

NOTICE OF MEETING

Meeting: PLANNING DEVELOPMENT CONTROL COMMITTEE

Date and Time: WEDNESDAY, 14 SEPTEMBER 2016, AT 9.00 AM*

Place: THE COUNCIL CHAMBER, APPLETREE COURT,
LYNDHURST

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

PUBLIC PARTICIPATION:

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

Bob Jackson
Chief Executive

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

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

AGENDA

Apologies

1. MINUTES

To confirm the minutes of the meeting held on 10 August 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) **Cussens Day Care Centre, Fairview Drive, Hythe (Application 15/11616) (Pages 1 - 6)**

Application for the Modification or Discharge of a Section 106 Obligation in respect of outline Planning Permission 15/11616 for 2 bungalows; 1 two-storey dwelling; parking; access

RECOMMENDED:

That the S106 Affordable Housing Obligation be discharged in full and that the Service Manager Planning and Building Control be authorised to vary the Section 106 legal agreement accordingly.

(b) **Land rear of 29 South Street, Pennington, Lymington (Application 15/11725) (Pages 7 - 12)**

Application for the Modification or Discharge of a Section 106 Obligation in respect of Planning Permission 15/11725 for bungalow; access and parking

RECOMMENDED:

That the S106 Affordable Housing Obligation be discharged in full and that the Service Manager Planning and Building Control be authorised to vary the Section 106 legal agreement accordingly.

(c) **Land adjacent 13 New Street, Ringwood (16/10075) (Pages 13 - 18)**

Proposed amendments to the Section 106 Agreement to modify/discharge the Section 106 legal agreement so that no affordable housing contribution will be payable - 2 flats; access; parking; bin stores; cycle shed

RECOMMENDED:

That the Section 106 agreement be varied in accordance with the details set out in the report.

(d) **31 Daniells Walk, Lymington (Application 16/10910) (Pages 19 - 24)**

Raise ridge height; single-storey rear extension; dormers; rooflights

RECOMMENDED:

Refuse

(e) **The Coach House, 67 Keyhaven Road, Milford-on-Sea (Application 16/10919) (Pages 25 - 34)**

One three-storey block of 8 flats; parking; landscaping; cycle rack; acoustic fencing; demolition of existing

RECOMMENDED:

Refuse

- (f) **Merryfield Park, Derritt Lane, Sopley (Application 16/10497) (Pages 35 - 60)**

Development of 22 dwellings comprised: 7 houses; 4 chalet bungalows; 2 pairs of semi-detached houses; 1 terrace of 3 houses; 1 terrace of 4 houses; garages; cycle stores; parking; roadways; landscaping; demolition of existing buildings

RECOMMENDED:

Service Manager Planning and Building Control authorised to grant planning consent subject to conditions

- (g) **15 St Thomas Street, Lymington (Application 16/10689) (Pages 61 - 72)**

Use as hot food takeaway (Use Class A5); extraction/ventilation equipment; external alterations; shopfront; rear door; shed (amended plans and additional information)

RECOMMENDED:

Planning consent subject to conditions

- (h) **21 Redwood Close, Dibden Purlieu, Hythe (Application 16/11014) (Pages 73 - 78)**

First floor side extension.

RECOMMENDED:

Planning consent subject to conditions.

- (i) **Land East of Stem Lane and North of Great Woar Copse, New Milton (Application 16/10780) (Pages 79 - 100)**

Single chapel crematorium; parking; landscaping (Outline application with details only of access)

RECOMMENDED:

Planning consent subject to conditions

- (j) **Land of Old Coach House, Cannon Street, Lymington (Application 16/10785) (Pages 101 - 112)**

House; access; parking

RECOMMENDED:

Planning consent subject to conditions

- (k) **Land of 2 East View Road, Ringwood (Application 16/10824) (Pages 113 - 120)**

House; parking

RECOMMENDED:

Refuse

- (l) **6 Burrard Grove, Lymington (Application 16/11009) (Pages 121 - 126)**

Single-storey side and rear extension

RECOMMENDED:

Planning consent subject to conditions

- (m) **5A Harford Close, Pennington, Lymington (Application 16/10840) (Pages 127 - 136)**

Bungalow; access; parking

RECOMMENDED:

Refuse

- (n) **14 Gravel Lane, Ringwood (Application 16/10984) (Pages 137 - 146)**

House

RECOMMENDED:

Planning consent subject to conditions

- (o) **Stapleton House, Cranborne Road, Damerham (Application 16/10879) (Pages 147 - 154)**

Stable block; manege

RECOMMENDED:

Refuse

4. DATES OF MEETINGS

That the following dates of meetings be approved, each to start at 9.00 a.m. and be held in the Council Chamber at Appletree Court, Lyndhurst:

Wednesday, 14 June 2017
Wednesday, 12 July 2017
Wednesday, 9 August 2017
Wednesday, 13 September 2017
Wednesday, 11 October 2017
Wednesday, 8 November 2017
Wednesday, 13 December 2017
Wednesday, 10 January 2018
Wednesday, 14 February 2018
Wednesday, 14 March 2018
Wednesday, 11 April 2018
Wednesday, 9 May 2018

5. 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: 15/11616 Modification or Discharge of Planning Obligation
Site: CUSSENS DAY CARE CENTRE, FAIRVIEW DRIVE, HYTHE
SO45 5GY
Development: Application for the Modification or Discharge of a Section 106
Obligation in respect of outline Planning Permission 15/11616 for
2 bungalows; 1 two-storey dwelling; parking; access
Applicant: Coastline Homes Ltd
Target Date: 30/9/16

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Policy and Parish Council view.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

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

Local Plan Part 2 Sites and Development Management Development Plan Document

DM3: Mitigation of impacts on European nature conservation sites

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

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

6 RELEVANT PLANNING HISTORY

2 bungalows; 1 two-storey dwelling; parking; access (15/11616) - granted
23/12/15

7 PARISH / TOWN COUNCIL COMMENTS

Hythe & Dibden Parish Council:- The S106 legal agreement is a legally binding agreement which was part of the application for which approval was given; As the payment has already been agreed to, feel that the payment should be made, especially as the provision of affordable housing is a necessity in the area.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

None

10 REPRESENTATIONS RECEIVED

None

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

None

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 An application for 3 dwellings was approved by the Local Planning Authority in December 2015. The permission is subject to a Section 106 legal agreement that requires the development to make a contribution of £61,190 towards affordable housing, although it should be noted that, somewhat unusually, the legal agreement was completed in March 2016, 3 months after the initial decision was issued. The delayed completion of the legal agreement arose from the fact that the Council were the original landowners.
- 14.2 An application has now been submitted to the Local Planning Authority that seeks to modify / discharge the Section 106 legal agreement so that no affordable housing contribution will be payable. The application has been submitted in the light of recent changes to national planning guidance. Specifically:-

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”

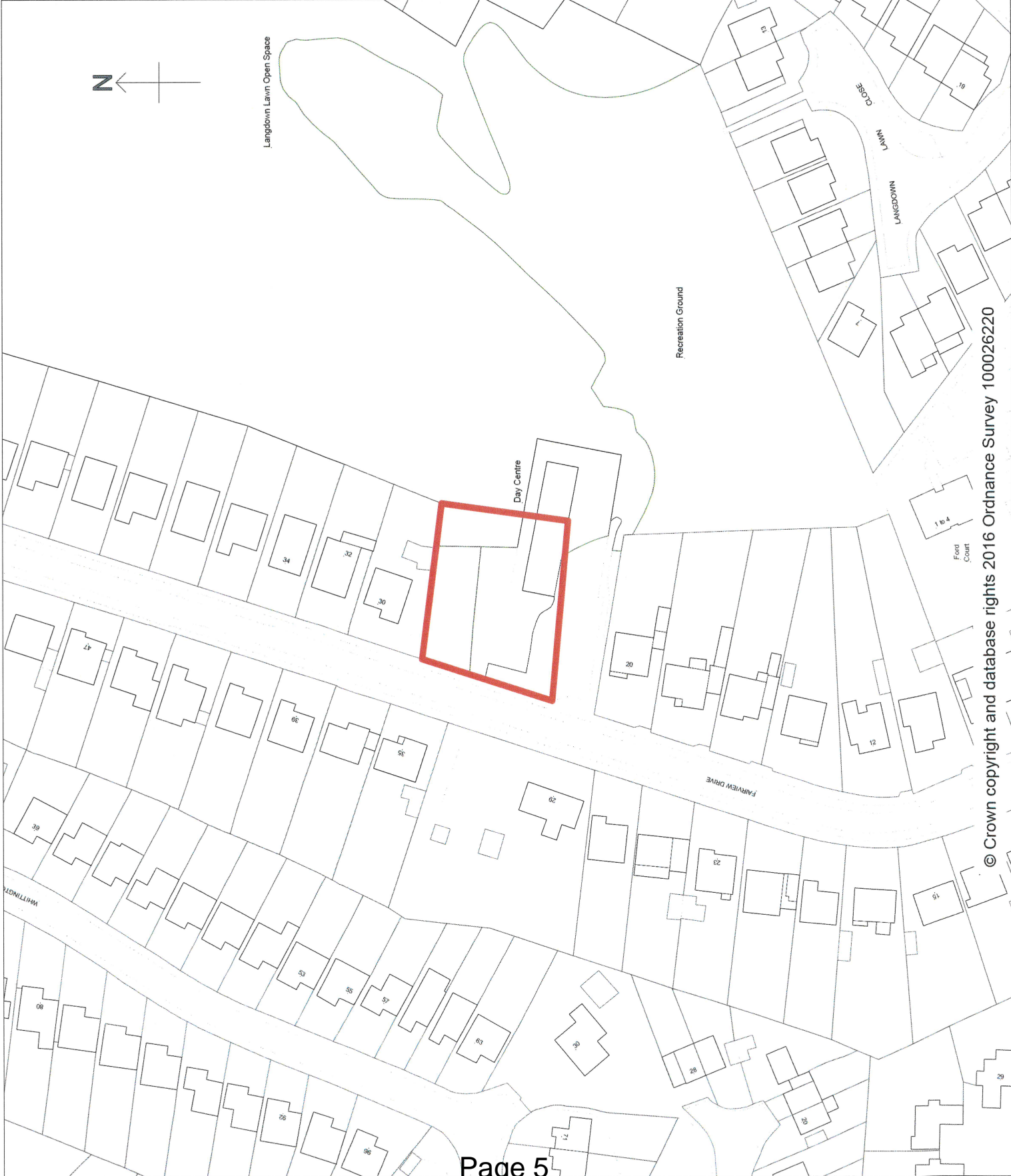
- 14.3 With this latest application, the only matter that needs to be considered is whether the previously secured affordable housing obligation should be discharged in the light of the recent change to national guidance, which is at odds with Policy CS15 of the Council’s Core Strategy. In circumstances such as this, 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. While 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.
- 14.4 Accordingly, it is felt that the new national guidance should carry greater weight than the Council's own Core Strategy Policy CS15, and therefore, it is felt that the affordable housing contribution secured within the existing Section 106 legal agreement is an obligation that should be discharged. In essence, it is felt the development should be allowed to proceed without any requirement to make a contribution towards the provision of affordable housing.
- 14.5 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

15 RECOMMENDATION

That the S106 Affordable Housing Obligation be discharged in full and that the Service Manager Planning and Building Control be authorised to vary the Section 106 legal agreement accordingly

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)



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Application Number: 15/11725 Modification or Discharge of Planning Obligation

Site: Land rear of 29 SOUTH STREET, PENNINGTON, LYMINGTON
SO41 8EB (NB: SUBJECT TO LEGAL AGREEMENT)

Development: Application for the Modification or Discharge of a Section 106
Obligation in respect of Planning Permission 15/11725 for
Bungalow; access and parking

Applicant: Hurst and Hurst Estates

Target Date: 27/9/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Policy

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

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

Local Plan Part 2 Sites and Development Management Development Plan Document

DM3: Mitigation of impacts on European nature conservation sites

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

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

6 RELEVANT PLANNING HISTORY

Bungalow; access and parking (15/11725) - granted 15/3/16

7 PARISH / TOWN COUNCIL COMMENTS

None

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

None

10 REPRESENTATIONS RECEIVED

None

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

None

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 An application for a bungalow was approved by the Local Planning Authority in March 2016. The permission is subject to a Section 106 legal agreement that requires the development to make a contribution of £45,900 towards affordable housing. It should be noted that a subsequent Section 106BA application that sought to amend the affordable housing requirement was refused by the Local Planning Authority as it was felt that it was viable for the applicants to secure a contribution of £45,900 towards affordable housing.

14.2 An application has now been submitted to the Local Planning Authority that seeks to modify / discharge the Section 106 legal agreement so that no affordable housing contribution will be payable. The application has been submitted in the light of recent changes to national planning guidance. Specifically:-

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"

- 14.3 With this latest application, the only matter that needs to be considered is whether the previously secured affordable housing obligation should be discharged in the light of the recent change to national guidance, which is at odds with Policy CS15 of the Council's Core Strategy. In circumstances such as this, 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. While 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.
- 14.4 Accordingly, it is felt that the new national guidance should carry greater weight than the Council's own Core Strategy Policy CS15, and therefore, it is felt that the affordable housing contribution secured within the existing Section 106 legal agreement is an obligation that should be discharged. In essence, it is felt the development should be allowed to proceed without any requirement to make a contribution towards the provision of affordable housing.
- 14.5 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

15 RECOMMENDATION

That the S106 Affordable Housing Obligation be discharged in full and that the Service Manager Planning and Building Control be authorised to vary the Section 106 legal agreement accordingly.

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)



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Application Number: 16/10075 Modification or Discharge of Planning Obligation

Site: LAND ADJACENT 13 NEW STREET, RINGWOOD BH24 3AD
(NB: SUBJECT TO LEGAL AGREEMENT)

Development: Proposed amendments to the Section 106 Agreement to modify / discharge the Section 106 legal agreement so that no affordable housing contribution will be payable.

2 flats; access; parking; bin stores; cycle shed

Applicant: Elsak Plc

Target Date: 03/10/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Policy

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

Core Strategy

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

Local Plan Part 2 Sites and Development Management Development Plan Document

- DM3: Mitigation of impacts on European nature conservation sites

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

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

6 RELEVANT PLANNING HISTORY

2 flats, access, parking (10075) Granted with conditions on the 15th March 2016.

7 PARISH / TOWN COUNCIL COMMENTS

Ringwood Town Council: Awaiting comments

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

None

10 REPRESENTATIONS RECEIVED

None

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

None relevant

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 Firstly, it is important to note that this is an application only to modify a Section 106 Agreement, and not a planning application. An application for a pair of flats was approved by the Local Planning Authority in March 2016. The permission is subject to a Section 106 legal agreement that requires the development to make a contribution of £30,460 towards affordable housing.
- 14.2 This application seeks to modify / discharge the Section 106 legal agreement so that no affordable housing contribution will be payable. The application has been submitted in the light of recent changes to national planning guidance. Specifically:-

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"

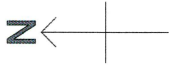
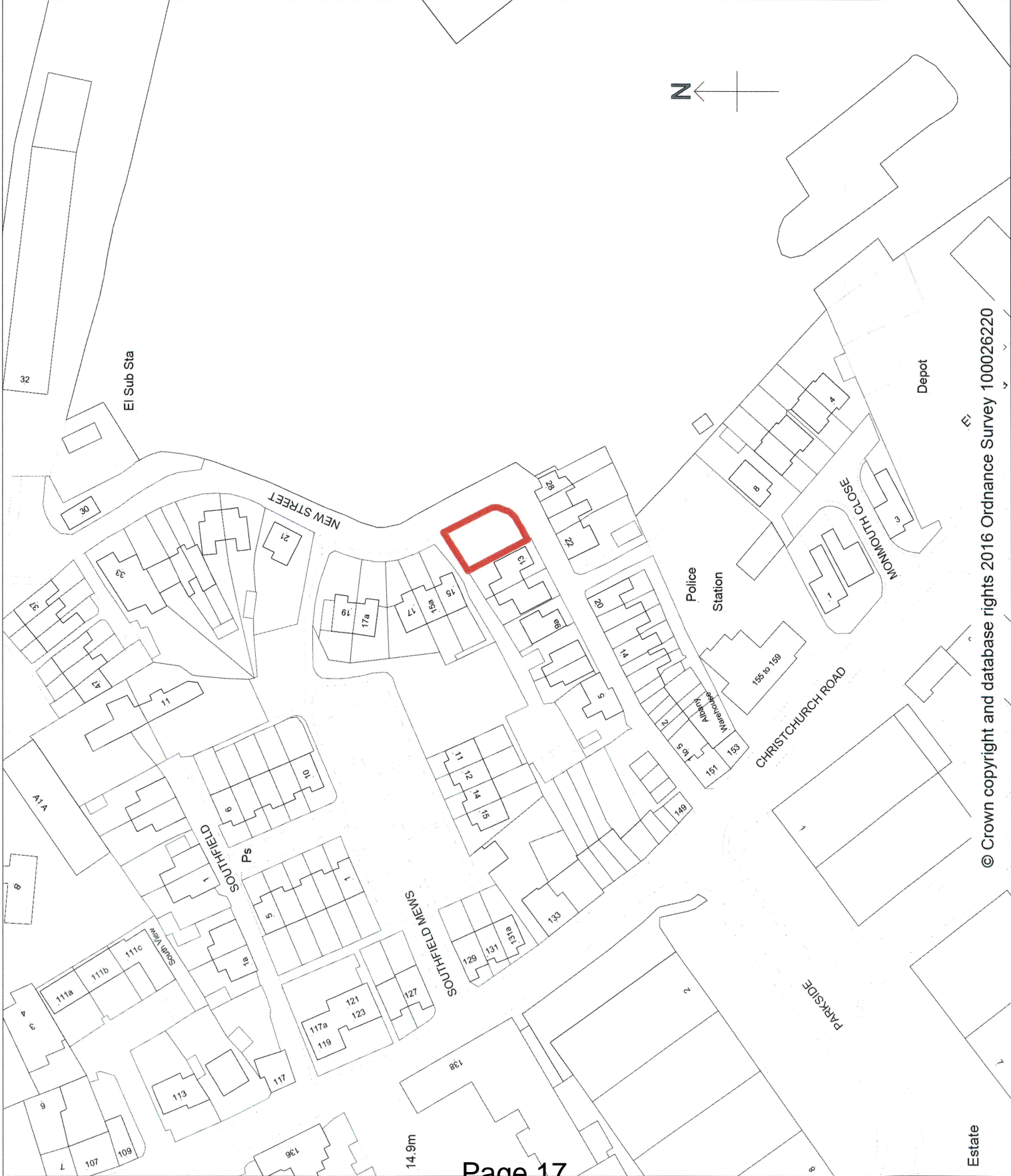
- 14.3 With this latest application, the only matter that needs to be considered is whether the previously secured affordable housing obligation should now be discharged in the light of this recent change to national guidance. This national guidance is at odds with Policy CS15 of the Council's Core Strategy. 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. While 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.
- 14.4 Therefore, it is felt that the affordable housing contribution secured within the existing Section 106 legal agreement is an obligation that should now be discharged. In essence, it is felt the development should be allowed to proceed without any requirement to make a contribution towards the provision of affordable housing.
- 14.5 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

15 RECOMMENDATION

That the Section 106 agreement be varied in accordance with the details set out in the preceding paragraphs.

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)



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Application Number: 16/10910 Full Planning Permission

Site: 31 DANIELLS WALK, LYMINGTON SO41 3PP

Development: Raise ridge height; single-storey rear extension; dormers;
rooflights

Applicant: Mr & Mrs Payne

Target Date: 25/08/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Town Council View

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

- CS1: Sustainable development principles
CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

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 - Lymington Local Distinctiveness

6 RELEVANT PLANNING HISTORY

- 6.1 02/74780 - loft conversion with dormers. Granted 5.6.02
- 6.2 89/NFDC/41328 - extension to lounge and formation of rooms in roof.
Granted 25.4.89

7 PARISH / TOWN COUNCIL COMMENTS

Lymington and Pennington Town Council - recommend approval

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

Drainage - no comment

10 REPRESENTATIONS RECEIVED

10.1 Two comments have been received in respect of not being able to access the plans electronically.

10.2 Two letters have been received in support of the proposals in the light of other similar developments in the road.

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.

No pre-application advice was sought in respect of this proposal. In this case, the concerns in respect of the form of development proposed could not be overcome within the timescales for the determination of this application, hence the recommendation for refusal.

14 ASSESSMENT

- 14.1 The site lies within the built up area of Lymington in a residential area where many properties have been altered and extended, including works currently underway at the adjacent property. The property in question is a chalet style dwelling having been extended through the provision of front and rear dormers around 14 years ago. The half hips to the sides were also added following a previous approval (1989) for altering the property although the rear addition at that time was not implemented.
- 14.2 The proposal entails the provision of a ground floor rear extension across much of the width of the property. At first floor level, the proposed additional accommodation would provide an en suite and larger landing space.
- 14.3 With regard to residential amenity, the proposal would not impact on the privacy of any immediate neighbour as the rear dormers and existing side windows would be removed as part of the proposals. In terms of light, the ground floor of no.29 may suffer some loss of light later in the day as a result of the increased depth of the side elevation, although it is not considered that this would be sufficient to warrant refusal. To the other side, the first floor side window to no.33 relates to a bathroom and, in view of the extension being recessed from the boundary to the west, the proposal would have less of an impact on this property.
- 14.4 In visual terms, the proposal does maintain a single storey eaves line but the central front dormer is considered to be excessive and would be seen as an element of full two storey height which would be out of character with Daniells Walk. Reference has been made to the property next door which is being extended at present, although the front gable element to that property has single storey eaves to either side and no vertical element, unlike the proposal, which has large vertical areas on either side. In view of the forward siting of this property in relation to no.29, this front gable would be considered quite intrusive in the street scene.
- 14.5 Reference has also been made to 10 Daniells Walk which was granted consent earlier this year for a replacement dwelling. In view of this particular site, it was considered that the new dwelling would be less prominent given the protected tree and garage, both within the adjoining site. The ground floor eaves level is retained along the front elevation.
- 14.6 In addition to this, with regard to height, the property presently sits comfortably between the two houses either side but the ridge would be increased by 1.3m. The combination of this increase in height, together

with the increased depth and bulk of the roof form, would result in a particularly bulky property at odds with the general pattern of development in this part of Daniells Walk.

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

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposal would result in increased bulk and massing of the property to the detriment of the street scene by virtue of the proposed large front dormer with significant vertical emphasis to its sides and increased depth and height of the roof form. The proposal would therefore adversely affect the character of the area and would not contribute positively to local distinctiveness, contrary to policy CS2 of the New Forest District Council Core Strategy.

