

NOTICE OF MEETING

Meeting: PLANNING DEVELOPMENT CONTROL COMMITTEE

Date and Time: WEDNESDAY, 9 NOVEMBER 2016, AT 9.00 AM*

Place: THE COUNCIL CHAMBER, APPLETREE COURT,
LYNDHURST

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

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

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 12 October 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) **Land off Forest Oak Drive, New Milton (Application 16/11323) (Pages 1 - 8)**

Proposed scheme of 18 one bedroom assisted living units and supporting communal space within the C2 Use Class with associated car parking and landscaping

RECOMMENDED:

Raise no objection subject to resolution of the provision of public open spaces, habitats mitigation and detailed matters of design

(b) **Land rear of 9 Jacobs Gutter Lane, Totton (Application 16/10150) (Pages 9 - 14)**

Application for the Modification or Discharge of a Section 106 Obligation in respect of Planning Permission 16/10150 for 2 houses; parking; landscaping; drop kerb

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) **Merryfield Park, Derritt Lane, Sopley (Application 16/10497) (Pages 15 - 42)**

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 the completion by 30 October 2016 of an agreement pursuant to S106 of the Town and Country Planning Act 1990 and with the imposition of conditions

(d) **Former Nursery Site, Hordle Lane, Hordle (Application 16/10725) (Pages 43 - 60)**

Development of 17 dwellings comprised: 7 pairs of semi-detached houses; 2 semi-detached dormer bungalows and a detached house; parking; allotments; landscaping; access (amended plans and description)

RECOMMENDED:

Service Manage Planning and Building Control authorised to grant planning consent subject to the completion by 30 December 2016 of an agreement pursuant to S106 of the Town and Country Planning Act 1990 and with the imposition of conditions

- (e) **Land west of 19-20 Sopley (Application 16/10809) (Pages 61 - 68)**
Greenhouse and shed (retrospectively)
- RECOMMENDED:**
- Refuse
- (f) **Thornfields, 8 Milford Road, Pennington, Lymington (Application 16/10960) (Pages 69 - 78)**
Single-storey side and rear extensions; first-floor rear extension; lantern rooflights; fire escapes
- RECOMMENDED:**
- Planning consent subject to conditions
- (g) **4 Fullerton Road, Pennington, Lymington (Application 16/10989) (Pages 79 - 86)**
Rear extension; raise roof height; 3 rear dormers, 2 front dormers and rooflight in association with new first floor; fenestration alterations; porch; detached garage; raised steps on rear elevation (Retrospective)
- RECOMMENDED:**
- Planning consent subject to conditions
- (h) **Slaughter House, Sky End Lane, Hordle (Application 16/11027) (Pages 87 - 104)**
Use of land as residential curtilage; house; garage; barn; access; demolition of existing buildings (amended plans)
- RECOMMENDED:**
- That the Service Manager Planning and Building Control be authorised to grant planning consent subject to the receipt of no new material objections to the submitted amended plans before 15 November 2016 and with the imposition of conditions
- (i) **27 High Street, Milford-on-Sea (Application 16/11030) (Pages 105 - 112)**
Use as craft beer bar (Use Class A4)
- RECOMMENDED:**
- Planning consent subject to conditions

- (j) **Moorland House Rest Home, 20 Barton Court Avenue, Barton-on-Sea, New Milton (Application 16/11087) (Pages 113 - 120)**
Single-storey rear extension
RECOMMENDED:
Planning consent subject to conditions
- (k) **226 Southampton Road, Ringwood (Application 16/11154) (Pages 121 - 130)**
One and two-storey rear extension; detached house; parking; access from Wessex Road
RECOMMENDED:
Refuse
- (l) **Land of Elgin House, Roman Road, Dibden Purlieu (Application 16/11187) (Pages 131 - 140)**
Detached house; shed
RECOMMENDED:
Planning consent subject to conditions
- (m) **9 Marine Drive West, Barton-on-Sea, New Milton (Application 16/11188) (Pages 141 - 146)**
Boundary wall; gates
RECOMMENDED:
Planning consent subject to conditions
- (n) **Land of 2 East View Road, Ringwood (Application 16/11250) (Pages 147 - 154)**
Bungalow; parking
RECOMMENDED:
Refuse
- (o) **Land of Holly Cottage, 9 Wainsford Road, Pennington, Lymington (Application 16/11266) (Pages 155 - 166)**
House
RECOMMENDED:
Planning consent subject to conditions

- (p) **3 Lower Buckland Road, Lymington (Application 16/11288) (Pages 167 - 174)**

House; detached garage; parking; access (Outline application with details only of access)

RECOMMENDED:

Refuse

- 4. AMENDMENT OF THE COUNCIL'S DELEGATION SCHEME REGARDING AFFORDABLE HOUSING PROVISION ON SMALL SCALE DEVELOPMENT SITES (Pages 175 - 180)**

To amend the Committee's delegated powers to allow the officers to determine applications for developments of fewer than 10 dwellings.

