area and/or a series of x's. A plan of the location of the pipes is available to view on the Council's website. The accuracy of the information shown on this plan cannot be guaranteed. Service pipes, valves, siphons, stub connections etc. are not shown but you should look out for them in your area. Please read the information and disclaimer on these plans carefully. The information included on the plan is only valid for 28 days. On the mains record you can see our low/medium/intermediate pressure gas main near your site. There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. You

should, where required confirm the position using hand dug trial holes. A colour copy of these plans and the gas safety advice booklet enclosed should be passed to the senior person on site in order to prevent damage to our plant and potential direct or consequential costs to your organisation. Safe digging practices, in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working for you on or near gas plant. Damage to our pipes can be extremely dangerous for both your employees and the general public. The cost to repair our pipelines following direct or consequential damage will be charged to your organisation. Please ensure we are able to gain access to our pipeline throughout the duration of your operations.

3. The Environment Agency advise that the Central SANG lies adjacent to the Main River Mude and in addition to any other permission(s) that the applicant may have already obtained, an Environmental Permit for Flood Risk Activities (formerly known as Flood Defence Consent prior to 06 April 2016) is required to carry out work in, under, over or near a main river and in the flood plain of a main river. There are a number of elements of work which will require an Environmental Permit, such as the proposed new bridges, upgrading of existing bridges, resurfacing of existing right of way, proposed trees/planting and any other permanent or temporary works in under, over or within 8m of the Main River. For further information please visit:

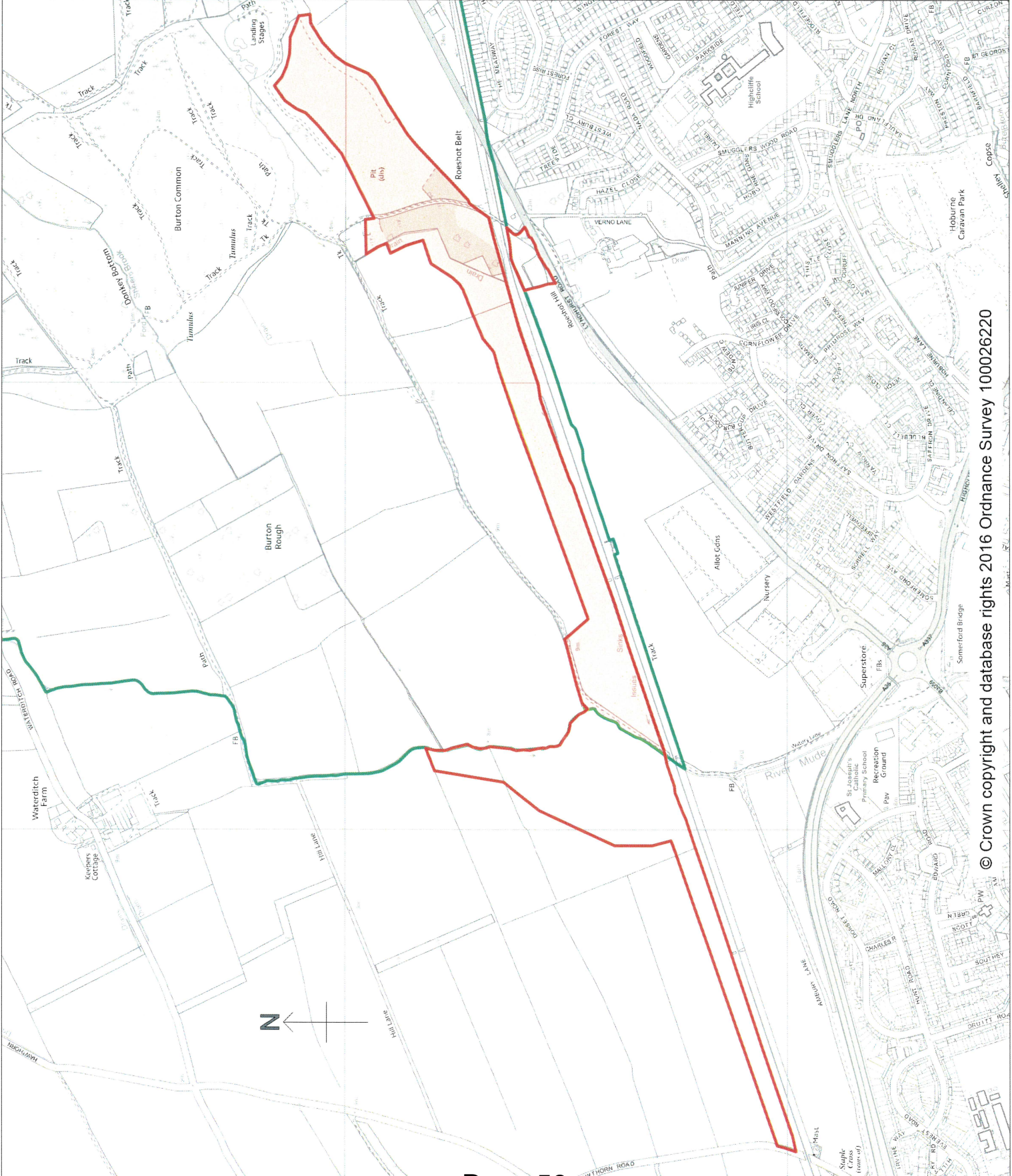
<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