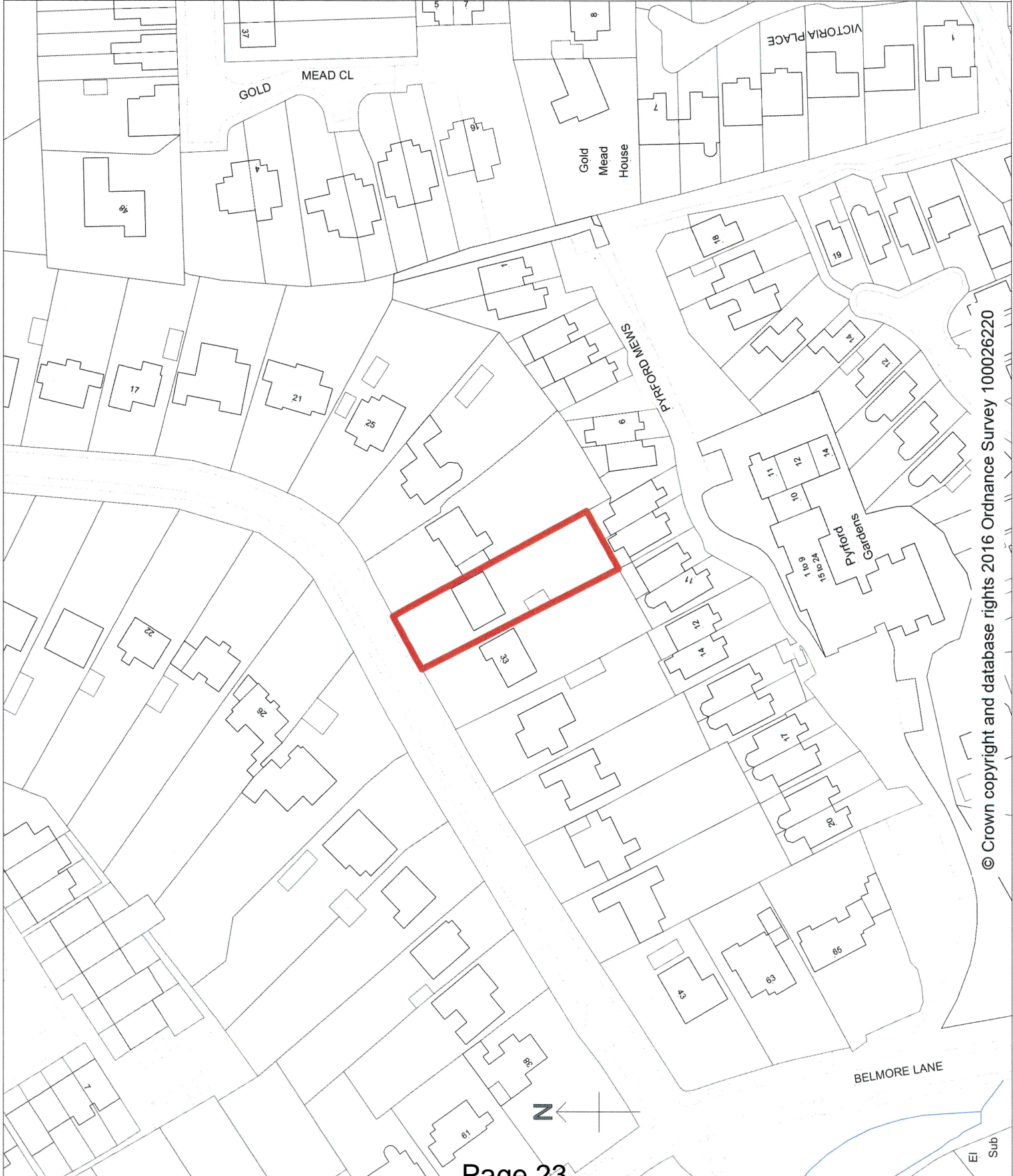
Notes for inclusion on certificate:

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

In this case no pre application advice was sought and the concerns raised are significant and could not be overcome within the prescribed timescales for the processing of this application.

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)



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Application Number: 16/10919 Full Planning Permission

Site: THE COACH HOUSE, 67 KEYHAVEN ROAD,
MILFORD-ON-SEA SO41 0QX

Development: One three-storey block of 8 flats; parking; landscaping; cycle rack;
acoustic fencing; demolition of existing

Applicant: Stoneriver Projects Ltd

Target Date: 16/09/2016

Extension Date: 16/09/16

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Policy

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS15: Affordable housing contribution requirements from developments
- CS24: Transport considerations
- CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

DM3: Mitigation of impacts on European nature conservation sites

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

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

SPD - Parking Standards

6 RELEVANT PLANNING HISTORY

One three storey block of 5 flats; 2 two-storey dwellings; 1 bungalow; parking; landscaping; demolition of existing (15/11485) - refused 22/12/15

7 PARISH / TOWN COUNCIL COMMENTS

Milford-on-Sea Parish Council:- Recommend refusal - has concerns regarding scale and bulk of flats; feels the design is not in keeping with the character of the village and would be too dominant; concerns about noise from the parking area; concerns about overlooking of neighbouring properties; concerns about highway safety issues.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

9.1 Hampshire County Council Highway Engineer:- No objection subject to conditions on parking, turning and closure of access

9.2 Ecologist:- No objection subject to condition

9.3 Land Drainage:- No objection subject to conditions

9.4 Southern Gas Networks:- Advise of site's proximity to gas main

10 REPRESENTATIONS RECEIVED

1 letter of support from neighbour - site should be brought back into use as soon as practicable

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 £9216 in each of the following six years from the dwellings' completion, and as a result, a total of £55296 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 £23,321.01.

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

13 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.
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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, in spite of a recent proposal at this site being refused, there were no pre-application discussions on the current application proposals. The applicant's agent has been given feedback on the current application proposals during the course of the consideration of the application, but unfortunately, it is not felt possible to negotiate on this application to secure an acceptable solution within an appropriate timeframe.

14 ASSESSMENT

14.1 67 Keyhaven Road is a vacant 2.5 storey building that was formerly in use as a 13 bedroom care home. The building is set back from the road behind a largely graveled frontage. The property has a generous sized rear garden area that stretches back to a rear boundary with 13-21 Eastern Way, which are semi-detached bungalows that occupy relatively small garden plots. Within the site, close to the site's rear boundary is a detached 1.5 storey outbuilding that is not in a particularly good state of repair. The site is bounded on its western side by a 2-storey building containing 2 flats (63 and 65 Keyhaven Road). On its eastern side the site is bounded by a 2-storey dwelling at 69 Keyhaven Road, and further back by the rear garden of a bungalow at 24 Eastern Way . The wider area is predominantly residential in character.

- 14.2 In December 2015, the Local Planning Authority refused planning permission for a redevelopment of the site with 8 dwellings, comprised of 5 flats within a new 2.5 to 3 storey frontage building, and 2 chalet bungalows and a single-storey bungalow to the rear. The application was deemed to be detrimental to the character and appearance of the area due to its poor design, uncharacteristic layout and cramped appearance. The development was also deemed to be detrimental to the amenities of a number of neighbouring properties in Eastern Way. The development was also deemed unacceptable due to a failure to secure contributions to affordable housing.
- 14.3 The application that has now been submitted also seeks to redevelop the site with 8 dwellings. However, the design would be very different to the previously refused scheme, the 8 units being contained within a single block of flats that would be 3-storeys high, but with some lower elements to the rear. The application proposes a new access drive and areas for the parking of vehicles, which would include the provision of an open pergola structure on the site's rear boundary with properties in Eastern Way.
- 14.4 Given the scale of the existing building that would be demolished and the size of the plot, the site is one that has the capacity to accommodate a new flatted building of a reasonable size. However, the building that is proposed is considered to have too great a scale and massing in this particular context. The proposed building, which would be higher than the existing building (both to the eaves and to the ridge), would be of an overtly 3-storey scale. The 3-storey elements of the building would have a significant and uncharacteristic depth, and while there would be some articulation to the building, it is not felt this articulation would be effective in disguising the building's significant mass that would appear particularly incongruous alongside the 2-storey domestic scale buildings on either side. Although there is a group of taller flatted buildings between 55 and 61 Keyhaven Road, the application site is separated from these and is surrounded by buildings of a much more modest scale. Within this particular setting, it is felt a building of the scale and depth proposed would be visually discordant and too dominant, and thereby detrimental to the character and appearance of the area. It is felt the building's poor design in this context would be compounded by the rather weak and uninviting main entrances to the building, that would be recessed between high walls.
- 14.5 A further design concern arises from the extensive areas of new hardstanding that are proposed to service the development. The proposed new access drive would extend back for the full depth of the site and would lead to an extensive parking and turning area that would extend across almost the full width of the rear part of the site leaving some fairly awkward areas of 'leftover' land for landscaping. Although a green amenity area would be provided to the rear of the building, it is felt that the significant erosion of the site's existing rear green setting would be visually harmful. To the front of the site, an area of greenery would be provided, although the site's frontage would be materially weakened by the uncharacteristically wide bellmouth access onto Keyhaven Road, which would serve to emphasise the development's unduly dominant character.

- 14.6 The proposed development would not have a sympathetic relationship with a number of neighbouring dwellings. It is considered the development's relationship to 69 Keyhaven Road would be particularly poor. The application includes 2 first floor bedroom windows that would overlook the rear garden of 69 Keyhaven Road at a distance of 6.5 metres. These windows, which could not reasonably be required to be glazed with obscure glass, would overlook the private amenity space of 69 Keyhaven Road to a degree that would be unacceptable. First floor windows would also overlook 63-65 Keyhaven Road (2 flats), although in this instance the windows would either face less private areas of garden to the front of the building or the side of the building on which there are only obscure glazed windows. However, there is also a front door to the first floor flat on the side elevation of the building and it is felt the positioning of a 3-storey gable feature so close to this front entrance would be visually imposing to an unacceptable degree.
- 14.7 There are also concerns about the proximity of the parking area to the rear of properties in Eastern Way. A number of car parking spaces would be set just 6-7 metres away from the main rear outlook of these adjacent dwellings. It is felt that the use of this parking area would result in a level of disturbance that would detract materially from the amenities of the occupants of 13-19 Eastern Way. The applicants are proposing the use of acoustic fencing to minimise the impact of noise from the car parking areas. However, there is no precise specification for the type of fencing that would be used and the effectiveness of any acoustic fencing is therefore unclear. Without a clearer specification, it is felt that it must be concluded that the development's impact on the amenities of adjacent dwellings in Eastern Way would be unacceptably harmful.
- 14.8 The application is accompanied by an ecological report, which has been considered by the Council's ecologist. The ecology report proposes appropriate mitigation measures, and subject to adherence to the measures in this report, the development is one that would have an acceptable impact on ecological and biodiversity interests.
- 14.9 The proposed development would provide 13 on-site car parking spaces. Because none of the spaces would be within the curtilage of an individual dwelling, the Highway Authority have assumed that all of the spaces would be classified as shared / communal spaces. On this basis, the level of on-site parking would accord with the Council's standards and would be acceptable from a highway safety perspective. The Highway Authority have confirmed that the proposed access arrangements would also be acceptable from a highway safety perspective.
- 14.10 In accordance with the Habitat Regulations 2010 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission were to be granted for the proposed development, a condition would be required that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. In this case, the full habitat mitigation contribution that would apply

(assuming no CIL is payable) would be £25,600.

- 14.11 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 which requires many small scale housing developments including the current application proposals to make affordable housing provision. In this case, the contribution required under Core Strategy Policy CS15 would be 4 on-site affordable dwellings.

- 14.12 The presumption in favour of the development plan remains, in that the decision should be taken in accordance with the plan unless material considerations indicate otherwise. The new guidance is a material consideration which post-dates the adoption of the Local Plan. It is for the Council to decide which should prevail 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 reasons to make an exception.
- 14.13 While the need for affordable housing in this District is pressing, this in itself is unlikely to be considered by the Secretary of State as sufficient reason for the Council to apply its own development plan policy rather than applying national policy. 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.
- 14.14 Overall, the proposed development would not be consistent with the Council's Core Strategy policies and objectives. The development would have a poor design and be an overdevelopment of the site that would be detrimental to local distinctiveness, and harmful to the character and appearance of the area. The development would also be detrimental to the amenities of neighbouring dwellings. As such, the application is recommended for refusal.
- 14.15 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and

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

Section 106 Contributions Summary Table

| | | | |
|-----------------------------|--------------------------------|-------------------------------------|-------------------|
| Proposal: | | | |
| Type of Contribution | NFDC Policy Requirement | Developer Proposed Provision | Difference |
| Affordable Housing | | | |
| No. of Affordable dwellings | 4 | 0 | -4 |
| Financial Contribution | | | |
| Habitats Mitigation | | | |
| Financial Contribution | £25,600 | | |

CIL Requirements

| Type | Proposed Floorspace (sq/m) | Existing Floorspace (sq/m) | Net Floorspace (sq/m) | Chargeable Floorspace (sq/m) | Rate | Total |
|-----------------|----------------------------|----------------------------|-----------------------|------------------------------|---------|--------------|
| Dwelling houses | 742.68 | 463 | 279.68 | 279.68 | £80/sqm | £23,321.01 * |

| | |
|----------------|------------|
| Subtotal: | £23,321.01 |
| Relief: | £0.00 |
| Total Payable: | £23,321.01 |

* The formula used to calculate the amount of CIL payable allows for changes in building costs over time and is Index Linked using the All-in Tender Index Price published by the Build Cost Information Service (BICS) and is:

$Net\ additional\ new\ build\ floor\ space\ (A) \times CIL\ Rate\ (R) \times Inflation\ Index\ (I)$

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposed development would be an overdevelopment of the site and a poor design that would be inappropriate to its context and detrimental to the character and appearance of the area. In particular:-
 - a) the proposed building would be of an excessive scale and mass that would be too dominant within this particular setting, taking into account the building's height and its significant and uncharacteristic depth, which would appear visually incongruous alongside buildings of a more modest domestic scale;
 - b) the main entrances to the building would be unduly weak due to their recessed positions with relatively high walls to either side of the recesses;
 - c) the development as a whole would incorporate significant areas of hardstanding, including an uncharacteristically wide entrance onto Keyhaven Road and an extensive and somewhat awkward area for parking and turning at the rear of the site which would result in a harmful erosion of the existing green rear garden character.

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

2. The proposed development would be detrimental to the amenities of the occupants of neighbouring properties. Specifically:-
 - a) the proposed development would incorporate first floor windows that would result in undue overlooking of the private rear garden of the neighbouring dwelling at 69 Keyhaven Road to the detriment of the privacy of the occupants of this property;
 - b) the proposed development would appear unduly dominant from the neighbouring properties at 63-65 Keyhaven Road, particularly having regard to the size of the building and the proximity of the rear gable feature on the west facing side elevation to the front entrance of the adjacent first floor flat;
 - c) the parking and turning areas on the rear boundary of the site would be likely to generate levels of noise and disturbance that would materially detract from the amenities of the adjacent dwellings at 13-19 Eastern Way.

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

Notes for inclusion on certificate:

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

In this case, in spite of a recent proposal at this site being refused, there

were no pre-application discussions on the current application proposals. The applicant's agent was given feedback on the current application proposals during the course of the application, but unfortunately, it was not felt possible to negotiate on this application to secure an acceptable solution within an appropriate timeframe.

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
September 2016**

Item No: 3e

The Coach House
67 Keyhaven Road
Milford on Sea
16/10919
SZ2991

Scale 1:1250

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



Application Number: 16/10497 Full Planning Permission

Site: MERRYFIELD PARK, DERRITT LANE, SOPLEY BH23 8AU

Development: Development of 22 dwellings comprised: 7 houses; 4 chalet bungalows; 2 pairs of semi-detached houses; 1 terrace of 3 houses; 1 terrace of 4 houses; garages; cycle stores; parking; roadways; landscaping; demolition of existing buildings

Applicant: Bellway Homes Wessex

Target Date: 21/09/2016

Extension Date: 14/09/2016

16/10497

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Policy

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Green Belt

Countryside outside the New Forest

Archaeological Site

Flood Zone 1

HSE Pipeline Cons Zones

Adjacent to New Forest National Park

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
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)

CS4: Energy and resource use

CS7: Open spaces, sport and recreation
CS10: The spatial strategy
CS12: Possible additional housing development to meet a local housing need
CS13: Housing types, sizes and tenure
CS14: Affordable housing provision
CS15: Affordable housing contribution requirements from developments
CS17: Employment and economic development
CS24: Transport considerations
CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Plan Document

DM3: Mitigation of impacts on European nature conservation sites
DM2: Nature conservation, biodiversity and geodiversity
DM4: Contaminated land
DM20: Residential development in the countryside
DM23: Employment 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 - Design of Waste Management Facilities in New Development
SPD - Housing Design, Density and Character
SPD - Mitigation Strategy for European Sites
SPD - Parking Standards

6 RELEVANT PLANNING HISTORY

- 6.1 The erection of up to 80 dwellings with the retention of up to 11 existing buildings with a total floor area of no more than 1,309 square metres for B1 use and a museum all with associated access point, the provision of SANGS and open space, the provision of a footpath along Derritt Lane and the demolition of all buildings and structures on the site with the exception of those retained for the B1 or museum uses - Outline application all matters reserved (11408) Granted with conditions on the 15th December 2014.
- 6.2 Development of 80 houses, public open space, SANGS, footpaths, allotments, access roads, landscaping, boundary treatments, demolition of existing buildings, street lighting - Details of appearance, landscaping, layout, scale and access to outline planning permission granted under 11408 (10914) Granted with conditions on the 28th October 2015.

7 PARISH / TOWN COUNCIL COMMENTS

- 7.1 Bransgore Parish Council: Accept a decision under delegated powers
- 7.2 Sopley Parish Council: Accept a decision under delegated powers. But wish the following comments to be noted after the Parish Council Meeting held on 16th June 2016. Sopley Parish Council have reservations regarding the change in direction of the Merryfield Park

development at the eastern end with a change from B1 to residential. It is not understood by the Council whether the initial inclusion was a requirement to be granted planning permission, and that this is now a reversal that was always desired by the contractor.

The concerns of the specifics of the application relate to impact on the roads and community facilities. Derritt Lane is already a congested road at peak times with 1000s of vehicle movements per day, especially at the junctions at either end. The increase in domestic usage on top of the development thus far will continue to add risk and some adverse impact. In order to support the application, we would require a number of infrastructure investments in the community. Improvements to Derritt Lane to handle increased traffic, especially around the bridge which is flood prone and has blocked the road for weeks on end in recent years. The road level should be raised especially on the west side to prevent this. Improvements to the junction in Sopley, which currently is prone to near misses and collisions. Additional traffic increases the risk of a serious incident. Investment in the Sopley community that the development is part of. Key recipients would be Sopley Parish Hall, which acts as a cultural hub for the parish and surrounding area, and Sopley School, the nearest school to the development.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer: No objection
- 9.2 Archaeologist: No objection subject to condition
- 9.3 Tree Officer: No objection subject to condition
- 9.4 Urban Design Officer: Acceptable layout and design subject to conditions
- 9.5 Open Space Officer: Acceptable subject to a Section 106 Agreement
- 9.6 Natural England: No objection subject to condition
- 9.7 Ecologist: No objection subject to condition
- 9.8 Natural England: No objection
- 9.9 Hampshire County Council (Education): No comment received to date
- 9.10 Hampshire County Council Minerals and Waste: No objection subject to condition
- 9.11 Hampshire County Council (Flood Management): No objection subject to condition
- 9.12 Strategic Housing Officer: The proposed housing mix/ tenures are acceptable and accord with policy
- 9.13 Environmental Health (historic Land use): No objection subject to condition

- 9.14 Wessex Water: Foul water disposal will connect to the public sewer system. Existing arrangements constructed under the first phase of development allow for a pumped discharge from the site discharging through a rising main and new connection at Derritt Lane. Flows then drain to Wiltshire Gardens sewage pumping station and onwards to Christchurch STW. Design capacity is available to accept foul flows from this second phase of development without significant impact on service levels.
- 9.15 Southern Gas: There are low, medium and intermediate gas pipes near the site. The applicant will need to be aware of the regulations

10 REPRESENTATIONS RECEIVED

5 letters of objection concerned that the proposed development will be detrimental to the fabric and sustenance of the village of Sopley and the hamlet of Avon. The consequential effect on the communities of Ripley and Shirley are also in need of consideration and suitable planned mitigation. The current plans have insufficient contribution to mitigate the impact on these areas of population and therefore will seriously affect their sustainability. Impact on public highway safety. There is no consideration for the effect upon traffic flow through the tiny villages of Sopley and Avon (and Winkton). School issues have not been addressed. The sewage system is in adequate. Concerns relating to contamination. The site is adjacent to New Forest National Park and very close to Rose Cottage.

11 CRIME & DISORDER IMPLICATIONS

Crime Reduction Officer: No comments received to date

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission and the dwellings built, the Council will receive £23,040 in each of the following six years from the dwellings' completion, and as a result, a total of £138,240 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 £152,206.11

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

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

The concerns raised by Officers in relation to the layout have been addressed through successful negotiations and the submission of revised plans. Officers can now support the application.

14 ASSESSMENT

14.1 Introduction

14.1.1 Merryfield Park or Sopley Park (now known as Heatherstone Grange) extends to around 10.5 hectares and was previously a former RAF base first developed in the immediate post war period as a residential camp for radar personnel comprising a large group of buildings. The Park had contained some 91 buildings of various sizes laid out in rows of regimented huts to the east with more diverse forms of buildings scattered around the remainder of the site.

14.1.2 The site is currently being redeveloped with 80 dwellings, allotments, museum, Site of Alternative Natural Green Space, public open space, new footpaths and access roads, following planning permissions under reference 11408 (The 'Outline') and 10914 (The 'Reserved Matters'). The permission had also included 11 of the existing buildings (which are located on the eastern part of the site) to be retained for employment uses (Class B1). These buildings remain in situ and are not currently used for any employment use. Apart from the museum building and the existing buildings on the eastern part of the site, all other buildings have now been demolished and a number of the approved houses have been built. None of the recently built dwellings have been occupied. Works have also been carried out to implement the footpath link along Derritt Lane and the land to be provided for the Site of Alternative Natural Green Space (SANGS) and Public Open

Space is being laid out.

- 14.1.3 This full planning application relates to the eastern part of Merryfield Park, which previously formed part of the wider approved development of the site. As part of the approved application, the permission would retain 11 existing buildings (13 in total) for employment uses. This application proposes to demolish these existing buildings and to replace them with 22 dwellings, garages and car ports, public open space, landscaping, footpaths and internal roads.
- 14.1.4 It should be noted that the existing buildings at 91 and 93 have been used for residential purposes for more than 4 years. This situation is the same for Unit 92, however, this building is outside the application site. The application proposes to provide replacement dwellings for units 91 and 93.
- 14.1.5 The proposal seeks to create a housing development that forms an integral part of the rest of the site. The scheme would comprise a mixture of chalet style bungalows, detached houses, semi-detached houses and terraces. In total 10 of the dwellings would be market dwellings with 10 affordable dwellings to include 4 starter homes, 2 affordable rent and 4 intermediate housing. It is also proposed that the approved emergency access is used as a formal access into the site to serve the development.
- 14.1.6 This application site extends to some 0.7 hectares comprising 13 single storey buildings laid out in a uniform nature with simple pitched roofs. The majority of the buildings are rectangular in shape but there are a few smaller square shaped buildings. For the most part the buildings reflect the appearance of the buildings that previously existed on the whole site which have now been demolished. Areas of grass and hardstanding used for car parking lie around the existing buildings. An existing Public Right of Way runs through the north east boundary of the site. There are a number of good sized trees running along Derritt Lane and along the eastern boundary of the site, the majority of which are covered by a Tree Preservation Order.