- 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: 16/11323 Application by Hampshire County Council

Site: LAND OFF, FOREST OAK DRIVE, NEW MILTON BH25 5NT

Development: Proposed scheme of 18 one bedroom assisted living units and supporting communal space within the C2 Use Class with associated car parking and landscaping

Applicant: Hampshire County Council

Target Date: 18/11/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Councillor view in part.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area
Tree Preservation Order
Allocated Housing Site (NMT7)

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
2. Climate change and environmental sustainability
3. Housing
4. Economy
5. Travel
6. Towns, villages and built environment quality
8. Biodiversity and landscape

Policies

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
CS8: Community services and infrastructure
CS15: Affordable housing contribution requirements from developments
CS24: Transport considerations
CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

DM2: Nature conservation, biodiversity and geodiversity

DM3: Mitigation of impacts on European nature conservation sites

NMT7: Land east of Fernhill Lane

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 - New Milton Local Distinctiveness

SPD - Parking Standards

SPD - Mitigation Strategy for European Sites

SPD - Design of Waste Management Facilities in New Development

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

6 RELEVANT PLANNING HISTORY

None relevant to the consideration of this proposal

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: acceptable but would not accept a delegated refusal, make the following suggestions:

1. That hedging is planted on both sides of the boundary fencing and that the hanging tiles are replaced with brickwork to make the building more in keeping with properties in the immediate vicinity (Local Plan policy CS2 Design Quality)
2. That Southern Water remedy the faulty hydro brake prior to any works
3. That stronger traffic management options are considered for the crossing of Fernhill Lane, such as traffic light assisted pedestrian crossing;
4. That construction vehicles enter from the south of the site via Violet Lane.

N.B. The land directly north, and a northerly strip on the western side of the site is under Town Council ownership. Any use of this land is not permitted at any time.

8 COUNCILLOR COMMENTS

Cllr Jill Cleary: Having attended both consultations at New Milton Town Council I wish to make some comments regarding this application.

In general I support the application, this site has always been designated for affordable/ social housing and I believe that this application fulfils that criteria. I support that it should be accessed via Forest Oak Drive once the site has been finished and indeed this is in the local plan 2014.

However I am concerned that aesthetically the proposed design does not sit comfortably with the current design of this estate.

There are no chimney pots or chimneys at all on the estate and there are no hanging tiles, wooden clapperboard, wooden fascia panels, all houses are brick built.

I appreciate that in the next road, Gainsborough Avenue they have wooden fascia boards but Forest Oak Drive is an estate that looks in on itself, you do not nor can you see Gainsborough Avenue from any place on the estate . This proposed design must fit in with the estate, the proposal currently has chimneys and hanging tile, surely there is a policy that states it should fit in and match its immediate surroundings?

I am also concerned that one house in particular will be greatly affected, 31 Forest Oak Drive. This house will be opposite the proposed vehicle entrance and exit and therefore is likely to have car headlight intrusion through its living room windows. It could also suffer being blocked or have no turning circle to get on or off of their own drive, I would like to see this looked at. I have talked at length with the other District Councillor John Ward and he fully supports my comments and concerns.

We were told at the Town Council that the next stage is for this to go before the New Forest District Council planning committee, I sincerely hope that the committee makes time to come and see Forest Oak Drive to fully understand the complications of this site.

9 CONSULTEE COMMENTS

9.1 Urban Design Officer has raised the following issues with the scheme: Integration within the existing neighbourhood especially in terms of:

- Connections and respect for the existing POS
- Provision of POS
- Landscape intentions
- Appropriateness of the scale, mass and overall site coverage

I am concerned that as well as failing to really embrace the importance of the POS and the opportunity it offers, there is no case made for why the development should not provide public open space in accordance with adopted local plan policy and why the development cannot be created to ensure that residents benefit from a more neighbourly approach to open space and the public realm.

The building seems introverted with front door unseen from the public realm. The curtailing of the POS with what appears to be a fire escape and maintenance gate addressing the key public space may well be an issue.