4. The Council's Contaminated Land Section advise that this site has had past contaminative uses, i.e. inert / construction waste landfill. It is possible that some contamination have migrated through the ground and groundwater. Whilst the Authority has no evidence to suggest that this is the case, any observed presence of contamination during any ground invasive works should be reported to the Local Authority Environmental Health Officer and works halted whilst the matter is considered. It is advisable to obtain specialist advice concerning the potential for contamination and its recognition. Under the National Planning Policy Framework, where a site is affected by contamination, responsibility for securing a safe development and/or new use, rests with the developer and/or landowner and as a minimum requirement the land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



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Application Number: 16/10450 Application by Hampshire County Council

Site: FOREST LODGE HOME FARM, FAWLEY ROAD, HYTHE SO45 3NJ

Development: Extraction of soft sand and sharp sand and gravel, the construction of an improved access onto Fawley Road, the importation of inert materials and restoration of the site to agriculture

Applicant: TJ Transport Ltd

Target Date: 31/05/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council View

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Policy 20 of the Hampshire Minerals and Waste Plan

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

None

7 PARISH / TOWN COUNCIL COMMENTS

Hythe & Dibden Parish Council:- recommend refusal; however, if the application is approved would recommend conditions to cover the following:-

- hours of operation should be restricted to 8am to 6pm Mondays to Fridays and 8am to 1pm on Saturdays.
- grading of extracted materials should be carried out off site.
- vehicles must be covered with tarpaulin and washed down before leaving the site; an interceptor is needed to prevent transfer of dust
- an interceptor mechanism is needed to protect ground / adjacent watercourses from spillage of hydrocarbons
- excess water should be removed from site in secured water containers
- bund needs to have adequate height and planting to provide appropriate screening and sound attenuation

- there should be regular monitoring checks
- HGVs and vehicles carrying gravel should be routed towards Hardly Roundabout
- site should be manned at all times and regular patrols should be carried out
- access gate should be provided, given legal easement for access across northern side of site
- developer should be required to pay towards cost of repairs to road surface
- telephone number should be provided at site entrance for residents

Also recommend that speed limit on Fawley Road should be permanently lowered to 30mph

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

9.1 Environmental Health (Pollution): no objection subject to conditions

9.2 Environmental Health (Air Quality): clarification is required on a number of specific points

10 REPRESENTATIONS RECEIVED

None

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

Not relevant as New Forest District Council are not the determining authority.

14 ASSESSMENT

14.1 The submitted application seeks to extract 468,000 tonnes of soft sand, sharp sand and gravel on a 5.6 hectare site at Forest Lodge Home Farm, which lies to the east side of Fawley Road in Hythe. Following extraction, it is intended that the site be progressively infilled with 540,000 tonnes of inert material that would need to be imported onto the site, before the land is restored to agriculture. The application necessitates access improvements onto Fawley Road. The application is to be determined by Hampshire County Council. New Forest District Council is simply a consultee.

14.2 The application site is an area of open pasture, with mature trees and hedges around the boundaries of the site. A Public Right of Way (the Solent Way) runs close to the eastern boundary of the site. The site is relatively level, although there is a steeper downhill slope in the site's north-eastern corner.