14.2 Policy

- 14.2.1 The application site falls outside the defined built up area of Bransgore, and is therefore subject to countryside policies. The site is also located in the designated Green Belt and the eastern boundary abuts the New Forest National Park. There are no site specific policies or policies for the comprehensive development of Merryfield Park. On this basis, the Council will need to rely on the National Planning Policy Framework and the non-site specific policies of the Local Development Plan in assessing the development of the site.

14.3 Green Belt Test

- 14.3.1 The application site is located within the Green Belt and therefore the proposal must also be assessed against Green Belt policies. Policy CS10 of the Local Plan Part 1 (Core Strategy) seeks to retain and support the Green Belt. Paragraph 89 of the National Planning Policy Framework (NPPF) states that the construction of new buildings in the Green Belt is inappropriate other than for specific exceptions. One of these exceptions is the partial or complete redevelopment of previously developed sites (brownfield land), which would not have a greater

impact on the openness of the Green Belt and the purpose of including land within it as compared to the existing development..

- 14.3.2 The eastern part of the site is congested with buildings with pockets of open grassed areas between and in front of the buildings. There are also areas of hardstanding used for car parking and the internal road runs up to the eastern boundary of the site. The far east of the site is slightly more open. Buildings are sited close to the northern boundary. The existing buildings are single storey with pitched roofs and side gable ends rising to around 4-5 metres in height with a floor area of 17 metres in length by 7 metres wide.
- 14.3.3 The supporting Planning Statement states that the total combined floor area equates to 1,148 square metres and span the majority of the site and their design together with the roads and hardstanding have a negative impact on the openness of the Green Belt. The statement contends that if these were to be used for employment purposes, either offices or light industrial, this would lead to considerable activity with parking, storage and deliveries which would further impact on the openness of the site. The proposed combined floor space equates to 2,265 square metres, however, the statement considers that the overall layout has been designed to reduce the impact on the Green Belt. This includes a careful arrangement of spacing between buildings and gardens, building heights and design.
- 14.3.4 In assessing the case made and whether the proposal has a greater impact on the openness of the Green Belt, although the number of proposed buildings and overall floor space is above that of the existing buildings, the Courts have held that the concept of “openness” in the Green Belt is not simply about the quantum of development but includes an assessment of how “built-up” the site would appear following redevelopment as compared to before redevelopment. Moreover, the proposed layout does provide a number of positive benefits in terms of visual impact.
- 14.3.5 The proposed dwellings would broadly be sited in the same position as the existing buildings. An area of Public Open Space would be created to the north east of the site and would remain open and a large open garden group would be provided to Plot Nos 85-89. Equally a large open area would be created in the central courtyard between the rear elevations of the dwellings. The positioning of Plots 83 and 84 would be sited further away from the north boundary which would create a positive benefit when viewing the site from the north.
- 14.3.6 There is the fallback position to consider in this case if the buildings were to remain in employment use. Uses within Class B1 tend to require considerable car parking spaces, which would result in the creation of hardstanding areas around the buildings. Indeed, it is likely that each building would require a minimum of 5 car parking spaces and cycle parking facilities which would further encroach into the site.
- 14.3.7 Overall it is considered that the proposed development would not have a greater impact on the openness of the Green Belt or the purposes of including land within it than the existing development and would therefore not be inappropriate development in the Green Belt which would accord with Policy CS10 of the Local Plan Part 1 and Paragraph 89 of the National Planning Policy Framework.

14.4 Residential development in the countryside.

- 14.4.1 Policy DM20 of Local Plan Part 2 relates to new residential development in the countryside and states that additional residential development should only be permitted for affordable housing or agricultural workers dwellings. Core Strategy Policies CS12, CS14, CS15 and CS22 relate to new residential development and in particular allocated affordable housing schemes for local needs in both rural areas on exception sites or on the edge of towns and villages across the District.
- 14.4.2 In assessing the proposal against these policies, the proposed development of Merryfield Park is not supported by one particular policy given the proposal is for both open market dwellings and affordable housing and the site is fairly unique in that it is a large brownfield site located just outside the built up area. The proposal does not accord with Local Plan Part 2 Policy DM20 which does not generally allow for new residential dwellings in the countryside and planning permission would therefore normally be refused for this proposal unless there are material considerations that would justify a departure from policy.
- 14.4.3 Eleven of the existing buildings can be retained for employment purposes (Class B1 Use). A case could be made to either convert or redevelop these buildings into residential purposes. Nevertheless, the proposal does provide 10 affordable type dwellings and the site does not comprise open countryside, but is a previously developed site containing many derelict buildings, which do not positively contribute to the character of the area, where there is an opportunity to make positive enhancements. Accordingly, it is for the District Council to determine whether a proposal for new housing in its area is acceptable in planning terms and for the proposal to be assessed against Paragraph 89 of the National Planning Policy Framework (NPPF), which is considered in greater detail below.

14.5 Retention of employment uses in the countryside.

- 14.5.1 In terms of the loss of employment uses on the site and the provisions of Policy CS21 of the Local Plan Part 1 (Core Strategy), the applicants, who are the current owners of the site do not consider it is suitable to retain the existing employment uses and believe that it would be more appropriate to provide additional housing. The approved application had sought to retain 11 of the existing buildings for employment purposes to enable existing companies operating from Merryfield Park at that time to be re-housed. However, none of the existing buildings are currently used for employment uses and the buildings that remain are in a relatively poor condition.
- 14.5.2 While Policy CS21 seeks to retain existing employment sites in rural areas for continuing employment use, none of the buildings are being used for employment purposes and the overall objective to retain an element of employment on the site is not considered practical. On the basis of changes to national legislation that permit the change of use from employment uses to residential and taking into consideration the suitability of employment situated at the end of a housing development, it is considered that the principle of redeveloping the site for residential

purposes would be acceptable.

14.6 Layout and Design Considerations

14.6.1 The existing buildings on the site do not positively contribute to the character of the area, however, any proposed residential development will need to respect the rural context and close proximity of the site to the New Forest National Park. As such, the proposed development will need to create a high quality development that responds to the sensitive nature of the area.

14.6.2 The approved development to the west of the site has been designed to reflect the rural context of the area and the works that have already been constructed are to a very good standard. Accordingly, it is considered that the proposal will need to reflect the design qualities and concept achieved within the approved development to the west of the site.

14.6.3 The proposed layout seeks to follow the design concept of the previously approved development, incorporating a mixture of cottage styles and Arts and Crafts houses. The trees along Derritt Lane and to the east of the site would be retained and the proposed layout respects the open views from the north. Plot Nos 83 and 84 are slightly lower building forms and would be positioned away from the north boundary of the site with an area of Public Open Space provided on the north east boundary enabling the Public Right Of Way to continue through the site.

14.6.4 The proposed dwellings are shown to be designed to a high standard using appropriate materials. Dwellings are arranged to front onto the roads providing garden groups to the rear. A slightly more intense development of houses would front onto the access from Derritt Lane, but the staggered arrangement of houses would help break up the massing of buildings and allow some space for front gardens and greenery. Reasonably sized rear gardens are provided for the majority of the development, but much smaller garden areas are provided for the proposed one and two bedroom dwellings, which is considered to be acceptable.

14.6.5 Overall, the proposed development has been designed to respect the rural characteristics of the site and create a development that follows the design concept of the approved development already under construction.

14.7 Affordable Housing

14.7.1 In accordance with Core Strategy Policy CS15, the proposed development would need to make an Affordable Housing contribution of 50% of the total number of units proposed. In addition, 35% of the total dwellings should be social rented and 15% of the total dwellings intermediate housing. At least 50% of the affordable housing provided should be family housing.

14.7.2 Of the 22 dwellings that are proposed, 10 dwellings would be private market dwellings, 2 would be replacement dwellings with 10 affordable dwellings. The Affordable Housing Dwellings would comprise 4 Starter

Homes, 4 Shared Ownership Dwellings and 2 would be Affordable Rented Dwellings.

- 14.7.3 While the proposed housing mix does not fully accord with policy CS15, the applicants are seeking to provide 4 Starter Dwellings to accommodate the Government's new initiative to promote the provision of Starter Homes. The Government see Starter Homes as a means to provide low cost homes for qualifying first time buyers and the Government's main objective is for at least 20% of dwellings on major sites to be built as Starter Homes. Starter Homes are a new form of Affordable Housing, and will be offered for sale to qualifying first time buyers between the ages of 23 and 40 at no more than 80% of open market value, capped at £250,000.
- 14.7.4 The Housing and Planning Act 2016 was enacted on 12 May 2016, which is now law. The secondary legislation (meaning Regulations) are needed to bring into force the provisions of the Act. The first set of Regulations came out on 25 May 2016 (The Housing and Planning Act 2016 (Commencement No.1) Regulations 2016) and the second set of Regulations came out on 11 July 2016 (The Housing and Planning Act 2016 (Commencement No.2, Transitional Provisions and Savings) Regulations 2016).
- 14.7.5 The Part of the Act that defines Starter Homes as affordable housing (section 159) has not yet come into force, and accordingly, the Government's current definition of affordable housing does not include Starter Homes. It is the intention that Starter Homes will fall within the definition of Affordable Housing and therefore Starter Homes will count 'as' or 'towards' the overall affordable housing provision. Moreover, under the terms of section 4 of the Act, there is a general duty for Councils to promote the supply of Starter Homes and that will come into force on 1 October 2016 as a result of the second set of commencement regulations. Accordingly, the Government's stance on Starter Homes should be given significant weight.
- 14.7.6 For this reason it is considered that New Forest District Council should support the provision of Starter Homes on this site. While technically this does not accord with our adopted Core Strategy policy CS15, which does not include Starter Homes, it will become a duty of all Councils to promote this form of development from 1st October 2016. This is therefore an ideal opportunity for this Council to welcome the new Government initiative even though it is not technically in force for another few weeks. A proportion of shared equity and rented homes are still retained under this new approach.
- 14.7.7 In balancing out the issues, and in anticipation of the change to the definition of affordable housing, reflecting the Government's general direction of travel on Starter Homes. The proposed housing mix is supported by the Council's Strategic Housing Officer.
- 14.7.8 The affordable housing will need to be secured through a Section 106 Agreement. As it stands the Section 106 Agreement is being progressed with the applicant.
- 14.8 Habitat Mitigation
- 14.8.1 The site is within approximately 1km of the New Forest Site of Special

Scientific Interest which is part of the New Forest Special Area of Conservation. The site is also within 2.5 km of the New Forest Special Protection Area (SPA/RAMSAR). The eastern boundary of the application site borders the New Forest National Park. The proposed dwellings would be in close proximity to the New Forest SPA and delivery of effective mitigation is required to ensure adverse effects are avoided and this is set out in Policy DM3. The Council have assessed the proposal against the impact on the New Forest National Park in accordance with Section 62 of the Environment Act 1995.

- 14.8.2 Policy DM3 of the Local Plan Part 2 requires the recreational impacts of new developments on the New Forest European Nature Conservation Sites and the Solent Coast European Nature Conservation Sites to be adequately mitigated. As set out in Policy DM3, for a residential development of less than 50 dwellings there is no requirement to provide on site habitat mitigation. Normally, the requirement would be either to contribute to funding the Council's suite of mitigation projects, or provide a mitigation project to mitigate the impact of the proposal.
- 14.8.3 In accordance with the Habitat Regulations 2010 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard.
- 14.8.4 Moreover, it is considered that the development's impact on the National Park would be very limited and the proposal would not harm the landscape importance and qualities of the National Park. The increase in traffic generation compared to the approved employment uses would be minimal, and the majority of any traffic generated would be into Bransgore or towards Sopley and not through the local forest roads. The existing approved employment buildings along the eastern end of the site would be replaced with residential and accordingly, it is not anticipated that further development would encroach close to the National Park.
- 14.9 Public Open Space
- 14.9.1 In accordance with Policy CS7, the proposed development would have to make provisions towards public open space. As the development site is in excess of 0.5 hectares, appropriately designed informal public open space and children's play space should be provided on the site
- 14.9.2 The proposed layout would provide an area of informal public open space which could include children's play to the north east of the site. An additional area of public open space would be provided to the south of the site. Based upon the proposed population, the proposed development will provide sufficient public open space that would accord with Policy CS7.

- 14.9.3 The proposed on site public open space and maintenance contributions would need to be secured through a Section 106 Agreement and the land transferred to New Forest District Council or other body. As it stands the Section 106 Agreement is being progressed with the applicant.
- 14.10 Arboricultural Considerations
- 14.10.1 The submitted illustrative layout plan and tree protection plan suggests that all of the key protected trees will be retained, and that dwellings could be set sufficiently far away from these trees as not to compromise the future health of these trees. Therefore, subject to conditions, the proposal would be acceptable from an arboricultural perspective.
- 14.11 Residential Amenity Considerations
- 14.11.1 With regard to residential amenity, the two neighbouring residential properties which could be impacted upon are No 92 Merryfield Park and Rose Cottage. The relationship of proposed unit 84 to No 92 would be acceptable. No first floor windows are proposed on the side elevation facing No 92. In terms of Rose Cottage, this property fronts onto Derritt Lane and bounds the eastern boundary of the site. The proposed unit No 85 is sited a sufficient distance away from Rose Cottage not to impact on their light or outlook. Three roof lights are proposed on the rear elevation, however the distance from these windows to the boundary of Rose Cottage measures more than 17 metres, which is acceptable. However, the proposed first floor side window on the side elevation which serves a bathroom will need to be fitted with obscure glass to maintain a reasonable level of privacy.
- 14.11.2 The proposed dwelling on unit 89 would be sited close to Rose Cottage. Although there are some trees along the common boundary, the proposed dwelling on unit 89 is sited a sufficient distance away from the rear elevation of Rose Cottage. The proposed first floor windows on the rear elevation would have oblique views into the rear of Rose Cottage approximately 15 metres from the common boundary, which is considered to be a reasonable distance.
- 14.11.3 Accordingly, it is considered that the proposal would not have any adverse impact on the living conditions of the neighbouring properties, and overall the proposed use of the site for residential purposes would have a better relationship compared to the approved employment uses.
- 14.12 Highways
- 14.12.1 The Highway Authority do not raise any objections to the proposal to use the approved emergency access as a secondary access into the site. The visibility splays are acceptable and there are no objections to two entrances into the site. Indeed, the creation of the footpath along the eastern end of the site which involves the narrowing of Derritt Lane would reduce the speed of traffic at this point.

- 14.12.2 In terms of car parking, the level of car parking throughout the site accords with the Councils adopted supplementary planning document. The majority of the dwellings provide in excess of the recommended provision, although a small number of units are slightly below the recommended provision this would be reasonable.
- 14.13 Drainage & Flooding issues
- 14.13.1 The application site is within Flood Zone 1, and is therefore within a low flood risk area. A Flood Risk Assessment and Drainage report has been submitted with the application. The applicants have indicated that they intend to dispose of surface water through a Sustainable Drainage System (SUDS) and they have also submitted a Flood Risk Assessment to support their proposals. The County Council Flood and Water Management Team have considered this document. They indicate that the general principles for the disposal of surface water are acceptable. More information will also be needed on the final drainage design together with details on maintenance and this can be dealt with by conditions.
- 14.14 Other matters
- 14.14.1 The Ecologist raises no objections and considers that the ecology report submitted is adequate given the planning context of the development and previous survey work at the site. A range of measures are proposed to mitigate impacts on protected species and these will require careful timetable and management if plans for development proceed. As the efficacy of the measures relates to their effective implementation and coordination with site works it would be desirable for a pre-commencement condition to enable the Council to ensure final details are appropriate and that they provide sufficient management of operations.
- 14.14.2 Comments have been received from Hampshire County Council (HCC) Minerals and Waste Department, which state that the site is within a mineral safeguarding area and that there are potentially viable mineral deposits. HCC have recommended conditions so that minerals that can be viably recovered during the development operations and brought to use and a method statement required to record the quantity of recovered mineral. However, it would now be unreasonable to seek such a condition at this stage on this site (0.7 hectares), when the remainder of the site is currently being developed for housing with no requirement to recover minerals.
- 14.14.3 In terms of drainage, it is proposed that the foul drainage would be directed into the existing foul sewer system in the Wiltshire Gardens pumping station which is operated by Wessex Water. To date, Wessex Water has not commented on the proposal. However, as part of the approved development under application 11408, a pumping station would be constructed to deal with the additional capacity from the proposed development. In addition, there will be no surface water connections to the public foul sewerage systems and surface water will be drained via Sustainable Urban Drainage Systems.
- 14.14.4 Concerns have been expressed that the proposed development would put greater pressure on the amenities in the area such as schools and

doctors. It is accepted that the provision of additional houses will put pressure on the local amenities in the area, however, the creation of 20 additional dwellings is not considered to be such an excessive scale of development to result in significant pressure on these facilities and equally, there could be wider benefits to local shops and businesses in the area which are likely to receive additional customers

14.14.5 In terms of contamination, the Environmental Health Officer considers that a site investigation is required to characterise the site regarding potential contamination to ensure that the site is suitable for the proposed use. Also many of the buildings are derelict and are thought to have Asbestos Containing Material (ACM) incorporated in them. In order to prevent contamination of the site, surrounding highways and to prevent harm to surrounding residents, receptors and future site users, submission of information relating to asbestos identification, management and/or safe certified removal, depending on the nature, type and condition of the ACM's on the site will be required. The main regulatory interest is in ensuring that all licensed and notifiable non-licensed work with asbestos is carried out with the appropriate controls and training in place, to protect the environment and others in the area from the risks to health that exposure to asbestos causes. Accordingly, the Environmental Health Officer raises no objection to the principle of the proposed development subject to the imposition of contaminated land conditions.

14.15 Conclusion

14.15.1 In summary, the proposed development to replace the existing buildings which were previously approved to be retained as employment uses with new dwellings would be acceptable and would comply with the Green Belt test set out in the NPPF. The proposed layout and design would be appropriate in this rural context and there will not be any adverse impact on residential amenity, trees, ecology or public highway safety. A Section 106 Agreement is required to secure the affordable housing mix to include starter homes, the on site public open space and habitat mitigation (non infrastructure).

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

Section 106 Contributions Summary Table

| | | | |
|-----------------------------|--------------------------------|-------------------------------------|-------------------|
| Proposal: | | | |
| Type of Contribution | NFDC Policy Requirement | Developer Proposed Provision | Difference |
| Affordable Housing | | | |
| No. of Affordable dwellings | 10 | 10 | 0 |
| Financial Contribution | | | |

CIL Requirements

| Type | Proposed Floorspace (sq/m) | Existing Floorspace (sq/m) | Net Floorspace (sq/m) | Chargeable Floorspace (sq/m) | Rate | Total |
|-----------------|----------------------------|----------------------------|-----------------------|------------------------------|---------|-------------|
| Dwelling houses | 2488.35 | 153 | 1825.35 | 1825.35 | £80/sqm | £152,206.11 |

Affordable = 510 square metres

| | |
|----------------|-------------|
| Subtotal: | £194,732.26 |
| Relief: | £42,526.15 |
| Total Payable: | £152,206.11 |

* The formula used to calculate the amount of CIL payable allows for changes in building costs over time and is Index Linked using the All-in Tender Index Price published by the Build Cost Information Service (BICS) and is:

$Net\ additional\ new\ build\ floor\ space\ (A) \times CIL\ Rate\ (R) \times Inflation\ Index$

15. RECOMMENDATION

That the Service Manager Planning and Building Control be **AUTHORISED TO GRANT PERMISSION** subject to:

- i) the completion, by the 30th October 2016, of a planning obligation entered into by way of an Agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure Affordable Housing contributions on site, On-site public open space with maintenance contributions, and Habitat Mitigation non infrastructure Contribution.
- ii) the imposition of the conditions set out below.

BUT, in the event that the Agreement is not completed by 30th October 2016, the Service Manager Planning and Building Control be **AUTHORISED TO REFUSE PERMISSION** for the reasons set out below.

Reason(s) for Refusal:

1. The proposed development would fail to make any contribution toward addressing the substantial need for affordable housing in the District. The proposal would therefore conflict with an objective of the Core Strategy for the New Forest District outside the National Park 2009 and with the terms of Policies CS15 and CS25 of the Core Strategy.

2. The proposed development would fail to make any contribution to enhance or create off-site provision and management of public open space to meet the needs of the occupants of the development for public open space. The proposal would therefore be contrary to an objective of the Core Strategy for the New Forest District outside the National Park 2009 and with the terms of Policies CS7 and CS25 of the Core Strategy.

Conditions to be attached to any consent:

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

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

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

15.295/SS-01-1 Rev C, 15.295/SL-01 Rev J, 15.295/SS-01-2 Rev C, 15.295- GA-01, 15.295-GA-02, 15.295-B4.1-02, 15.295-B4.1-01, 15.295-B2.1-04, 15.295-B2.1-03, 15.295-B2.1-02, 15.295-B2.1-01, 15.295-H11.2-02, 15.295-H11.2-01, 15.295-H11.4-02 Rev B, 15.295-H11.4-04 Rev B, 15.295-H11.4-03 Rev B, 15.295-H13.1-02 Rev C, 15.295-H13.1-01 Rev C, 15.295-H15.3-02 Rev C, , 15.295-H15.3-01 Rev C, 15.295-S01.1-02 Rev A, 15.295-S01.1-01 Rev A, 15.295-S05-02 Rev B, 15.295-S05-01 Rev B, 15.295-S02.2-02 Rev A, 15.295-S02.2-01 Rev A, 15.295-S02.1-02 Rev A, 15.295-S02.1-01 Rev A, 15.295/SL-02 Rev D, 15.295/TP-01 Rev C, 15.295/RP-01 Rev B, 15.295/SL-01 Rev J, 15.295/LP-01, 15.295-ED-01, 15.295/RP-01 Rev B, 043.0006.003, 043.0006.002, 15.295/MP-01, 15.295/op Rev C

Reason: To ensure satisfactory provision of the development.

3. The dwellings and garages shall only be constructed from the materials as detailed on plan 15.295/MP-01 unless otherwise agreed by the Local Planning Authority.

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

4. The dwellings and garages hereby approved shall be constructed in accordance with the slab levels in relationship to the existing ground levels as set out on drawing 15.295/SP-01 unless otherwise agreed in writing by the Local Planning Authority. Development shall only take place in accordance with those details which have been approved.

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

5. The development hereby permitted shall not be occupied until the spaces shown on plan 15.295/SL-01 Rev J for the parking and garaging of motor vehicles have been provided. The spaces shown on plan 15.295/SL-01 Rev J for the parking and garaging of motor vehicles shall be retained and kept available for the parking and garaging of motor vehicles for the dwellings hereby approved at all times.

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

6. The trees on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted ACD Arboricultural Impact Assessment, Method Statement (ref BELL20505aia_ams Rev A) the recommendations as set out in BS5837:2012.

Reason: To ensure the retention of existing trees and natural features and avoidance of damage during the construction phase in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

7. Prior to the commencement of development, and in accordance with the submitted Abbas Ecology Report dated April 2016, a detailed biodiversity, mitigation and enhancement strategy shall be submitted to, and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the details and recommendations as approved in the strategy with any amendments agreed in writing. Thereafter, unless otherwise agreed in writing by the Local Planning Authority, the mitigation measures shall be permanently maintained and retained in accordance with the approved details.

