

NOTICE OF MEETING

Meeting: PLANNING DEVELOPMENT CONTROL COMMITTEE

Date and Time: WEDNESDAY, 13 JULY 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
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This Agenda is also available on audio tape, in Braille, large print and digital format

AGENDA

Apologies

1. MINUTES

To confirm the minutes of the meeting held on 8 June 2016 as a correct record.

2. DECLARATIONS OF INTEREST

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

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

3. PLANNING APPLICATIONS FOR COMMITTEE DECISION

To determine the applications set out below:

(a) **144 Northfield Road, Ringwood (Application 15/11069) (Pages 1 - 8)**

Variation of Condition 2 of Planning Permission 11/97730 to allow accommodation for 10 people in care

RECOMMENDED:

Planning consent

(b) **1 Newbridge Way, Pennington, Lymington (Application 16/10077) (Pages 9 - 14)**

Single-storey front, side and rear extensions; rooflights

RECOMMENDED:

Planning consent subject to conditions

(c) **Land rear of 102-112 Old Milton Road, New Milton (Application 16/10237) (Pages 15 - 20)**

Variation of Condition 1 and 2 of Planning Permission 13/10077 to allow continued temporary storage of caravans, camper vans, trailers, boats and vans for a period of 3 years

RECOMMENDED:

Temporary planning consent

(d) **Recreation Ground, Carrington Lane, Milford-on-Sea (Application 16/10322) (Pages 21 - 28)**

Tarmac games court; 2 and 3 metre high fencing

RECOMMENDED:

Planning consent subject to conditions

(e) **22 Elm Avenue, Pennington, Lymington (16/10327) (Pages 29 - 34)**

Detached garage; flue

RECOMMENDED:

Planning consent subject to conditions

- (f) **51 High Street, Lymington (Application 16/10451) (Pages 35 - 40)**
Shopfront alterations
- RECOMMENDED:**
- Planning consent subject to conditions
- (g) **51 High Street, Lymington (Application 16/10452) (Pages 41 - 46)**
Display 2 wall-mounted signs; 1 vinyl door sign; 1 fascia sign (Application for Advertisement Consent)
- RECOMMENDED:**
- Grant advertisement consent
- (h) **54-55 Station Road, New Milton (Application 16/10462) (Pages 47 - 54)**
Extend side dormer; front; side and rear dormers to create 2 additional flats; window alterations
- RECOMMENDED:**
- Planning consent subject to conditions
- (i) **13 Fairlie, Ringwood (Application 16/10471) (Pages 55 - 60)**
Raise ridge height to increase first-floor living space; roof lights; roof alterations; dormers; two-storey extension; move main entrance to front; porch; fenestration alterations
- RECOMMENDED:**
- Planning consent subject to conditions
- (j) **Mayflower Hotel, Kings Saltern Road, Lymington (Application 16/10520) (Pages 61 - 66)**
Display 1 illuminated pole-mounted sign; non-illuminated fascia sign; 1 letter sign; 3 post-mounted signs; 2 canopy signs (Application for Advertisement Consent)
- RECOMMENDED:**
- Grant advertisement consent
- (k) **Site of Golden Hill Cottages, Hare Lane, Hordle (Application 16/10530) (Pages 67 - 74)**
Variation of Condition 3 and 4 of Planning Permission 13/11416 to allow plan number 13004-PL10 rev P1 to alter landscaping and verge
- RECOMMENDED:**
- Grant variation of condition subject to conditions

- (l) **27 Farm Lane South, Barton-on-Sea, New Milton (Application 16/10556) (Pages 75 - 80)**
Raise roof height; dormers and rooflights in association with new first floor; two-storey rear extension; single-storey side and rear extension; front porch; decking
RECOMMENDED:
Refuse
- (m) **5 Western Road, Lymington (Application 16/10560) (Pages 81 - 88)**
Replacement roof and cladding; additional windows
RECOMMENDED:
Refuse
- (n) **27 Queen Elizabeth Avenue, Lymington (Application 16/10561) (Pages 89 - 94)**
Two-storey side and rear extension; pitched roof over front porch and bay
RECOMMENDED:
Planning consent subject to conditions
- (o) **Marl Cottage, Marl Lane, Fordingbridge (Application 16/10594) (Pages 95 - 100)**
Extend outbuilding and alterations to windows and doors including Juliet balcony
RECOMMENDED:
Refuse
- (p) **1 Worthy Road, New Milton (Application 16/10614) (Pages 101 - 106)**
Single-storey rear extension; front porch; fenestration alteration
RECOMMENDED:
Planning consent subject to conditions
- (q) **49 Old Milton Road, New Milton (Application 16/10626) (Pages 107 - 112)**
Display illuminated fascia sign and non-illuminated window and door signs (Application for Advertisement Consent)
RECOMMENDED:
Grant advertisement consent

(r) **Bleak Hill Farm, Bleak Hill, Ellingham, Harbridge & Ibsley (Application 16/10688) (Pages 113 - 126)**

Use of barn as 1 residential dwelling; single-storey extension and associated alterations; detached garage; boundary wall

RECOMMENDED:

Planning consent subject to conditions

4. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

To:

Councillors:

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

Councillors:

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

STATUTORY TESTS

Introduction

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

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

The Development Plan

The Development Plan Section 38

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

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

Listed Buildings

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

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

Conservation Areas

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

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

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

Areas of Outstanding Natural Beauty (AONB's)

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

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

Trees

Section 197. Trees Town and Country Planning Act 1990

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

Biodiversity

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

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

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

Conservation of Habitats and Species Regulations 2010

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

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

Equality

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

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

Financial Considerations in Planning

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

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

Application Number: 15/11069 Variation / Removal of Condition

Site: 144 NORTHFIELD ROAD, RINGWOOD BH24 1SU

Development: Variation of Condition 2 of Planning Permission 11/97730 to allow accommodation for 10 people in care

Applicant: The Regard Partnership Ltd

Target Date: 28/09/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council View

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Core Strategy

CS2 Design quality
CS8: Community services and infrastructure
CS10: The spatial strategy
CS24: Transport considerations

Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Parking Standards
SPD - Ringwood Local Distinctiveness

6 RELEVANT PLANNING HISTORY

- 6.1 Addition with rooms in the roof - granny annex (36876) Granted with conditions on the 26th Feb 1988
- 6.2 Use as residential accommodation for people in need of care (Class C2) (58062) Granted with conditions on the 2nd Feb 1996.
- 6.3 Removal of condition 1 of planning permission 58062 to allow different ownership (97330) Granted with conditions on the 6th Jan 2012

7 PARISH / TOWN COUNCIL COMMENTS

Ringwood Town Council: Recommend refusal. With the additional benefit of local knowledge and direct experience of a neighbour, the Committee supported the Officer's comments, in that this application would put additional pressure on car parking, in close proximity to an already busy junction and the effect would be detrimental to the living conditions of adjoining and nearby residences.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer: No highway objections

10 REPRESENTATIONS RECEIVED

- 10.1 1 letter of objection concerned that the current owners have been operating from the premises with 10 people in need of care and carers. The disruption and noise from one individual has been unacceptable. There is one single driveway with no space to turn and sometimes there are up to 10 cars blocking the driveway. This has impacted on the grassed verge in front of the site. The site is overdeveloped. The present state of car parking is unacceptable with the current 10 residents and carers.

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

Concerns were initially raised by the Highway Authority in relation to the inadequate car parking arrangements within the site and the potential impact of vehicles manoeuvring on the grass verge and pavement outside the site. The applicant has enlarged the existing car parking area within the site and the Highway Authority is satisfied that sufficient car parking and access facilities have been provided which enable a positive recommendation to be made.

14 ASSESSMENT

- 14.1 This planning application seeks consent for the variation of condition 2 of planning reference 97730 to allow the residential accommodation at No 144 Northfield Road to be occupied by up to 10 people in need of care. The premises has been operating as a residential home for up to 6 people in need of care with 4 adult carers since 1996 and this planning application effectively seeks to allow an extra four residents at the premises. The main purpose of the original condition was to limit the number of staff and residents which would otherwise create an inappropriate residential environment that would be detrimental to the character of the area. It has been stated by the applicant that the premises has already been providing residential accommodation for up to 10 people since 2011 and accordingly, this application is effectively retrospective and the use has been operating in breach of the condition.
- 14.2 In order to help understand the circumstances at the site, it is important to set out the background and planning history. No 144 was originally used as a four bedroom detached dwelling house and garage, and a planning application was approved in 1988 to demolish the garage and to replace it with an attached building with rooms in the roof to be used as a 'granny annex'. When planning permission was granted, conditions were imposed restricting the use of the addition to only be used in association with the main dwelling. In 1991 a conservatory was added to the dwelling and rooms were added in the roof space to create a fifth bedroom.

- 14.3 In 1996 a planning application was granted to use the dwelling and annex as residential accommodation for people in need of care (Class C2) with a total of six bedrooms. When planning permission was granted a condition was imposed which restricted the use to the 'The Sheiling Community' and limited the accommodation to provide self contained residential accommodation for not more than 6 people in need of care, together with 4 adult carers. In 2011, the current owners took over the premises and submitted an application under 97730 for the variation of a condition so that the new owners of the property (The Regard Partnership) could operate from the premises. This was subsequently approved and the same condition was imposed restricting the number of people in need of care to 6 people with 4 care workers.
- 14.4 The main issue in this case is whether the increase in residents in need of care from 6 to 10 would be acceptable in this location in terms of the effect on the character and appearance of the area, the intensity of its use, the impact on the living conditions of the adjoining neighbouring properties and public highway safety matters.
- 14.5 In assessing the effect on the character and appearance of the area, the site comprises a large building on the corner of Northfield Road and Gorley Road, within the built up area of Ringwood. The site is enclosed by a 2 metre high fence and trees and is slightly set back from the road where there is a grass verge and pavement. There is one vehicular access serving car parking which is accessed from Gorley Road and a separate pedestrian access into the property from Northfield Road. For the most part the premises and car parking is well screened and, from the road, the property appears as one large dwelling house.
- 14.6 The character of the area is mixed comprising residential properties, a vets and a dental practice across Northfield Road and a parade of shops nearby situated off Gorley Road. Gorley Road is a relatively busy road running through the north of Ringwood leading to the schools and the residential areas within this part of the town. The proposed variation of the condition does not propose any external changes to the building. Alterations within the site for car parking have taken place, with new hardsurfacing created. The site already benefits from a reasonable garden area to the front of the building which is sufficient for the residents and staff. Concerns have been expressed from the immediate neighbour at Nadina that the site is overdeveloped and the level of activity from ten residents and carers is unacceptable and the site is overcrowded with cars with a lack of turning facilities.
- 14.7 The applicants have stated that while there would be an increase in the number of residents, the number of adult carers would reduce because of the use of shift workers. It has been stated that there has not been a change in vehicular activity and the site has been operating at its current capacity for a number of years. The applicant states that the site has five car parking spaces with scope for a further space if required. The site has two service vehicles for residents and these remain at the home at all times (unless they are in use). The staff usage is between three to four cars at any one time and this will not increase. In the morning two staff vehicles leave the site and up to four staff vehicles arrive at the site with one service vehicle leaving the site during the same period. Therefore during the day, there are up to four staff vehicles on site and one service vehicle. In the evening, the two service vehicles are on site along with two staff vehicles. Staff changeover happens twice a day, morning and evening and no changeover occurs throughout the day.

- 14.8 In assessing the impact of the use, the only change is the car parking area has been enlarged in size and formalised. The enlargement of the car parking area was carried out by the applicant recently and this has enabled additional space for vehicles to park and manoeuvre within the site. The Highway Authority has assessed the recent changes to the car parking within the site and does not raise any objections to the proposal in relation to car parking or public highway safety matters. The level of car parking provided is acceptable and there is sufficient space for vehicles to park and turn to enter Gorley Road in a forward gear. Moreover, it is not considered that an increase in four residents would adversely impact on the character of the area. There would be no increase in staff numbers and this would ensure that the level of activity during the day and evening would remain similar to the lawful use, which is for six residents. Overall, the site lies along a busy road through the north of Ringwood which provides access to the primary schools, with a number of other uses, including a group of shops across the road, and dental and vets practices.
- 14.9 With regard to residential amenity, the main issue is whether the increase in the number of residents would result in an unacceptable impact on neighbouring properties. Because there are no external changes, the main consideration is the increase in activity at the site and whether this would result in greater noise and disturbance. It is considered that the main residential property that would be affected is the property known as 'Nadina' which lies immediately to the south. This is because the existing access into the site lies adjacent to this neighbouring property and any increase in movements is likely to happen at this point. However, given that there would be no increase in the number of staff and the car parking and access remains unchanged, it is not considered that the increase in four residents would result in a level of impact that would justify a reason for refusal.
- 14.10 In conclusion, the site currently has permission to be used for up to six residents and four staff and this has been operated for over 19 years without any significant impact. The proposal to increase the number of residents by four (which has been the case for 5 years), would not have any adverse impact on the character of the area or the living conditions of the adjoining neighbouring properties and accordingly it is considered acceptable to vary the condition to allow up to ten residents to reside at the premises.
- 14.11 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

15. RECOMMENDATION

GRANT the VARIATION of CONDITION

Proposed Conditions:

1. The building shall be used to provide self contained residential accommodation for not more than 10 people in need of care, together with 4 adult carers.

Reason: The use of the building as two independent units of accommodation or an increase in the number of people in need of care or adult carers without this particular and special justification would create an inappropriate residential environment that would be detrimental to the character and appearance of the area, which would fail to comply with policy CS2 of the Core Strategy for the New Forest District outside the National Park.

2. The development hereby permitted shall not be occupied until the spaces shown on plan identified as Block Plan for the parking of motor vehicles have been provided. The spaces shown on plan identified as Block Plan for the parking of motor vehicles shall be retained and kept available for the parking of motor vehicles for the residential use hereby approved at all times.

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

Notes for inclusion on certificate:

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

Concerns were initially raised by the Highway Authority in relation to the inadequate car parking arrangements within the site and the potential impact of vehicles manourvering on the grass verge and pavement outside the site. The applicant has enlarged the existing car parking area within the site and the Highway Authority is satisfied that sufficient car parking and access facilities have been provided which enable a positive recommendation to be made.

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)

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Application Number: 16/10077 Full Planning Permission

Site: 1 NEWBRIDGE WAY, PENNINGTON, LYMINGTON SO41 8BG

Development: Single-storey front, side and rear extensions; rooflights

Applicant: Mr & Mrs Pardoe

Target Date: 24/03/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council View

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Plan Area

Plan Policy Designations

Built-up Area

Core Strategy

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

Supplementary Planning Guidance And Documents

SPD - Lymington Local Distinctiveness

3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

4 RELEVANT SITE HISTORY

| Application Number | Proposal / Site | Decision Date | Decision Description | Status |
|--------------------|---------------------------------------|---------------|----------------------|---------|
| 81/NFDC/19374 | Alterations and extension to kitchen. | 06/05/1981 | Granted | Decided |

5 COUNCILLOR COMMENTS

No comments received

6 PARISH / TOWN COUNCIL COMMENTS

Lymington and Pennington Town Council: recommend refusal:
In support of concerns from neighbour at No.3, objection regarding loss of amenity and privacy.

7 CONSULTEE COMMENTS

Land Drainage: No comment

8 REPRESENTATIONS RECEIVED

One comment:

No objection to the extension but concerns over access of construction vehicles and the potential for interruption, noise and damage to the road.

One objection: (on basis of originally submitted plans) : (summary)

- The pitched roof over the proposed garage and workshop would result in loss of light to a first floor bedroom window.
- Concerns over the outcome of digging footings for the extension, given the proximity to their property.

9 CRIME & DISORDER IMPLICATIONS

None Relevant

10 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.

11 WORKING WITH THE APPLICANT/AGENT

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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 worked with the Council to address the concerns raised and submitted amended plans on 19th April 2016.

12 ASSESSMENT

- 12.1 The application site is located within the built up area of Pennington, Lymington. It is a bungalow on the junction of Elm Avenue and Newbridge Way and one of a related group on this side of the road.
- 12.2 This application proposes the addition of single storey front, side and rear extensions. At the front of the property a flat roofed projection would infill the recess to the side of the existing gable projection. An extension would also be added to the front of the existing garage. To the rear of the garage a flat roofed extension would wrap around the rear of the property and this would incorporate a roof light with one also added to the existing flat roof area.
- 12.3 The proposed extensions although projecting by 2.9 metres, would remain set back from the frontage of the site by over 9.0 metres. They would, due to their single storey form and lower roof design, remain subservient to the dwelling and given the staggered relationship with neighbouring premises the forward projection of the garage element would not compromise the appearance of the wider street scene. It is noted that the extensions to the front and rear of the existing side element would create a long façade along the boundary with No.3 Newbridge Way. However, given the staggered relationship between these properties the full extent of this would not be read on the street scene or from this neighbouring property. As such, subject to the use of facing materials to match those on the existing property, it is considered that the impact on visual amenity would be acceptable.
- 12.4 Given the orientation and staggered relationship with No.3 Newbridge Way, the proposed extensions would not result in any harmful impacts on the living conditions of these neighbouring occupiers. In response to the Town Councils concerns it is noted that the originally submitted plans detailed a full pitched roof over the front projecting garage roof and concerns were raised by the occupants of No.3 Newbridge Way in respect of the impact on their first floor side window. On this basis the roof design was amended to a significantly lower height which would

maintain their outlook and not harmfully affect the light reaching this window. All parties have been re-consulted on the amended plans and no further concerns or comments have been made.