- 14.3 The site in question is an allocated site in the Hampshire Minerals and Waste Plan that was adopted in October 2013. The site is allocated under Policy 20. The Plan indicates that the site is allocated because it is considered to be the best option for continuing a local supply of soft sand and sharp sand and gravel in this part of south Hampshire. Given the site's allocated status, there can be no basis to object to the principle of this proposed development.
- 14.4 The Minerals and Waste Plan indicates that any development of this site needs to have regard to a number of specific considerations. This includes a need to consider the impact on different nature conservation sites / protected species; a need to protect the setting of the New Forest National Park; a need to safeguard the Solent Way; a need to consider the historic parkland of Forest Lodge in any restoration scheme; a need to consider phasing and working arrangements to protect residential amenities; a need to protect pedestrian safety and provide suitable access; and a need to protect the water quality and the recharge of the underlying aquifer, groundwater and surface water.
- 14.5 The application is accompanied by an Environmental Impact Assessment / Environmental Statement which considers in detail the scheme's various environmental impacts, as well as putting forward some recommended mitigation measures.
- 14.6 The Environmental statement concludes that the proposal would have no significant effects on valued ecological receptors. Ultimately, it will be for Natural England and other ecological consultees to consider any ecological impacts. There is considered that there is no reason for New Forest District Council to raise any concerns in respect of ecological issues.
- 14.7 Obviously, the proposal would have some landscape impact, although this would be minimised to some extent by the existing screening around the edges of the site. The Environmental Statement recognises that there would be a need for appropriate hedgerow management and infill planting of hedgerows and boundaries around the site to increase landscape structure and to improve screening around the site. With such appropriate landscape screening, it is felt the proposal would not cause undue harm to the visual amenities of the area. It is anticipated that the County Council would seek to ensure the implementation of appropriate landscape retention and enhancement measures and there is accordingly felt to be no reason for New Forest District Council to raise any concerns in respect of landscape / visual issues.
- 14.8 The Environmental Statement concludes that the proposed development traffic would have no significant impact on the operation and safety of the local road network. Ultimately, it would be for the Highway Authority to advise Hampshire County Council on highway safety issues. However, it is of note that as well as the provision of a new site access onto Fawley Road, the application proposes mitigation by way of the provision of appropriate signage and the induction of all HGV drivers accessing the development so that they are aware of safety issues and follow agreed access routes to and from the site. With such mitigation measures, it is not considered that there is any reason for New Forest District Council to raise any concerns in respect of highway safety issues.

- 14.9 The Environmental Statement indicates that the water quality of both groundwater and surface water receptors would be safeguarded by following best practice pollution prevention and surface water management SUDS measures, as well as following mandatory regulatory requirements. This is, ultimately, a matter which the Environment Agency would need to advise upon. It is not felt there is any reason for New Forest District Council to raise concerns in respect of water quality issues.
- 14.10 The Environmental Statement considers the impact of noise and concludes that noise should not pose a material constraint for the proposed development. In the various submissions, it is indicated that operational hours will be between 7am and 6pm Monday to Friday and between 7am and 1pm on Saturday, with no operations on Sundays or Bank Holidays. Therefore, there should be no noise at more sensitive times of the day / week. The application proposes noise mitigation in the form of the construction of perimeter screening mounds / bunds between operations and noise-sensitive receptors. The Council's Environmental Health Officers have raised no objection to the application subject to conditions. Their comments have been sent to the County Council. Subject to the County Council giving due consideration to their comments it is not considered that there is any need to raise concerns in respect of noise issues.
- 14.11 Air quality is another matter considered within the environmental statement. With appropriate mitigation measures the statement concludes that impacts on air quality would not be significant. The report sets out various dust control measures that would be adhered to in line with best practice. The Council's Environmental Health Officers have sought clarification on various air quality issues and subject to Hampshire County Council addressing these points it is not felt that there is any need to raise concerns in respect of air quality issues.
- 14.12 The Environmental Report appears to adequately address other issues such as archaeology, cultural heritage, sustainability and climate change.
- 14.13 Overall, the proposal is considered to be consistent with policy. While the development would evidently have a range of environmental impacts, it is felt that these impacts could be reasonably mitigated so that the development's impact on the surrounding environment would be acceptable. As such, it is not felt that there is any basis to object to this application. It is duly recommended that no objection be raised subject to appropriate regard being given to the views of the Council's Environmental Health Officer.