I am concerned that by placing the building thus, the usefulness of our existing open space (which appears on the face of it to have been awaiting the rest of the housing development for its completion) will be seriously depleted in terms of options for amenity, play and activity. Indeed, it may well become seen as nuisance in such a constricted space.

- 9.2 Tree Officer: no objection subject to condition, the proposals would have no adverse impact on protected trees or those along the Fernhill Lane frontage which are far enough away from the proposed development not to be implicated.

10 REPRESENTATIONS RECEIVED

None received

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

Not applicable as NFDC is not the determining body.

13 WORKING WITH THE APPLICANT/AGENT

Not applicable as NFDC is not the determining body.

14 ASSESSMENT

- 14.1 This site is located at the southern extreme of Forest Oak Drive which contains detached, semi detached and terraced housing. The site is relatively level (with the exception of an attenuation basin) and presently comprises open grass/scrub and is contained by a substantial tree belt on the west side of the site which screens the site from Fernhill Lane. To the east are detached properties in Gainsborough Avenue and to the south is Fernmount House a former County Council Day Centre. There are also substantial trees on the west and south boundaries. The immediate area is characterised by a mix of building styles and sizes, Forest Oak Drive comprises a mixture of two storey housing built in the 1990's and Gainsborough Avenue has a more established spacious character while to the south is Fernmount House - mainly single storey with a two storey element.
- 14.2 This is a County Matter application to be determined by Hampshire County Council (HCC), this Council is a consultee in the process. The proposal is to develop the site with a two storey block of 18 one bedroom assisted living units and supporting communal space (within Use Class C2) with associated car parking and landscaping. The car parking area would be located to the east of the site, accessed from Forest Oak Drive with the building immediately to the west of this in an L-shaped plan form surrounded by communal gardens.
- 14.3 In policy terms the site is allocated for residential development (Policy NMT7) (to provide around 15 new homes) including affordable housing in accordance with Policy CS15 (d) of the Core Strategy. The site specific criteria referred to in the policy are:

1. provision of vehicular access from Forest Oak Drive;
2. retention of trees on the boundary of the site with Fernhill Lane;
3. provision of public open space in accordance with Policy CS7, including a natural play space for young children located within the development.

While the proposal is for assisted living units which would not provide the new homes envisaged by policy the use would be of a residential character and satisfy a need for this type of adult disability accommodation which would be appropriate on this site. Policy CS15 states that "private development creating new dwellings will be required to contribute towards the provision of affordable housing". The supporting statement accompanying the application states that the proposed development would not provide new private dwellings and does not, therefore, need to make an affordable housing contribution as the development would be operated by HCC.

In respect of the three policy criteria the proposal addresses these as follows:

1. Access to the site would be via Forest Oak Drive which would comply with the policy.
2. The proposals would have no adverse implications for any of the trees along the Fernhill Lane frontage of the site and all other protected trees would be retained. The Tree officer has raised no objections to the scheme subject to conditions.
3. The proposals make no provision for public open space in accordance with this element of the policy this is an issue that HCC will need to consider when they assess the proposals.

14.4 With regard to the impact of the development on the character and appearance of the area, as stated above, the area is of mixed character and a building of the size proposed could be appropriate in this context, subject to appropriate detailing and landscaping. While the New Milton Local Distinctiveness Document identifies the green and tranquil atmosphere and the verdant setting (The Lanes) this does not preclude a building of the size proposed particularly having regard to the scale of the former Fernmount House to the south, again subject to appropriate detailing. The Urban Design Officer has raised issues with the scheme in terms of the way that the building addresses the public realm and in particular the existing public open space. These issues are set out in paragraph 9.1 above in full and will be updated as required at Committee.

14.5 In terms of residential amenity the building would be located a good distance from the closest dwelling in Forest Oak Drive (No.31 would be a minimum of 25 metres away). This would result in an acceptable relationship in terms of impacts such as overlooking, overbearing and sun/daylighting. The development of this currently vacant site would clearly give rise to a significant change in terms of outlook and levels of activity when compared to the existing situation, however, this is an inevitable consequence of the development of the site which is to be

expected given the site allocation. The activity generated would be appropriate in this built up area and would not give rise to concerns that would justify an objection. The use of the car park does have the potential to give rise to some disturbance (particularly in relation to Nos. 31 & 33 Forest Oak Drive) in terms of noise and car light pollution, however, while it is acknowledged that this would be noticeable to residents it would be difficult to justify an objection on this basis.