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

8. 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.

9. The boundary treatment, enclosure details and hard landscaping details including roads and footpaths throughout the site shall only be constructed and carried out in accordance with the details shown on Drawing No's 15.295/SL-01 Rev J, 15.295-ED-01 Rev A unless otherwise agreed by the Local Planning Authority.

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

10. Before development commences (excluding the demolition of the existing buildings), a detailed 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) for the whole site including individual dwellings;
- (c) the detailed design of all areas of public open space to include details of the play equipment and the boundary treatments to these areas
- (d) the details of a landscape management and maintenance plan
- (e) a method and programme for its implementation and the means to provide for its future maintenance.
- (f) details of any external lighting or street lighting
- (g) details of the wooden bollards

The development shall only take place in accordance with the approved details.

Reason: To ensure that the development takes place in an appropriate

way and to prevent inappropriate car parking to comply with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

11. All planting, seeding or turfing comprised in the approved details of landscaping as set out in condition 10 shall be carried out in the first planting and seeding seasons following the occupation of the 10th dwelling or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.

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

12. 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 13 to 15 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 16 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).

13. 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).

14. 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).

15. 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).

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS5 of the 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).

17. A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of [x] years (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).

18. Before the construction progresses above slab level, and notwithstanding the submitted elevational plans, the precise window design details to include details of window heads, cills and reveals shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development. Development shall only take place in accordance with those details which have been approved.

Reason: To ensure the scheme is of an appropriately high design quality and sympathetic to its rural edge context, in accordance with Policy CS2 of the Core Strategy for New Forest District outside of the National Park.

19. No development shall commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

The development shall only take place in accordance with the approved Written Scheme of Investigation including the requirements set out under 1-6 of this condition. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation and requirements set out in 1-6 of this condition and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: The development is located in an area of archaeological significance where the recording of archaeological remains should be carried out prior to the development taking place in accordance with Policy DM1 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

20. The first floor window on the side [east] elevation of the approved dwelling identified as unit 85 and the first floor window on the side [south] elevation of the approved dwelling identified as unit 89 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).

21. Notwithstanding the submitted Escher Silverman Flood Risk Assessment reference ES1516/FRA-PH2-C, and prior to commencement of development (excluding the demolition of the existing buildings) details of the means of disposal of surface water from the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved details.

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

22. Before development commences (excluding the demolition of the existing buildings) details of the means of the future maintenance of the watercourse within or on the boundary of the site and / or proposed drainage assets, sustainable urban drainage system etc shall be submitted to and approved in writing by the Local Planning Authority. The maintenance arrangements must be confirmed to planning by the applicant prior to occupation of the penultimate dwelling / building.

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

Notes for inclusion on certificate:

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 concerns raised by Officers in relation to the layout were addressed through successful negotiations and the submission of revised plans.

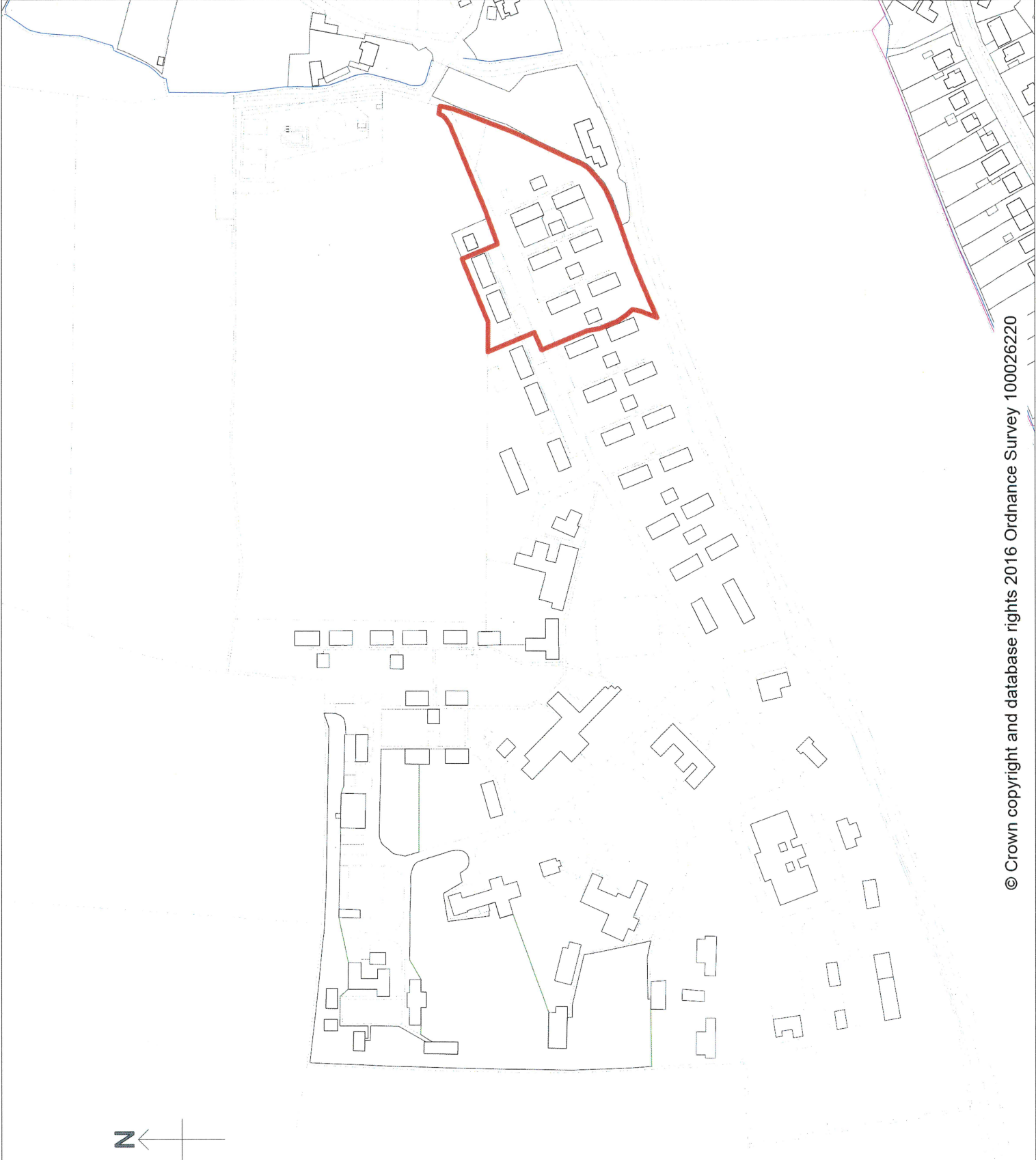
In discharging condition No 6 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/>

This decision relates to amended plans received by the Local Planning Authority on the 2nd and the 19th August 2016

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



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Application Number: 16/10689 Full Planning Permission

Site: 15 ST THOMAS STREET, LYMINGTON SO41 9NB

Development: Use as hot food takeaway (Use Class A5); extraction/ventilation equipment; external alterations; shopfront; rear door; shed

Applicant: Yasmin Reilly

Target Date: 19/09/2016

Extension Date: 31/08/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up area
Town Centre Boundary
Lymington Conservation Area
Primary Shopping Area
Archaeological Site

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

CS2: Design quality
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
CS5: Safe and healthy communities
CS10: The spatial strategy
CS20: Town, district, village and local centres
CS24: Transport considerations

Local Plan Part 2 Sites and Development Management Development Plan Document

DM1: Heritage and Conservation
DM15: Secondary shopping frontages

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

Lymington Local Distinctiveness
Shopfront Design Guide

6 RELEVANT PLANNING HISTORY

- 6.1 11/98123: Granted: 2 March 2013
Variation of condition 4 of planning permission 11/97285 to read "activated carbon units by Longar Industries with TCBB X2 axial fan as detailed in literature"
- 6.2 12/98155: Granted: 2 March 2013
Variation of condition 5 of planning permission 11/97285 to read "the food prepared at the premises shall be grilled meats, potato products pizzas, salads and associated items"
- 6.3 11/97285: Granted: 14 November 2011
Use as hot food take away (Use Class A5)

7 PARISH / TOWN COUNCIL COMMENTS

Lymington and Pennington Town Council: Recommend refusal - Support the observations of the Case Officer and note the issues of proposed use of rear door raised by neighbour.

8 COUNCILLOR COMMENTS

No comments received

9 CONSULTEE COMMENTS

- 9.1 Land Drainage: no comment
- 9.2 Hampshire County Council Highway Engineer: no objection (no conditions)
- 9.3 Environmental Health: no objection subject to conditions
- 9.4 Conservation Officer: no objection to amended plans
- 9.5 Archaeologist: no objection subject to condition/ informative

10 REPRESENTATIONS RECEIVED

- 10.1 5 letters received raising the following comments/ objections;
- The restaurant has failed twice as La Primevera & The Buffalo Steak House;
 - Food hygiene in respect of previous eateries has been poor thus the question is posed regarding the scope of the conversion works proposed;

- There are several takeaways in Queen Street open until late and another is not required;
- The property backs onto the pub grounds and a rear door would potentially open onto pub grounds;
- Objection to removal of the wooden shopfront;
- There is no right of way over the Kings Arms land which allows access for deliveries or rubbish removal and the Kings Arms would not grant such access. The existing gate is an informal arrangement for emergency use only. Further, the entrance gates to this area are only open during pub trading hours.

11 CRIME & DISORDER IMPLICATIONS

n/a

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

In this case, the agent has been contacted and revised plans have been submitted allowing the retention of the existing shopfront and a smaller external store.

14 ASSESSMENT

Introduction

- 14.1 The application seeks planning permission for the change of use of 15 St. Thomas Street, Lymington to allow a hot food take away (Class A5); it is understood that this would comprise a pizza take away. The take away would be open between 10am and 11pm daily and would provide approx. 35 jobs (full and part time). The proposal would also allow the creation of a level access to the premises, extraction equipment and the siting of an external store.
- 14.2 The application relates to the ground floor of a 3 storey terrace building on the south side of St. Thomas Street. The site is within the Lymington Conservation Area. The site also falls within the Primary Shopping Area and is designated as a Secondary shopping frontage.
- 14.3 Amended plans form a part of this planning application allowing retention of the existing shopfront (a replacement shopfront was originally proposed) and a smaller external store building to the rear.

Planning History

- 14.4 The premises are currently empty but benefit from an A3 (restaurants and cafes) use having been previously occupied by La Primavera; it is understood that this Italian restaurant closed in September 2015.
- 14.5 Previously planning permission was granted for an A5 use on 14 November 2011 (ref 11/97285). This permission was subject to 7 conditions inclusive of conditions restricting use to pizza products (subsequently varied under 12/98155) and limiting the opening hours to between 10.00 hours and 23.00 hours.
- 14.6 A hot food take away (use class A5) can lawfully convert to a restaurant (use class A3) without the need for planning permission and therefore the current use of the site as a restaurant is lawful.

Principle of Development (Change of use)

- 14.7 The premises lies within a secondary shopping frontage the policy for which cites that the development, improvement or expansion of retail and appropriate non-retail uses will be permitted in addition to the change of use of retail premises to appropriate non-retail uses. 'Appropriate non-retail uses' in town centres and local shopping frontages include cafes, bars and restaurants.
- 14.8 It is considered that this current application would accord with this policy given that the proposal would be likely to generate similar customer activity/business. It would also be more difficult to withhold planning permission given the relatively recent planning permission that was granted for an A5 use.
- 14.9 For the above reasons, and despite the concerns raised with regards to the need for a further late night take away, it is considered that there can be no sustainable objection to this proposal.

Visual Amenity/ Conservation Area

- 14.10 Although unlisted, 15 St Thomas Street is within the historic core of the Lymington Conservation Area and retains features of note; in particular the shop front with its slim fascia and detailed tops to the window frames that include curved sections and moulded frames and cills. This style of decoration is a common feature within windows in the Lymington Conservation Area and which contribute to the character of the Conservation Area. Further, the shop front contains a pleasing recessed door which breaks up the frontage and is mentioned within the Shop front design guide as a feature to be preserved within Conservation Areas.
- 14.11 Comments from the Conservation Officer advise that the change of use raises no objection, while the proposals for the rear of the building show no changes to the historic fabric and would not be visible from the street scene. The extractor fans would be slightly larger but would not affect the character of the Conservation Area or the character of the surrounding buildings. Subject to the grills for the extractors being painted black and retained as such in perpetuity, there is no conservation based objection to this element of the scheme, with these elements of the proposal also considered acceptable from a visual amenity viewpoint.
- 14.12 The originally proposed changes to the shopfront with a new shopfront proposed were considered to be wholly unacceptable and as such, amended plans have been received allowing the retention of the existing shopfront with the only change now being the removal of the entrance step to provide a level access. The agent has clarified that the existing door would be retained with 90mm of timber added to the bottom and on this basis, the Conservation Officer advises that this element of the proposal is considered to be acceptable with no associated condition required.
- 14.13 The replacement shed/ store to the rear would be timber clad, well screened by the existing boundary walls and would allow removal of the existing structure which is in a poor state of repair. Nevertheless, there was concern with regards to the size of the building which is in a position that would typically provide for a smaller ancillary outbuilding. Further to discussions with the agent, the size of this building has been reduced and this helps to address these concerns, albeit a further reduction would have been welcomed. Nonetheless, given the more discreet position of the building, it is considered that any associated objection would be difficult to sustain.

Environmental Health

- 14.14 The applicant has submitted a noise report further to initial objections raised by the Environmental Health Officer in relation to mitigating noise/ vibration from the proposed change of use. In the event that planning permission is granted, the Environmental Health Officer has requested a condition requiring that the noise and vibration mitigation schemes be implemented and maintained.
- 14.15 Further conditions are requested to ensure that the ventilation system is installed in accordance with these additional submitted details and also limiting the food prepared to pizza/ pasta type dishes given that

the ventilation system abatement equipment is commensurate with mitigating the cooking odours from this type of food. It is noted that this reflects the condition applied at the time of the previous planning permissions.

- 14.16 Conditions are also requested in respect of opening hours (as per the previous planning permission and the application details) and deliveries. Subject to these conditions, no objection has been raised.

Residential Amenity

- 14.17 There is residential accommodation contained above the application site and further residential accommodation in the upper floors of surrounding buildings. It is also understood that the Kings Arms Hotel provides bed and breakfast accommodation.
- 14.18 Having regard to the proposed change of use, it is considered that it would be difficult to withhold planning permission given the town centre location of the site, previous planning permissions and subject to the above conditions which would help to safeguard residential amenity.
- 14.19 In considering the rear storage building, this is large in size but would be set between the flanking boundary treatments which would help to screen views. It would also be set apart from the frontage buildings and would be single-storey (with the majority of surrounding residential accommodation understood to be above ground floor). Therefore, it is not considered that any significant adverse impact in residential amenity would be caused to those residents along St. Thomas Street.
- 14.20 There is further residential accommodation to the rear of the site with dwellings within Wykeham Place. These are two-storey properties which are set apart from the site by virtue of the associated garage block between; this provides a buffer between the dwellings and the site. It is considered that this garaging would significantly limit views of the outbuilding while given the distance between the main premises and these dwellings, it is not considered that any significant adverse impact on residential amenity would be caused.

Highway Safety

- 14.21 Comments from Hampshire Highways advise that none of the proposals would have an adverse affect on the safety and convenience of users of the adjacent highway and no highway objection has been raised (with no conditions required). Further to the comments received in respect of this planning application, Hampshire Highways have also confirmed that their comments were not contingent on the access through the pub car park to the rear of the gate being available.

Archaeology

- 14.22 Given the location of the site within Lymington and its potential archaeological sensitivity (i.e. new foundations and lowering of floor inside, combined with any new drains etc), the Archaeologist has recommended a condition and informative note is attached to any planning permission which is granted.

Conclusion

- 14.23 In conclusion, it is considered that the proposed development would be appropriate in this location having regard to the planning history, with no adverse implications for neighbours.

Human Rights

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

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. Before development commences, samples or exact details of the facing and roofing materials of the external store 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 and policy DM2 of the Local Plan Part 2: Sites and Development Management.

3. The A5 (takeaway) use hereby approved shall operate between the hours of 10:00 and 23:00 only.

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

4. No deliveries, except for the delivery of food to customers, shall be made other than between the hours of 07:00 to 18:00 on Mondays to Saturdays and 08:00 and 16:00 on Sundays and Bank Holidays (with customer deliveries restricted to 10.00 - 23.00).

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

5. Prior to the first use of the A5 (take away) use hereby approved, the noise and vibration mitigation schemes stated in the submitted acoustic report (reference 16092-002-July 2016) shall be implemented and thereafter retained and maintained. The noise limit values stated in the above mentioned acoustic report shall not be exceeded.

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

6. Prior to the first use of the A5 (take away) use hereby approved, the ventilation system shall be installed in accordance with the submitted scheme (report reference C5080 dated 05 May 2016) and thereafter retained, used and maintained.

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

7. The cooking type at the premises shall be restricted to pizza products, pastas, salads and associated items. No other food types shall be cooked without the prior written approval of the Local Planning Authority.

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

8. A) No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of

Investigation.

- B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).
- C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: The development is located in an area of archaeological significance where the recording of archaeological remains should be carried out prior to the development taking place in accordance with Policy DM1 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

- 9. External grills on the rear of the building shall be painted matt black and thereafter retained as such in perpetuity.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the Conservation Area all to accord with policy CS2 of the Core Strategy for the New Forest District outside the National Park and policy DM2 of the Local Plan Part 2: Sites and Development Management.

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

Ground, First, Second Floor Plans, Sections & Elevations As Existing; drg no. A118/EX/01 Rev A; Proposed Floor Plans; drg no. C5080-A5-03 Rev C; Proposed Elevations; drg no. C5080-A5-04 Rev C; Block Site Plan; drg no. C5080-A5-06 Rev B, Site Location Plan drg. no. C5080-A5-05; Cold Room Compressor drg. no. CR3.

Reason: To ensure satisfactory provision of the development.

Notes for inclusion on certificate:

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

In this case, the agent submitted revised plans allowing the retention of the existing shopfront and a smaller external store.

2. This decision relates to amended / additional plans received by the Local Planning Authority on 4 August 2016.
3. The Written Scheme of archaeological investigation will need to address an appropriate level of archaeological investigation as part of an archaeological mitigation strategy of all below ground excavated trenches. Within the shop front area especial attention will be needed to ensure that as and when the concrete floor is broken out, that in the event that it sits directly on archaeological deposits, the archaeological evidence is not unnecessarily disturbed and that sufficient time and resources are provided to undertake an appropriate level of archaeological recording.

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



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Application Number: 16/11014 Full Planning Permission

Site: 21 REDWOOD CLOSE, DIBDEN PURLIEU, HYTHE SO45 5SN

Development: First floor side extension

Applicant: Mr & Mrs Wilson

Target Date: 12/09/2016

1 REASON FOR COMMITTEE CONSIDERATION

Applicant is a member of staff

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Plan Area

Plan Policy Designations

Built-up Area

National Planning Policy Framework

Section 7

Core Strategy

CS2: Design quality

CS24: Transport considerations

Local Plan Part 2 Sites and Development Management Development Plan Document

No relevant documents

Supplementary Planning Guidance And Documents

No relevant documents

3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

4 RELEVANT SITE HISTORY

No relevant history

5 COUNCILLOR COMMENTS

No Comments Received

6 PARISH / TOWN COUNCIL COMMENTS

Hythe & Dibden Parish Council: Recommend refusal. The extension is un-neighbourly through its height and bulk. The impact on the neighbouring property will be significant because it will create a tunnelling effect and darken this part of the property. It will be potentially oppressive to the neighbours.

7 CONSULTEE COMMENTS

No Comments Received

8 REPRESENTATIONS RECEIVED

20 REDWOOD CLOSE

Objection on the following grounds (summary) (original plans)

- overbearing impact
- does not respect character of area
- overhang of side window
- loss of light and overshadowing
- loss of privacy and overlooking

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 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.

Following discussions with the agent amended plans were received to reduce the depth of the front gable addition and change the opening on the first floor side window. The description was also changed from two storey side extension to first floor side extension. No specific further actions were required and the revised plans were not considered to be material enough to require re-consultation to be undertaken in this instance.

12 ASSESSMENT

- 12.1 The property is located within a small cul de sac of similar properties. To the side is an attached garage which forms the boundary with the neighbour at number 20.
- 12.2 The main considerations when assessing this application are the impact on the neighbouring property and the street scene.
- 12.3 The neighbour at number 20 has a narrow passageway alongside the shared boundary. This neighbour has objected to the proposed addition in that it would have an overbearing impact due to the height and proximity. While the addition of a first floor above the garage would create a high boundary treatment it would be alongside the side passageway which is already compromised by the existing built form. The neighbour does have a fairly large garden and while it is accepted that there would be an impact from the additional building height it would only be to a limited area of their amenity space and is therefore considered acceptable.
- 12.4 The neighbour at number 20 has also objected in terms of loss of light and overshadowing. They have a window on the side elevation facing the application site which is fairly low down on the first floor. This window is obscure glazed and serves a staircase. Currently when opened it has views of the garage roof. The proposed addition would be to the north of this neighbour and, given that this neighbour's side window is not to a main room and is obscurely glazed, the impact on their amenity in terms of their outlook and overshadowing would be acceptable.
- 12.5 The proposed side and rear windows are shown on the plans as obscure glazed with only high level opening and therefore there would not be a loss of privacy for the neighbouring property. The proposed side window would be positioned on the shared boundary and the agent has provided amended plans to indicate that the top window opens inwards so that it does not open over the neighbour's boundary.

- 12.6 The front of the proposed extension would include a gable element which would be further forward than the current front elevation. While there are other properties with similar style frontages they do not protrude very far forward. An amended plan has been provided to reduce the depth of this front protrusion to limit its visual impact. As such it is now considered to be acceptable in its impact on the street scene and overall character of the area.
- 12.7 Comment has also be raised by the neighbour at number 20 concerning the change to the design and character of the houses, that it would be an overdevelopment of the site and result in the need for extra parking. The properties in the immediate vicinity extend almost across the full width of their plots and there are not distinctive gaps between each dwelling. The loss of the spatial gap above the garage from the proposed extension would not have a detrimental impact on the spatial characteristics of the street.
- 12.8 The proposal would result in an extra bedroom but there is still space for parking within and to the front of the garage along with roadside parking. Overall the resulting dwelling would be in keeping with other properties and would not have a significant impact on the local area. Therefore the application is recommended for approval.
- 12.9 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.

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: WILS012 & WILS013

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.

Following discussions with the agent amended plans were received to reduce the depth of the front gable addition and change the opening on the first floor side window. The description was also changed from two storey side extension to first floor side extension. No specific further actions were required.