- 12.5 In response to other matters raised through representations, the application does not detail works on neighbouring land. Construction details would be subject to building regulations and any potential disturbance to land or buildings during construction would be a private civil matter. Any obstruction caused to the public highway during construction would be a matter for the highway authority. Given the small scale of the proposed works it is not considered necessary to condition any details of construction access to the site.
- 12.6 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.

13. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: Location Plan; Site Plan; 022; 011; 010; 009; 008; 007; 005; 002; 004; 031; 01.

Reason: To ensure satisfactory provision of the development.

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

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

Notes for inclusion on certificate:

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

In this case the applicant worked with the Council to address the concerns raised through the submission of amended plans.

2. This decision relates to amended plans received by the Local Planning Authority on 19/04/2016

Further Information:

Householder Team

Telephone: 023 8028 5345 (Option 1)



13.4m

Application Number: 16/10237 Variation / Removal of Condition

Site: Land rear of 102-112 OLD MILTON ROAD, NEW MILTON

Development: Variation of Condition 1 & 2 of Planning Permission 13/10077 to allow continued temporary storage of caravans, camper vans, trailers, boats & vans for a period of 3 years

Applicant: Mr Moore

Target Date: 18/04/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council View

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

CS2: Design quality
CS10: The spatial strategy
CS17: Employment and economic development

Local Plan Part 2 Sites and Development Management Development Plan Document

None

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

None

6 RELEVANT PLANNING HISTORY

- 6.1 10077 - Variation of condition of planning permission 94816 to allow continued temporary storage of caravans for 3 years (10077) Granted with conditions on the 8th August 2013
- 6.2 94816 – Use of land for storage of vehicles – relief of condition 2 of planning permission 88534 to allow continued use for 3 years (94826) Granted on the 6th Jan 2010
- 6.3 88534 - Use of land for storage of vehicles for 3 years. Granted 9.11.06
- 6.4 72338 - Change of use to open storage for caravans. Granted 13.8.01

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: Recommend refusal. In a residential setting surrounded by houses it is important that storage continues to be regulated to caravans only.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

Environmental Health Officer (Pollution): No objection

10 REPRESENTATIONS RECEIVED

None

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

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

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

14 ASSESSMENT

- 14.1 The site comprises a square shaped piece of open land to the rear of Old Milton Road within the built up area of New Milton. The site is currently used for the open storage of caravans, camper vans, trailers, boats and vans. The site is set behind housing development fronting onto Old Milton Road and is bounded by residential properties to the south and west, school playing fields to the north. A large wide vehicular access lies to the east of the site, which leads onto Old Milton Road.
- 14.2 Temporary planning permission was originally granted in 2001 for the use of the land for the open storage of caravans. Several further temporary permissions have been granted on the site to continue the use of the land for open storage of caravans and the most recent consent was in 2013 under planning reference 10077. It should be noted that the extent of the land that was used for storage purposes has changed since 2001, as new houses have been built to the west of the site.
- 14.3 The most recent temporary permission under planning reference 10077 expired at the end of April this year. All previous temporary planning permissions on the site restricted the use of the land for open storage of caravans only. This was to safeguard the amenities of the area and to enable the Local Planning Authority to retain control of the use of the site.
- 14.4 This current application seeks the variation of conditions 1 and 2 of planning permission 10077. In relation to the variation of condition 1, this would effectively extend the temporary permission to continue to use the land for storage use for a further 3 years. In relation to the variation of condition 2, this would enable the site to also be used to store vehicles other than caravans, which would include camper vans, trailers, boats and vans. The applicant has stated that one van has been sited on the

land for the last year, one boat on a trailer since 2010 and two motor homes since 2007. The applicant has also stated that the overall aim is to develop the site for housing (potentially including the surrounding land) and the application to extend the permission will enable additional time to develop permanent plans for the site.

- 14.5 In assessing this application, there are no objections in principle to the continued use of the land for the open storage of vehicles for a further 3 years. The site has not caused any unacceptable visual harm over the last 15 years and a further 3 year temporary consent would give the applicant time to develop plans for a permanent development of the site. While it is noted that some other types of vehicles have been stored on the site over the last few years including a van and motor home, this has not raised any complaints from the neighbouring residential properties and it is not anticipated that the storage of different vehicles would lead to any harm in terms of noise, disturbance or additional activity. The Environmental Health officer does not raise any objections to the proposal. Moreover, the vehicles stored on the land are not of a size that cause any adverse impact on the character of the area and the overall size of the site, which measures 0.05 hectares, is relatively small.
- 14.6 In conclusion, it is considered that a further temporary permission for 3 years would be acceptable and the variation of the condition to enable other vehicles to be stored on the land would not give rise to an unacceptable impact on the character of the area or residential amenity. A condition can be imposed restricting the types of vehicles that are stored on the site in accordance with the application description.
- 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 Temporary Permission

Proposed Conditions:

1. The use shall cease on or before 31st July 2019 and the land restored to a condition which has first been agreed by the Local Planning Authority.

Reason: In order that the position may be reviewed at the end of the period in light of the circumstances that prevail at the time and to safeguard the potential future redevelopment of the site in accordance with Policies CS1 and CS2 of the Core Strategy for the New Forest District outside the National Park.

2. The premises shall be used for the storage of caravans, camper vans, trailers, boats and vans and for no other purpose (including any other purpose in Class B8 of the schedule to the Town and Country Planning (Use Classes) Order, 2005, or in any Order revoking and re-enacting that Order with or without modification) and nothing shall be erected within the area outlined red on the approved layout plan.

Reason: To safeguard the amenities of the area and to enable the Local Planning Authority to retain effective control of the use of the site, in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

Notes for inclusion on certificate:

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

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

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)



New Forest
DISTRICT COUNCIL

Tel: 023 8028 5000
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David Groom
Service Manager
Planning and Building Control
New Forest District Council
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SO43 7PA

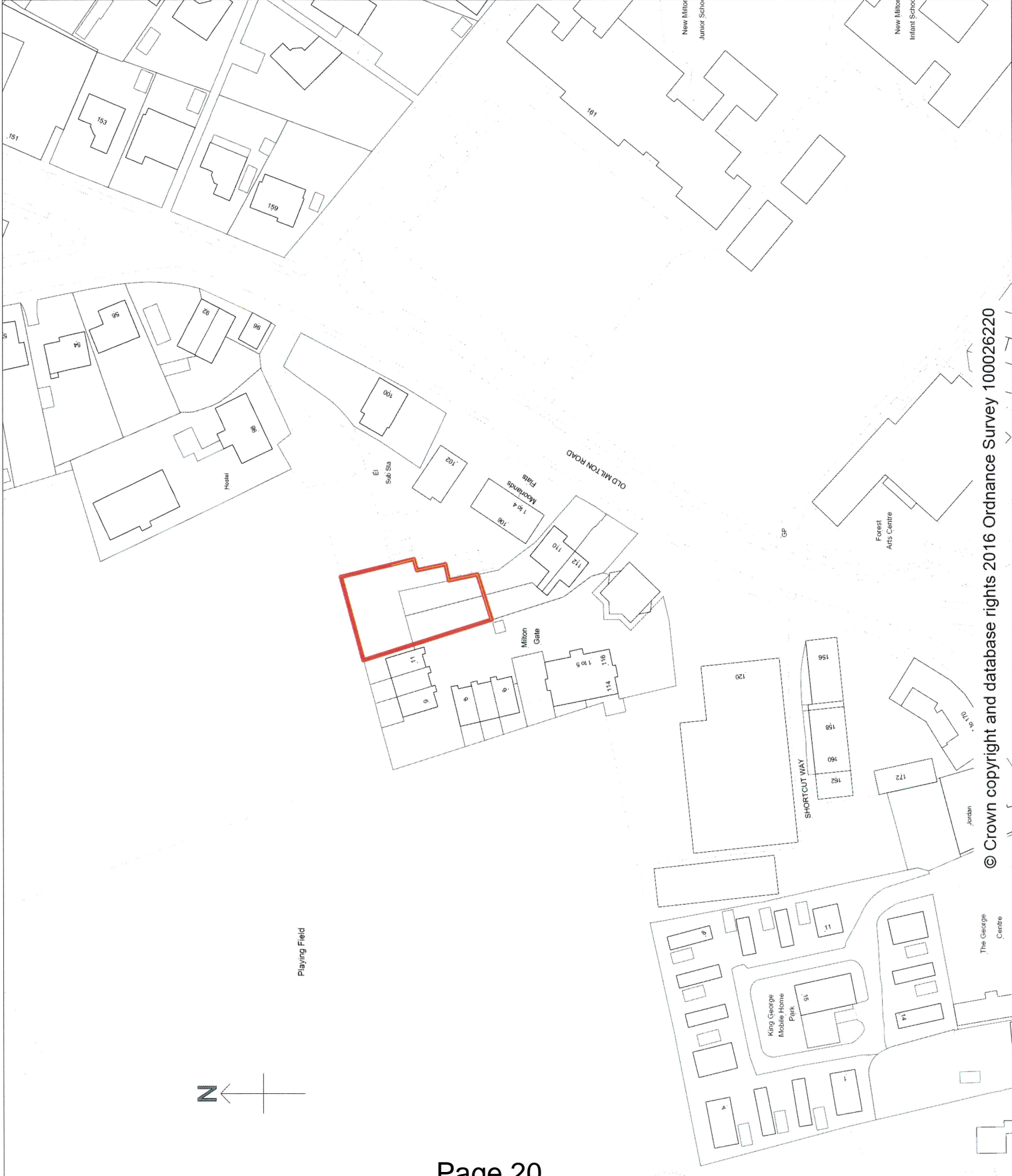
**Planning Development
Control Committee
July 2016**

Item No: 3c

Land rear of 102-112
Old Milton Road
New Milton
16/10237
SZ2394

Scale 1:1250

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the internet, it will not be to
scale.



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Application Number: 16/10322 Full Planning Permission

Site: RECREATION GROUND, CARRINGTON LANE, MILFORD ON
SEA

Development: Tarmac games court; 2 & 3 metre high fencing

Applicant: Milford-on-Sea Parish Council

Target Date: 23/06/2016

1 REASON FOR COMMITTEE CONSIDERATION

At the discretion of the Service Manager Planning and Building Control

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area
Public Open Space Existing

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

- 6. Towns, villages and built environment quality
- 9. Leisure and recreation

Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS7: Open spaces, sport and recreation

Local Plan Part 2 Sites and Development Management Development Plan Document

NPPF1: National Planning Policy Framework – Presumption in favour of sustainable development

DM8: Protection of public open space, private playing fields and sports grounds and school playing fields

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework
NPPF Ch. 8 - Promoting healthy communities

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPG - Milford-on-Sea Village Design Statement

6 RELEVANT PLANNING HISTORY

None

7 PARISH / TOWN COUNCIL COMMENTS

Milford on Sea Parish Council - no comments received (applicants)

8 COUNCILLOR COMMENTS

8.1 Cllr Beeton - The Milford-on-Sea action plan, Parish Vision 2020, has informed the Parish Council's decision making grounded on a fair and democratic process since its publication in 2007. It states "This plan is a wide-ranging statement of community ambitions, based on sound research and extensive public consultation. It aims to retain the best of Milford-on-Sea, to improve many of our facilities, and to ensure the vibrancy of our village. It builds on the 2002 Village Design Statement which dealt essentially with land use issues."

The proposed application is misguided by omitting the "indoor" detail. This application proposes an outdoor MUGA for one of our two children's play parks that was already a valued space. When the youth were asked what they loved it included "the Beach and Sea, The Parks and The Green." (P.29)

It goes on to detail the youth aims, aspirations & actions as "acquisition of land to provide new, purpose-built and safe skateboard/BMX facility and acquisition of land to provide additional youth football and other sports pitches." The aim was for "provision of central indoor multi-purpose games hall for sports and art. And local sites to watch, enjoy and learn more about nature." (P.30)

Noting Milford-on-Sea has relatively few formal open spaces (P.20), new sites must be sought. Lack of maintenance must not be a reason to tarmac a loved area.

Tarmac surface in this area would have an unacceptable impact on the residential surrounding area through noise disturbance and ball retrieval.

8.2 Cllr Kendall - In view of the large local opposition to this scheme could I ask that it be given independent examination by the Planning Committee as opposed to officer delegation, if that is possible. It would give the local objectors the opportunity to have their concerns heard by District Councillors as opposed to the Parish Council who own the land.

9 CONSULTEE COMMENTS

9.1 Land Drainage - no objection subject to condition

9.2 Southern Gas Networks - offer advice

9.3 Open Space Officer - These proposals will improve the recreational facilities available at this Public Open Space. I am in support of the proposals.

9.4 Environmental Health (Pollution): comments that the impact of the proposal in terms of noise could be significant, however having regard to the fact that planning permission is only required because of the height of the fence, the increased impact arising from the need for planning permission would be negligible. Recommend a condition and an informative note.

10 REPRESENTATIONS RECEIVED

Objections have been received from 32 local residents concerned with the following issues - it should be noted that 7 of them have come from two households.

- additional demand for parking could cause difficulties with residents
- proposal is aimed at children older than those who currently use the facilities
- noise and disruption
- Barnes Lane recreation ground would be a better location
- no access for emergency vehicles
- restrictions on hours of use requested
- would increase the age range of children playing there, signs restricting this to 12 have been removed
- increase in anti-social behaviour
- irritation of balls thudding on surfacing
- the existing equipment needs replacing
- it would spoil the park for younger children
- inadequate publicity about application
- local residents currently have to clear away mess left behind
- Council will incur additional costs for maintenance and rectifying vandalism
- it would encourage vice and bad behaviour
- ecological impact of removing grass
- money should be used to improve existing facilities or providing outside gym equipment
- it would be like having a music festival at the park every weekend with groups of drunken teenagers congregating, smoking and doing other inappropriate things
- there is no surveillance
- no public toilets nearby
- won't add to visitor appeal
- young children would be subject to inappropriate language
- the structure would be overbearing and intrusive to local residents
- the proposal is too close to residential properties and the footpath
- evidence of the parish survey should be provided
- wider notification of local residents should have occurred

9 letters of support have been received stating the following:

- excellent opportunity to improve the facilities for children and teenagers in the village
- having a fenced off area would reduce the amount of balls landing in residents gardens
- would provide a focal point for encouraging children to play outside rather than playing on phones/computers
- an all weather facility is needed in the village
- traffic wouldn't increase as most would visit on foot
- increased noise unlikely and people have double glazing anyway
- park is under used at present and the proposal would increase use
- it would give children an opportunity to play somewhere safely as the streets are too crowded with cars
- it would help protect the area from experiencing continued 'unsavoury behaviour'

A comment has been received that the Parish Council should take note of the existing state of equipment and fencing in the park and two further comments, one of which has been revised to be an objection referred to above.

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

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This is achieved by

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

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

14 ASSESSMENT

- 14.1 The site lies within the built up area of Milford on Sea in a residential area. It is presently in use as a grassed play area which includes a fenced off section for small children, an adventure play area and a pair of small football goals. There is a pedestrian link to the park from Carrington Lane with vehicular access (to allow grass to be cut) from Lawn Close. The proposal entails the provision of a Multi Use Games Area (MUGA) in a similar position to the existing football area. The MUGA would comprise a goal and hoop either end with 3m high fencing adjacent, tarmac surfacing and 2m high fencing around the rest of the pitch which would be marked out for football and basketball.