- 14.6 As the proposal is for new residential accommodation and 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, it is the responsibility of HCC as Competent Authority to ensure that the development incorporates adequate mitigation and that the development is prevented from proceeding until the applicant has secured appropriate mitigation. This could be by agreeing to fund this Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard.
- 14.7 Other matters such as highway implications, drainage/flooding potential and ecology are detailed matters to be considered by HCC who will have carried out the appropriate consultations in respect of these issues.
- 14.8 In conclusion, the type of housing proposed is worthy of support on this allocated site subject to resolution of the outstanding matters in terms of provision of public open space, habitats mitigation and design/scale.

15. RECOMMENDATION

Raise No Objection: subject to resolution of the provision of public open space, habitats mitigation and detailed matters of design

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**

November 2016

Item No: 3a

**Land off
Forest Oak Drive
New Milton
16/11323
SZ2496**

Scale 1:1250

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scale.**



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Application Number: 16/10150 Modification or Discharge of Planning Obligation

Site: Land rear of 9 JACOBS GUTTER LANE, TOTTON SO40 9FQ

Development: Application for the Modification or Discharge of a Section 106 Obligation in respect of Planning Permission 16/10150 for 2 houses; parking; landscaping; drop kerb

Applicant: Mr Searle

Target Date: 30/11/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Policy (CSIS Affordable housing contribution requirements from developments).

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

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

Local Plan Part 2 Sites and Development Management Development Plan Document

DM3: Mitigation of impacts on European nature conservation sites

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

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

6 RELEVANT PLANNING HISTORY

6.1 2 houses; parking; landscaping; drop kerb (16/10150) - granted 29/4/16

7 PARISH / TOWN COUNCIL COMMENTS

Totton & Eling Town Council:- Views awaited

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 2 dwellings was approved by the Local Planning Authority in April 2016. The permission is subject to a Section 106 legal agreement that requires the development to make a contribution of £50,140 towards affordable housing. Development has yet to commence.
- 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.

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 (Option1)



New Forest
DISTRICT COUNCIL

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

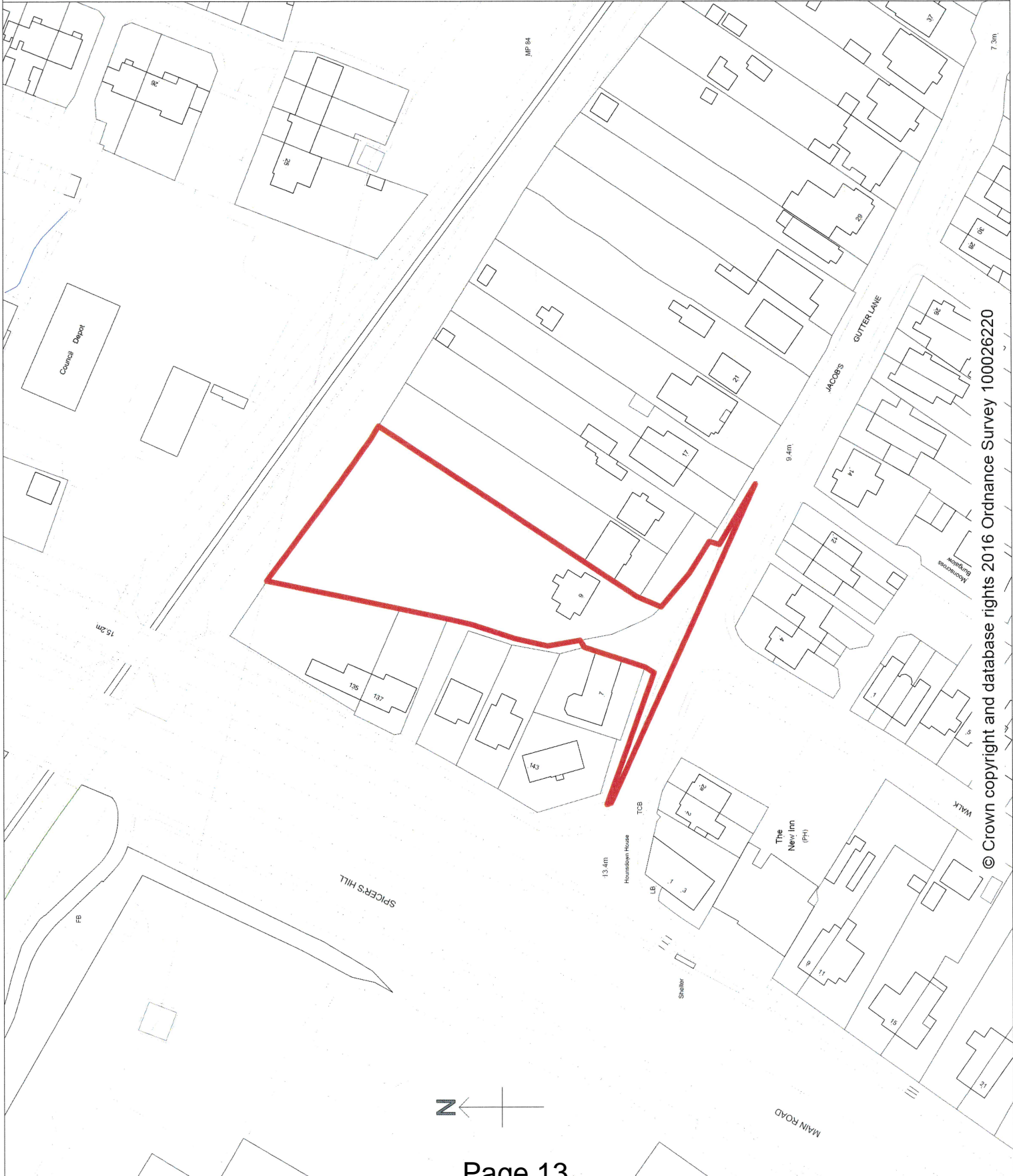
David Groom
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**Planning Development
Control Committee
November 2016**