2. This decision relates to amended plans received by the Local Planning Authority on 13th August 2016

Further Information:

Householder Team
Telephone: 023 8028 5345 (Option 1)



Application Number: 16/10780 Outline Planning Permission

Site: Land east of STEM LANE & north of GREAT WOAR COPSE,
NEW MILTON

Development: Single chapel crematorium; parking; landscaping (Outline
application with details only of access)

Applicant: New Forest Crematorium Company Ltd

Target Date: 16/09/2016 **Extension Date:** 16/09/2016

1 REASON FOR COMMITTEE CONSIDERATION

The application constitutes a departure from the provisions of the Development Plan, which seek to protect Green Belt.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside outside the New Forest
Green Belt
Great Woor Copse Site of Importance for Nature Conservation (SINC)

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

CS1: Sustainable development principles
CS2: Design quality
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
CS4: Energy and resource use
CS5: Safe and healthy communities
CS6: Flood risk
CS8: Community services and infrastructure
CS9: Settlement hierarchy
CS10: The spatial strategy

Local Plan Part 2 Sites and Development Management Development Plan Document

NPPF1: National Planning Policy Framework – Presumption in favour of sustainable development
DM2: Nature conservation, biodiversity and geodiversity

National Planning Policy Framework

NPPF Ch. 4 - Promoting sustainable transport
NPPF Ch. 9 - Protecting Green Belt Land
NPPF Ch. 11 – Conserving and enhancing the natural environment

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

Parking Standards Supplementary Planning Document (SPD)

6 RELEVANT PLANNING HISTORY

No relevant history, although the applicant sought the Council's pre-application advice on the form of development proposed here. An Environmental Impact Assessment (EIA) Screening Opinion was also provided by the Council on the proposal.

7 PARISH / TOWN COUNCIL COMMENTS

NEW MILTON TOWN COUNCIL - Acceptable subject to comments made by the Highways Authority.

8 COUNCILLOR COMMENTS

Councillor Steve Davies: supports this application as local Councillor and also as a resident of Bashley Ward. This part of the New Forest will benefit hugely from this development and provide a service to our community. Concerns over possible impact on local residents have been mitigated.

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Authority – no objection subject to conditions and a Section 278 Agreement to secure the right turn lane.
- 9.2 Land Drainage Section – As a Major Development the lead local authority (Hampshire County Council) should see it, as well as the Environment Agency.
- 9.3 Hampshire County Council Drainage Authority – Having reviewed the Revised Drainage Strategy are satisfied that the general principles for the surface water drainage proposals are acceptable, subject to further information being submitted as part of a more detailed design phase. Also give informatives.
- 9.4 Environment Agency – No objections, but give informatives.
- 9.5 Environmental Health (Pollution) - Following discussions with the supplier of the proposed cremator equipment, there should not be any adverse impact on noise sensitive premises in the vicinity. However, it should be noted that the Noise Rating Level from the site must not exceed +5dB above the Background Level (LA90) at the boundary of the nearest noise sensitive premises in accordance with BS4142:2014 during the daytime period to avoid adverse impact. If the applicant is considering operating during night-time hours, further consideration and assessment would be required. The submitted Air Quality Assessment is based on emission data with the 'cremators' operating 7 hours a day, 5 days per week. Should the cremator's

operating hours (not to be confused with the Crematorium operating hours) exceed these times, then the Air Quality Assessment requires updating to take into account any extended hours and the likely impact on local air quality. Furthermore, the operation of a crematorium will be subject to an Environmental Permit issued by the Local Authority in addition to the agreed planning permission, which will regulate the emissions to atmosphere in accordance with Statutory Guidance issued by DEFRA. Section 5 of the Cremation Act 1902 requires that: 'No crematorium shall be constructed nearer to any dwelling-house than two hundred yards, except with the consent, in writing of the owner, lessee and occupier of such house, nor within fifty yards of any public highway, nor in the consecrated part of the burial ground of any burial authority.'

- 9.6 Tree Officer – The site is an agricultural field with an area of Ancient Woodland to the South and boundary trees and hedgerow around the remainder. The new driveway is situated along the existing field boundary trees and hedgerow to the north. The root protection of these trees/hedge has been taken into account by creating a naturalised grass verge next to the driveway. The landscape masterplan (ref 613-03) shows the development at a suitable distance from the ancient woodland, hedgerows and field boundary trees and illustrates the root protection area for all trees to be retained. Tree work specified for the completion of the development is minor, limited to pruning/felling to install the new access driveway and will be mitigated through further tree planting. The overall layout of the development works well with the shape of the site and the proposed layout will not have any major arboricultural impact. The proposed tree planting would increase current tree cover in the interior of the site while expanding the woodland further into the site. The exact specifications of this planting should be provided, detailing the size, species and location of the trees, which may be secured by condition. No objection subject to condition.
- 9.7 Ecologist - The submitted ecology report establishes the likely habitat value of the area and makes recommendations for protected species surveys to inform further design stages as their presence cannot be ruled out. It is likely it would be possible to use layout or method statements to avoid harm and provide the mitigation and enhancement to ensure accordance with local and national planning policy and law. Further survey work and associated details of mitigation and enhancement can be adequately addressed through a suitable condition or reserved matters. No objection subject to condition.
- 9.8 New Forest National Park Authority - Comments awaited
- 9.9 Southern Electricity – No objections, but give informative.
- 9.10 Southern Water – No objections, but give informatives.
- 9.11 Southern Gas Networks - No objections, but give informatives.

10 REPRESENTATIONS RECEIVED

One hundred and three representations and a petition bearing the names of one hundred and twenty five individuals have been received objecting to the proposal on the following grounds:

- Restrictions imposed by the National Park should not result in inappropriate

development within New Forest District.

- The proposal will result in an unacceptable level of traffic generation
- The proposal will detract from use of the surrounding land for walking and cycling
- The proposal is too close to existing housing and a school
- Existing crematoria are sufficient to meet current needs
- Detriment to wildlife
- Loss of green space
- Inappropriate development in the Green Belt
- Harmful visual impact
- Alternative sites are available, such as Hinton Woodland Burial Ground
- Noise pollution
- Increased air pollution and associated health risks
- Odour nuisance
- The Council's notification procedure is criticised
- Loss of property value
- Increased flood risk
- Proposals for 300 homes on land to the west of Stem Lane need to be considered in conjunction with this proposal
- Precedent raises concern that the grounds will eventually be used for burials
- The landowner should make some formal agreement to continue permissive use of Great Woar Copse.
- The financial viability of a scheme based on six daily services is queried
- If the number of cars for each funeral is estimated to be 14, it is queried why a main car park for 100 cars is proposed with an overflow for 50 cars
- The number of daily services should be conditioned
- Alternative methods of disposal should be utilised
- The proposal will be a dis-benefit to existing local businesses
- The applicant intends to operate the facility as a commercial concern

Twenty six representations have been received in support of the proposal on the following grounds:

- Funerals in the area have to make the long journey to Bournemouth or Southampton Crematoria.
- The majority of local residents who will benefit from this community facility, for which there is demand.
- Crematorium funerals are often rushed as a half hour time slot only affords 22 minutes for the whole service. The proposed one hour slots are better.
- The development will secure the area between the "Crest estate" and Bashley Cross Road from any further development.
- The proposal is an imaginative and well thought out plan which is a justifiable and worthwhile use of Green Belt given that other sites have been considered and found unsuitable.
- The proposal will benefit existing local businesses

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 applicant sought the Council's pre-application advice on the form of development proposed and has submitted the requisite documents and plans in respect of this outline application. The applicant was requested to provide additional information in respect of traffic and flood risk impacts from the proposed development, in light of the comments of consultees and notified parties, but otherwise the application was acceptable as submitted and no specific further actions were required.

14 ASSESSMENT

14.1 The Site and Proposal

- 14.1.1 The site of this application is to the east of Stem Lane, New Milton, located immediately west of Great War Copse, bounded to the north by open fields and Bashley Wild Ground before meeting Sway Road, and to the south, woodland that provides a buffer to residential development at Chatsworth Estate. It is separated from Stem Lane by a woodland strip containing the route of the original road, now a cycle/foot path, and a field bounded by hedges and trees that are representative of the assessed landscape character type, including the historic pattern of fields and boundaries.
- 14.1.2 The site comprises agricultural land extending to approximately 4.69 hectares and is completely bound by mature hedgerows and

woodland. It lies within the countryside outside the built up area and is within designated Green Belt and the setting of the New Forest National Park which lies to the north of Bashley Cross Road. Great Woar Copse is an Ancient Woodland and Site of Importance for Nature Conservation.

- 14.1.3 The application is made in outline for a single chapel crematorium and associated access, parking and landscape arrangements. All matters are reserved for later consideration with the exception of access, which is proposed directly from a newly formed point off Stem Lane. The access would follow a route along the northern boundary of the site, crossing over the existing Stem Lane cycle route heading east to the main site of the crematorium, parking area and grounds.
- 14.1.4 The application is accompanied by a Design and Access statement and a landscape masterplan which illustrate one way that the site could be developed. The illustrative plans show a single storey building of contemporary design with large glazed areas, faced in brick and chestnut shingles, and having a conical roof feature with a glazed oculus which would enclose the crematorium's flue. The plans suggest an open parkland landscape with a garden of remembrance, a cherry orchard, a garden of reflection and a landscaped car park for up to 100 vehicles. The crematorium would be designed as a secular space but capable of accommodating temporary religious symbolism

14.2 Main Considerations

- 14.2.1 The principle issues to consider, having regard to relevant development plan policies, the National Planning Policy Framework and all other material considerations are as follows:
- i. Is the development appropriate in the Green Belt by definition?
 - ii. What would the effect of the development be on the openness of the Green Belt and on the purposes of including land within the Green Belt?
 - iii. Would there be any other non-Green Belt harm?
 - iv. Are there any considerations which weigh in favour of the development?
 - v. Do the matters which weigh in favour of the development clearly outweigh any harm to the Green Belt and any other harm?
 - vi. Are there 'very special circumstances' to justify allowing inappropriate development in the Green Belt?

14.2.2 i) Is the development appropriate in the Green Belt by definition?

National Policy (NPPF) attaches great importance to Green Belts, designated in order to keep land permanently open. This site lies within the Green Belt where national policy states that the construction of new buildings, save for a few exceptions, should be regarded as inappropriate. Inappropriate development is by definition harmful to the Green Belt and should not be approved, except in very special circumstances.

The development of a crematorium does not fall within any of the exceptions to the general policy presumption against the construction of new buildings in the Green Belt and is therefore inappropriate development and harmful by definition. The NPPF at paragraph 88 urges Local Planning Authorities to ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

The applicant accepts that the proposal is inappropriate development in terms of the NPPF. The applicant has submitted a series of considerations in the Planning Statement and Need Statement, outlining the applicant's case as to why very special circumstances exist in this case. These are referred to later in this report.

14.2.3 ii) What would the effect of the development be on the openness of the Green Belt and on the purposes of including land within the Green Belt?

The proposed development would undoubtedly change the appearance of this land with the provision of a building, access road, car parking area and landscaping, which would impact on the openness of the Green Belt. However, the site is not elevated and is not prominent within the Green Belt, being set well back from Stem Lane, surrounded by Great Woar Copse to the south and east, with hedgerows on the other boundaries and a substantial level of proposed new tree and hedgerow planting. The impact of the proposal upon the landscape and visual receptors is examined in the following section, but due to the site's lack of prominence, the proposal will not impact significantly upon the openness of the Green Belt, which weighs in favour of the proposal.

14.2.4 iii) Would there be any other non-Green Belt harm?

14.2.4.1 a) Landscape and visual impacts

The Council's Landscape Team consider that the submitted Landscape and Visual Impact Assessment (LVIA) has accurately recorded the baseline information and identified a fair zone of theoretical visual influence. The comparative photographs illustrate the fundamental screening effect of existing vegetation, particularly the field boundary hedges, and the sense of enclosure provided by Great War Copse, in both winter and summer, demonstrating the lack of intervisibility between the site, Stem Lane, Sway Road and the residential area to the south. There are a number of informal footpath routes through the woodland where views of open agricultural land are lost, and details of the woodland boundary will be important to get right in this respect.

The proposed access point would result in the loss of vegetation to Stem Lane, and the enclosure created by the woodland strip that contains the site from this modern, wide highway, should be maintained in the long term with suitable forest sized tree species,

such as oak. The precise location should be such as to avoid the unnecessary loss of existing trees that achieve this sense of separation, and firmly place the proposed site in the countryside.

The illustrative layout demonstrates a commitment to maintaining and enhancing landscape character, together with the introduction of a more formal arrangement of gardens and parkland planting, which reflect a necessary formality associated with the proposed site use, and has used well known and recognised references to historic parks and gardens.

The site is visually well contained, due to the surrounding mature trees and vegetation. There are no private views of the site that would be considered significant (such as views from private homes/gardens). It is considered that, subject to the use of appropriate design, materials, colours and landscaping (all to be dealt with under the reserved matters), the proposal is unlikely to impact significantly or harmfully upon the character of the area or setting of the National Park. The proposal complies with the relevant provisions of Policies CS2 and CS10.

14.2.4.2 b) Air Quality

The nature of the development proposed would involve emission of the products of combustion and many of the representations received raise this as a concern. A full air quality impact assessment has been submitted, which explains that emissions would be very low, based on the type of cremators to be installed and in the region of six cremations daily. The Council's Environmental Protection Section has reviewed the air quality assessment and concur with the applicant's view in respect of emissions.

Paragraph 122 of the NPPF states that local planning authorities should focus on whether the development itself is an acceptable use of land and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. The Planning Authority should not seek to duplicate the role of other statutory authorities and in this respect Appeal Decision: APP/M0933/W/15/3135605 for a crematorium on land to the North of Junction 36 of the M6, is pertinent to consideration of this application. Paragraph 36 of that appeal decision is set out below:

“ Concerns have been raised by interested parties over the potential impact of pollution and emissions from the crematorium, to the detriment of local residents and wildlife in the vicinity of the adjacent canal. In this respect, I have noted the absence of any technical representations from the Council's Environmental Health/Protection team, and also the conclusion that there would be a negligible impact on air quality. I am also mindful that any emissions from the crematorium would be controlled by an Environmental Permit. Furthermore, in this respect I have also had regard to paragraph 122 of the Framework, which requires local planning authorities to assume that where the control of processes or emissions themselves are subject to approval under pollution control regimes, that those regimes will operate effectively.”

We are in a parallel situation with this proposal, as the Council's Environmental Health Team raise no objections to the proposal, the level of emissions produced by this proposal (based on 6-7 cremations daily) having a negligible impact on air quality. The Environmental Health Team also state that operation of a crematorium would be subject to an Environmental Permit issued under the Environmental Permitting (England and Wales) Regulations 2010 (as Amended) by the Local Authority in addition to the agreed planning permission, which would regulate the emissions to atmosphere. With this safeguard in place, and the advice in the NPPF, a reason for refusal based on air quality cannot be substantiated.

14.2.4.3 c) Ecology and Tree Impacts

The site is in agricultural use, being improved pasture, so the ecological impacts of the proposal on the site itself would be low. The submitted ecological survey and tree survey demonstrate the development would have no trans boundary impacts upon adjoining natural resources, notably Great Woar Copse SINC. It is considered that further survey work and associated details of mitigation and enhancement can be adequately addressed through a suitable condition or reserved matters. The Ecologist and Tree Officer have raised no objections to the proposed development subject to conditions.

14.2.4.4 d) Highway Impacts

The submission is supported by a Transport Assessment and includes details of specific access arrangements, which the County Highway Authority have raised some concerns over.

Stem Lane is derestricted at the location of the proposed new access, the speed limit is consequently 60 mph where the required visibility at the access would be 2.4 metres ('x' distance) by 215 metres ('y' distance) in both directions. The applicant has stated within the Transport Statement that visibility splays will be provided in both directions at the proposed new access, but these were not indicated on the initial plans.

The Transport Statement states that there should be a minimal overlap in vehicle movements between those leaving one service and those arriving for the next one, the Highway Authority have concerns that operation of the crematorium could give rise to conflict at the access onto the highway between cars arriving from the south and those leaving the site towards the north. This might result in the possibility of cars wishing to enter the site being stacked within the northbound lane of Stem Lane which raises the concern that the forward bend visibility for cars and motorcycles approaching from this direction may not be sufficient for such vehicles travelling at speeds of up to 60 mph to stop safely should they encounter any vehicle waiting within the carriageway. The applicant should therefore provide details of the forward bend visibility available for all vehicles approaching the proposed new access from the south so that the Highway Authority may fully evaluate the proposals. Consideration should also be given to the provision of a suitable right hand turn lane facility which might be executed by way of a Section 278 agreement with the Highway

The Transport Statement also provides details of the site entrance and arrangements for where the proposed new access road crosses the existing cycle route. These arrangements give priority to users of the cycleway. It is the Highway Authority's view that the priorities should be reversed at this point and suitable road markings and cycle barriers provided on the cycleway to prevent users from crossing the access road at speed or without due care and attention.

The application states that 100 car parking spaces would be provided at the site with a further 50 spaces being available if required within an overspill car park. Given the extent of the development and limitations to its use together with the information contained within the Transport Statement, the Highway Authority consider that the proposals would provide an appropriate level of on site parking provision.

In respect of traffic movements generated by the development the Highway Authority consider that the level of trip generation outlined in the Transport Statement, based on a similar operation in Trowbridge, provides an appropriate assessment of the likely movements at the site. It is considered that the local highway network is capable of safely accommodating the additional vehicular movements that might be generated by the proposals, although the Highway Authority would however wish to see the hours of operation limited by condition to those stated within Transport Statement to avoid the possibility of increased traffic within the local highway network during peak periods.

Amended plans have been submitted which provide a right turn lane in Stem Lane which overcomes the concerns of the Highway Engineer in respect of vehicles wishing to turn right from blocking the carriageway. This would need to be secured by condition, as would the visibility splays. The Highway Engineer recognises the public concerns raised but is of the view that this proposal would now be acceptable. Your officers believe that the provision of a right turn lane will address some of the concerns raised by the public in respect of the safety of users of the access into the site and other road users.

14.2.4.5 e) Site Drainage

Where possible development proposals should include improvements to existing habitats, and/or creation of new areas of wildlife value for example ponds etc associated with sustainable drainage schemes. Given the location of the site in a rural landscape, and the amount of land available, a comprehensive approach to dealing with water on site could be achieved, meeting Policies CS2 and CS4, which state that all new buildings should be designed to meet sustainable building standards and utilise Sustainable Urban Drainage systems (SUDS) wherever feasible. Other sustainable features that should be considered for a scheme such as this are green roofs (which reduce energy costs and provide biodiversity benefits), or rainwater harvesting.

A revised Drainage Strategy was submitted to address initial concerns raised by the County Drainage Authority. Having reviewed the revised strategy, the County Council are satisfied that the general principles for the disposal of surface water are acceptable and that detailed

drainage matters may be addressed at the reserved matters stage.

14.2.4.6 f) Residential Amenity Impacts

The application is made in outline, with only indicative plans of the appearance and scale of structures to be erected following any reserved matters submission. The site is set sufficiently distant from any residential properties to avoid any adverse effect on residential amenities by reason of visual intrusion, overlooking or shading, considered under the amenity related provisions of Policy CS2.

Concerns regarding air quality and noise have been addressed by the Environmental Health Section in the consultee's section and by the air quality section above. Critically, it is confirmed that no residential property is within 210m of the proposed location of the flue, where Section 5 of the Cremation Act 1902 requires that: 'no crematorium shall be constructed nearer to any dwelling-house than two hundred yards' (183m). No part of the crematorium building would be within 200m of any dwelling. The impacts of the proposal comply with the amenity related provisions of Policy CS2 of the Core Strategy.

14.2.4.7 g) Other Matters

With regard to the comments of notified parties, which are not addressed above:

- The Council notified neighbours immediately adjoining Great Woar Copse by letter, advertised the proposal in the local newspaper and posted a site notice for 21 days in the locality. The applicant engaged with the Town Council, local newspaper, other interested parties and held a public consultation event in April 2016 to publicise their proposals. A significant number of representations have been received to the proposals, both for and against, and it is not considered that the proposal has suffered from any significant lack of publicity.
- Loss of property value is not material to consideration of any planning application.
- Proposals for 300 homes on land to the west of Stem Lane are at an early stage in the Local Plan Review 2016-2036. A planning application is likely to be some years off. However, any planning application will need to be considered on its own merits, including proximity to the crematorium proposed here.
- Concern is raised that the grounds will eventually be used for burials. If this is the case, then a planning application will need to be made and considered on its own merits.
- The landowner intends to bolster native planting immediately adjoining Great Woar Copse in order to prevent views from permissive paths within the Copse. There are no proposals to restrict public use of the Copse.
- The financial viability of a scheme based on the number of daily services proposed is queried. The viability of this development proposal is not a consideration to be made by this Authority. Similarly the fact that the applicant intends to operate the facility as a commercial concern is not a matter

for consideration here.

- It is queried that if the number of cars for each funeral is estimated to be 14, then why a main car park for 100 cars is proposed with an overflow for 50? In this respect it is likely that two funerals will overlap resulting in a average requirement for 28 parking spaces, however, some funerals will undoubtedly be better attended than others, so an over provision is necessary for those occasions. The Highway Authority raises no objections on the basis of any over or under provision of parking.
- On the basis that the air quality and transport submissions made with this application are based on a limited number of daily services, it is recommended that the number of daily services be restricted to eight by condition.
- The Planning Authority is not in a position to assess alternative methods of body disposal, the Council is required to assess a proposal for a crematorium on its own merits.

14.2.5 iv) Are there any considerations which weigh in favour of the development?

14.2.5.1 Consideration 1: The Quantitative need for the crematorium on this site

The applicant has provided the following details in relation to 'need' as part of his submission that very special circumstances exist which justify allowing inappropriate development in the Green Belt.

The quantitative need for the crematorium on this site is based on a number of factors:

1. **the proposed facility's catchment area** based on a reasonable drive-time of 30 minutes.
2. **the location of other facilities** - Bournemouth and Southampton
3. **population, death and cremation rates** and
4. **usage of facilities** whether there is a sufficient population with cremation needs based on projected mortality rates in that catchment area to support the proposed new crematorium.

The applicant's quantitative need assessment identifies that death rates are projected to rise in the future in line with population increases and the demographic of the catchment area, which extends from Christchurch in the west to Fawley in the east and Ringwood and Lyndhurst to the north, all of which being within a 30 minute drive. The assessment goes on to state that capacity at existing local crematoria is limited now and unlikely to be able to cope satisfactorily with projected death rates, without sacrificing the qualitative experience. The proposed New Milton Crematorium will support other crematoria to meet the quantitative need that exists currently and which will increase in line with projected increases in the number of deaths. Even with 60 minute service intervals, the new crematorium offering eight funeral slots will add over 2,000 potential funeral slots per year to those already available.

In their assessment of need the applicants acknowledge that there is no 'standard' methodology for assessing need, such as there is when dealing with retail proposals or in relation to housing need. However, the applicants have considered 12 appeal decisions in which assessment of need for crematoria were part of the evidence base taken into account by the Secretary of State and have used common features of these decisions in producing a need assessment in this case. This is considered to be an entirely reasonable approach to take. The applicants have used information produced by the Cremation Society of Great Britain and statistics produced by the Office of National Statistics to inform the assessment.