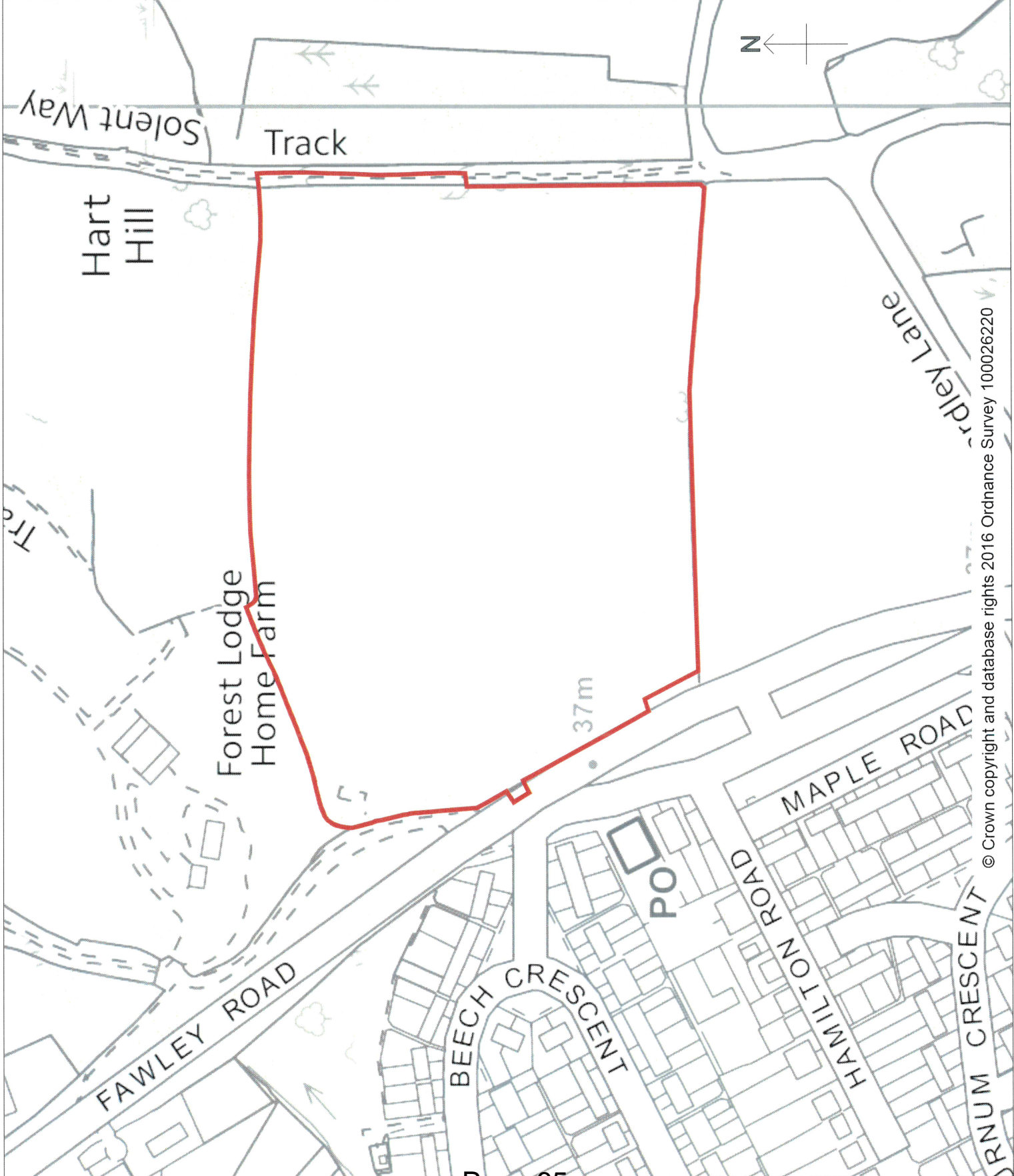
15. RECOMMENDATION

Raise No Objection (Subject to the concerns of the Council's Environmental Health Officers being satisfactorily addressed)