Item No: 3b
Land rear of 9
Jacobs Gutter Lane
Totton
16/10150
SU3512

Scale 1:1250

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the internet, it will not be to
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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: 19/08/2016

Extension Date: 21/09/2016

1 REASON FOR COMMITTEE CONSIDERATION

Previous Committee consideration and 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

The following comments relate to the application as submitted.

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

The following comments relate to the application as submitted:

- 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 Hampshire County Council (Education): No comment received to date
- 9.9 Hampshire County Council Minerals and Waste: No objection subject to condition
- 9.10 Hampshire County Council (Flood Management): No objection subject to condition
- 9.11 Strategic Housing Officer: The proposed housing mix/ tenures are acceptable and accord with policy

- 9.12 Environmental Health (historic Land use): No objection subject to condition
- 9.13 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.
- 9.14 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

These relate to the applications as submitted:

- 10.1 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 inadequate. 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 Members will recall that this application was deferred by this Committee on the 14th September 2016 in order to gain further evidence to substantiate the comments from Wessex Water that the proposed development will not exacerbate existing problems with drainage in this area.
- 14.1.2 Both the applicant and Wessex Water have provided further information. Before this is considered, it is important to explain the following matters; how the drainage was dealt with on the site in its former use of, how the drainage system will operate for the proposed development and the extent of the issues around the foul drainage at Wiltshire Garden Pumping Station and the local catchment area.
- 14.1.3 The former uses of the site included residential uses. Wessex Water state that all of the foul water discharged into a separate private foul treatment system, not connected to the public sewer system.
- 14.1.4 The approved development of the site for 80 dwellings plus industrial units and the current proposal have been designed such that all of the surface water would be dealt with on the site. This means that water

from the roofs, roads and driveways will go straight into soakaway tanks provided within the residential curtilages and to areas of public open space in the form of swales. No surface water will discharge into the existing sewer system or off site. The foul water from the approved development and current proposal will go directly into the new pumping station that has already been built at Merryfield Park and then discharge through a rising main to the public sewer system in Derritt Lane. Flows then drain to Wiltshire Gardens sewage pumping station and onwards to Christchurch Sewage Treatment Works.