- 14.2 In principle, while it is accepted that local residents have reservations about the proposal, it is the provision of play equipment in an existing play area and there is no change of use involved. The applicants benefit from permitted development rights under Part 12 of The Town and Country Planning (General Permitted Development) Order 2015 and under Class A, the proposal would be permitted development were all the fencing no higher than 2m. Planning permission is therefore required for the proposal in light of the extra 1m in height of the surrounding fence for approximately 7m either end.
- 14.3 In visual terms, the additional 1m in height which comprises goal panels and basketball hoops with support and back board, would have a limited impact on the surrounding area. While it would be fully visible from within the site, only glimpses would be likely from Carrington Lane and Park Road in view of existing vegetation and buildings, neither of which would be affected by the proposal.
- 14.4 With regard to residential amenity, while the proposed structure would be visible through the mature hedging and trees which bound the site to the north and north-west, it would not be considered to be overbearing to these properties given the minimum of 21m from dwellings to fencing. Similarly, although the property to the west is 9m away and has a first floor window overlooking the park, the provision of the MUGA would not be overbearing to this property and the flats to the south are almost 35m away. The proposal would not result in any loss of light to the surrounding properties.
- 14.5 The main residential amenity issue is the potential for increased noise and disturbance. The Environmental Health Officer recognises this concern and recommends a condition to control hours of use, however, given the fact that planning permission is only required as a result of the height of the fence this is not considered to be reasonable and it is for the Parish Council to manage the use at the site. An informative note is suggested in relation to statutory nuisance as recommended by the Environmental Health Officer. Local residents are concerned that signage at the park restricting users above 12 years of age have been removed recently and combined with this, the proposal would result in older children using the park who would cause more noise and the potential for anti-social behaviour.
- 14.6 In conclusion, the proposed development would be appropriate in this location with acceptable impacts for neighbouring properties.
- 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: visuals x3, plan, block plan, site location plan, boundary plan, coloured site location plan.

Reason: To ensure satisfactory provision of the development.

Notes for inclusion on certificate:

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

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

2. The applicant should be aware that planning consent does not grant licence to cause a statutory nuisance and if nuisance was caused, then the Local Authority Environmental Health Officer would be under duty to investigate such complaints and serve a noise abatement notice if necessary to abate any nuisance.

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



New Forest
DISTRICT COUNCIL

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

David Groom
Service Manager
Planning and Building Control
New Forest District Council
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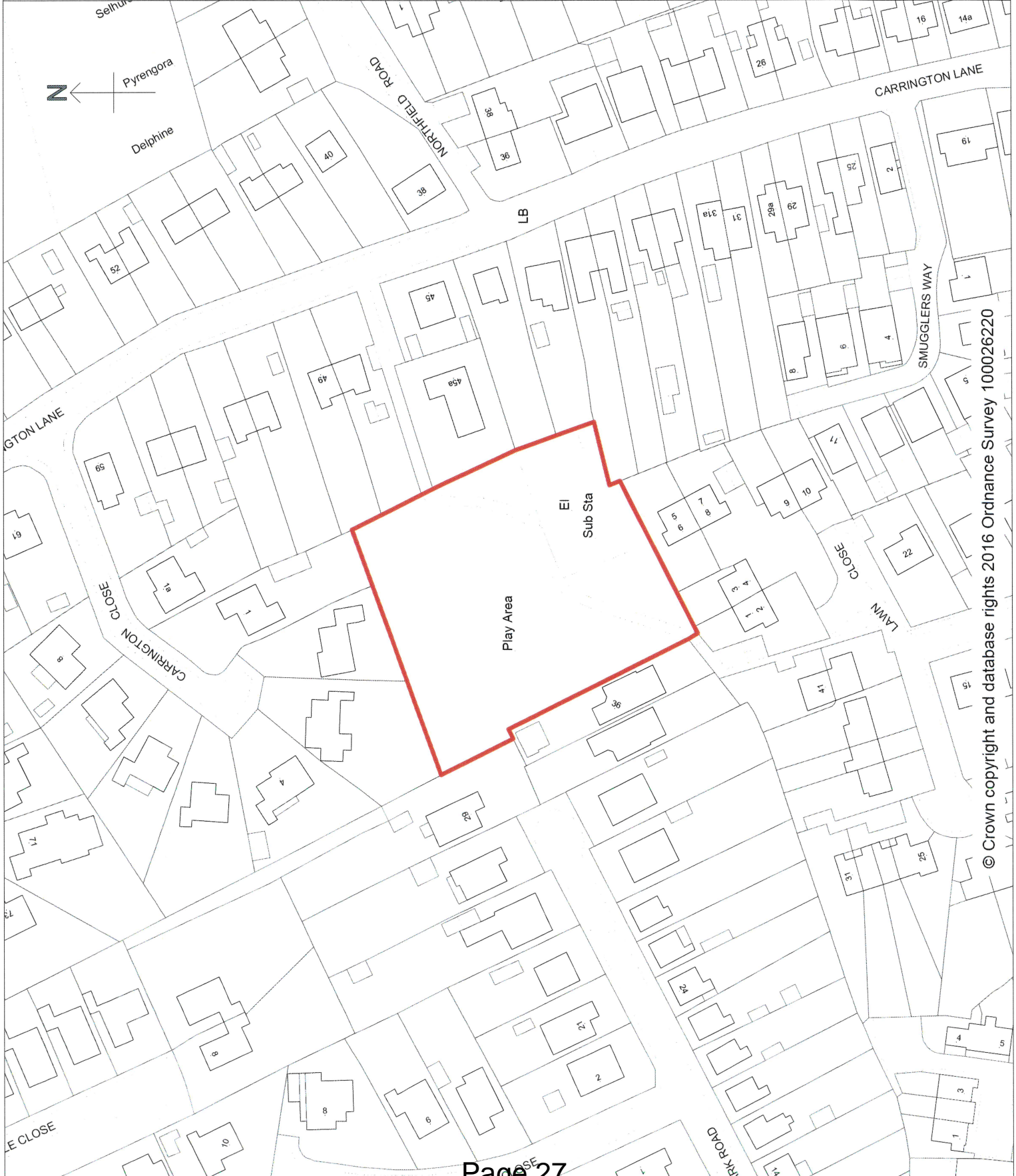
**Planning Development
Control Committee
July 2016**

Item No: 3d

Recreation Ground
Carrington Lane
Milford on Sea
16/10322
SZ2992

Scale 1:1250

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the internet, it will not be to
scale.



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Application Number: 16/10327 Full Planning Permission

Site: 22 ELM AVENUE, PENNINGTON, LYMINGTON SO41 8BL

Development: Detached garage; flue

Applicant: Mr Roberts

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

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Lymington Local Distinctiveness

6 RELEVANT PLANNING HISTORY

15/10439 Detached garage/workshop refused 04/06/15

7 PARISH / TOWN COUNCIL COMMENTS

Lymington and Pennington Town Council: recommend refusal.
The revised proposals do not mitigate the concerns outlined in L& PTC's response to the previous application.

Comments on previous application: refuse: in support of objections from neighbour at number 20

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

Land Drainage: no comment

Environmental Health: comment only request an informative relating to the design of the flue.

10 REPRESENTATIONS RECEIVED

One comment from neighbour on amended scheme raising no objection

Correspondence from agent to confirm that all of the proposed garage would be within the boundary of the application site.

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. Notwithstanding this, clarification was sought in relation to the position of the guttering, which was duly supplied.

14 ASSESSMENT

- 14.1 A previous application - 15/10439 - for a detached garage and workshop was refused in June 2015 on the grounds of impact on neighbour amenity, most specifically that its height and excessive length, coupled with its position would create a visually intrusive and overbearing form of development that would adversely impact upon the amenities of the occupiers of 20 Elm Avenue
- 14.2 The current proposal has reduced the overall ridge height and eaves height by 400mm compared to the previously refused scheme. The length of the proposed outbuilding remains the same, although the forward section of the garage adjacent to the neighbouring dwelling would now be set in off the boundary by approximately 300mm. Furthermore, a flue is now proposed to the rear of the building.
- 14.3 The eaves height of the proposed building would be 2.1m - 250mm higher than the eaves of the existing garage and 400mm lower than the previous proposed. This together with the reduction in the overall roof height, when compared to the previous scheme, would reduce the impact of the outbuilding on the amenities of no 20 Elm Avenue. With regard to the length of the outbuilding, the properties have reasonable sized rear gardens so it would not result in an overbearing form of development.
- 14.4 The Town Council objected to the previous application in support of neighbour concerns, but it should be noted that no objections have been raised to the current application from the occupiers/owners of no 20 Elm Avenue.
- 14.5 By reason of the siting of the proposed building, no other neighbouring properties would be affected. The agent has clarified that even though the outbuilding is in close proximity to the boundary, the guttering would not overhang any part of the side boundary.
- 14.6 Detached garages set to the back of dwellings are a feature of some properties within the area, and as it would be replicating the existing relationship, the proposals would not detract from the character of the area or be detrimental to the street scene.
- 14.7 The proposed flue would be sited on the roof slope adjacent to the boundary with no 20, but no concerns have been raised by Environmental Health with regard to the flue adversely impacting upon

the neighbours' amenities. There would be no visual impact of the flue given its set back position relative to the street scene and the neighbouring property.

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

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: PO6, SO6, 22EA/PO4_01, 22EA/PO3_01, 22EA/PO2_01, 22EA/PO1_01, 22EA/SO4_01, 22EA/SO3_01, 22EA/SO2_01, 22EA/SO1_01

Reason: To ensure satisfactory provision of the development.

Notes for inclusion on certificate:

1. The flue should be designed to facilitate the upward vertical flow and increase dispersion of emissions. It should be designed to prevent potential down-draught that would cause smoke/odour issues to neighbouring properties

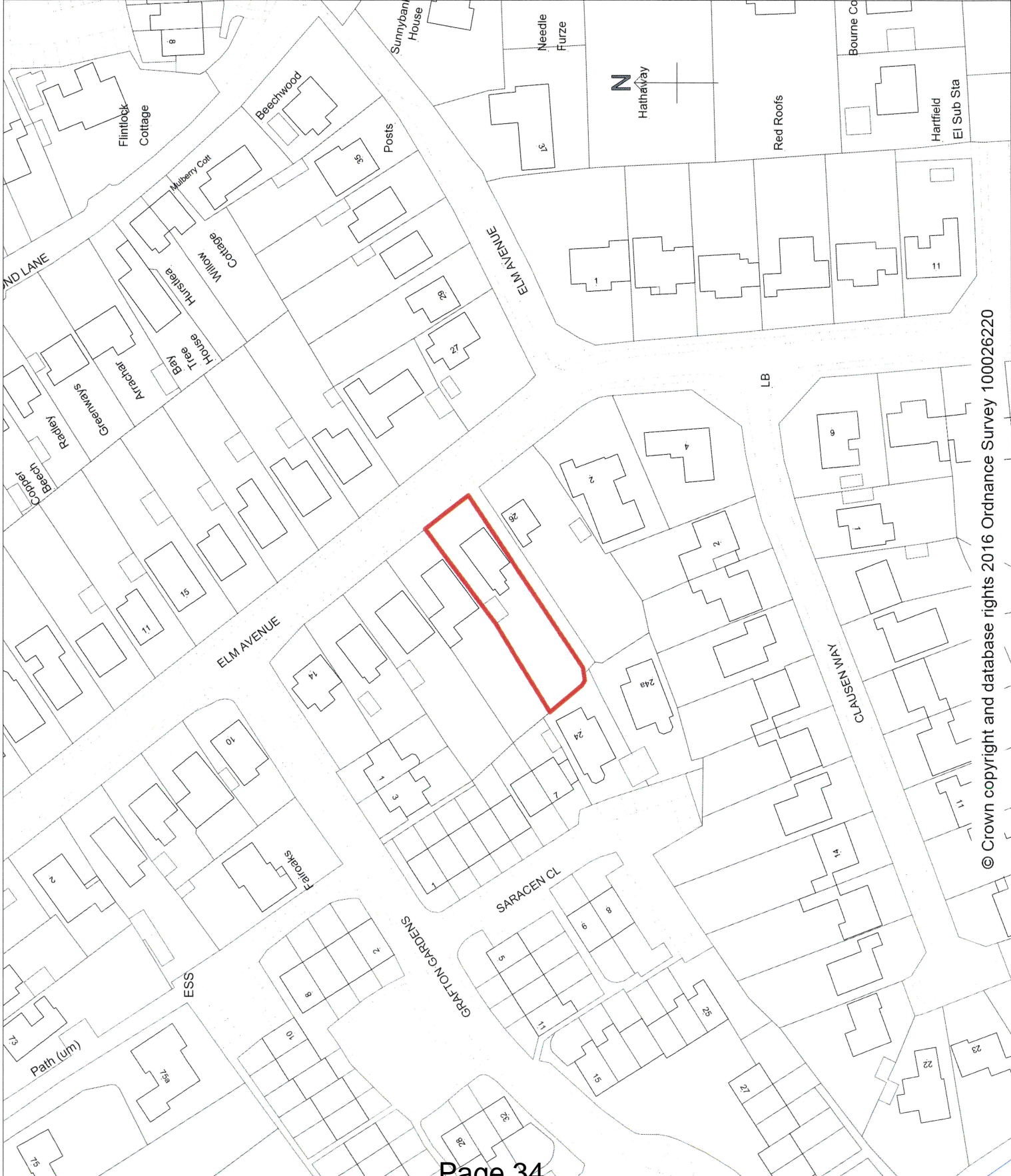
2. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising 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. Notwithstanding this, clarification was sought in relation to the position of the guttering, which was duly supplied.

Further Information:

Householder Team

Telephone: 023 8028 5345 (Option 1)



Application Number: 16/10451 Full Planning Permission

Site: 51 HIGH STREET, LYMINGTON SO41 9AG

Development: Shopfront alterations

Applicant: Belle Ella Boutique Ltd

Target Date: 07/06/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Town Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area
Conservation Area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

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

Local Plan Part 2 Sites and Development Management Development Plan Document

DM1: Heritage and Conservation

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework
Achieving Sustainable Development
NPPF Ch.2 - Ensuring the vitality of town centres
NPPF Ch. 7 - Requiring good design
NPPF Ch. 12 - Conserving and enhancing the historic environment

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPG - Lymington - A Conservation Area Appraisal
SPD - Lymington Local Distinctiveness

6 RELEVANT PLANNING HISTORY

- 6.1 06/88241 - shopfront alterations. Granted 21.8.06
- 6.2 06/87836 - shopfront alterations. Refused 8.6.06
- 6.3 16/10452 - display 2 wall illuminated signs: vinyl door sign; 1 fascia sign - Item 3g on this Agenda.

7 PARISH / TOWN COUNCIL COMMENTS

Lymington and Pennington Town Council - recommend refusal in support of Conservation officer.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

- 9.1 Land Drainage - no comment
- 9.2 Southern Gas Networks - no comment, possible informative required
- 9.3 Conservation Officer - unauthorised works are inappropriate and amendments are necessary.

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.

The works have been implemented since the submission of the application and these works were not in accordance with the submitted plans. Amendments to address this and some of the concerns raised by the Conservation Officer have been requested.

14 ASSESSMENT

- 14.1 The site lies within the built up area of Lymington in the Lymington Conservation Area. It is not listed, although the adjacent shop is. The site comprises a shop which is now operating following the refurbishment. The proposal entails alterations to the existing shopfront including replacement windows and timber cladding over the brickwork.
- 14.2 The 'existing' shopfront had plastic windows and the entrance and left hand side of the frontage were recessed from the street. The stall riser was brick in a non-traditional bond. While it would have been an ideal opportunity to balance the frontage out (the pilasters are of unequal widths) and bring the left hand side of the premises forwards, it is understood that the applicant does not own the property and is unable to make such changes.
- 14.3 The proposed alterations appear to be traditional in nature although, as cladding they are not proper recessed mouldings but stuck on beading. The works implemented still require additional works to be carried out in order to match the submitted plans and, whilst not an ideal solution to the shopfront, the proposal would result in a more traditional looking frontage than the previous appearance. Further comments from the Conservation Officer will be the subject of an update at the meeting.
- 14.4 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. While 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: TD16/BE01/PL01A, TD16/BE01/PL06, TD16/BE01/PL05, TD16/BE01/PL04, TD16/BE01/PL07, TD16/BE01/PL02, TD16/BE01/PL03.

Reason: To ensure satisfactory provision of the development.

3. The elements of the proposal not yet implemented shall be implemented within 3 months of the date of this permission.

Reason: In the interests of the visual amenities of the area and in accordance with policies CS2 and CS3 of the New Forest District Council Core Strategy.

Notes for inclusion on certificate:

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

The works were implemented following the submission of the application and these works were not in accordance with the submitted plans. Amendments to address this and some of the concerns raised by the Conservation Officer have been requested.

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



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Application Number: 16/10452 Advertisement Consent

Site: 51 HIGH STREET, LYMINGTON SO41 9AG

Development: Display 2 wall-mounted signs; 1 vinyl door sign; 1 fascia sign
(Application for Advertisement Consent)

Applicant: Belle Ella Boutique Ltd

Target Date: 07/06/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Town Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area
Conservation Area
Town Centre
Primary Shopping Area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

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

Local Plan Part 2 Sites and Development Management Development Plan Document

DM1: Heritage and Conservation

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework
Achieving Sustainable Development
NPPF Ch. 7 - Requiring good design
NPPF Ch. 12 - Conserving and enhancing the historic environment
Section 72 General duty as respects conservation areas in exercise of planning functions
Planning (Listed Buildings and Conservation Areas) Act 1990

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPG - Lymington - A Conservation Area Appraisal
SPD - Lymington Local Distinctiveness
SPG - Shopfront Design Guide

6 RELEVANT PLANNING HISTORY

6.1 16/10451 - shopfront alterations. Item 3f on this Agenda.