A clear picture emerges, having regard to the four factors mentioned above, that there is currently a significant level of need for a new crematorium in this area. Some of the existing crematoria in the area are close to their maximum capacity (i.e. Wessex Vale and Porchester) whilst Poole is operating above its 'factored' capacity. Southampton operates at a 75% 'factored' capacity, but only does so by limiting the time slots for each cremation to 30 mins. The applicants' statistical projections demonstrate that existing capacity issues will have become more acute by 2024, having regard to increases in population and consequently, increases in deaths.

Having examined the need assessment in detail, there would appear to be a significant need for a new crematorium in this area and there is no compelling evidenced to counter the applicant's quantitative needs assessment. This weighs in favour of the proposal.

14.2.5.2 Consideration 2: The Qualitative need for the crematorium on this site

The applicant's assessment of qualitative need for the crematorium on this site is based on:

1. **travel time / proximity of facility** – users within, or within reasonable proximity to their community;
2. **service length / congestion** – most people value the opportunity to have an un-rushed service
3. **scheduling** – where there is insufficient capacity in the existing system to accommodate people's needs, increasing delays between death and cremation will be experienced.
4. **religious and cultural flexibility** – the availability of specialist or flexible facilities to meet the needs of religious, non-religious or ethnic groups over and above the 'standard' facilities that one would expect to find in a crematorium;
5. **memorial facilities** – the availability of sufficient space to offer a choice of memorial options (gardens, floral areas, plaques, books of remembrance and so on); and
6. **up-to-date facilities**

A key factor in establishing the catchment population is by reference to the relative time it takes for funeral cortèges to travel to available crematoria. While there are factors that may influence a family to choose to hold their funeral at a more distant crematorium, the general and well established pattern is that people select the crematorium that is located closest to them. Minimising travel time has qualitative impacts upon those attending funerals, exemplified by

some responses of notified parties.

The applicants advise that New Milton Crematorium would offer 60 minute funeral intervals, minimising the possibility of congestion occurring. People will be able to arrive, park, enter the building, experience the funeral and leave the site with a sense that they are un-rushed. Similarly the applicants consider that the ability of the bereaved to schedule funerals to a date and time of their choosing would be enhanced by this proposal. The proposal will also offer up-to-date facilities of exceptional quality for all sectors of society. These issues will have a positive impact on the qualitative experience of mourners.

Your officers consider that a new crematorium facility at this site would be very likely to add to the qualitative experience of bereaved people and Funeral Directors in the area, for the reasons put forward by the applicants. Moreover, by relieving capacity issues at existing crematoria in the area, the choice of times and days available for cremations at these facilities will be improved, reducing the anxiety and discomfort that occurs when cremations are held 'back to back' in a queue. Again, there would not appear to be any evidence to counter the applicant's qualitative needs assessment which weighs in favour of the proposal.

14.2.5.3 Consideration 3: That there are no alternative sites that meet the requirements of the development outside of the Green Belt

The applicant contends that there are no alternative sites that meet the requirements of the development outside of the Green Belt, that lie in a location central to the catchment area. Opportunities for a crematorium in the locality are constrained by the proximity of the National Park boundary to the north and by the urban areas to the south, south east and west, where crematoria cannot be introduced within 183m of any dwelling. There is a requirement to be sustainably located in relation to its catchment, with adequate access to infrastructure and services.

The Council engaged with the applicant during the pre-application process in assessing nine alternative sites for a crematorium, which are outlined in Sections 4.5 to 4.9 of the Planning Statement. These sites were discounted for the reasons outlined in the Planning Statement. Parallels can clearly be drawn with a recent appeal case in Connah's Quay, Flintshire, where a new crematorium has been allowed in open countryside after the inspector was satisfied there was no alternative site. The Council was concerned that the countryside site had not been demonstrated to be the best option. The requirements of the Cremation Act 1902 and government advice on the Siting and Planning of Crematoria clearly suggested a relatively large and attractive area of land was needed away from existing dwellings, inevitably restricting the availability of sites within settlements. The inspector concluded the assessment showed there were no preferable alternative sites. The inspector was also satisfied by the evidence that the site lay in a location central to the catchment area and could be reached within a 30 minute travel time, noting also it was close to bus routes and was sustainable.

From the evidence provided, it is considered that a process of

elimination has taken place to the satisfaction of the Council to establish that there are no alternative sites for this proposal. The demonstrated lack of alternative sites weighs in favour of the proposal.

14.2.5.4 Consideration 4: Community benefits arising from the development

The population in this area is growing and the demographic suggests there will be demand for the facility. While people living nearby have aired their concerns over the proposal, these concerns are not echoed by statutory consultees, subject to resolution of the concerns raised by the County Highway Authority. A not insignificant level of support has been received from residents of New Milton for the proposal and it is local residents who would derive the most benefit from this facility. It is considered that the proposal would be of benefit to the community, which weighs in favour of the proposal.

14.2.6 **v) Do the matters which weigh in favour of the development clearly outweigh any harm to the Green Belt and any other harm?**

As set out above, the proposed development amounts to inappropriate development in the Green Belt, which by definition is harmful to the Green Belt. Substantial weight attaches to any harm to the Green Belt. Moreover, while the majority of the site would remain open, the crematorium building and the parking areas would lead to some loss of openness and would be an encroachment into the countryside, which adds to the harm to the Green Belt, albeit to a limited extent.

With respect to 'any other harm', the site would be visually enclosed and the landscape strategy proposed is likely to lead to an enhanced landscape value for the site. The use is likely to have a negligible impact on air quality which in any event would be subject to other controls. The ecological value of the site would not be harmed by the proposals, provided that suitable conditions relating to the translocation of wildlife were imposed. Precise details concerning site drainage can be addressed at the reserved matters stage.

With regard to highway matters, while the issue of traffic generation and parking is regarded as satisfactory by the Highway Authority, the Authority has concerns about the geometry of the access into the site, forward visibility and vehicle/cycle priorities at the junction of the access with Stem Lane. As matters stand, these matters are considered to be harmful to highway safety and weigh against the proposal. This issue may be capable of resolution through the submission of revised plans and an update will be presented to Members at the meeting.

With regards to residential amenity impacts, the proposal is not considered likely to have any harmful impact on residential amenity which would weigh against the scheme.

Your officers are not aware of any other matters raised in representations that would weigh against the scheme.

In respect of those matters which weigh in favour of the scheme, the

applicant has provided substantial evidence in relation to need, both qualitative and quantitative. The proposed development is likely to make a very positive contribution to families and individuals dealing with bereavement and this is considered to weigh heavily in favour of the development.

In your officers' view, subject to the resolution of the concerns relating to highway matters, the matters which weigh in favour of the development clearly outweigh the harm to the Green Belt and all other harm identified above.

14.2.7 vi) Are there 'very special circumstances' to justify allowing inappropriate development in the Green Belt?

In light of the above, it is concluded that 'very special circumstances' do exist, in the form of quantitative and qualitative need, lack of alternative sites and benefits to the local community to warrant a departure from established and adopted Green Belt policies. The principle of the proposed development within Green Belt is therefore considered to be acceptable in this instance

14.3 Conclusion

14.3.1 The proposed development is inappropriate development within the Green Belt, although the applicant has demonstrated very special circumstances to warrant a departure from Green Belt Policy. Subject to conditions the proposal would have no significant adverse impact upon the character and appearance of the area, adjoining amenity or nature conservation interests and subject to resolving the concerns of the County Highway Authority outlined above, it is recommended for approval.

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

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

1. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the 'reserved matters' to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

2. Approval of the details of the layout, scale, appearance and landscaping ("the reserved matters") shall be obtained from the Local Planning Authority before any of the development is commenced. The development shall only be carried out in accordance with the details which have been approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

3. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

4. The development permitted shall be carried out in accordance with the following approved plans: SK01 and 1612-1001

Reason: To ensure satisfactory provision of the development.

5. Prior to development commencing including site clearance, a biodiversity mitigation and enhancement plan, based on suitable ecological survey shall be submitted to and agreed in writing by the local planning Authority. Development should proceed and measures be maintained thereafter in accordance with the agreed details.

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

6. No development or site clearance shall take place until exact specifications of proposed tree planting, detailing the size, species and location of all trees to be planted are submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with these approved details.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area, in accordance with Policy CS3 of the Core Strategy for the New Forest District outside the National Park.

7. The development hereby approved shall be used for crematorium purposes only and provide no more than eight daily services, without express planning permission first being obtained.

Reason: The application has been determined on the basis of a limited number of daily services, in relation to air quality and highway impacts, and it is considered appropriate to limit the number

of services to the prescribed number in order to ensure these issues are maintained within acceptable tolerances, in the interests of pollution control and highway safety, in accordance with Policies CS2 of the Core Strategy for the New Forest District outside the National Park.

8. No activity shall take place on the site in connection with the approved use for conducting crematorium services other than between the hours applied for, being 09:00 to 17:00 Monday to Saturday.

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

9. The development hereby permitted shall not be occupied until the right turn lane and visibility splays shown on plan number SK01 have been constructed and made available for use at all times.

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

Notes for inclusion on certificate:

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

The applicant sought the Council's pre-application advice on the form of development proposed and has submitted the requisite documents and plans in respect of this outline application. The applicant was requested to provide additional information in respect of traffic and flood risk impacts from the proposed development, in light of the comments of consultees and notified parties, but otherwise the application was acceptable as submitted and no specific further actions were required.

2. In respect of condition no. 5, the New Forest Ecologist advises that the applicant should note that it will be important to facilitate appropriate liaison between the Ecologist advising on the scheme and other professionals such as landscape architect in order to ensure coordination and delivery of mitigation and enhancement measures for later planning stages.
3. The Council's Environmental Health Section advise that Section 5 of the Cremation Act 1902 requires that: 'No crematorium shall be constructed nearer to any dwelling-house than two hundred yards, except with the consent, in writing of the owner, lessee and occupier of such house, nor

within fifty yards of any public highway, nor in the consecrated part of the burial ground of any burial authority.' Significant penalties can be incurred for any contraventions of the above section.

4. Southern Electricity advise of the presence of two overhead High Voltage electricity lines that cross this proposed development site. There are various pieces of apparatus present along the route of the lines. The applicant must be aware of this apparatus. Plans of the position of the lines and apparatus are available from their mapping services department mapping.services@sse.com If the lines and apparatus were required to be diverted, then Southern Electricity would expect the developer to pay for all costs incurred.
5. The County Drainage Authority advise that while the general principles for the surface water drainage proposals are acceptable, further information must be submitted as part of the reserved matters including:
 - Detailed sizings and design for swales
 - Detailed designs and sizes for the underground storage, in relation to storage calculations
 - Details and sizes of piped drain leading to ditch D3

Where the proposals are connecting to an existing drainage system it is likely that the authorities responsible for maintaining those systems will have their own design requirements. These requirements will need to be reviewed and agreed as part of any surface water drainage scheme.

Please note that the mechanism for securing long-term maintenance will need to be considered and agreed between the applicant and the Local Planning Authority. This may involve discussions with those adopting and/or maintaining the proposed systems, which could include the Highway Authority, Planning Authority, Parish Councils, Water Companies and private management companies.

6. **Environment Agency Advice to Applicant:**

Government guidance contained within the national Planning Practice Guidance (Water supply, wastewater and water quality – considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:

1. Connection to the public sewer
2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)
3. Septic Tank

Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2010 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, addition to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply.

Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit.

7. Southern Water advise the applicant to contact them on 0330 3030119 or www.southernwater.co.uk for information regarding connection to public sewers.
8. Southern Gas Networks advise that an extract from their mains records of the proposed work area is available on the Council's website your guidance. This plan only shows the pipes owned by SGN in our role as a Licensed Gas Transporter (GT). Please note that privately owned gas pipes or ones owned by other GTs may be present in this area and information regarding those pipes needs to be requested from the owners. If we know of any other pipes in the area we will note them on the plans as a shaded area and/or a series of x's.

The accuracy of the information shown on this plan cannot be guaranteed. Service pipes, valves, siphons, stub connections etc. are not shown but you should look out for them in your area. Please read the information and disclaimer on these plans carefully. The information included on the plan is only valid for 28 days. On the mains record you can see our low/medium/intermediate pressure gas main near your site. There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. You should, where required confirm the position using hand dug trial holes. A colour copy of these plans and the gas safety advice booklet should be passed to the senior person on site in order to prevent damage to our plant and potential direct or consequential costs to your organisation. Safe digging practices, in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all relevant

people (direct labour or contractors) working for you on or near gas plant. Damage to our pipes can be extremely dangerous for both your employees and the general public. The cost to repair our pipelines following direct or consequential damage will be charged to your organisation. Please ensure we are able to gain access to our pipeline throughout the duration of your operations.

If you require any further information please contact the Plant Protection Team on 0800 912 1722

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



Application Number: 16/10785 Full Planning Permission

Site: Land of OLD COACH HOUSE, CANNON STREET, LYMINGTON
SO41 9BR

Development: House; access; parking

Applicant: Mr Jouning

Target Date: 17/08/2016

Extension Date: 08/07/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Policy

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Conservation Area
Town Centre

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

Local Plan Part 1 (Core Strategy) 2012:

Policy CS2 - Design quality
Policy CS3 - Protecting and enhancing our special environment
Policy CS15 - Affordable housing contribution requirements from developments

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

Policy NPPF1 - Presumption in favour of sustainable development
Policy DM1 - Heritage and Conservation
Policy DM3 - Mitigation of impacts on European nature conservation sites
Policy DM16 - Within town centres, outside Primary Shopping Areas and Secondary Shopping Frontages

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

Lymington Conservation Area Appraisal (NFDC 2002)
Lymington Local Distinctiveness SPD (NFDC 2011)
Mitigation Strategy for European Sites
Parking Standards

6 RELEVANT PLANNING HISTORY

There is no relevant planning history that relates to the site itself. The development of the plot adjoining the site (rear of 101 High Street) was given permission in the 1990's for two houses in tandem, now known as Studio Cottage and Coachman's Cottage (ref: 64236). Permission was refused for a dwelling between Studio Cottage and Eagle House in 1999 for reasons relating to the impact on the listed building and on the Pine tree in the grounds (ref: 66543)

7 PARISH / TOWN COUNCIL COMMENTS

Lymington Town Council: Recommend permission. Subject to conditions specified by the Conservation Officers in his report.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer: No objection subject to condition
- 9.2 Tree Officer: No objection subject to conditions
- 9.3 Conservation Officer: No objection subject to condition

10 REPRESENTATIONS RECEIVED

None

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

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

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

Based on the information provided at the time of this report this development has a CIL liability of £9,045.56.

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

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

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

14 ASSESSMENT

- 14.1 The proposal relates to land to the front of the Old Coach House on Cannon Street and proposes to erect a detached house on the plot. This site itself sits within the Conservation Area and is to the south of Cannon Street. A set of strong boundary walls define the street edge but there has been some varied development introduced in this area which creates a diverse collection of architectural styles. Access to the site would be via the existing access drive which leads to an existing area of hardstanding adjacent to the rear of The Old Coach House.
- 14.2 The proposed dwelling would be single storey in part, with the front part of the building immediately adjacent to Cannon Street rising to two and a half storeys. The proposal is to create a long narrow or linear building with a courtyard garden to the side and car parking spaces set behind the dwelling. The overall design concept is to create a 'folly' or

outbuilding style structure, which fronts onto the street, set behind the front boundary wall.

- 14.3 On the north east boundary of the site is a large modern block of residential flats constructed from brick under a mansard roof. On the opposite side boundary are two detached dwellings, one of which is sited closer to Cannon Street, with the other dwelling set further to the rear. Across the road there is Lymington Community Centre and hall.
- 14.4 The main issues in this case are the impact of the proposal on the character of the Conservation Area and the living conditions of the adjoining neighbouring properties.
- 14.5 In assessing the effect on the character and appearance of the Conservation Area, within the Lymington Conservation Area Appraisal, this plot has not to date been identified as a Burgage plot and neither does it back on to an identified Burgage plot, but it nevertheless belongs to that historic pattern of development, sharing the typical characteristics of such plots and this needs to be taken into account in any development proposals. The Conservation Area Appraisal identifies plot delineation as an important issue, and advises that the extent, pattern, scale and intensity of existing development should be respected. New buildings should not be "*damagingly at variance with the established scale of traditional buildings*" and the style of new buildings should "*compliment the character and styles of established buildings*". Low profile rooflines and low level buildings are to be considered for these rear plots. In addition, the Monterey Pine in the grounds of Eagle House is recognised in the Appraisal as making an outstanding contribution to the appearance of the area.
- 14.6 The Conservation Officer considers that the proposed dwelling would make a positive contribution to the street scene and character of the Conservation Area. The proposed dwelling would enhance this site in a very simple form with the tower element and a linear range running south along the property boundary, together with the use of local materials and details. Historic walls on the site would be retained and the building, aside from the tower, would sit low within the plot with only the roof element being visible. Overall it is considered that the proposed development would enhance the character and appearance of the Conservation Area.
- 14.7 With regards to the impact of the proposed dwelling on the amenities of the adjoining occupiers at Studio Cottage, the bulk of the building adjacent to that neighbour would be single storey, which would ensure that their light and outlook is not unacceptably compromised. The majority of the proposed windows would be at ground floor level with high level roof lights. While upper floor windows are used in the two and a half storey building element, this part of the building would be sited closer to Cannon Street and away from the more sensitive parts of the neighbouring residential properties. Views from the upper floor windows to the neighbouring properties would be oblique and overall, it is not considered that the proposal would result in any adverse impact on the living conditions of the adjoining neighbouring properties.
- 14.8 In terms of public highway safety matters, the proposed dwelling would have a shared vehicular access onto the highway in Cannon Street via the existing access which currently serves the Old Coach House.

Cannon Street is restricted to one way eastbound traffic only in the vicinity of the access. It is proposed that 2 on site car parking spaces would be provided for the new development together with a turning area to allow vehicles to enter and leave the site in a forward gear.

- 14.9 The Highway Authority consider that although the width of the existing access onto the highway in Cannon Street would not allow 2 cars to pass within the site, there is sufficient width to allow a vehicle to wait within the carriageway without interfering with the free flow of traffic. A condition would need to be imposed to ensure that the site retains its turning facilities so that any cars leaving the site should be able to do so in a forward gear to avoid the possibility of further inconvenience to users of Cannon Street.
- 14.10 A prominent mature Monterey Pine that is situated in the north eastern corner of Eagle House which makes a significant contribution to the street scene and wider landscape. The proposed building would not have any adverse effects on the health of this fine specimen tree. The proposal would incorporate a specimen tree to the front of the site, which would help to soften the proposed development and add an additional feature to the street scene.
- 14.11 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 which requires many small scale housing developments including the current application proposal to make affordable housing provision
- 14.12 The presumption in favour of the development plan remains, in that the decision should be taken in accordance with the plan unless material considerations indicate otherwise. The new guidance is a material consideration which post-dates the adoption of the Local Plan. It is for the Council to decide which should prevail 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 reasons to make an exception.
- 14.13 While the need for affordable housing in this District is pressing, this in itself is unlikely to be considered by the Secretary of State as sufficient reason for the Council to apply its own development plan policy rather than applying national policy. 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.

- 14.14 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.
- 14.15 In conclusion, it is considered that the proposed development would be acceptable within the Conservation Area and would not have any adverse impact on the living conditions of the adjoining neighbouring properties. Both the Highway Authority and tree officer do not raise any objections to the proposal.
- 14.16 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 Requirement

| Type | Proposed Floorspace (sq/m) | Existing Floorspace (sq/m) | Net Floorspace (sq/m) | Chargable Floorspace (sq/m) | Rate | Total |
|-----------------|----------------------------|----------------------------|-----------------------|-----------------------------|---------|-------------|
| Dwelling houses | 108.48 | 0 | 108.48 | 108.48 | £80/sqm | £9,045.56 * |
| Subtotal: | £9,045.56 | | | | | |
| Relief: | £0.00 | | | | | |
| Total Payable: | £9,045.56 | | | | | |

* The formula used to calculate the amount of CIL payable allows for changes in building costs over time and is Index Linked using the All-in Tender Index Price published by the Build Cost Information Service (BICS) and is:

Net additional new build floor space (A) x CIL Rate (R) x Inflation Index (I)

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: 9057/14/A, 9057/15, Site plan, Location Plan.

Reason: To ensure satisfactory provision of the development.

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

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

4. The development hereby permitted shall not be occupied until the spaces shown on plan 9057/14/A for the parking and turning of motor vehicles have been provided. The spaces shown on plan 9057/14/A for the parking and turning of motor vehicles shall be retained and kept available for the parking and turning of motor vehicles for the dwellings hereby approved at all times.

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

5. Before development commences, the following details shall be submitted to, and approved in writing by the Local Planning Authority.
 - a) Details (elevations and sections) of all new external timber windows and doors
 - b) Details of all new doors and windows to receive painted finish – colour to be clarified in detailed drawings.
 - c) Details of eaves, verge, roof hips, string course and tower roof cornice
 - d) Details of new lead clad dormers
 - e) Details of new metal framed low profile conservation rooflights

- f) A full specification and methodology for the propping, new doorway, steps and repairs required to the existing walls and structure. Details of this repair work including protection, specifications and necessary drawings
- g) Details of all new rainwater goods to be cast metal and match existing profiles and fixings.
- h) Details and samples of all external materials
- i) Sample panels of brickwork, render work and mouldings to be prepared on site and to be inspected and approved by the Local Planning Authority prior to works commencing.
- j) No flues, ducts vents or pipes to be situated on external elevations of the tower element of the scheme

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

Reason: To protect the character and appearance of the Conservation Area in accordance with Policy DM1 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

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. No development, demolition or site clearance shall take place until the following information has been provided:

- Service routes, including the position of soakaways;
- Location of site compound and mixing areas;
- Tree planting specifications including species, size and form;

- Landscaping/surfacing to be carried out within the theoretical RPA of the Monterey Pine.

Development shall only take place in accordance with the details that have been approved by the Local Planning Authority.

Reason: To ensure the retention of existing trees and natural features and avoidance of damage during the construction phase in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

8. Before first occupation of the development hereby approved the applicant must design and install a surface water sustainable system to cater for the new impermeable areas (i.e. roofs) on the proposed development such that no additional or increased rate of flow of surface water will drain to any water body or adjacent land for storms up to 1 in 100 years including climate change.

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

9. 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 to include a semi-mature tree to the front of the site (species, size, spacing and location);
- c) areas for hard surfacing and the materials to be used;
- d) other means of enclosure;
- e) a method and programme for its implementation and the means to provide for its future maintenance.