- 14.1.5 In terms of the issues arising around foul drainage in the local catchment area and Wiltshire Garden Pumping Station, Wessex Water have explained that they are aware of downstream sewer flooding incidents occurring under storm conditions owing to surface water discharges within the upstream network. The principal cause relates to surface water discharges and infiltration from rising groundwater levels to the foul system. Wessex Water state that these conditions lead to surcharging sewers and affect service levels to existing customers.
- 14.1.6 In response to the Committee's deferral, the applicants have provided further detailed information to explain the current situation and the future course of action to remedy the issues. The applicants drainage consultant has assessed the flow from the proposed development compared to the former land use as a military base. The flows assessed are for the overall development of 102 dwellings to be constructed on the site. The flows for both the previous land use and the proposed development have been assessed based on the guidance contained in Sewers for Adoption 7th Edition (SFA); being guidance used by Water Authorities for the design and construction of sewers.
- 14.1.7 For the proposed development of 102 dwellings (under Clause B5.1.1 of SFA) it indicates a flow rate for dwellings of 4000 litre per dwelling per day. This equates to a total peak flow rate of 4.7 litres per sec. The flow rate for existing land usage (Clause B5.1.2b of SFA) indicates a flow rate of 0.5 litres per hectare of developable land. The area of developable land for the previous land usage totals approximately 10 hectares which equates to a peak flow of 5 litres per second. Accordingly, the above comparison indicates that the peak flow for the proposed overall development does not exceed the existing flow rate when compared using Sewers for Adoption 7th Edition.
- 14.1.8 The applicant has assessed the proposed dwellings on Phase 2 against the 'fall-back' position of a B1 office use on that part of the site. It is important to point out that the approved use on the site permits the retention of 11 existing buildings with a total floor area of no more than 1,309 square metres for B1. Using Sewers for Adoption 7th Edition (Water Industries guidance on adoptable drainage), the peak flow from the approved office usage can be calculated to be approximately 0.45 litres/sec. and for the residential usage 1 litre/sec. This represents an increased flow rate downstream at the Wiltshire Gardens pumping station of 70 litres/sec. The increase, as a result of the proposed change from office to residential, is less than 0.78 litres/sec of the peak flow rate. On this basis, the applicants contend that the increase of foul drainage into the existing system when compared against both the former use of the site and the 'fall back' position to be marginal.

- 14.1.9 In response to the further information submitted, Wessex Water have assessed this and can confirm that the additional foul flows and volumes from the new connections remain marginal by comparison and discharge from the site will continue to pump at the same design rate. Flows and volumes from a new foul connection serving 22 properties will not have a significant impact on the risk of sewer flooding. Pumped flow rates to the public sewer system will remain the same. Wessex Water continue to raise no objection and conclude that modelling of these additional foul flows into the catchment will not determine any higher risk of sewer flooding within the system. Accordingly, Wessex Water conclude that the proposal would not exacerbate the current situation.
- 14.1.10 In relation to the issues arising in the local catchment and at Wiltshire Gardens, as stated above, Wessex Water are fully aware of these current problems. Wessex Water is currently investigating the hydraulic performance of the public sewer system served by Wiltshire Gardens Pumping Station. This investigation is due to report by the end of March 2017 with recommendations and costs estimates for scheme options. At this time Wessex Water will need to prioritise any capacity improvements and include any allowances for catchment growth made in the Local Plan. In areas where problems are more severe, these will take priority, however, Wessex Water cannot confirm whether the Wiltshire Gardens Pumping Station and local catchment area is a priority area until the results of the investigations is known.
- 14.1.11 Accordingly, while it is recognised that there is a current issue with sewer flooding in the local catchment area, which occurs during heavy times of heavy rainfall or storms, Wessex Water continue to raise no objections and state as the volumes and flows remain the same, the proposed development would not exacerbate the problem. The applicants have provided evidence to demonstrate that there will not be any material increase in flows and volumes above the fall back position which is to provide 11 business units. A condition can be imposed to require details of the foul drainage details to be submitted and approved. Moreover, in this case, it would not be reasonable for the applicants to contribute towards or resolve an existing problem of sewer flooding in the local area. The main issue is when and how the existing sewer flooding issue around the local catchment area is going to be resolved, and this will be dealt with separately from this current application.
- 14.2 Officers previous report (14th September 2016)
- 14.2.1 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.
- 14.2.2 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.

- 14.2.3 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.
- 14.2.4 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.
- 14.2.5 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.
- 14.2.6 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.
- 14.3 Policy
- 14.3.1 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.

- 14.4 Green Belt Test
- 14.4.1 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..
- 14.4.2 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.
- 14.4.3 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.
- 14.4.4 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.
- 14.4.5 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.
- 14.4.6 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.

14.4.7 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.

14.5 Residential development in the countryside.

14.5.1 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.

14.5.2 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.

14.5.3 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.

14.6 Retention of employment uses in the countryside.

14.6.1 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.

- 14.6.2 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.
- 14.7 Layout and Design Considerations
- 14.7.1 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.
- 14.7.2 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.
- 14.7.3 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.
- 14.7.4 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.
- 14.7.5 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.
- 14.8 Affordable Housing
- 14.8.1 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.

- 14.8.2 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.
- 14.8.3 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.
- 14.8.4 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).
- 14.8.5 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.
- 14.8.6 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.
- 14.8.7 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.

14.8.8 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.

14.9 Habitat Mitigation

14.9.1 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.