7 PARISH / TOWN COUNCIL COMMENTS

Lymington and Pennington Town Council - recommend refusal in support of conservation officer

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

9.1 Hampshire County Council Highway Engineer - no objections

9.2 Conservation Officer - further details required, side sign should be removed

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

The works have been implemented since the submission of the application. Amendments to address some of the concerns raised by the Conservation Officer have been requested.

14 ASSESSMENT

- 14.1 The site lies within the built up area of Lymington in the Lymington Conservation Area. It is not listed, although the adjacent shop is. The site comprises a shop which is now operating following the refurbishment. The proposal entails a replacement wall panel and fascia and the provision of glazing transfers and an additional wall panel.
- 14.2 With regard to the window transfers, the proposed lettering is very discreet and would have a limited impact on the visual amenity of the area. Similarly, the additional wall panel inside the recessed element of the shopfront is tucked away and no objections are raised to this sign.
- 14.3 It would be preferred if the fascia sign was constructed in aluminium rather than acrylic. An amendment to reflect this preference has been requested. This will be the subject of an update at the meeting. Although the Conservation Officer has reservations in respect of the proposed side panel, it has replaced a previous panel and is timber.
- 14.4 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 ADVERTISEMENT CONSENT

Standard Conditions

1. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
3. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.
4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
5. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).

Notes for inclusion on certificate:

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

The works were implemented following the submission of the application. Amendments to address some of the concerns raised by the Conservation Officer have been requested.

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)



New Forest
DISTRICT COUNCIL

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

David Groom
Service Manager
Planning and Building Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee**
July 2016

Item No: 3f & 3g

51
High Street
Lymington
16/10451-52
SZ3295

Scale 1:1250

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



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Application Number: 16/10462 Full Planning Permission

Site: 54 - 56 STATION ROAD, NEW MILTON BH25 6LE

Development: Extend side dormer; front, side & rear dormers to create 2 additional flats; window alterations

Applicant: JDM Executive Homes

Target Date: 10/06/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council View

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Town Centre

Primary Shopping 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

CS1: Sustainable development principles

CS2: Design quality

CS10: The spatial strategy

CS15: Affordable housing contribution requirements from developments

CS20: Town, district, village and local centres

CS24: Transport considerations

CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

DM3: Mitigation of impacts on European nature conservation sites

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 - New Milton Local Distinctiveness
SPD - Parking Standards

6 RELEVANT PLANNING HISTORY

None

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: recommend refusal:

- (1) Overdevelopment;
- (2) Lack of parking.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

9.1 Hampshire County Council Highway Engineer: No highway objections

10 REPRESENTATIONS RECEIVED

10.1 1 letter of objection raising concerns in relation to parking congestion, noise, dust and rubbish.

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 £13824 in government grant under the New Homes Bonus will be received.

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

Based on the information provided at the time of this report this development has a CIL liability of £8,171.69.

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

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

14 ASSESSMENT

- 14.1 The site comprises a two and a half storey end terrace building situated along the High Street in New Milton Town Centre. Although the building fronts onto the High Street, the building bounds a side vehicular access which provides rear access to a number of buildings fronting onto the High Street and housing to the rear at Park View Mews. The ground floor of the building is in commercial/ retail use and the first and second floors are occupied by three residential flats.
- 14.2 This application proposes two additional residential flats through alterations to the building including the introduction of dormer windows to the existing roof. In total the building would comprise five 2 bedroom flats. It is proposed to insert dormer windows on the front side and rear elevations of the building.
- 14.3 In policy terms, the site lies within the Primary Shopping Frontage where new residential uses are permitted on the upper floors. The site lies within the central part of the town centre where higher density living is considered acceptable and accordingly the principle of increasing the number of residential flats in this building is acceptable. There would be no changes to the ground floor of the building and the commercial and retail element would remain unaffected. It is considered that providing two additional residential flats, resulting in a total of five flats, would be acceptable. Given the sustainable location of the site, which is in the centre of New Milton town centre, the proposal is not considered to be an overdevelopment of the site

- 14.4 In assessing the effect on the character of the area, generally, there are a number of dormer windows in the second floor of buildings within this area and three storey buildings. The proposed front dormer window would match the size and design of the existing dormer window, which would be acceptable. The proposed dormer windows to the side and rear elevations would use existing roof spaces and are of a size, proportion and design which would be in keeping with the character of the existing building and would not result in any adverse impact on the surrounding area.
- 14.5 With regard to residential amenity, it is not considered that the proposal would result in any adverse impact on the living conditions of the neighbouring properties. The proposed dormer windows on the side (north) elevation would face onto a two storey building which is currently used for storage space in association with the uses fronting onto the High Street. The proposed extension to the existing dormer window on the south side elevation would be acceptable given that this would have a relatively small window on the far end of the elevation with oblique views to the neighbouring properties.
- 14.6 In terms of the rear elevation, two dormer windows are proposed which would face onto existing residential properties at No's 5-8 Park View. The distance between the proposed dormers and the front elevation of No's 5-8 Park View measures around 14 metres. Given that there are already windows on the rear elevation facing these neighbouring properties, the distance of 14 metres between the properties and the fact that the site is located in a town centre location in which you would normally expect a higher degree of overlooking, it is not considered a refusal of planning permission would be justified or sustainable at appeal.
- 14.7 In terms of public highway safety matters, there are no proposals to increase the number of on site car parking spaces at the site. Based upon the adopted car parking standards supplementary planning document, the proposals would generate a requirement for 4 spaces. The site is situated close to good public transport links and local amenities, and on street parking controls are enforced in the vicinity to prevent the possibility of any displaced vehicles causing undue danger and inconvenience to users of the highway. The Highway Authority would therefore consider that in this instance any shortfall in off street parking provision would not result in any detrimental effect on users of the local highway network and accordingly no objections are raised.
- 14.8 The proposal would result in additional residential units on site. However, Policy CS15 states that if the development entails the conversion or subdivision (without significant extension) of an existing dwelling, an affordable housing contribution is not required. In this case, part of the existing roof space would be utilised and apart from the addition of dormer windows, the proposal would mainly be a conversion and, accordingly, an affordable housing contribution is not required.
- 14.9 In accordance with the Habitat Regulations 2010 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the

proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard.

- 14.10 In conclusion, it is considered that the proposal to create new dormer windows within the roof of the existing building together with internal changes to create two additional flats would be acceptable on this site which lies within the central part of the town centre in which higher densities are appropriate. The proposal would have no adverse impact on the character of the area, residential amenity or public highway safety.
- 14.11 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

CIL Summary Table

| Description of Class | GIA New | GIA Existing | GIA Net Increase | CIL Liability |
|----------------------|---------|--------------|------------------|---------------|
| Dwelling houses | 330 | 232 | 98 | £8,171.69 * |
| Shops | 140 | 140 | 0 | £0.00 * |

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: 70/15/6, 70/15/5 Rev A, 70/15/2, Location plan.

Reason: To ensure satisfactory provision of the development.

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

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

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

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

Notes for inclusion on certificate:

1. This decision relates to amended / additional plans received by the Local Planning Authority on the 23rd June 2016.
2. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

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

3. In discharging condition No.3 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/>

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



New Forest
DISTRICT COUNCIL

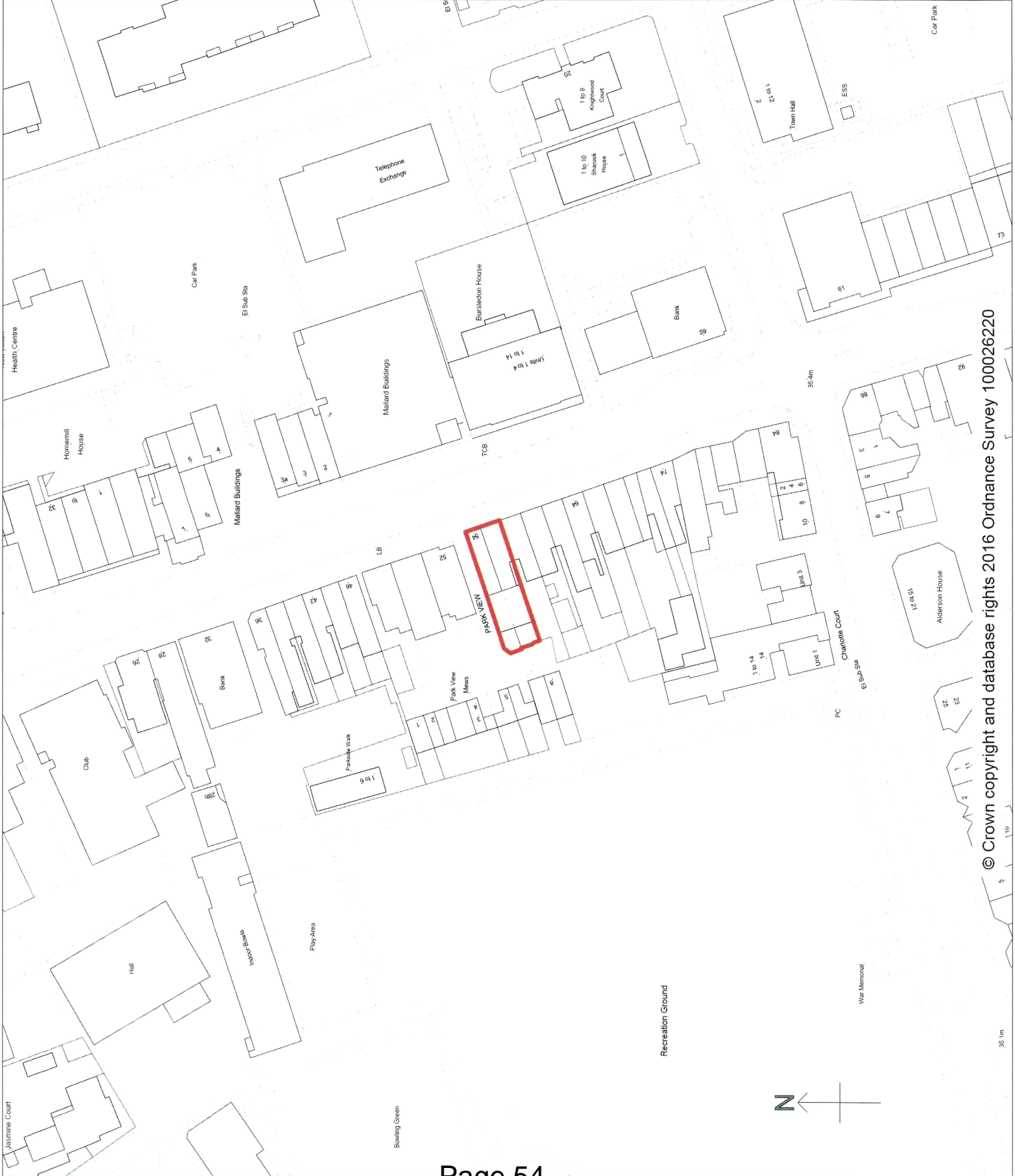
Tel: 023 8028 5000
www.newforest.gov.uk

David Groom
Service Manager
Planning and Building Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee**
July 2016

Item No: 3h
54-56
Station Road
New Milton
16/19462
SZ2495

Scale 1:1250
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the internet, it will not be to
scale.**



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Application Number: 16/10471 Full Planning Permission

Site: 13 FAIRLIE, RINGWOOD BH24 1TP

Development: Raise ridge height to increase first-floor living space; roof lights; roof alterations; dormers; two-storey extension; move main entrance to front; porch; fenestration alterations

Applicant: Mrs Parker

Target Date: 20/06/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view.

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

None

Supplementary Planning Documents

SPD - Ringwood Local Distinctiveness

3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

4 RELEVANT SITE HISTORY

16/10564 - detached garage - approved June 2016

85/NFDC/30155 - Erection of bungalow at 13 Fairlie - approved November 1985

85/NFDC/29644 - Erection of bungalow at 13 Fairlie - refused August 1985

5 COUNCILLOR COMMENTS

No comments received

6 PARISH / TOWN COUNCIL COMMENTS

Ringwood Town Council - recommend refusal as the proposal is considered overdevelopment of the site and were concerned about overlooking, particularly in regard to the rear garden and kitchen of No.11, which would impact on the neighbouring property's amenity and privacy.

7 CONSULTEE COMMENTS

Land Drainage: - no comment

8 REPRESENTATIONS RECEIVED

Two representations have been received from two adjoining owners raising the following concerns:

- the proposal will exacerbate parking problems;
- the development will be overbearing;
- the two dormers on the North Elevation will result in loss of privacy;
- loss of property value and saleability;
- it is requested that a condition be imposed to limit outside work to five and a half days a week only.

9 CRIME & DISORDER IMPLICATIONS

None Relevant

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

11 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

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

In this case, following receipt of amended plans showing the use of obscure glazing in the dormer windows within the northern roof slope, the proposal was considered to be acceptable and no further actions were necessary.

12 ASSESSMENT

- 12.1 The application site consists of a detached bungalow situated in an established residential area, in the built up area of Ringwood. The immediate area is characterised by detached dwellings set within modest garden curtilages. The dwelling is a backland type development, sited directly to the rear of no. 11 Fairlie. The eastern boundary of the site adjoins the rear yard/parking area of Travis Perkins builders merchants.
- 12.2 The development proposes to raise the ridge of the bungalow by 0.5m to facilitate provision of first floor living accommodation within the roof. The eaves height of the development would be the same as existing at 2.5m. In addition, there would be a two storey extension to the side elevation, the main entrance would be re-located from the east to the front (north) elevation. The development would incorporate dormer windows in every elevation. The materials of construction would be roof tiles to match existing, render and weatherboarding, as set out in the amended plans.
- 12.3 The main considerations are the impact of the development on the character of the area and upon the amenity of adjoining occupiers, in accordance with the guidance offered by Policy CS2 and the Ringwood Local Distinctiveness Document.
- 12.4 The design of the proposal would appear to be acceptable in relation to its character impacts, particularly given that limited views are available of the property from the street scene. The design and materials of the proposed extension are acceptable in the context of the surrounding area, in accordance with Policy CS2 and the Ringwood Local Distinctiveness Document.
- 12.5 In terms of amenity, the proposal would not be overbearing, oppressive or result in any significant light loss to adjoining properties. While the proposal would result in a larger dwelling on the site, its ridge height would only be 0.5m higher and it is well separated from adjoining properties, such that no significant adverse impact would result.

However, the relationship of the dormer windows in the northern roof slope to the rear curtilage of no. 11 Fairlie needs to be assessed carefully in relation to privacy. The matter could adequately be addressed through the imposition of a condition requiring the dormer windows in the northern roof slope to be top third opening, with the bottom two thirds fixed shut and obscure glazed, to be retained in perpetuity. The applicant has agreed to this course of action and has submitted amended plans showing this. In light of the amendment and suggested condition, privacy concerns are considered to be alleviated.

- 12.6 With regard to the comments of the Town Council, their privacy concerns are considered to have been addressed by the amended plans and the proposed condition. With regard to concerns about overdevelopment, it must be noted that the proposed extension is relatively modest although a large amount of accommodation would be provided on the site due to the use of first floor roof space and, notwithstanding the recent approval for a freestanding garage under ref. 16/10564, that a reasonably generous garden curtilage would be retained, so a reason for refusal based on overdevelopment cannot be substantiated.
- 12.7 With regard to the representations of notified parties not addressed above; the proposal would not exacerbate parking problems in the locality as the proposal has sufficient off street parking availability (in excess of 4 spaces) for a four bedroom property. Loss of property value is not material to the consideration of a planning application. In this instance given the backland location of the site, an informative would be placed on any approval encouraging the developer to limit outside work to Monday to Friday, half day on Saturday with no working on Sundays or Bank Holidays.
- 12.8 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

13. 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 amended plans: 001 Rev B (received on 12th June 2016)

Reason: To ensure satisfactory provision of the development.
3. The external facing materials shall be as specified on the approved amended plan ref. 001 Rev B received on 12th June 2016 and the initially submitted planning application form.

Reason: To ensure an acceptable appearance of the building in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park Core Strategy.
4. The bottom two thirds of first floor dormer windows in the northern roof slope approved by this application shall be obscurely glazed and fixed shut at all times, as specified on approved plan 001 Rev B, and thereafter retained as such in perpetuity.

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

Notes for inclusion on certificate:

1. This decision relates to amended/additional plans received by the Local Planning Authority on 12th June 2016
2. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

In this case, following receipt of amended plans showing the use of obscure glazing in the dormer windows within the northern roof slope, the proposal was considered to be acceptable and no further actions were necessary.
3. In the interests of preserving the short term residential amenity of adjoining occupiers, the applicant/developer is encouraged to limit outside working to Monday to Friday, half day on Saturday with no working on Sundays or Bank Holidays.