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

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

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/>

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



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Application Number: 16/10824 Full Planning Permission

Site: Land of 2 EAST VIEW ROAD, RINGWOOD BH24 1PP

Development: House; parking

Applicant: Pathway Construction Ltd

Target Date: 16/08/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Policy

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-Up Area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

CS1: Sustainable development principles

CS2: Design quality

CS10: The spatial strategy

CS15: Affordable Housing

CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

DM3: Mitigation of impacts on European nature conservation sites

National Planning Policy Framework - Achieving Sustainable Development

NPPF Ch. 4 - Promoting sustainable transport

NPPF Ch. 6 - Delivering a wide choice of high quality homes

NPPF Ch. 7 - Requiring good design

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

Ringwood Local Distinctiveness Document

Housing Design, Density and Character

Advisory Note on the Implementation of Core Strategy Policy CS15 - Affordable Housing (Nov 2012)

Habitat Mitigation SPD

6 RELEVANT PLANNING HISTORY

- 6.1 15/11478 - two storey rear extension - granted January 2016
- 6.2 02/75342 - outline application for detached dwelling(no. 4 East View Road) - refused June 2002, dismissed at appeal April 2003

7 PARISH / TOWN COUNCIL COMMENTS

Ringwood Town Council - Whilst surprised that Highways do not raise an objection to this application in spite of current parking/congestion problems, we recommend refusal of permission for this application, on the grounds that the character of the street would be severely compromised, with the inappropriate insertion of the proposed development, considering the spacing of dwellings in the area. This would be contrary to the Ringwood Local Distinctiveness SPD.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Southern Gas Networks – Give informatives on proximity of site to their apparatus.
- 9.2 Hampshire County Council Highway Engineer – On site parking would be provided for 2 cars, and a new vehicular access would be formed onto the highway in East View Lane. There are no details of any cycle parking facilities to be provided for the new development. The NFDC document 'Parking Standards Supplementary Planning Document (SPD)' adopted in October 2012, provides a recommended average provision of 2.5 spaces for a three -bed dwelling where parking is on plot. The level of parking to be provided in respect of the proposed dwellings is therefore less than that recommended in the SPD. However it is considered that in this instance the shortfall in off street parking provision will not result in any detrimental effect on users of the local highway network. No objections subject to car and cycle parking conditions and an informative
- 9.3 Council Drainage Section – No objections; subject to surface water discharge condition.

10 REPRESENTATIONS RECEIVED

Eleven letters have been received objecting to the proposal on the following grounds:

- Overdevelopment of plot
- Out of character with existing dwellings.
- A restrictive covenant restricts development to the sides of nos. 2 and 4
- Loss of view
- Loss of privacy
- Overbearing impact
- Increased noise and disturbance
- Damage caused to adjoining boundary
- Loss of highway safety
- Inadequate parking
- Inadequate access for emergency and refuse services

11 CRIME & DISORDER IMPLICATIONS

None

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 £10,840.00. Tables setting out all contributions are at the end of this report.

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

No pre-application advice was sought from the planning authority in respect of the form of development proposed. In this case, the concerns of the Council, statutory consultees and notified parties in respect of the potential overdeveloped form of development, character impacts and amenity impacts were made available on the Council's website, with no direct response offered by the applicant to address those concerns. In view of the limited time constraints imposed on Planning Authorities to

determine applications within specified timeframes, in this instance, due to the absence of agreement over contributions, acceptable plans and the level of harm the scheme would cause, it is reasonable to refuse the application.

14 ASSESSMENT

- 14.1 The application site consists of the side garden curtilage of a semi-detached, two storey dwelling (no. 2 East View Road) within the built up area of Ringwood. The immediate area is characterised by detached dwellings, predominantly bungalows.
- 14.2 The application proposes erection of a two storey, detached dwelling, with associated garden area to the rear and two parking spaces to the front. The dwelling would be constructed of brick and slate or tiles and be of conventional design.
- 14.3 The main planning issues to take into consideration are the impact on the character and appearance of the area and upon adjoining residential amenity.
- 14.4 The impact of the proposal in relation to the character of the area needs to be considered, in the context of Policy CS2, the Ringwood Local Distinctiveness Document and NPPF, which among other things considers the space retained around new buildings, gaps between existing structures and impact upon the street scene. Policy CS2 of the Core Strategy, stipulates that new development will be required to be well designed to respect the character, identity and context of the area's towns and countryside. Paragraph 64 of the 'The National Planning Policy Framework' states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area. In addition Paragraph 53 states that Local Planning Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the area.
- 14.5 In assessing the effect on the character and appearance of the area, the immediate context of the area is predominately detached bungalows fronting onto local roads with long, open rear gardens. Numbers 2 and 4 East View Road benefit from large gardens to the side and rear, which contribute to the character of the area. The proposal seeks to utilise the side garden of no. 2 to establish an independent three bed dwelling, with parking spaces for four cars squeezed into the remaining site frontage. This is not considered to reflect the context of the area given that the character of the area is informed by retention of good sized gardens to the rear as well as landscaped frontage areas. Views of the proposed dwelling and associated parking would be clearly visible from East View Road, with little or no opportunity for screening or landscaping and where the appearance of a two storey dwelling would be harmful to the street scene. While the proposed building would be sited along the established building line and be of similar depth to existing dwellings in the row, it would have a small rear garden and the front of the site would become dominated by access and parking arrangements, with little scope for meaningful planting. The extent of hard surfacing would appear harsh in this location and would be out of context with the area. The proposed parking arrangements emphasise the cramped appearance of this development. Overall, the proposal constitutes

overdevelopment of this site, as the dwelling would have a cramped setting, located close to the boundaries of the site, dominated by car parking and turning arrangements, with a small garden area and little space around the building, which would be an incongruous feature and out of character with the area. In some of these respects the proposal is similar to the scheme refused and dismissed at appeal in 2003, for a similar form of development to the side of no. 4 East View Road. The proposal does not accord with the provisions of Policy CS2, the Ringwood Local Distinctiveness Document and NPPF.

- 14.6 Policy CS2 also requires the impact of development proposals upon adjoining amenity to be considered. The proposal has a very close relationship to the boundaries of existing dwellings around it and the amenity impacts of the proposal need to be considered. Several objections have been received to the proposal citing overlooking, noise and disturbance as amenity reasons for objection. It is not considered that refusal can be substantiated on these grounds as fenestration arrangements are adequate and could be addressed through use of obscure glazing and residential use in a residential area is unlikely to result in significant additional noise and disturbance. However, the proposal has a close relationship to the boundary with no. 1 East View Road (Cartref) to the west and the amenity impacts of the proposal need to be considered in terms of any overbearing impacts or loss of light or outlook. The depth of the proposed development would present a large, two storey structure in close proximity to Cartref, which would have an overbearing and oppressive impact upon the amenity of adjoining occupiers. Consequently the amenity impacts of the proposal would be contrary to the provisions of Policy CS2 of the Core Strategy.
- 14.7 With regard to the representations of notified parties not addressed above the existence of a restrictive covenant is not material to consideration of this application, this is a separate legal matter. Similarly damage caused or potential damage caused to adjoining boundaries is a private legal matter. Loss of view is not material to consideration of planning applications. With regard to highway concerns, while officers have concerns regarding the cramped appearance of the proposed parking arrangements, the County Highway Authority raise no objections to the proposal and highway concerns cannot be introduced to substantiate further reasons for refusal.
- 14.8 In terms of contributions, the proposal is CIL liable and the applicant will be required to mitigate the impact of the development on European wildlife sites, which may be addressed following the grant of any planning permission. As a small residential development (under 10 units), there is no longer a requirement to make an affordable housing contribution, following the order of the Court of Appeal dated 13 May 2016. From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments. Based on the information provided at the time of this report this development is CIL liable. 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. Had planning permission been granted for the proposed development, a condition

would have been recommended that would prevent the development from proceeding until the applicant has secured appropriate habitat mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. The proposal would have been subject to payment of a habitat mitigation contribution of £550 for visitor management and monitoring, secured by S.106 or otherwise providing habitat mitigation to an equivalent standard.

14.9 In light of the concerns highlighted over the overdeveloped form of development, character impacts and amenity impacts, the application is recommended for refusal.

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

Section 106 Contributions Summary Table

| | | | |
|-----------------------------|--------------------------------|-------------------------------------|-------------------|
| Proposal: | | | |
| Type of Contribution | NFDC Policy Requirement | Developer Proposed Provision | Difference |
| Affordable Housing | | | |
| No. of Affordable dwellings | 0 | 0 | 0 |
| Financial Contribution | 0 | 0 | 0 |
| Habitats Mitigation | | | |
| Financial Contribution | £4250 | £4250 | 0 |

CIL Requirement

| Type | Proposed Floorspace (sq/m) | Existing Floorspace (sq/m) | Net Floorspace (sq/m) | Chargable Floorspace (sq/m) | Rate | Total |
|-----------------------|----------------------------|----------------------------|-----------------------|-----------------------------|---------|--------------|
| Dwelling houses | 130 | 0 | 130 | 130 | £80/sqm | £10,840.00 * |
| Subtotal: | £10,840.00 | | | | | |
| Relief: | £0.00 | | | | | |
| Total Payable: | £10,840.00 | | | | | |

* The formula used to calculate the amount of CIL payable allows for changes in building costs over time and is Index Linked using the All-in Tender Index Price published by the Build Cost Information Service (BICS) and is:

Net additional new build floor space (A) x CIL Rate (R) x Inflation Index (I)

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposed development offers a cramped layout and poor levels of space about the building, which constitutes overdevelopment of the site. It would be inappropriate to the site context by virtue of the closure of the gap between numbers 1 and 2 East View Road, its overly deep footprint, frontage dominated by vehicular parking and turning arrangements, with inadequate provision for any meaningful landscaping and small rear garden area. Consequently the proposal would be an incongruous feature which would detract from the street scene, character and appearance of the area, contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park, Ringwood Local Distinctiveness Document and paragraphs 53 and 64 of the National Planning Policy Framework.
2. The proposed development would have an unacceptable impact upon adjoining residential amenity as it would have an oppressive and overbearing impact on the outlook of number 1 East View Road (Cartref), by virtue of its close proximity, height, siting and depth, contrary to the amenity related provisions of Policy CS2 of the Core Strategy for the New Forest District outside the National Park (2009).

Notes for inclusion on certificate:

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

No pre-application advice was sought from the planning authority in respect of the form of development proposed. In this case, the concerns of the Council, statutory consultees and notified parties in respect of the potential overdeveloped form of development, character impacts and amenity impacts were made available on the Council's website, with no direct response offered by the applicant to address those concerns. In view of the limited time constraints imposed on Planning Authorities to determine applications within specified timeframes, in this instance, due to the absence of agreement over contributions, acceptable plans and the level of justifiable harm the scheme would cause, it was not unreasonable to refuse the application.

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



Application Number: 16/11009 Full Planning Permission

Site: 6 BURRARD GROVE, LYMINGTON SO41 3QR

Development: Single-storey side & rear extension

Applicant: Mr & Mrs Appleby

Target Date: 16/09/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Historic Land Use
Plan Area

Plan Policy Designations

Built-up Area

National Planning Policy Framework

Section 7
NPPF Ch. 7 - Requiring good design

Core Strategy

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

Not 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

| Proposal | Decision Date | Decision Description | Status |
|--|---------------|------------------------|-----------|
| 16/10334 Single-storey side and rear extension | 31/05/2016 | Withdrawn by Applicant | Withdrawn |

5 COUNCILLOR COMMENTS

No comments received

6 PARISH / TOWN COUNCIL COMMENTS

Lymington and Pennington Town Council: Recommend: refusal - In support of objections from neighbour.

7 CONSULTEE COMMENTS

Environmental Health (Contaminated Land)

Recommend informative due to the close proximity of previous unknown filled ground.

8 REPRESENTATIONS RECEIVED

7 Burrard Grove

Objection - Little change in new scheme. Loss of light; over dominant impact. Windows on the side face front door, dining room, part of conservatory and patio garden which will lose natural light and sunlight. Does not comply with BRE Daylight and Sunlight Good Practice Guidance. There is no side addition to No.5. There is a greater impact as No.7 is semi detached and the angle is greater.

5 Burrard Grove (applicant)

The applicant has written in support. Refer to pre-application consultation; No adverse impact on amenity of No.7; the proposal is single storey and set back from the boundary with low eaves height, the proposal includes the demolition of an existing detached garage which extends 9m against the boundary with No.7; Development is proportionate to No.5 (2 storey rear extension) and relatively smaller than development at No.10 (one and two storey side and rear extension) and No.11 (2 storey side and rear extension, detached garage, front porch).

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 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.

Pre-application advice was sought following the withdrawal of application 16/10334. An additional plan was received to display certain angles at the front of the property in relation to the boundary. A request was also made to the agent to extend the time on the application due the need for it to be considered by the Planning Development Control Committee.

12 ASSESSMENT

- 12.1 This application site consists of a two-storey detached dwelling located in a quiet residential cul-de-sac in the built-up area of Lymington. Properties in the street scene are of a similar character and style.
- 12.2 This application is for single-storey side and rear extension. Planning issues are impact on neighbouring residential amenity and impact on the street scene.
- 12.3 The side element of the extension would be visible from the street scene but would not detract from the character of the area as it is single storey, set back and of limited size.
- 12.4 The footprint of the extension to the rear is quite large in scale, but there would be an associated removal of an existing garage at the rear. Therefore it is not considered to be overdevelopment and amenity impacts of the rear element on No.5 and No.7 are considered acceptable.

- 12.5 Concerns have been raised by the neighbour at no.7 Burrard Grove regarding a potential loss of light from the side extension. No.7 is set back in its plot relative to No.6 and has side facing windows. The removal of the existing garage on the north- eastern boundary of the site would assist to mitigate any impact on light. Furthermore, the proposed extension would be set away from the boundary, with a pitched roof sloping away from the boundary. Any loss of sunlight is not considered to be harmful as the height of the existing boundary fences between the two properties shields the vast majority of the proposal from no.7, which together with existing shrubs and plants act as an additional, attractive screen.
- 12.6 The extension includes no side windows other than rooflights on the pitched roof on the north-eastern elevation of the property that faces no.7. As such, although there are facing windows inside of No.7, there are no concerns regarding overlooking or a loss of privacy. Overall the proposed is considered to be acceptable and is recommended for approval.
- 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 plans: 4614 PL01A, 4614 PL02D, 4614 PL03E, 4614 PL04B, 4614 PL01D-05.

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, an additional plan was received (4614 PL01D-05) to display certain angles at the front of the property in correspondence with an associated boundary. This was added to the submitted documents. A request was also made to the agent to extend the time on the application due to the need for the application to be determined by the Planning Development Control Committee.

2. There are a number of sites near to this property which have had past contamination issues. It is possible that some contamination may have migrated through the ground and ground water. Whilst the Authority has no evidence to suggest that this is the case, any observed presence of contamination during any ground invasive works should be reported to the Local Authority Environmental Health Officer and works halted whilst the matter is considered. It is advisable to obtain specialist advice concerning the potential for contamination and its recognition. Under the National Planning Policy Framework, where a site is affected by contamination, responsibility for securing a safe development and/or new use, rests with the developer and/or landowner and as a minimum requirement the land should not be capable of being determined as contaminated land under Part 11A of the Environmental Protection Act 1990.

Further Information:

Householder Team

Telephone: 023 8028 5345 (Option 1)



Application Number: 16/10840 Full Planning Permission

Site: 5A HARFORD CLOSE, PENNINGTON, LYMINGTON SO41 8EX

Development: Bungalow; access; parking

Applicant: Mrs Fry

Target Date: 15/09/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Policy

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS7: Open spaces, sport and recreation
- CS10: The spatial strategy
- CS15: Affordable housing contribution requirements from developments
- CS24: Transport considerations
- CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

DM3: Mitigation of impacts on European nature conservation sites

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Housing Design, Density and Character
SPD - Lymington Local Distinctiveness

SPD - Mitigation Strategy for European Sites
SPD - Parking Standards

6 RELEVANT PLANNING HISTORY

6.1 Two storey dwelling, access (10708) Refused on the 14th Aug 2014

7 PARISH / TOWN COUNCIL COMMENTS

Lymington Town Council: Recommend refusal. In support of neighbours and Case Officers comments.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

9.1 Tree Officer: No objection subject to condition.

9.2 Hampshire County Council Highway Engineer: no highway objection subject to condition.

9.3 Land Drainage: No objection subject to condition.

10 REPRESENTATIONS RECEIVED

10.1 4 letters of objection concerned over construction traffic in Harford Close. What provision is there to prevent the applicant removing the hedge in the future. Impact on flooding and surface water drainage. Proposed building will be out of character with the area. Loss of green space and landscaped area. The existing property at No 5A operates as a Bed and Breakfast. There is insufficient car parking.

10.2 5 letters of support: low impact; innovative new build; add interest to the area; other concerns have been addressed.

10.3 The applicant has written in support of the application stating that the proposal would be appropriate in this location and that the garden and car parking areas would be contextually acceptable. The applicant also confirms that the hedge would be retained.

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.

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.

This planning application follows a recent application dismissed on appeal. No pre application advice was sought from the applicant. The proposal for a dwelling on this site is not acceptable in principle and accordingly, Officers cannot seek revised plans or amendments to address their concerns.

14 ASSESSMENT

- 14.1 The application site comprises part of the garden area associated with 5a Harford Close. The property at No 5a is a recently built dwelling which previously formed the garden to No 5. Harford Close is a small, distinctive cul de sac of chalet style bungalows with wide, open frontages which provide the area with an attractive sense of spaciousness.
- 14.2 The site sits at the end of the cul de sac behind a tall evergreen hedge. It backs onto Milford Road where there is a belt of mature trees and planting, which is identified in the Lymington Local Distinctiveness Supplementary Planning Document (2011) as an important tree group.
- 14.3 This planning application proposes a detached bungalow on land that currently forms part of the garden area to 5a. Access to the site would

be gained from Milford Road. The proposed layout of the site would entail the proposed building being sited to the north of the plot with the garden and car parking to the south. Visually the proposed dwelling would be single storey of a contemporary design with a very shallow pitched 'green' roof incorporating glazing along the southern elevation. The existing hedgerow along the north boundary has been shown to be retained. The proposed building would be 'sunk' approximately 1m metre into the existing ground levels in order to reduce its overall scale.

- 14.4 This application follows a previous proposal for a detached dwelling on this site that was dismissed on appeal in 2014 under reference 10708. The previous planning application proposed a chalet style bungalow which would have fronted onto the end of the cul de sac with its rear garden area backing onto Milford Road.
- 14.5 That application was dismissed on appeal on the grounds of the adverse impact on the character and appearance of the area. In dismissing the appeal, the Inspector stated that:
- 'the appeal site sits at the end of the cul-de-sac behind a tall evergreen hedge. It backs on to Milford Road where there is a belt of mature trees and planting, which is identified in the Lymington Local Distinctiveness Supplementary Planning Document (LLDSDP) as an important tree group. These trees are seen above the evergreen hedge and frame the view towards the end of the cul-de-sac. The Council states that the original design of this part of the estate, which was developed around 1981, included areas of open landscape as a buffer area between the dwellings and Milford Road, the main approach into Lymington.'*
- 14.6 The Inspector stated that:
- 'The proposed dwelling in this case would mean the erosion of much of that remaining area, and the loss of the 'green' view at the end of this pocket of housing which contributes to its distinctive character: the evergreen hedge would be lost and much of the views of the trees to the rear would be obscured. Although the appellant argues that every such development results in the loss of an existing space, some spaces make a stronger contribution to the visual quality and character of an area than others as in this instance'. 'Furthermore, the dwelling would lack the open frontage typical of the other houses in Harford Close making it appear more cramped on its plot in comparison. The proposed dwelling would not noticeably impact on views along Milford Road, but there would be a marked change in the appearance of Harford Close to the detriment of its distinctive open character'.*
- 14.7 This current application attempts to address the concerns raised in the appeal. Most noticeably, the dwelling will be a much lower building in terms of its height and this is largely achieved by the fact the building will be 'sunk' into the ground by around 1 metre and be only single storey high. The other main change is the proposed dwelling will have its frontage, access and car parking from Milford Road.
- 14.8 In assessing this current proposal, while improvements have been made by reducing the scale of the building, it is considered that the proposal has not addressed the concerns previously raised. The proposed building would lack an active frontage onto Harford Close and the building would still erode the important open gap and landscaped area at

the head of the cul de sac. Although the submitted plans indicate that the existing hedgerow adjacent to Harford Close would remain, there can be no assurances in the future that the hedgerow would not be reduced in height or completely removed. It would not be reasonable to impose planning conditions for the existing hedgerow to be retained or control its height and accordingly, any future alterations to the hedgerow that exposes the proposed building would be damaging to the distinctive features of Harford Close.

- 14.9 The proposed layout of the site would have a much more cramped setting compared to the previous application. The site would be dominated by a building, car parking and turning with a very small garden area. In comparison to the more spacious plots generally in the area, including the size of gardens, the application site would be significantly smaller and out of character with the area.
- 14.10 Visually, the proposed design of the dwelling with its low roof form would differ from the distinctive character of Harford Close which is characterised by chalet style bungalows with dormer windows. While the proposed dwelling attempts to address Milford Road, the proposed building would still appear as part of Harford Close. The overall design does not respond to the features in the design of the properties in Harford Close and the proposed development would also appear incongruous when viewed from Milford Road.
- 14.11 It would seem that the design approach does not attempt to reflect the distinctive character of Harford Close, but has been designed to address the concerns raised by the Inspector in the appeal decision. As such, it is considered that the proposed design would unacceptably detract from the distinctive character of Harford Close.
- 14.12 Overall it is considered that the application site makes a positive contribution to the character of this part of Harford Close and Milford Road. The proposed development would not only remove a positive element of the street scene, which is the visual amenity of the open and landscaped plot with views of trees beyond, but would also introduced a negative element to the street scene in both Milford Road and Harford Close.
- 14.13 In terms of public highway safety matters the proposed vehicular access would utilise an existing dropped kerb vehicular access point from Milford Road. The access benefits from adequate visibility splays and is therefore deemed appropriate. The Highway Authority has stated that the highway boundary extends to the existing fence line from Milton Road and therefore an appropriate highways licence will be required in order to carry out works within the existing verge. The number of parking spaces accord with the NFDC Supplementary Planning Document, and the proposed layout has demonstrated that vehicles can access the site before manoeuvring into each of the parking spaces and then egress the site in a forward gear. On this basis, the Highway Authority have not raised any objections.
- 14.14 In terms of other matters, given the scale and siting of the building, it will not have any adverse impact on the living conditions of the adjoining neighbouring properties. The Tree Officer does not raise any objections subject to conditions.

- 14.15 Concerns have been expressed about the problems with foul and surface water drainage in the area, especially at times of heavy rainfall. No evidence has been submitted to back up this evidence, and it is considered that this is a matter that could be dealt with by condition given that only a single dwelling is proposed were the proposal otherwise acceptable.
- 14.16 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 which requires many small scale housing developments including the current application proposal to make affordable housing provision.
- 14.17 The presumption in favour of the development plan remains, in that the decision should be taken in accordance with the plan unless material considerations indicate otherwise. The new guidance is a material consideration which post-dates the adoption of the Local Plan. It is for the Council to decide which should prevail 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 reasons to make an exception.
- 14.18 While the need for affordable housing in this District is pressing, this in itself is unlikely to be considered by the Secretary of State as sufficient reason for the Council to apply its own development plan policy rather than applying national policy. 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 this proposal would have an unacceptable impact on the character and appearance of the area resulting in a cramped form of development with little space around the building. The proposal has not addressed the concerns previously raised.
- 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 this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

Section 106 Contributions Summary Table

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

CIL Requirement

| Type | Proposed Floorspace (sq/m) | Existing Floorspace (sq/m) | Net Floorspace (sq/m) | Chargeable Floorspace (sq/m) | Rate | Total |
|-------------------------|----------------------------|----------------------------|-----------------------|------------------------------|---------|------------|
| Self Build (CIL Exempt) | 61.16 | 0 | 61.16 | 61.16 | £80/sqm | £5,099.80* |
| Subtotal: | £5,099.80 | | | | | |
| Relief: | £5,099.80 | | | | | |
| Total Payable: | £0.00 | | | | | |

* The formula used to calculate the amount of CIL payable allows for changes in building costs over time and is Index Linked using the All-in Tender Index Price published by the Build Cost Information Service (BICS) and is:

Net additional new build floor space (A) x CIL Rate (R) x Inflation Index (I)

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. By virtue of its openness, greenery, trees and vegetation, the application site positively contributes to the spatial character and appearance of the area. It is considered that by virtue of its siting, design and positioning on the site, the proposed development would introduce a negative element with a cramped and harsh layout that would unacceptably encroach into this open part of the site diminishing the spacious positive features that contribute to the character of the area. For this reason, the proposed development is contrary to policies CS2 and CS10 of the Core Strategy for the New Forest District outside the National Park and the adopted Lymington Local Distinctiveness Document Supplementary Planning Guidance.