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



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Application Number: 16/10476 Full Planning Permission

Site: 1 FARM LANE SOUTH, BARTON-ON-SEA, NEW MILTON
BH25 7BW

Development: Single-storey side extension; front porch; fenestration alteration

Applicant: Mr & Mrs Halliday

Target Date: 01/06/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council View

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS6: Flood risk

Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - New Milton Local Distinctiveness

6 RELEVANT PLANNING HISTORY

None relevant

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: recommend permission: acceptable, but require the application to be determined by Committee if officers have a contrary view.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

Land Drainage: Informative
Natural England: No comment

10 REPRESENTATIONS RECEIVED

Four letters of support

11 CRIME & DISORDER IMPLICATIONS

Not applicable

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

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

No pre application advice was sought prior to this application being formally submitted. Furthermore, this is an identical resubmission of the previously refused planning application 16/10162 which was determined as a delegated decision given the Town Council's previous representations finding the proposals "acceptable" but with no request to remove officer's powers of delegation. The re submitted application has not taken into consideration the reasons for refusal given in respect of application 16/10162 and as there are no changes in circumstances there is no justification to change the recommendation from that of refusal. A flood risk assessment was provided during the course of this process and no specific further actions were required.

14 ASSESSMENT

- 14.1 This application has been brought to the Committee for consideration because New Milton Town Council now requires the decision to be made by Members should officers have a contrary view. This differs to its representations in respect of the previously refused application in that no request to remove officer's powers of delegation was made at that time. However, as stated above, this current application is an identical resubmission of the previously refused application. As no amendments have been made and the circumstances remain the same, officers maintain their assessment and recommendation that planning permission should be refused.
- 14.2 The existing bungalow is sited on a prominent corner location forward of the adjacent dwelling, no. 3 Farm Lane South. The proposed side extension would extend 10.5m from the side wall of the existing bungalow thus creating a total width of just a little over 20m, which would create an excessively wide building occupying almost the full width of the side garden. As such, the full width and depth of the extension would be clearly visible from Farm Lane South. Furthermore, by reason of its excessive size and awkward roof form the proposal would detract from the modest scale and character of the existing bungalow. For these reasons, the proposed extension would result in a visually intrusive form of development, harmful to the character of the street scene and local distinctiveness of the surrounding area
- 14.3 The neighbouring property to the north no 47 Dilly Lane is a detached hipped roof bungalow. The proposed form of development would stretch substantially along the boundary with this neighbour although it would be set back from the boundary by about 2m.
- 14.4 Due to the roof form there should be no loss of light or over shadowing. However, the substantial width of the proposal would create a sense of enclosure to the rear garden of this neighbouring property

- 14.5 Following refusal of planning application 16/10162 and resubmission of this application, the agent and applicant sought a clarification meeting. The meeting sought to address the concerns raised above and provide solutions that would alleviate these concerns and could be supported by officers. Plans of a scaled down proposal were provided and discussed in detail and with a few alterations resulted in a scheme that could be supported by officers. However, no application based on these plans were formally submitted.
- 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 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. By reason of its prominent siting, excessive length and awkward and inappropriate roof design the proposed extension would create an unsympathetic and visually intrusive form of development that would detract from the appearance of the existing dwelling and appear out of keeping in the street scene to the detriment of the character and appearance of the area. As such it would be contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park, and Chap 7 of the National Planning Policy Framework.

Notes for inclusion on certificate:

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

No pre application advice was sought prior to the scheme being formally submitted. However, this is a resubmission of the refused planning application 16/10162 concerns were raised with the proposal hence the refusal. The re submitted application has not taken into consideration the concerns as such due to the level of harm that would result from the proposed development a refusal is considered justifiable in this instance. Notwithstanding this a flood risk assessment and amended plans were provided during the course of this process no specific further actions were required.

2. The application drawings/form does not state how surface water will be discharged of. There should be no increase in flow to any surface water system or watercourse. The reason for this is that most of the watercourses in the New Forest catchment flood out of bank during high rainfall which can cause property flooding. A predicted 30% increase in flow rate caused by climate change over the next 100 years is likely to cause more properties to flood. NFDC Building Control can advise on the disposal of surface water.

Further Information:

Householder Team

Telephone: 023 8028 5345 (Option 1)