Further Information:

Householder Team
Telephone: 023 8028 5345 (Option 1)



Application Number: 16/10520 Advertisement Consent

Site: MAYFLOWER HOTEL, KINGS SALTERN ROAD, LYMINGTON
SO41 3QD

Development: Display 1 illuminated pole-mounted sign; non-illuminated fascia sign; 1 letter sign; 3 post-mounted signs; 2 canopy signs
(Application for Advertisement Consent)

Applicant: Design Management Partnership

Target Date: 01/07/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view.

2 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
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
CS24: Transport considerations

Local Plan Part 2 Sites and Development Management Development Plan Document

DM1: Heritage and Conservation

3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004

National Planning Policy Framework
NPPF Ch. 7 - Requiring good design
NPPF Ch. 12 - Conserving and enhancing the historic environment

4 RELEVANT SITE HISTORY

| | | | |
|----------|---|------------|-------------------------------------|
| 04/83004 | Reposition freestanding hotel and local authority car park sign Mayflower Hotel, Kings Saltern Road, LYMINGTON SO41 3QD | 14/12/2004 | Granted Subject to Conditions |
|----------|---|------------|-------------------------------------|

| | | | |
|----------|---|------------|--|
| 04/82840 | Reposition pedestrian access gateway; new covered walk way Mayflower Hotel, Kings Saltern Road, LYMINGTON SO41 3QD | 25/11/2004 | Granted Subject to Conditions |
| 04/82280 | Timber decking Mayflower Hotel, Kings Saltern Road, LYMINGTON SO41 3QD | 12/10/2004 | Refused |
| 04/81989 | Screen walling to rear of public house yard area The Mayflower, Kings Saltern Road, LYMINGTON. | 20/08/2004 | Refused |
| 04/81837 | Retention of 2 retractable awnings and external lighting in car park APPEAL ALLOWED IN PART Mayflower Hotel, Kings Saltern Road, LYMINGTON | 16/08/2004 | Refused Appeal allowed in part (awnings) |
| 84/27595 | Display of an illuminated painted pole mounted sign. | 15/10/1984 | Refused |

5 COUNCILLOR COMMENTS

No comments received

6 PARISH / TOWN COUNCIL COMMENTS

Lymington Town Council: recommend refusal
Illumination in this urban environment which is also a conservation area is not acceptable as it will have an adverse effect upon the street scene.

7 CONSULTEE COMMENTS

Conservation Officer:

No objection: The proposed signage is in keeping with the Conservation Area. The illuminated sign replaces a previously illuminated sign with a more discrete and focused light source. This would not detract from the character of the Conservation Area in this instance.

Natural England

No comment

Hampshire County Council Highway Engineer:

No Objection

8 REPRESENTATIONS RECEIVED

None received

9 CRIME & DISORDER IMPLICATIONS

None Relevant

10 LOCAL FINANCE CONSIDERATIONS

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

11 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.

12 ASSESSMENT

- 12.1 The Mayflower Hotel public house, is an unlisted building located in the Kings Saltern Conservation Area. It has recently been refurbished and this has included replacement of the signage on the building and around the site. The application is therefore retrospective and is for an almost like-for-like replacement with but alterations in design. The matters for consideration relate to highway safety and visual amenity.
- 12.2 The pole mounted sign (sign C) is illuminated and replaces a previously illuminated sign. This sign is not overly large or dominant within the Street Scene and as such is considered to be acceptable in this location. The illumination is provided by slimline LED pelmet lights which offer sympathetic lighting in this sensitive Conservation Area location. Illumination within a Conservation Area has to be carefully considered, however, the proposed illumination is discrete and appears to restrict its light to the illumination of the sign only. The Conservation Officer has viewed the sign at dusk and noted that although the lights were visible,

they were concentrated on one point. In this instance the limited illumination proposed in this location and in front of the building would not detract from the Conservation Area. Given this assessment there would be sufficient justification for an illuminated sign in this instance.

- 12.3 The canopy signs (signs H and I) to the rear form two large sun canopies which are stored retracted and therefore have limited impact on the area, are in keeping with the character of the area and represent an improvement to those previously on site. The original which they replace canopies were allowed under appeal in 2004.
- 12.4 The other signs comprising a non-illuminated fascia sign, (sign B), 1 letter sign (sign A), 3 post mounted signs (signs E, F and G) are all considered to be in keeping with the business, are not excessive in number are understated and are of a subtle colour scheme, therefore they are considered appropriate to their sensitive context. As such they do not have a detrimental impact on visual amenity, the Conservation Area or the street scene.
- 12.5 There are no highway objections raised.
- 12.6 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.

13. RECOMMENDATION

GRANT ADVERTISEMENT CONSENT

Standard Conditions

1. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
3. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.
4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

5. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).

Proposed Conditions:

1. The development permitted shall be carried out in accordance with the following approved plans received with the application 6th May 2016:
118468/Planning-B

Reason: To ensure satisfactory provision of the development.

Notes for inclusion on certificate:

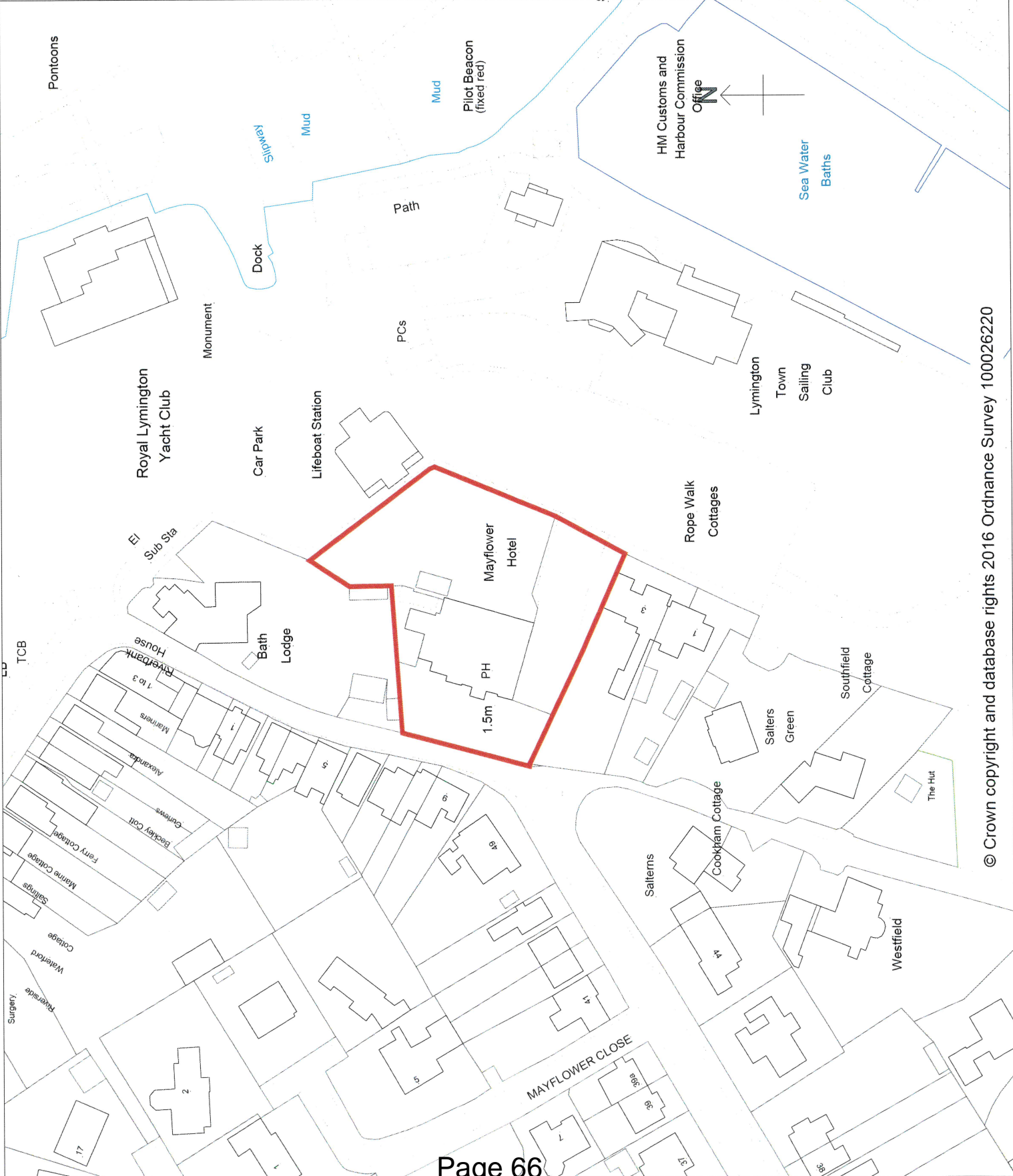
1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising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

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

Further Information:

Householder Team

Telephone: 023 8028 5345 (Option 1)



Application Number: 16/10530 Variation / Removal of Condition

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

Development: Variation of Condition 3 & 4 of Planning Permission 13/11416 to
allow plan number 13004-PL10 rev P1 to alter landscaping & verge

Applicant: Heatherdene Properties Ltd

Target Date: 23/06/2016

1 REASON FOR COMMITTEE CONSIDERATION

Previous applications considered by 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
8. Biodiversity and landscape

Policies

- CS1: Sustainable development principles
CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Hordle Village Design Statement

6 RELEVANT PLANNING HISTORY

- 6.1 15/10064 - variation of conditions 3 and 4 of 13/11416 to allow revised access and landscaping details. Refused 6.5.15

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

7 PARISH / TOWN COUNCIL COMMENTS

Hordle Parish Council - recommend permission subject to compliance with HCC requirements for adoption and railway sleepers used as retaining wall.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

- 9.1 Landscape - object as not all previous objections have been addressed.
- 9.2 Environmental Health (Contamination) - no concerns
- 9.3 Hampshire County Council Highway Engineer - no objection subject to conditions
- 9.4 Southern Gas Networks - offer advice

10 REPRESENTATIONS RECEIVED

- 10.1 Three letters of support have been received confirming no objection to:
- planting three trees and providing a brick retaining wall.
 - a narrower access would not allow safe access/egress for caravans or emergency vehicles.
 - the close boarded fence was provided in order to prevent further land slips as new planting did not take to the infilled rubble across the former drive area.
 - the development is currently an eyesore and the proposal would provide a much needed footpath
- 10.2 An objection concerned with the loss of wildlife and biodiversity through the loss of the original hedge has been received from a local resident. They suggest improvements to the scheme to include no non-native species.

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.

Following comments made by the Parish Council, amendments have been sought which have addressed initial concerns raised by both the Landscape Team and the Highway Authority.

14 ASSESSMENT

- 14.1 The site lies within the built up area of Hordle and contains three detached houses. The land is slightly higher than the road level and where the former hedge has been removed, works have been implemented which do not accord with the approved landscaping scheme which dates back to the 2010 approval. The proposal entails the variation of the landscaping condition and includes details of the stopping up of the original access point.
- 14.2 The main issues are the visual amenity of the area and highway safety. In addition to this, the Parish Council have requested the provision of a footpath to the north of the site which has previously been contrary to the views of the Highway Authority. Further, while additional landscaping suggestions have been put to the agent in view of the existing situation, land ownership and previous submissions, these have not been forthcoming.

- 14.3 In visual terms, the proposal includes additional native planting to the front of No.3 and climbing plants to help screen the 1.8m high close boarded fence erected across the former access drive and previously proposed pedestrian access through the site. The proposed screening to the fence formed part of the previous scheme which was not refused on visual amenity grounds. In time, this planting would mature and soften the impact of the fence and paved access and parking within the site. The provision of railway sleepers should ensure the retention of the bank in a more attractive finish than the present situation and it has been confirmed that the respective residents of the houses would ensure their maintenance.
- 14.4 The Highway Authority are satisfied that the width of the footpath to the north of the access is acceptable and, subject to the retaining wall being outside of highway ownership/ maintenance, raise no objections. As the works implemented have resulted in damage to the edge of the carriageway, repairs will need to be made while the new footpath is being provided in accordance with standard highway details. No specific comments have been made in respect of the access which is wider than previously approved, or the relocation of the waste collection point due to the provision of the close boarded fence.
- 14.5 Overall, while the proposed scheme is not considered to be as good as the approved scheme, it is understood that the approved scheme is not able to be fully implemented due to the position of telegraph pole stays which were omitted from the agreed landscaping scheme. Subject to the provision and maintenance of the planting, the site should mature in time and once again provide a green edge to the village with the addition of a safe place for pedestrians to walk.
- 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.

Section 106 Contributions Summary Table

| | | | |
|-----------------------------|--------------------------------|-------------------------------------|-------------------|
| Proposal: | | | |
| Type of Contribution | NFDC Policy Requirement | Developer Proposed Provision | Difference |
| Affordable Housing | | | |
| No. of Affordable dwellings | | | |
| Financial Contribution | | | |
| Habitats Mitigation | | | |
| Financial Contribution | | | |

15. RECOMMENDATION

GRANT the VARIATION of CONDITION

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: kerb details, applicant's statement, letter from Parish Council, Arboricultural Implications Assessment 13004-PL10B.

Reason: To ensure satisfactory provision of the development.

3. The retaining wall should be constructed of materials and to a design (to include cross sections) to be submitted to and approved in writing by the Local Planning Authority. The wall shall be constructed in accordance with the approved details within 3 months of the date of this permission.

Reason: In the interests of highway safety and in accordance with policy CS2 of the New Forest District Council Core Strategy.

4. The footway shall be constructed wholly on land which forms part of the highway. Should the alignment of the footway result in any part of the proposed footway being on land outside the limit of the existing highway then this land should be transferred to the highway by way of a suitable deed of dedication agreement. The new retaining wall should be wholly on land outside the limit of highway.

Reason: In the interests of highway safety and in accordance with policy CS2 of the New Forest District Council Core Strategy.

5. The landscaping hereby approved shall be carried out in accordance with the approved plans and details within the next available planting season and maintained thereafter for a minimum period of five years and subject to changes 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).

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.

Following comments made by the Parish Council, amendments were sought which addressed initial concerns raised by both the Landscape Team and the Highway Authority.

2. Given that any new footway would be within land that forms or would form part of the highway you are advised of the requirement to carry out these works in accordance with standards laid down by, and under a 278 licence agreement with, the Highway Authority.

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



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Application Number: 16/10556 Full Planning Permission

Site: 27 FARM LANE SOUTH, BARTON-ON-SEA,
NEW MILTON BH25 7BW

Development: Raise roof height; dormers and rooflights in association with new first floor; two-storey rear extension; single-storey side and rear extension; front porch; decking

Applicant: Mr & Mrs Cutmore

Target Date: 24/06/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Plan Area
Flood Zone

Plan Policy Designations

Built-up Area

Core Strategy

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan

Document

None relevant

Supplementary Planning Guidance And Documents

SPD - New Milton Local Distinctiveness

3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

4 RELEVANT SITE HISTORY

None

5 COUNCILLOR COMMENTS

No comments received

6 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: acceptable

7 CONSULTEE COMMENTS

Natural England:

No comments

Land Drainage:

Recommend informative

8 REPRESENTATIONS RECEIVED

1 objection on grounds of: (summary)

- Unneighbourly development, loss of privacy and light
- Drainage
- Design

Comments and photographs received from the applicant in support of their proposals (summary):

- Property is lowest in road
- Roof height increase would bring it in line with neighbours
- Limits overshadowing and loss of light
- In keeping with surrounding properties in the road

9 CRIME & DISORDER IMPLICATIONS

None Relevant

10 LOCAL FINANCE CONSIDERATIONS

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

Based on the information provided at the time of this report this development has a CIL liability of £0.00 as a self build exemption has been agreed.

11 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 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.

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

In this case the applicant did not seek pre-application advice from the Council. The Case Officers concerns were raised in the initial briefing and have been discussed with the applicant. It is not considered that these could be overcome through the submission of amended plans in respect of this current submission.

12 ASSESSMENT

- 12.1 This is a detached bungalow within the built up area of Barton-on-Sea. Neighbouring properties are on both sides of the site and to the rear of the site on the opposite side of a watercourse. Given the undulation of surrounding land the property is recessed in relation to its adjacent neighbours. The site is within flood risk zones 2 & 3.
- 12.2 This proposal seeks to extend the property to create additional ground floor and new first floor accommodation, in conjunction with the addition of a replacement attached garage and raised decking area. Alterations to the property would see an increase in the roof height and change to a full gable end form, with the continuation of this to the rear of the property above a new extension. Windows would be provided in the front and rear roof slopes, with roof lights and a dormer on the side. The replacement garage would be accommodated on the north side of the property with a linked single storey extension. A new porch canopy would also be provided on the front elevation.
- 12.3 This property forms part of a group of bungalows on this lower side of the road, their related principle hipped roof forms providing character to the group and subduing the appearance of the built form as the land falls away to the rear. The proposed alterations would see a fundamental change in the design of the property's principle roof form with a full gable facing the road and also an increase in height. Although the increase in height of 1.4 metres taken alone may not be unacceptable given the gentle variation in heights that already exists, the change in principle roof form would not be sympathetic to this group.