Notes for inclusion on certificate:

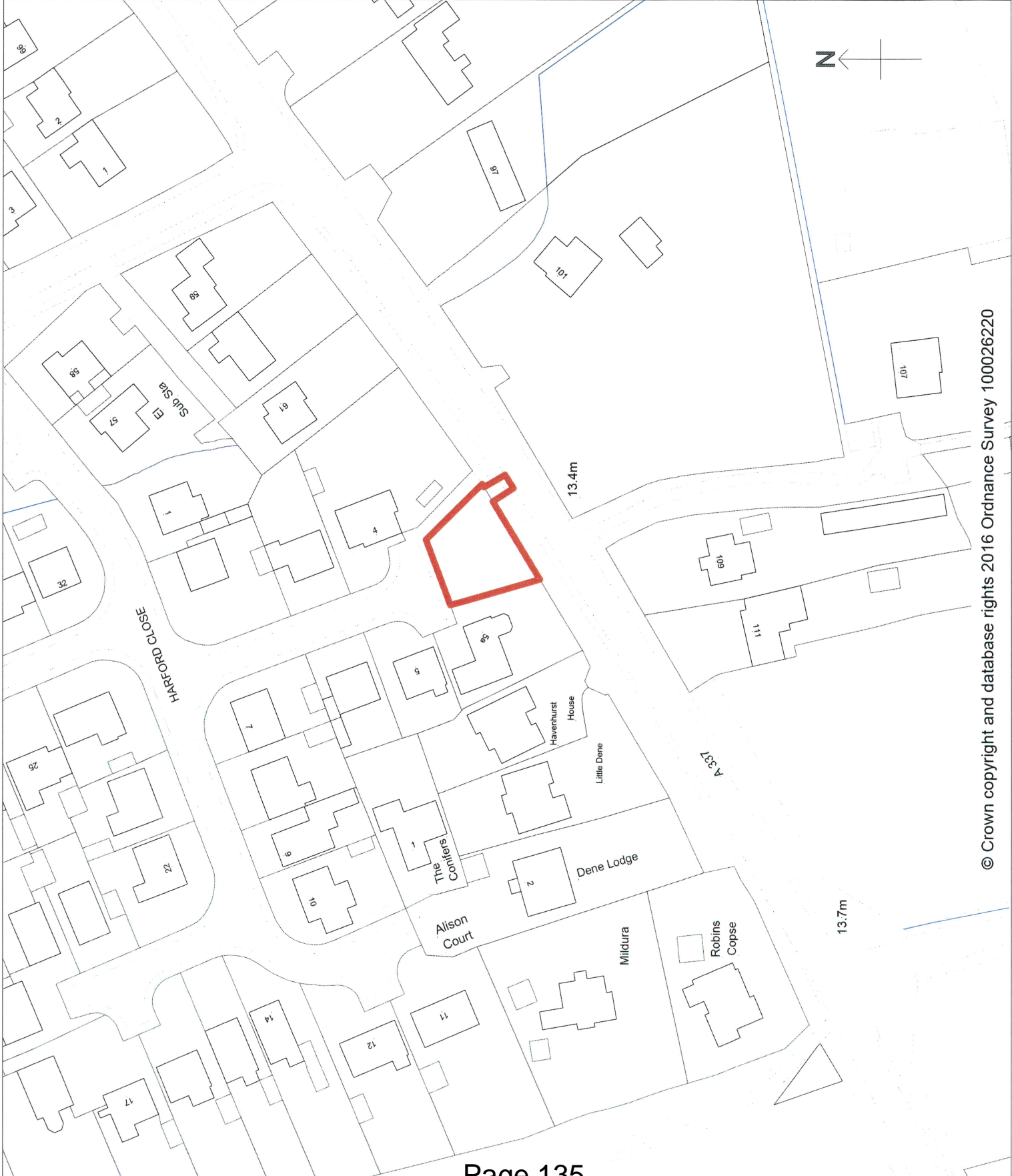
1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising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

This planning application follows a recent application dismissed on appeal. No pre application advice was sought by the applicant. The proposal for a dwelling on this site was not acceptable in principle and accordingly, Officers did not seek revised plans or amendments to address their concerns.

2. This decision relates to additional plans received by the Local Planning Authority on the 29th August 2016.

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)



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Application Number: 16/10984 Full Planning Permission

Site: 14 GRAVEL LANE, RINGWOOD BH24 1LL

Development: House

Applicant: Forest Carpentry

Target Date: 06/09/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Policy

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

Core Strategy

- CS2: Design quality
- CS4: Energy and resource use
- CS7: Open spaces, sport and recreation
- CS10: The spatial strategy
- CS15: Affordable housing contribution requirements from developments
- CS24: Transport considerations
- CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

DM3: Mitigation of impacts on European nature conservation sites

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

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

6 RELEVANT PLANNING HISTORY

6.1 House, detached garage (11082) Refused on the 28th Oct 2013. Appeal allowed

6.1 House (10104) Refused on the 18th March 2015

7 PARISH / TOWN COUNCIL COMMENTS

Ringwood Town Council: Accept the decision reached by the DC Officers under their delegated powers. Whilst the Committee accepted the decision of the Planning Inspector, it wished to comment that the proposed design is considered inappropriate for the area, as previously observed.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

9.1 Hampshire County Council Highway Engineer: no objection subject to conditions.

9.2 Tree Officer: no objection subject to conditions.

10 REPRESENTATIONS RECEIVED

None

11 CRIME & DISORDER IMPLICATIONS

No relevant consideration

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 £13,591.69.

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

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

14 ASSESSMENT

14.1 The application site is a rectangular shaped plot situated at the junction of Gravel Lane and Orchard Close in a residential area. The site previously formed part of the garden area to a two-storey, red brick house (no. 14) however, the land has now been severed and the property has its own residential curtilage with its access from Orchard Close. There is an attractive bank and hedgerow along the frontage to Gravel Lane and mature planting in parts of the garden, including two trees protected under a Tree Preservation Order. These features and the garden spaces between the house and the two roads create a relatively spacious and essentially verdant appearance. There is a very wide range of property types, styles, ages and layouts in the immediate vicinity of the application site.

14.2 Despite its frontage to Gravel Lane, the application site lies within Character Area 8 – North Ringwood of the Ringwood Local

Distinctiveness Supplementary Planning Document (SPD), albeit adjacent to Character Area 3 – Gravel Lane. The character area map in the SPD for North Ringwood highlights only important trees/tree groups on or adjacent to the site. The map for Gravel Lane identifies the route of Gravel Lane as an older pre-car lane and street. Neither the building nor garden area is highlighted on the character area maps. Some of the key defining elements and green infrastructure of both areas as set out in the SPD are evident at the application site.

- 14.3 This application proposes a two storey detached dwelling with integral garage. The proposed dwelling would have access and front onto Gravel Lane. Visually the proposed dwelling would be constructed from brick under a clay tiled hipped roof, front bay windows, chimneys and traditional window detailing. This proposed application is identical to two previous applications submitted under references 11082 (2013) and 10104 (2015). The more recent application submitted in 2015 under 11082 was only refused on the grounds that no legal agreement was completed to secure the provision of affordable housing, public open space and transport contributions. The application submitted in 2013 under reference 11082 was allowed on appeal and the permission is still extant. However that application is bound by a legal obligation for a number of contributions.
- 14.4 This application has been submitted in order to secure a planning permission without any affordable housing contributions. No changes have been made to the layout or design, and there have been no changes in the circumstances of the site, other than the severance of the plot from No 14. Given that this current proposal is identical to the extant planning permission and on the basis that all other matters were previously considered, the only outstanding issue is the affordable housing contribution.
- 14.5 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 which requires many small scale housing developments including the current application proposal to make affordable housing provision.

- 14.6 The presumption in favour of the development plan remains, in that the decision should be taken in accordance with the plan unless material considerations indicate otherwise. The new guidance is a material consideration which post-dates the adoption of the Local Plan. It is for the Council to decide which should prevail 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 reasons to make an exception.
- 14.7 While the need for affordable housing in this District is pressing, this in itself is unlikely to be considered by the Secretary of State as sufficient reason for the Council to apply its own development plan policy rather than applying national policy. 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.
- 14.8 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.
- 14.9 In conclusion, this application is acceptable. The site already benefits from an extant planning permission and this current application is identical. The only difference is that this current application will not require a contribution towards affordable housing.
- 14.10 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

Section 106 Contributions Summary Table

| | | | |
|-----------------------------|--------------------------------|-------------------------------------|-------------------|
| Proposal: | | | |
| Type of Contribution | NFDC Policy Requirement | Developer Proposed Provision | Difference |
| Affordable Housing | £38,100 | - | -£38,100 |
| No. of Affordable dwellings | | | |
| Financial Contribution | £38,100 | - | -£38,100 |
| Habitats Mitigation | | | |
| Financial Contribution | | | |

CIL Requirement

| Type | Proposed Floorspace (sq/m) | Existing Floorspace (sq/m) | Net Floorspace (sq/m) | Chargable Floorspace (sq/m) | Rate | Total |
|-----------------|----------------------------|----------------------------|-----------------------|-----------------------------|---------|--------------|
| Dwelling houses | 163 | 0 | 163 | 163 | £80/sqm | £13,591.69 * |
| Subtotal: | £13,591.69 | | | | | |
| Relief: | £0.00 | | | | | |
| Total Payable: | £13,591.69 | | | | | |

* The formula used to calculate the amount of CIL payable allows for changes in building costs over time and is Index Linked using the All-in Tender Index Price published by the Build Cost Information Service (BICS) and is:

Net additional new build floor space (A) x CIL Rate (R) x Inflation Index (I)

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: 2013-13-02 Rev B, 2013-13-03.

Reason: To ensure satisfactory provision of the development.

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

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

4. Before first occupation of the development hereby approved the applicant must design and install a surface water sustainable system to cater for the new impermeable areas (i.e. roofs) on the proposed development such that no additional or increased rate of flow of surface water will drain to any water body or adjacent land for storms up to 1 in 100 years including climate change.

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

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

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

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

6. The development hereby permitted shall be undertaken in full accordance with the provisions set out within the Alderwood Consulting Limited Arboricultural Impact Assessment ref. D1361AIAL2 dated 17 March 2014

and with a supplementary Tree Protection Plan (complying with the recommendations of BS 5837: 2012) which shall have first been submitted to and approved in writing by the local planning authority.

Reason: To ensure the retention of existing trees and natural features and avoidance of damage during the construction phase in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

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

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

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

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

8. Before the first occupation of the dwelling hereby permitted the first floor windows on the south-east elevation of the approved dwelling shall be fitted with obscure glass and shall be permanently retained in that condition.

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. The development hereby permitted shall not be occupied until the spaces shown on plan 2013-13-02 Rev B for the parking and garaging of motor vehicles have been provided. The spaces shown on plan 2013-13-02 Rev B for the parking and garaging of motor vehicles shall be retained and kept available for the parking and garaging of motor vehicles for the dwellings hereby approved at all times.

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

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 5 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/>

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



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
September 2016**

Item No: 3n
14
Gravel Lane
Ringwood
16/10984
SU1405

Scale 1:1250

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



Subway

A 31

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Application Number: 16/10879 Full Planning Permission

Site: STAPLETON HOUSE, CRANBORNE ROAD, DAMERHAM SP6
3JF

Development: Stable block; manege

Applicant: Mr & Mrs Henderson

Target Date: 29/08/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Councillor View

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside
Area of Outstanding Natural Beauty

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

Core Strategy

- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS7: Open spaces, sport and recreation
- CS10: The spatial strategy

Local Plan Part 2 Sites and Development Management Development Plan Document

DM25: Recreational uses in the countryside - including horse-keeping/riding

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

None

6 RELEVANT PLANNING HISTORY

None of direct relevance

7 PARISH / TOWN COUNCIL COMMENTS

Damerham Parish Council: Recommend permission but would accept a delegated decision

8 COUNCILLOR COMMENTS

Councillor E Heron: The proposed stable block, hay store and manege will require careful assessment regarding potential impact on the landscape of the AONB. However, while the provision of 6 loose boxes necessitates a fairly large building, given the area of grazing (understood to be 8.5 acres) under the control of the applicant and the timber construction of the building, this does not appear to be overly excessive or out of keeping with the area.

9 CONSULTEE COMMENTS

9.1 Land Drainage: No objection subject to condition

9.2 Tree Officer: No objection

9.3 Cranborne Chase Area of Outstanding Natural Beauty: The application has a number of basic weaknesses that need to be resolved. There is no objection to the keeping of horses, however, the proposal is currently not good enough to approve.

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.

No pre application advice was sought. The Officer's Briefing Notes highlight the concern with the size of stable building and its impact on the landscape. The applicants agent has responded and provided justification, however, this does not address the concerns that the building is too large.

14 ASSESSMENT

- 14.1 The site comprises a detached two storey dwelling surrounded by fields and paddocks set within a very sensitive rural location lying in the Area of Outstanding Natural Beauty. The site is accessed from a country lane approximately 1 mile from Damerham. Although there is a detached barn, courtyard group of former farm buildings now used for holiday lets and a detached dwelling close to the site, there are very few other buildings in the immediate area. The converted former barn buildings are now separated from the applicant tion at Stapleton Farm. The surrounding fields and paddocks are enclosed by post and rail fencing, with horses being kept on parts of the land. The country lane is also bounded by dense high hedgerows.
- 14.2 The application proposes a single building comprising six stables, two tack rooms and hay store on land to the north of the dwelling. It is also proposed to construct a manege to the north west of the dwelling, set behind the existing group of trees. The proposed building would be of a typical timber construction under a cement fibre sheeting roof rising to approximately 2.9 metres high. The building would be set around a courtyard arrangement measuring 14 metres in depth and by 16.7 in length. The proposed manege would measure 40 metres by 20 metres enclosed by new timber fencing. An access track would be created between the proposed stable and manege.

14.3 In support of the application, it is stated that the applicant currently owns approximately 8.5 acres of the surrounding land and the existing dwelling is occupied by three generations of the family comprising 4 adults and 4 children, in which all have an interest in horses including providing care and schooling. The applicant seeks consent for the stables and manege for private purposes, and some of the horses will come from a rescue centre and be brought to the holding to be appropriately cared for. The applicant currently has 3 horses on the land which are housed in temporary accommodation, but a further 5 horses are currently being stabled elsewhere. Essentially the proposed building would provide shelter for the horses including storage space for livestock, feed, bedding and equipment. The proposed manege is proposed to provide space for exercising and schooling of horses kept on the land.

14.4 Local Plan Part 2 Policy DM25 is applicable in this case and relates to recreational uses in the countryside including horse keeping and riding. The policy states that development associated with recreational uses will be permitted where it will:

- a) help meet a local recreational need; and/or
- b) will assist in the diversification of an agricultural enterprise; and/or
- c) will assist in relieving harmful pressures on a sensitive part of the New Forest National Park; provided that there will not be unacceptable impacts on the amenities of local residents, the rural character of the area, local roads or other environmental or agricultural interests (including nearby parts of the New Forest National Park and coast).

The policy goes onto state that development related to recreational horse keeping and riding will be permitted provided the scale is appropriate to the rural setting and character and it will not result in harmful increases in riding pressures on sensitive parts of the New Forest (in particular those subject to international nature conservation designations) or otherwise have unacceptable impacts on neighbouring uses, the rural landscape, local roads or on road safety.

14.5 In assessing the proposal against the policy, essentially the proposal is to provide a recreational facility for the applicant and it is not proposed to be used by the community or commercially. The site does not form part of an agricultural holding or agricultural operation, and accordingly the proposal does not assist in the diversification of an agricultural enterprise. It is considered that the proposal can take pressures off the New Forest National Park. Overall, it is considered that local plan policies are supportive of development associated with recreational uses, but careful consideration must be given to the impact on the rural landscape.

14.6 The main issue in this case is the effect on the character and appearance of the area which lies within a very sensitive location lying in the Area of Outstanding Natural Beauty (AONB).

14.7 Core Strategy Policy CS3 relates to protecting and enhancing the special environment and nature conservation. The policy requires conservation and enhancement of the natural beauty of Areas of Outstanding Natural Beauty. The National Planning Policy Framework states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes which include AONBs. Furthermore it should be recognised that the presumption in favour of sustainable development does not automatically

apply within AONB's. It states that great weight should be given to conserving landscape and scenic beauty in AONB's which have the highest protection in relation to landscape and scenic beauty.

- 14.8 As stated above, the site lies within a very sensitive location, which is defined by the exceptional rolling landscape, open fields and paddocks with dense woodland belts in the backdrop and there are very few buildings within this part of the area. The site lies on slightly elevated land from the road. The proposed building would be sited in a prominent location which would be clearly viewed through the existing access from the road. Although it is accepted that new hedgerow planting has been installed within the site, which would screen part of the site once established, the proposal should still be assessed as new development in the landscape. Although the proposed building would lie within land around the dwelling, the siting of the building would also be somewhat divorced from the dwelling, resulting in further development spread across the site
- 14.9 The impact of the proposed building would be compounded by its excessive size. With a footprint measuring nearly 17 metres by 14 metres comprising 6 stables, 2 tack rooms and a large hay store, together with areas of hardstanding, it is considered that this would have a negative impact on the rural character of the area and would make no positive enhancement of the qualities of the Area of Outstanding Natural Beauty. Overall it is considered that the proposed building is too large in size and its location is very prominent from the road.
- 14.10 The proposed manege is not considered to have a significant impact on the rural character of the area or wider landscape. The proposed facility would be sited behind the group of trees. The provision of a timber post fence and the design, which would be set into the ground levels, would reduce the overall visual impact.
- 14.11 With regard to other matters, the Tree Officer does not raise any objections and the proposal would not have any adverse impact on residential amenity or public highway safety matters.
- 14.12 In conclusion, while the case made by the applicant highlights the need for the building, and the local plan policies are generally supportive of development for riding establishments, this has to be balanced against the impact on the rural character of the area and the landscape qualities of the Area of Outstanding Natural Beauty. In this case, the adverse impact of the proposed building, given its prominent siting and size, on the character of the area, outweigh the recreational benefits to the applicant.
- 14.13 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. By reason of its prominent siting and excessive size the proposed building would be visually intrusive in its setting which would have a harmful and negative impact on the character and appearance of the area and the wider landscape qualities to the detriment of the Area of Outstanding Natural Beauty. For this reason the proposal is contrary to Policies CS2 and C10 of the Core Strategy for New Forest District outside the National Park, and Policy DM25 of the Local Plan Part 2 Sites and Development Management Document.

Notes for inclusion on certificate:

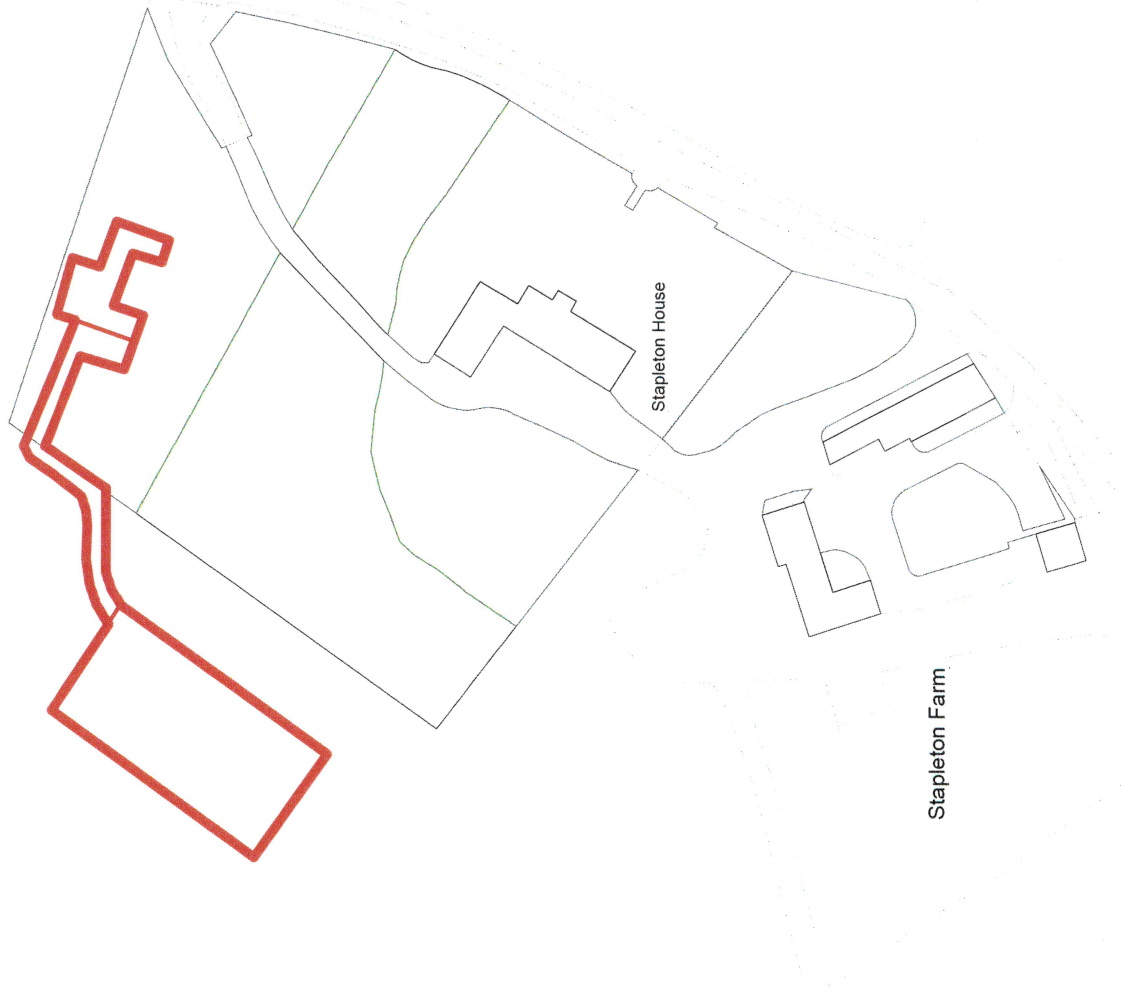
1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising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

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Further Information:

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Telephone: 023 8028 5345 (Option 1)



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