- 12.4 The New Milton Local Distinctiveness Supplementary Planning Document comments that *'where building forms (especially roof shapes and pitches) are consistent in a group or along a street, new building, extensions or additions should generally respect and avoid significant changes to this format. The proposals would appear conspicuous against the prevailing roof forms on this side of the road and its visual prominence would be exacerbated by the proposed increase in height and extent of glazing proposed. The result of this would be a development which is unsympathetic to the appearance of the street scene and this visual intrusion would result in harm to its appearance and the character of the area.*
- 12.5 It is recognised that this property is set at a lower level to those adjacent and recessive in its positioning relative to the road. However its frontage remains open to the street scene and as a result of the scale of the roof height increase and form these alterations would be readily visible in this context. Although some examples along the wider street scene of principle gable roof forms fronting the road are noted these are exceptions to the general character of development. Furthermore, these relate to individual properties which do not form part of this group on this side of the road, against which the development must be judged in context. It is relevant to note that a more recent application for a similar change to a gable roof form at No.33 under planning application (ref:14/10320) was resisted because of its front gable design.
- 12.6 The increase in the mass of the building would impact on the outlook of adjacent neighbouring residents and lead to some additional degree of overshadowing. However, given the relative scale and separation it is not considered that this would result in demonstrable harm to their living conditions. The orientation and design of the first floor fenestration would mean that, subject to glazing restrictions, an acceptable relationship in terms of privacy would be maintained. The existing degree of mutual overlooking from the rear decking area would not result in any additional harmful loss of privacy to neighbouring residents.
- 12.7 A letter of representation has been received from a neighbour occupier to the rear of the site along Dilly Lane. Although the site would likely be visible during the winter months, because of the deciduous nature of the intervening tree screening the separation is such that this would not harmfully affect these residents living conditions.
- 12.8 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

CIL Summary Table

Demolition (sq/m): 33.67

| Type | Proposed Floorspace (sq/m) | Existing Floorspace (sq/m) | Net Floorspace (sq/m) | Chargable Floorspace (sq/m) | Rate | Total |
|----------------------------|----------------------------------|----------------------------------|-----------------------------|-----------------------------------|----------|-------------|
| Self Build (CIL Exempt) | 276.63 | 115.23 | 161.4 | 127.73 | £80/sq/m | £10,650.72* |

| | |
|--------------------------|-------------------|
| Subtotal | £10,650.72 |
| Relief | £10,650.72 |
| Total Payable | £0.0 |

13. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposed roof design by reason of its increased height and mass and its gable end form, would be unsympathetic to the prevailing roof form in this established group. This would result in a visually conspicuous, alien and intrusive development and this adverse impact would be exacerbated by the large areas of glazing on the front gable apex. As such the proposals would result in harm to the appearance of the street scene character and would not respond positively to its local distinctiveness contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park, the National Planning Policy Framework Chapter 7 and the New Milton Local Distinctiveness Supplementary Planning Document.

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 did not seek pre-application advice from the Council. The Case Officer's concerns were raised in the initial briefing and have been discussed with the applicant. These could be overcome through the submission of amended plans in respect of this current submission.

Further Information:

Householder Team
Telephone: 023 8028 5345 (Option 1)



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Application Number: 16/10560 Full Planning Permission

Site: 5 WESTERN ROAD, LYMINGTON SO41 9HJ

Development: Replacement roof & cladding; additional windows

Applicant: Moortown Developments Ltd

Target Date: 20/06/2016

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

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

No relevant policies

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Lymington Local Distinctiveness

6 RELEVANT PLANNING HISTORY

- 6.1 Alterations and provision of pitched roof (LYB/00750) - granted 5/9/50
- 6.2 2 pairs of semi-detached houses; parking; demolition of existing (14/11694) - refused 11/2/15

- 6.3 2 pairs of semi-detached houses; sheds; cycle stores; parking; landscaping; demolition of existing (15/10504) - refused 3/6/15 - appeal dismissed
- 6.4 Demolition of building (Prior Notification) (15/11230) - details not required to be approved - 11/9/15
- 6.5 Use as 6 flats (Prior Approval) (15/11294) - prior approval approved - 29/10/15
- 6.6 Use as 8 flats (Prior Approval) (16/10035) - prior approval approved 4/3/16

7 PARISH / TOWN COUNCIL COMMENTS

Lymington and Pennington Town Council:- Recommend permission

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Land Drainage:- No comment
- 9.2 Conservation Officer:- Considers the alteration to the roof would have a visually damaging impact on this simple historic warehouse building

10 REPRESENTATIONS RECEIVED

- 10.1 8 letters of objection from local residents / neighbouring properties:- new windows would result in overlooking of neighbouring dwellings to the detriment of their privacy; number of dwellings will give rise to unacceptable parking pressures; adverse impact on highway safety; roof design would be totally out of keeping with the architecture of the building and surrounding buildings; detrimental impact on local neighbourhood; flats would have poor levels of amenity; concerns about bats

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

In this case, there were no pre-application discussions. There have been discussions with the applicant since the application was submitted, which has resulted in the submission of amended plans, but it is not felt these amendments go far enough in addressing the design concerns that have been raised. As such, the application can only be recommended for refusal.

14 ASSESSMENT

14.1 5 Western Road is the site of a Furniture Repository / Store. The front part of the site is covered by a metal clad storage building. The rear part of the site is covered by a much larger (and older) brick structure, which has a significant scale, height and mass. Together these 2 buildings have a significant footprint, that occupies the vast majority of a relatively deep plot that is bounded by residential properties on all sides. To the east side there are a number of residential properties that bound the site. These consist of 3 Western Road, which is a 2-storey semi-detached dwelling; 11a Eastern Road, which is a 2-storey detached dwelling; and 9-11 Eastern Road, which are a pair of 2-storey semi-detached properties. All of these adjoining properties are set within fairly modest garden plots. On its western side, the site is bounded by a 2-storey dwelling at 7 Western Road, which is set within a fairly long garden plot that is typical of other residential plots to the west of the site. On its south side, the site is bounded by the fairly long rear gardens of properties in Middle Road.

14.2 The application site has been the subject of a number of planning applications over the past couple years. Proposals for the complete redevelopment of the site have been refused for various reasons. However, under subsequent prior approval applications it would now be possible to demolish the metal building on the front part of the site and convert the older brick building to the rear to either 6 flats or 8 flats.

These prior approval applications, none of which have yet been implemented, do not allow for any external alterations to the brick building to be converted.

- 14.3 The application that has now been submitted seeks to carry out a number of external alterations to the building to facilitate the approved residential conversion to 8 flats. The application proposes to install one new first floor window into the building's west elevation, and 3 new ground floor windows and one first floor window into the building's east elevation. Replacement windows with mullions are proposed in the building's south elevation, and additional ground floor windows are proposed in the building's north elevation. The application also proposes a new aluminium roof with aluminium cladding to the gables.
- 14.4 The new window on the west elevation of the building could only be seen from adjacent rear gardens, and primarily from the rear garden of 7 Western Road. The window is intended to serve a bedroom in one of the new flats. Given that it would be a high level window (1.8 metre above floor levels) it would not result in material overlooking of the neighbouring property at 7 Western Road, noting also that there is currently mature vegetation in the neighbour's garden at this point.
- 14.5 The new windows on the east elevation of the building would also be high level windows (including the ground floor windows). Therefore, it is not considered these windows would result in material overlooking of adjacent properties in Eastern Road. One of the new windows in this elevation would serve a staircase, and this window should be required to be glazed with obscure glass to maintain neighbours' privacy.
- 14.6 The windows on the south elevation would overlook adjacent rear gardens. However, given there are windows in this position already, the proposal would not result in new overlooking that would unacceptably compromise neighbours' privacy.
- 14.7 Overall, it is felt the various fenestration changes would be reasonable changes that would not adversely affect the privacy and amenities of neighbouring dwellings.
- 14.8 The applicant's agent advises that the existing roof is in need of replacement. Due to access difficulties arising from the building extending up to the site's boundaries on 3 sides, the applicant's agent advises that a solution is needed that will ensure that the roof and gutters can be maintained in future without requiring access onto neighbouring owners' land. Initially they proposed a replacement roof where almost all of the new roof line would have been set back from the edges of the building, thereby creating a roof gutter for light wells and to light the floors below. The plans have subsequently been amended so that a full gable would be retained to both ends of the building.
- 14.9 The existing roof, which was added in 1950, is one which would be reasonable to replace. However, there are concerns with the new roof profile which would be unconventional and awkward in appearance (even as amended). Whereas the existing simple roof form is traditional and conventional, the new roof form would appear contrived, lacking the proportion of the building on which it would sit. The existing building, while much larger than adjacent residential buildings, is traditional of its type. The new roof form would not respect this traditional character, the

cut back roof appearing somewhat incongruous. While the western elevation of the building is not apparent in the streetscene, the eastern side of the building is clearly appreciated from viewpoints in Eastern Road, and it is from these viewpoints where the new roof would appear particularly discordant. It is felt that there are other possible design solutions in which a more conventional roof form could be provided while still providing light to the first floor flats below. Furthermore, while future maintenance may be made easier by the applicant's chosen design solution, it should still be possible to maintain the building adequately with a more conventional roof form. Overall, it is felt that the new roof profile would appear sufficiently discordant as to cause unacceptable harm to the character and appearance of the area, taking into account the building's size, age and prominence. The development would not respect local distinctiveness.

14.10 Local residents have raised a number of other concerns. However, these concerns go beyond what can reasonably be considered as part of this application given the use / demolition of the front building has already been accepted through the prior approval process.

14.11 In summary, the proposed development is not felt to be consistent with the Council's Local Plan policies and objectives. The new roof profile would have a poor design on this particular building, that would fail to respect local distinctiveness to the detriment of the character and appearance of the area. As such, the application is recommended for refusal.

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

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposed alteration to the roof of the existing simple and traditional warehouse building would result in an awkward and unconventional roof form / roof profile that would appear visually discordant and out of proportion with the host building, to the detriment of local distinctiveness, taking into account the building's size, age and prominence. As such, the proposal would be detrimental to the character and appearance of the area, contrary to Policy CS2 of the Local Plan Part 2: Sites and Development Management and the Lymington Local Distinctiveness Supplementary Planning Document.

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, there were no pre-application discussions. There have been discussions with the applicant since the application was submitted, which has resulted in the submission of amended plans, but it was not felt these amendments went far enough in addressing the design concerns that have been raised.

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



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Application Number: 16/10561 Full Planning Permission

Site: 27 QUEEN ELIZABETH AVENUE, LYMINGTON SO41 9HN

Development: Two-storey side and rear extension; pitched roof over front porch and bay

Applicant: Mr & Mrs Wardropper

Target Date: 20/06/2016

1 REASON FOR COMMITTEE CONSIDERATION

At the request of Councillor Penson

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Plan Area

Plan Policy Designations

Built-up Area

Core Strategy

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

Supplementary Planning Guidance And Documents

SPD - Lymington Local Distinctiveness

3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

4 RELEVANT SITE HISTORY

| Application Proposal / Site Number | Decision Date | Decision Description | Status |
|--|---------------|-------------------------------|-----------|
| 16/10200 Single-storey side extension; pitch roof to front porch & bay | 28/04/2016 | Granted Subject to Conditions | Decided |
| 16/10199 Two-storey side extension; pitch roof to front porch & bay | 12/04/2016 | Withdrawn by Applicant | Withdrawn |

5 COUNCILLOR COMMENTS

Cllr Penson - Would like the application to be decided by the committee

6 PARISH / TOWN COUNCIL COMMENTS

Lymington and Pennington Town Council: recommend permission. Subject to conditions regarding restrictions to roof openings detailed by the Case Officer.

7 CONSULTEE COMMENTS

Land Drainage

No comment

8 REPRESENTATIONS RECEIVED

1 letter of objection received from No.29 Queen Elizabeth Avenue: (summary)

- Minor changes to the roof form from the withdrawn scheme do not address their concerns.
- Unneighbourly and overbearing form of development by reason of its size, siting and height.
- Loss of light and outlook.
- The two storey extension introduces a discordant element in terms of the street scene. Change to a hipped end does little to reduce the bulk.
- Refers to other extensions along Queen Elizabeth Avenue which are shorter in length and of a revised design.
- Questions the dimensions to the site boundary.

9 CRIME & DISORDER IMPLICATIONS

None Relevant

10 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.

11 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 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.

This is achieved by

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- 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.

12 ASSESSMENT

- 12.1 The site is located within the built up area of Lymington, part of a mid C20 residential development of semi-detached properties. These are of a similar design and regular layout providing character to the appearance of the street scene. The property comprises the western half of a pair of semis at the end of a row on this side of the road. It is of a brick construction under a hipped plain tiled roof and has a flat roofed side extension, projecting a short distance to the rear of the property and front flat roofed projection over the bay window and porch. Planning consent has been recently granted for a flat roofed side extension of the same footprint as the two storey addition now proposed, and front bay and porch canopy as detailed on the plan.(Ref: 16/10199)
- 12.2 No.29 to the west of the site is set on a different orientation, addressing the corner.
- 12.3 This application proposes the addition of a two-storey side extension, with a pitched roof over the front porch and new bay window. It follows a previously withdrawn scheme under planning application reference 16/10199 for similar additions with the roof form of the two storey element now altered to show a fully hipped as opposed to gable style.
- 12.4 Other properties on this side of the road have been subject to side extensions of a two storey scale, of note No.17 (planning application 09/95012) and No.25 (planning application 03/78499), the attached neighbour. As such the proposal would not in principle, be out of keeping with the form of development in the vicinity. It is noted that the extension would be of greater length than these other permitted additions, however overall it would not be a disproportionate addition and would remain visually subservient.

- 12.5 The two storey front projection did raise some initial concerns, however its hipped roof would be sympathetic to the original roof form. It is also noted that a comparable arrangement was previously permitted on No.17 and as such this would not result in a visually alien feature in the street scene. The proposed porch extension would be a modest addition and various porch additions have been made to other properties in the vicinity such that this would not appear out of keeping. As such it is considered that the proposed development would be acceptable in its impacts on the appearance of the street scene.
- 12.6 The front extension, as a result of its scale and nature would maintain an acceptable relationship with the attached neighbouring property. The two storey element, as a result of its scale and positioning would have more potential impacts on the living conditions of neighbouring occupiers and it is noted that a letter of representation has been received from the occupiers to the west of the site at No.29.
- 12.7 In respect of No.29 it is noted that the property has a relatively modest rear garden with the main outlook to the south-east. The extension would see some additional overshadowing of part of the northern section of this neighbouring garden area however given the relative orientation this would be limited to the early part of the day so as not to raise overriding concerns. Furthermore, given the main aspect of outlook at the rear of the property and set back of the extension from the boundary, it is not considered that this would result in such visual intrusion that would result in demonstrable harm to these resident's outlook.
- 12.8 New first floor windows facing towards this neighbouring site would be first floor roof lights and a condition can be used to restrict the glazing of the lower level en-suite window to maintain privacy. On this basis it is considered that the proposal would not result in harm to the living conditions of these neighbouring occupiers. Furthermore given the relative separation from the attached neighbouring premises and the orientation of new windows this would also maintain an acceptable relationship and not result in any unacceptable harm to their living conditions.
- 12.9 In response to other matters raised in representation the plans are drawn to a recognised metric scale.
- 12.10 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.
- 13. RECOMMENDATION - subject to no further material comments following expiration of consultation period:**

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: 4427 PL 01 Rev A; 4427 PL 03 Rev E; 4427 PL 02

Reason: To ensure satisfactory provision of the development.

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

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

4. The first floor en-suite window on the south west side elevation of the approved extension shall be obscure glazed and fixed shut at all times unless the parts that can be opened are more than 1.7m above the floor.

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

Notes for inclusion on certificate:

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

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

Further Information:

Householder Team
Telephone: 023 8028 5345 (Option 1)



Application Number: 16/10594 Full Planning Permission

Site: MARL COTTAGE, MARL LANE, FORDINGBRIDGE SP6 1JR

Development: Extend outbuilding & alterations to windows & doors including Juliet balcony

Applicant: Mr Liddiard

Target Date: 07/07/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Town Council View

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Plan Area

Tree Preservation Order: NFDC/TPO 0041/14

Plan Policy Designations

Countryside outside the New Forest

Core Strategy

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

DM20: Residential development in the countryside

Supplementary Planning Guidance And Documents

SPG - Residential Design Guide for Rural Areas

3 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

4 RELEVANT SITE HISTORY

| Application Number | Proposal / Site | Decision Date | Decision Description | Status |
|--------------------|--|---------------|-------------------------------------|---------|
| 15/11490 | Variation of Condition 2 of Planning Permission 81/19706 to read "the building shall only be used for purposes either incidental to or otherwise still as ancillary to the dwelling house. At no time shall it be occupied independently" MARL COTTAGE, MARL LANE, FORDINGBRIDGE SP6 1JR | 08/12/2015 | Granted Subject to Conditions | Decided |
| 15/11323 | Single-storey extension MARL COTTAGE, MARL LANE, FORDINGBRIDGE SP6 1JR | 03/11/2015 | Granted Subject to Conditions | Decided |
| 14/11352 | Front fence; walls; gates MARL COTTAGE, MARL LANE, FORDINGBRIDGE SP6 1JR | 03/12/2014 | Granted Subject to Conditions | Decided |
| 14/11353 | Outbuildings (Lawful Development Certificate that permission is not required for proposal) MARL COTTAGE, MARL LANE, FORDINGBRIDGE SP6 1JR | 20/11/2014 | Was Not Lawful | Decided |
| 07/91425 | Rear conservatory; extend dormer; raise roof on single-storey extension; porch MARL COTTAGE, MARL LANE, FORDINGBRIDGE SP6 1JR | 29/01/2008 | Granted Subject to Conditions | Decided |
| 99/67103 | Ground and first floor additions Marl Cottage, Marl Lane, FORDINGBRIDGE | 13/10/1999 | Granted Subject to Conditions | Decided |
| 81/NFDC/ 19706 | Double garage and attached workshop. Marl Cottage, Marl Lane, FORDINGBRIDGE | 20/05/1981 | Granted Subject to Conditions | Decided |
| 76/NFDC/ 04751 | Alterations and additions. Marl Cottage, Marl Lane, FORDINGBRIDGE | 28/05/1976 | Granted Subject to Conditions | Decided |

5 COUNCILLOR COMMENTS

No comments received

6 PARISH / TOWN COUNCIL COMMENTS

Fordingbridge Town Council

Recommend permission as the proposal makes good use of the existing outbuilding and the design will enhance the character of the building.

7 CONSULTEE COMMENTS

NPA Tree Officer:

No objection subject to condition reflecting tree protection.

Ministry of Defence:

No safeguarding objections

Land Drainage:

No comment

8 REPRESENTATIONS RECEIVED

One letter received from agent in support of the application

- The use of large areas of glass does not make the proposal 'urban' as it is a known way of ensuring historic rural buildings do not lose their simple form and character. The Juliet balcony will appear insignificant.
- Proposal is an established domestic building which would be appropriate in its location
- It complies with the Council's Residential Rural Design Guide
- The visibility of the rear of the building is from private fields and it would not be out of place
- The new garage is not different from what you can find in the countryside and could almost be permitted development if built on its own. Both new and existing buildings are appropriate, serving different functions. It makes sense to group the buildings
- The garage element of the extended outbuilding would be subservient. It is not excessively large.

9 CRIME & DISORDER IMPLICATIONS

None Relevant

10 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.

11 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 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 Officer's initial briefing was published on the Council's website which indicated some of the Case Officer's concerns with the proposal. Given the scale of the proposal and the issues raised there was no opportunity for the applicant to amend the application within the Government's time scale for decisions. No request to withdraw the application was received.

12 ASSESSMENT

- 12.1 The property is located within an area designated as Countryside outside the New Forest. It has been established by a previous application (ref: 15/11490), that the detached garage, which is the subject of this application, could be used as part of the extended family unit, part and parcel to the use of the site as a single dwelling house but not as a separate dwelling. The principle of the use proposed is therefore acceptable.

- 12.2 The main considerations when assessing this application are the scale and design of the proposed building and the resulting impact on the Countryside.
- 12.3 To the front of the garage the boundary treatments consist of high wire fencing and therefore the existing garage is highly visible from Marl Lane. With open views to the rear the garage is also visible from the countryside beyond the curtilage.
- 12.4 The proposed double garage would extend from the side of the existing outbuilding to replace a small carport. With a ridge length of just over 8 metres and a height of 4.6 metres the proposed extension would create an outbuilding excessive in size in a relatively exposed and open location, appearing as an inappropriate development which would be harmful to the rural character of the area.
- 12.5 Furthermore, the introduction of additional fenestration and a Juliet balcony to the existing outbuilding would change its character and appearance and result in a design which would not relate well to its location. It would also give the appearance of a separate dwelling rather than a subservient outbuilding to the main dwelling. This change of character and resultant appearance would be compounded by the proposed excessively large extension to the side for the double garage.
- 12.6 There are two oak trees to the front (eastern) boundary site which are protected by a Tree Preservation Order and therefore the Council's Arboricultural Officer was consulted. The proposed development falls in the root protection area of one of the protected oak trees. Given the specified level of the protection and supervision detailed in the submitted Arboricultural Impact Assessment and Draft method statement the trees would be adequately protected during the development process. No objection is therefore raised, subject to a tree protection condition. This would be imposed if the proposals were otherwise acceptable.
- 12.7 In conclusion the proposed extended outbuilding by reason of its excessive size and height, would result in a building that would appear visually intrusive in the street scene within this rural countryside setting. This increase in size along with the additional fenestration to the south west (rear) of the existing outbuilding would result in a building which would not appear subordinate to the main dwelling and result in a detrimental impact on the rural character of the locality. Therefore the application is recommended for refusal
- 12.8 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that 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.

13. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposed extended outbuilding by reason of its excessive scale, size and height, would result in a building that would appear visually intrusive on the street scene within this wider countryside setting. Furthermore, this proposed increase in size along with the additional fenestration to the south west (rear) elevation of the existing building, would result in a building which would not appear subordinate to the main dwelling and result in a detrimental impact on the rural character of the countryside locality. The proposal is therefore contrary to policy CS2 of the Core Strategy for the New Forest District outside the National Park, policy DM20 of the New Forest District Local Plan First Alteration and Supplementary Planning Guidance Residential Design Guide for Rural Areas of the New Forest District.

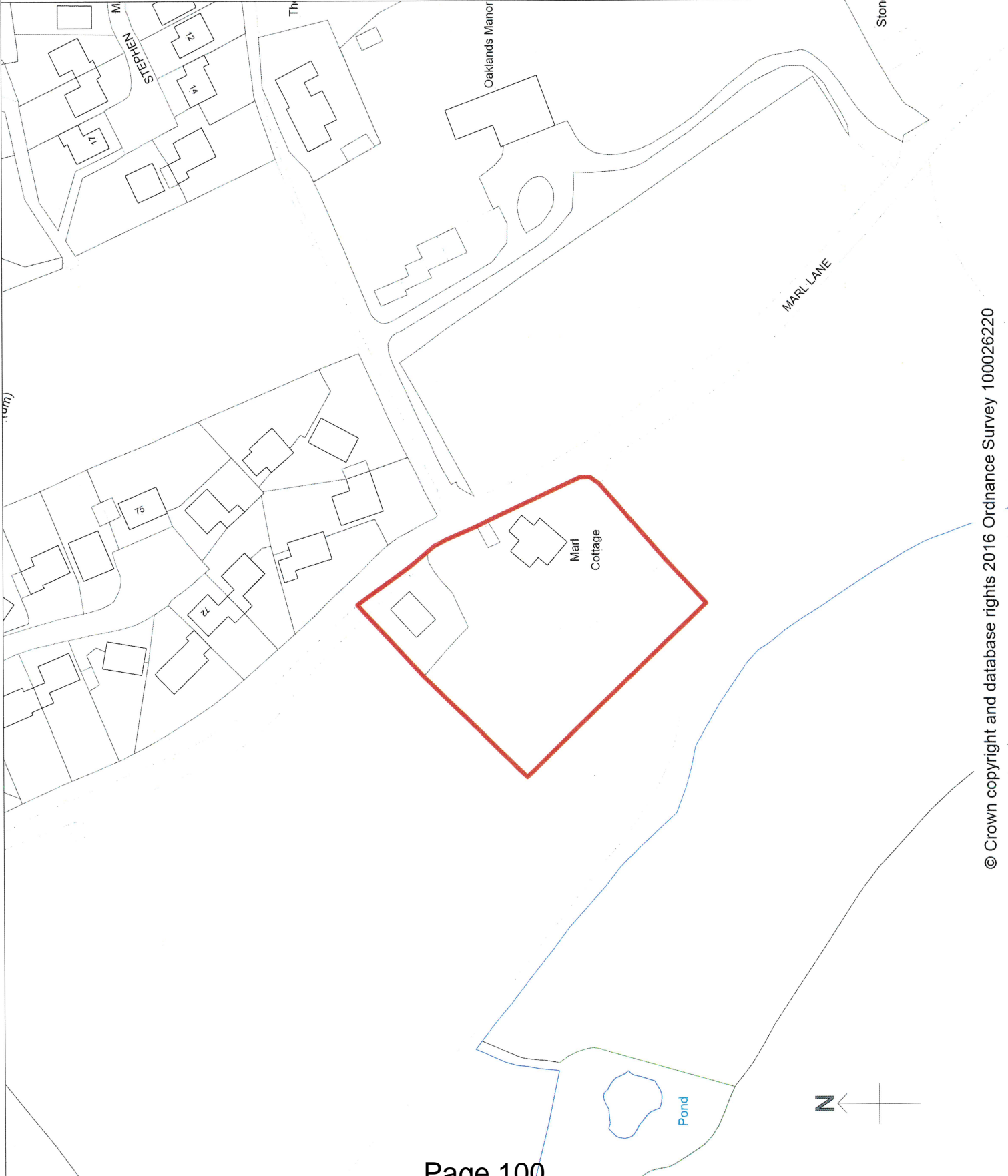
Notes for inclusion on certificate:

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

The Officer's initial briefing was published on the Council's website which indicated some of the Case Officer's concerns with the proposal. Given the scale of the proposal and the issues raised there was no opportunity for the applicant to amend the application within the Government's time scale for decisions. No request to withdraw the application was received.

Further Information:

Householder Team
Telephone: 023 8028 5345 (Option 1)



Application Number: 16/10614 Full Planning Permission

Site: 1 WORTHY ROAD, NEW MILTON BH25 6SW

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

Applicant: Ms Adams

Target Date: 28/06/2016

1 REASON FOR COMMITTEE CONSIDERATION

A member of staff resides at the property.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

CS2: Design quality
CS24: Transport considerations

Local Plan Part 2 Sites and Development Management Development Plan Document

No relevant policies

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004

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

5 RELEVANT SITE HISTORY

None relevant

6 COUNCILLOR COMMENTS

No comments received

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: acceptable

8 CONSULTEE COMMENTS

Land Drainage

No comments

9 REPRESENTATIONS RECEIVED

No comments received

10 CRIME & DISORDER IMPLICATIONS

None Relevant

11 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.

12 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.

13 ASSESSMENT

- 13.1 The property is sited on a corner plot and screened from the road with high boundary treatments. Although it is in a corner location, the proposed rear extension, which would have a flat roof design, would not be clearly visible and therefore would not have a detrimental impact on the street scene.
- 13.2 The proposed rear extension would have a relatively low height and along with its relationship with the neighbouring properties would not impact on the neighbours' amenity.
- 13.3 The proposed porch would be in keeping with the existing property and with its modest size would not impact on the local area.
- 13.4 Overall, the proposed development would be consistent with Core Strategy policies and objectives and as such, the application is recommended for permission.
- 13.5 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

14. 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: 306-1-16, 306-2-16, 306-3-16, 306-4-16, 306-5-16 & 306-6-16

Reason: To ensure satisfactory provision of the development.

Notes for inclusion on certificate:

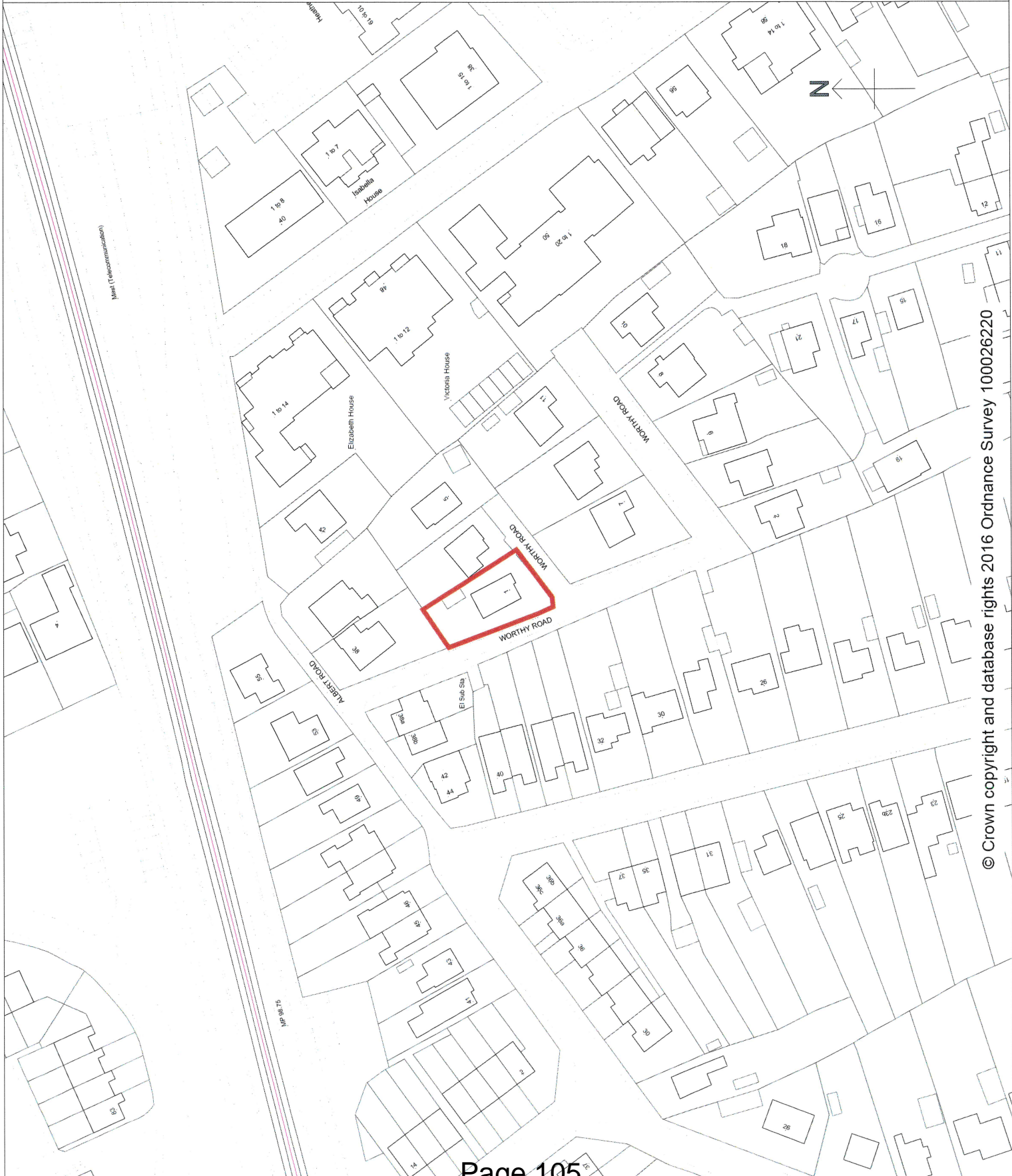
1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising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

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

Further Information:

Householder Team

Telephone: 023 8028 5345 (Option 1)



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Application Number: 16/10626 Advertisement Consent

Site: 49 OLD MILTON ROAD, NEW MILTON BH25 6DJ

Development: Display illuminated fascia sign & non-illuminated window & door signs (Application for Advertisement Consent)

Applicant: Lemon Tree

Target Date: 30/06/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Town Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area
Town Centre

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

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework
NPPF Ch.2 - Ensuring the vitality of town centres
NPPF Ch. 7 - Requiring good design

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - New Milton Local Distinctiveness

6 RELEVANT PLANNING HISTORY

16/10627 - shopfront, use of first and second floor as 2 flats. Withdrawn

16/10813 - shopfront. Under consideration.

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council - object and would not accept a delegated approval. Cannot be accurately judged with the withdrawal of the shop front application.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

Highway Authority - no objection

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

14 ASSESSMENT

- 14.1 The site lies within the built up area of New Milton in a secondary shopping parade within the town centre. It is a vacant shop unit which has an existing timber fascia together with painted lettering on the glazing above and below the transom. The proposal entails a new fascia with external illumination together with window transfers detailing the opening hours of business and the company logo together with etched glazing to the lower part of the windows. The design is similar to the existing premises for the business a few doors away to the north.
- 14.2 This part of the Town Centre has seen many changes over the years and there is no definitive character or style with regard to the shopfronts and associated signage. While the immediately adjacent properties do not have illuminated signage, there are examples in the vicinity of lighting similar to that proposed (chip shop to the south west as well as the existing premises) and swan necked external illumination too. The fascia is proportionate to the existing fascia and the lettering/logo are central to the shop part of the frontage. (The frontage also includes access to the residential accommodation above).
- 14.3 With regard to the window transfers and etching, whilst planning permission would still be required for the shopfront a revised scheme has been submitted to which these adverts would be applied, there are no objections to the principle of providing them given that they are very similar to the existing premises to the north. Further, the existing shop and repair centre next door both have wording on the glazing.
- 14.4 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

Subject to no adverse comments being received by 5th August 2016, that the Executive Head of Economy, Housing and Planning be **AUTHORISED TO GRANT PERMISSION** subject to the imposition of the conditions set out below:

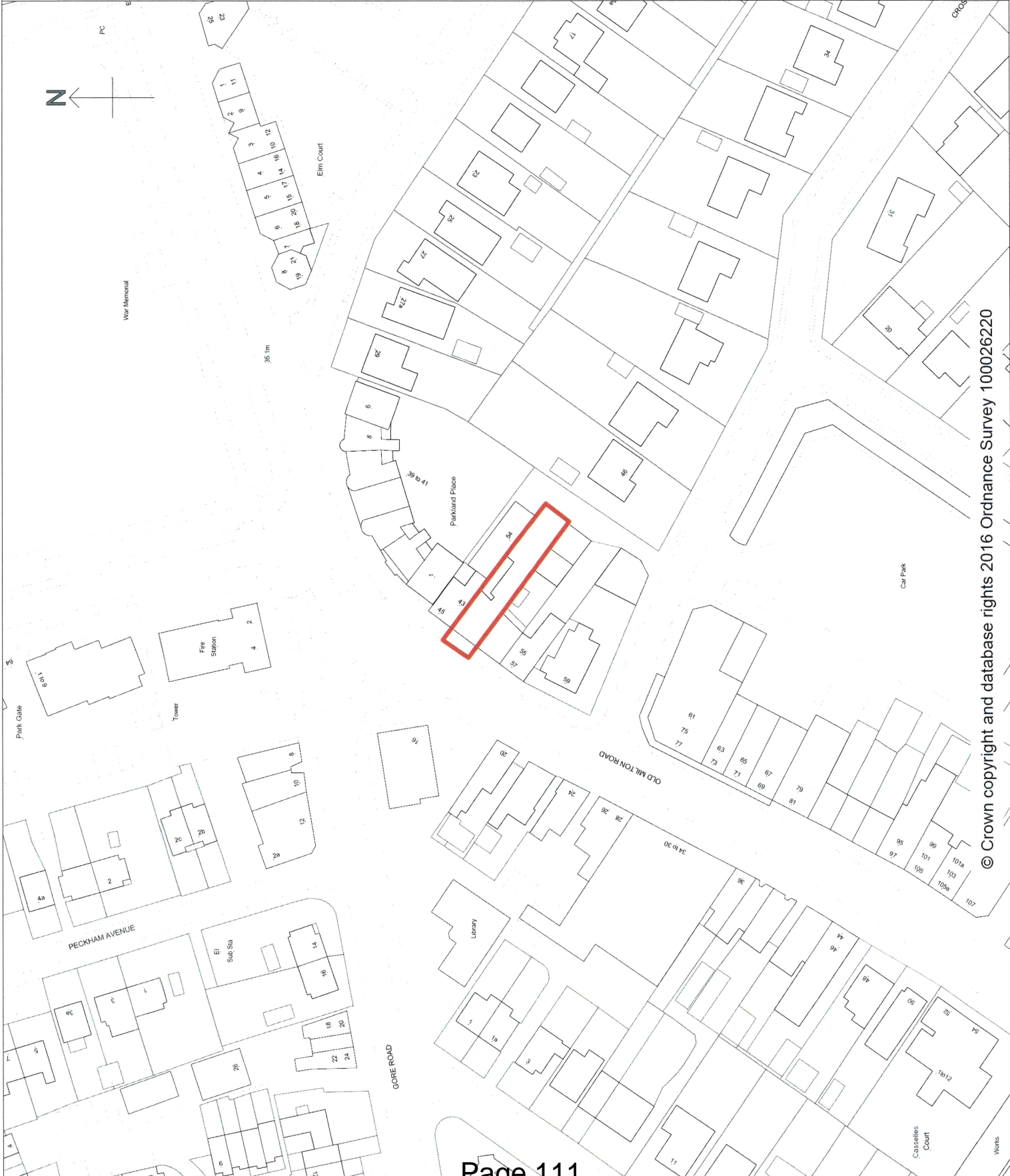
Standard Conditions

1. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
3. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.
4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
5. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



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Application Number: 16/10688 Full Planning Permission

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

Development: Use of barn as 1 residential dwelling; single-storey extension &
associated alterations; detached garage; boundary wall

Applicant: Mr Haigh

Target Date: 12/07/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Policy

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside outside the New Forest

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

Core Strategy

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

Local Plan Part 2 Sites and Development Management Development Plan Document

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

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

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

6 RELEVANT PLANNING HISTORY

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

7 PARISH / TOWN COUNCIL COMMENTS

Ellingham and Harbridge Parish Council: The Parish Council propose to recommend permission under option PAR 3 to NFDC with the following comments:-

- The Parish Council is delighted the new owners have taken on board the Parish Council's comments from previous applications.
- The Parish Council request the applicant consider mitigating any light pollution with the use of blinds and request the Case Officer condition that any external lighting has Passive Infrared sensors.
- The Parish Council request the detached double garage is conditioned for non-habitable use only.
- As with previous comments, the members wish for the lean to on the northern elevation to be set back in order to define the original Hampshire barn.
- The Parish Council request the screening wall on the southern elevation is created with reclaimed bricks and lime mortar to match the existing dairy and is also under planted to help soften its appearance.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

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

10 REPRESENTATIONS RECEIVED

None

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

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

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

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

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

13 WORKING WITH THE APPLICANT/AGENT

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

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

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

14 ASSESSMENT

- 14.1 This application relates to an attractive traditional former farm building known as 'North Barn', which is the northerly building within the existing farm courtyard at Bleak Hill. The existing building is a traditional barn constructed from a brick plinth with timber cladding on its elevations under a pitched tiled roof and has some traditional features such as large barn door openings and cropped gables. The building has had some unfortunate modern additions to the front and side with asbestos roof and blockwork. To the rear of the building is a small grassed area enclosed by a post and rail fence with open fields further beyond. The single storey buildings along the western boundary within the courtyard are within the application site but are shown to be retained.
- 14.2 This planning application proposes the change of use of the barn into a dwelling together with external changes and alterations. The application also proposes a detached garage and boundary wall. Access is provided to the side of the building where there is a unmade track which also serves the barn buildings to the west.
- 14.3 The barn lies amongst a traditional farm courtyard of single storey buildings with the farm house to the east and at one time the whole site was a working farm with open fields to the rear. Although the barn has been altered over the years, it would appear that the barn and surrounding farmstead may have existed for over 100 years. To the west of the barn is a further collection of farm buildings which are separated by an access track.
- 14.4 The barn and surrounding farm buildings are all vacant and in disrepair. Two recent Prior Approval Applications have been approved for the change of use of the barns to the west of the site and the single storey run of buildings within the courtyard into two separate dwellings (West Barn and Old Dairy respectively), but no works have commenced. There have been no previous applications at North Barn. The farm house to the east is currently being renovated and this has now been separated from the other farm buildings.
- 14.5 The character of the area is very rural in which there are a few detached dwellings located nearby, but generally, there are open fields and paddocks in a countryside setting with trees and vegetation defining the boundaries. The group of farm buildings and farm house make a positive contribution to the rural character of the area.
- 14.6 Starting with the policy position, Local Plan Part 2 Policy DM20 is applicable and relates to residential development in the countryside. The policy states that residential development in the countryside will only be permitted where it is for a replacement dwelling, affordable housing or agricultural worker's dwellings. The policy goes on to state that in all cases, development should be of an appropriate design, scale and appearance in keeping with the rural character of the area, and should not be harmful to the rural character of the area by reason of traffic and other activity generated or other impacts.

- 14.7 In assessing this policy, the proposal is not a replacement dwelling, nor is it for an agricultural worker or for affordable housing. On this basis, the proposal for a new dwelling in the countryside does not accord with the policy criteria. While there is nothing in the policy which specifically relates to the conversion of existing buildings into residential uses, it is clear that the proposal for new residential development in the countryside is only permitted if it is a replacement dwelling, or for affordable housing or an agricultural worker.
- 14.8 In terms of central government guidance, it is clear that there is a general steer towards the conversion of vacant and former agricultural buildings into residential dwellings. Paragraph 55 of the National Planning Policy Framework is applicable and seeks to promote sustainable development in rural areas, and housing should be located where it will enhance or maintain the vitality of rural communities. The guidance states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as where the development would re-use redundant or disused buildings and lead to an enhancement of the immediate setting.
- 14.9 A further consideration is the recent changes to government legislation as set out in the Town and Country (General Permitted Development) Order 2015, which permits the change of use of an agricultural building to residential use without requiring planning permission, subject to a Prior Approval Application. In this case, the change of use requires planning permission because the two neighbouring buildings have recently been permitted to be converted to a dwelling under the Prior Approval Application procedure and utilised the 450 square metre limit, which means that there is no further scope to for the change of use of other buildings within this group of farm buildings.
- 14.10 In assessing the policy position, it is clear that there is now greater support from national guidance and policy to convert former agricultural buildings into dwellings. It should also be noted that the barn could be converted into a dwelling under the Prior Approval Procedure if the amount of floor space together with the neighbouring farm buildings was reduced.
- 14.11 The building is a traditional barn, which is likely to have existed on the site for more than 100 years. Although there have been some more modern additions to the building, the barn is showing signs of disrepair and is in need of significant investment to secure its long term retention, which would be beneficial to the character of the area. The proposal to convert the barn to a dwelling would secure the long term retention of the building, which adds further weight to supporting the principle of the dwelling on the site, which would otherwise be contrary to policy. Moreover, given the close proximity to the farm house and other farm buildings that have been approved to be converted into dwellings, if the barn was to be changed to other uses, this could create a poor relationship.
- 14.12 Accordingly, in balancing the issues, it is considered that a policy exception can be made in this case in that the proposal to change the use of the barn into a dwelling would be appropriate in this instance. However, this would be subject to other considerations including design and residential amenity.

- 14.13 In assessing the effect on the character and appearance of the area, as described above, the barn is a traditional former agricultural building which makes a positive contribution to the rural character of the area. It is proposed to replace the main roof with natural slate and new Larch timber weatherboarding on its cladding. The existing lean-to on the side and front elevations (west and south) would be removed and replaced with a new lean-to addition. New rooflights are proposed on the north elevation together with two first and ground floor windows. On the first floor side elevations the existing windows would be replaced. On the south elevation a number of new first and ground floor openings are proposed together with a new 2.1 metre high brick boundary wall.
- 14.14 While it is unfortunate that a number of new window openings are proposed in the front and rear elevations, for the most part, the view from the south which faces the public realm would be screened by a new traditional brick wall. There are improvements to the materials used on the building including natural cladding. Overall it is considered that the proposed changes would be acceptable, and that there would be a number of wider improvements through the removal of unsightly materials and building elements. It is also considered that the proposed detached garage would be of an appropriate design in this location.
- 14.15 With regard to residential amenity, the site lies adjacent to a farm house to the east which is currently being renovated. The proposed residential use of the building would have a different impact than if the barn was used for agricultural purposes. At one time, all of the farm buildings would have been used in association with the farmhouse, but the farm buildings and dwellings appear to have been severed off and there is no longer a working farm. There are some benefits of the barn being used for residential purposes in terms of a reduction in noise and disturbance. In terms of privacy, there is currently a first floor window in the side elevation which faces the farmhouse, and it is proposed to re-use this window to serve the dwelling. The window has been shown to be fitted with obscure glass, which would maintain a reasonable level of privacy and it would be necessary to impose a condition to secure this.
- 14.16 In terms of car parking and highway related matters, access would be provided from an existing gate from the gravel track leading to a car parking and turning area to the rear of the building. It is considered that sufficient space would be provided for car parking and it is not anticipated that the proposal would prejudice public highway safety.
- 14.17 In terms of ecological matters, the Ecologist states that the ecological survey is appropriate and suitable recommendations are made to provide mitigation and compensation which mean the development would be in accordance with policy CS3 and it would be desirable to secure their implementation by a suitably worded planning condition.
- 14.18 The proposed development would require contributions to be made towards affordable housing. On 19th May 2016 the Government issued planning guidance setting out the specific circumstances in which contributions for affordable housing and tariff style planning obligations (section 106 agreements) should not be sought from small scale and self-build development. This guidance has been reissued following the order of the Court of Appeal dated 13th May 2016 (*West Berkshire District Council and Another v The Secretary of State for Communities*

and Local Government). The planning guidance specifies the circumstances in which contributions should not be sought as follows:

“Contributions should not be sought from developments of 10 units or less and which have a maximum combined gross floorspace of no more than 1,000 sqm;

In designated rural areas, local planning authorities may choose to apply a lower threshold of 5 units or less...;

Affordable housing and tariff style contributions should not be sought from any development consisting only of the construction of a residential annex or extension to an existing house”

This national guidance is at odds with Policy CS15 of the Council's Core Strategy. In these circumstances, the law gives no priority to either the Council's Core Strategy or to the Government's national guidance. It is for the decision maker to assess both policies as “material considerations” and to decide which should have greater weight in the determination of a planning application. However, the Secretary of State, through his Inspectors can be anticipated to give greater weight to the Government's national guidance unless there are exceptional circumstances which indicate otherwise.

Whilst the need for affordable housing in this District is pressing, this in itself does not give rise to the sort of circumstances that can be considered exceptional. Therefore it is recommended that no affordable housing or tariff style contributions are sought from this development, in accordance with national Planning Practice Guidance, contrary to the provisions of Policy CS15 of the Core Strategy.

- 14.19 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.
- 14.20 In conclusion, it is considered that in principle, the conversion of the barn to a dwelling would be acceptable, and the proposed external changes to the building have been shown to be sensitively designed and would be appropriate to this rural context. In addition given that under the new legislation the conversion of the building to residential would now not require planning permission, it is considered that no affordable housing contributions should be required in this particular case.
- 14.21 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 |
|----------------------------|---------|--------------|------------------|---------------|
| Self Build (CIL Exempt) | 260.58 | | 260.58 | £21,728.36 * |

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: 1680/P01, Site Plan, Elevations, Floor Plans, Survey of existing building, Details of wall .

Reason: To ensure satisfactory provision of the development.

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

Main Barn: Spanish SIG 37
 Cladding - Larch to weather naturally
 Side and south lean-to barn: Sinusoidal Black corrugated sheet
 Windows: Aluminium with grey RAL 7024
 Rainwater goods - Black aluminium
 Flue: Painted black
 Garage: Sinusoidal Black corrugated sheet

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

4. Before development commences a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :
- (a) the existing trees and shrubs which have been agreed to be retained;
 - (b) a specification for new planting (species, size, spacing and location);
 - (c) areas for hard surfacing and the materials to be used;
 - (d) other means of enclosure;
 - (e) the details of any external lighting within the site or on the building
 - (f) a method and programme for its implementation and the means to provide for its future maintenance.

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

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

5. All external works (hard and soft landscape) shall be carried out in accordance with the approved plans and details within one year of commencement of development and maintained thereafter as built and subject to changes or additions (including signage) only if and as agreed in writing with the Local Planning Authority.

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

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

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

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

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any re-enactment of that Order) no extension (or alterations) otherwise approved by Classes A, B or C of Part 1 of Schedule 2 to the Order, garage or other outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order, or means of enclosure otherwise approved by Class A of Part 2 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.

Reason: In view of the sites location, the Local Planning Authority would wish to ensure that any future development proposals do not adversely affect the Conservation Area in accordance with Policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park and policy DM1 of Local Plan Part 2 Sites and Development Management Document.

8. The first bathroom floor window on the rear (south) elevation and the first floor bedroom window on the side (east) of the approved building shown hatched black shall at all times be glazed with obscure glass.

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

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

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

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

10. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
- (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

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

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

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

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

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

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

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

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

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

15. The works hereby approved shall be undertaken in strict accordance with the Ecological Survey methodology and details by KP Ecology LTD dated 5th May 2015 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).

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 6 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/>
3. As part of the mitigation, and the works hereby approved shall take place and overseen by an appointed appropriately competent person (i.e. ecological clerk of works) and on completion the appointed person shall provide written confirmation to the Council that works have complied with the approved details.

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)