14.9.2 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.

14.9.3 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.

14.9.4 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.

14.10 Public Open Space

14.10.1 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

- 14.10.2 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.
- 14.10.3 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.
- 14.11 Arboricultural Considerations
- 14.11.1 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.
- 14.12 Residential Amenity Considerations
- 14.12.1 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.
- 14.12.2 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.
- 14.12.3 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.
- 14.13 Highways
- 14.13.1 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.

14.13.2 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.

14.14 Drainage & Flooding issues

14.14.1 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.

14.15 Other matters

14.15.1 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.

14.15.2 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.

14.15.3 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.

- 14.15.4 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
- 14.15.5 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.
- 14.16 Conclusion
- 14.16.1 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).
- 14.16.2 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 table

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) x CIL Rate (R) x 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.

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 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.

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

Reason: In order to ensure that the sewerage arrangements are appropriate and in accordance with Policies CS2 and CS6 of the Core Strategy for the New Forest District outside the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local development Frameworks.

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.

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

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

3. 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: 16/10725 Full Planning Permission

Site: FORMER NURSERY SITE, HORDLE LANE, HORDLE SO41 0HT

Development: Development of 17 dwellings comprised: 7 pairs of semi-detached houses; 2 semi-detached dormer bungalows and a detached house; parking; allotments; landscaping; access
(AMENDED PLANS & DESCRIPTION)

Applicant: The Hyde Group

Target Date: 16/09/2016

Extension Date: 30/12/2016

1 REASON FOR COMMITTEE CONSIDERATION

Recommendation contrary to parish council view.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Allocated Housing Site (HOR2)
Built-up Area
Tree Preservation Order (NFDC/TPO 0032/14)
Setting of Listed Building (All Saints Church opposite)
Green Belt

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Local Plan Part 1 (Core Strategy) 2012:

Policy CS2 - Design quality
Policy CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
Policy CS6: Flood risk
Policy CS7: Open spaces, sport and recreation
Policy CS10: The spatial strategy
Policy CS13: Housing types, sizes and tenure
Policy CS15 - Affordable housing contribution requirements from developments
Policy CS24 - Transport considerations
Policy CS25 - Developer Contributions

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

Policy NPPF1 - Presumption in favour of sustainable development
Policy DM3 - Mitigation of impacts on European nature conservation sites
Policy HOR2: Land at Hordle Lane Nursery

National Planning Policy Framework - Achieving Sustainable Development

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

SPD - Hordle Village Design Statement
Housing Design, Density and Character SPG (NFDC 2006)
Parking standards SPD (NFDC 2012)
SPD - The Delivery of Affordable Housing (on Development Sites) through the Planning Process
SPD - Mitigation Strategy for European Sites

6 RELEVANT PLANNING HISTORY

No relevant history, although the applicant engaged with the Council's pre-application procedure in respect of development of this site, which concluded that the principle of residential development was acceptable, but suggested the layouts provided at that time were slightly overdeveloped.

7 PARISH / TOWN COUNCIL COMMENTS

Hordle Parish Council recommend refusal for the following reasons:

1. The design of the houses is not acceptable and does not fit with the Hordle Parish Council Village Design Statement, specifically Policies GBE04, GBE7 and GBE08. The plans are also at variance with HARAHS own design guidance on the character impacts of development.
2. Overdevelopment and overcrowding of the site contrary to Policy CS2. Plots 1-2 specifically will cause visual intrusion, overlooking and shading to the immediate neighbour (Denton). The allocation is to provide 15 new dwellings not the 17 now proposed.
3. Various statements included within the Transport Plan are disputed and it fails to properly consider other developments in the locality and swept path analyses. The Council is concerned that the development will ultimately lead to a loss of highway safety.
4. There has been no discussion and/or agreement with The Parish Council about the management of the allotments or maintenance of the green spaces.
5. This application should be considered as part of the holistic plan for Hordle as this site (and others in the near vicinity) form part of the NFDC Local Plan Review which proposes redesignation of the green belt. Also if the affordable housing is built first the people living there could be surrounded by a building site for some time to come.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Southern Gas Networks - no objections, but give informatives.
- 9.2 Hampshire County Council (Drainage) - Given that this application is classed as a major application being more than 10 dwellings, we require the information as listed on our website, to be provided in the form of a flood risk assessment and / or drainage strategy. Until this is provided, we are unable to comment on this application.
- 9.3 Southern Water - Recommend that the Environment Agency are consulted as use of a private wastewater treatment works is proposed, although advise that it may be possible to connect to a nearby public sewer. It is noted that the application makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Under current legislation SUDS are not adoptable by sewerage undertakers, so their long term maintenance must be ensured. A condition is therefore requested to require full details of foul and surface water to be submitted for approval. Informatives are also given.
- 9.4 Environment Agency - comments will be reported
- 9.5 Scottish and Southern Electric - An existing overhead low voltage electricity line crosses the entrance to the proposed site and there is also an existing underground cable that crosses the proposed road that used to supply electricity to the old Nursery. The applicant should be made aware of this apparatus. Plans of the position of the line and apparatus are available from our mapping services department mapping.services@sse.com. If the overhead line and underground cable were required to be diverted, then SSE would expect the developer to pay for all costs incurred.
- 9.6 Hampshire County Council Highway Engineer - Following previous concerns expressed in respect of insufficient provision for pedestrians within the highway, the applicant has provided a revised site layout plan ref 14.165.101 rev H dated 30/09/16 which indicates a footway link within the southern frontage of the site. This footway together with the one to the north would provide a pedestrian link clear of the carriageway in Hordle Lane between the school and church and the highway in Hordle Lane to the south of the junction with Vicarage Lane and overcomes the Highway Authority's previous concerns. This footway should be included as part of any subsequent S38 adoption agreement with the Highway Authority. The section of footway within the highway at the junction with the carriageway in Hordle Lane would be required to be delivered via a S278 legal agreement and would be subject to a design check and safety audit to ensure that the proposals would provide a safe access back onto the carriageway in Hordle Lane to the south. No objection subject to highway construction, parking, bin store and turning conditions:
- 9.7 Ecologist - Holding objection - whilst there is no in-principle objection at this stage, there could be opportunities to provide compensation within the red and blue line areas, the ecological information supplied to date highlights the need for further survey and impact assessment to inform design and rule out impacts on protected species. The applicant's ecological consultants are undertaking this work, and should be able to report further soon, currently there is insufficient information to demonstrate accordance with CS3 and DM2.

- 9.8 Tree Officer - Tree Preservation Order No. 32/14 protects six trees on this site, which along with other trees, shrubs and hedging to the front south east boundary provide a significant amenity value and are an important feature to the street scene. This entire boundary should be retained and protected during the construction process. Details of this should be submitted in an Arboricultural Method Statement which should also include details on levels, cross section of the proposed access and the footpath. Removal of Beech T31 and Poplar T24 is acceptable, which would be necessary regardless of the proposed development. There should not be any conflict with the retained trees and the proposed dwellings, with sufficient clearance of the RPA and crown spread to avoid potential damage and any future shading or overbearing issues. There is scope for replacement tree planting along with a suitable landscape scheme. It is recommended that details of the access and footpath along with a Method Statement are submitted before a decision is made.
- 9.9 Environmental Design Team (Open Space) - The level of on-site Informal POS required is 0.0814 ha. There is also a requirement for on-site designed play space provision in accordance with Policy CS7 and HOR2. This can comprise of some equipment and natural play features integrated into the overall design of the POS of which details will be required for approval. The on-site POS and play would be expected to be transferred to either NFDC or Hordle Parish Council (HPC) with details set out in a Section 106 Agreement. Maintenance contributions for the above two elements would be: POS Maintenance = £4557.56 and Play Space maintenance = £11,116. There will also be Formal POS, Habitat mitigation and monitoring costs as required by the relevant Policies and CIL. A drainage strategy plan has now been received which shows substantial drainage structures and Inspection chambers all sited within the POS area. This is not acceptable and these structures, and their inspection covers should be sited within the shared driveway/access road areas. The sewer run that's proposed to run north to south through the POS area should also be re sited to run beneath the pathway. This apparatus needs to be sited outside the grass POS areas as it restricts any future planting and equipment proposals for the area as well as giving long term maintenance implications for the POS land. Full details of the POS areas and natural play features are still required for approval. With regard to the new path running along the eastern edge of the site to give pedestrians a route along Hordle Lane, it needs to be made clear exactly what the extent of the POS land is along this edge and the actual areas to be transferred.

10 REPRESENTATIONS RECEIVED

- 10.1 Twenty representations have been received to the proposed development, objecting on the following grounds:
- Detriment to highway safety
 - The submitted Transport Statement is flawed
 - It will exacerbate parking problems in the locality
 - Fails to respect local distinctiveness
 - Overdevelopment of site
 - Overdevelopment of village, which will be exacerbated by proposals for future expansion within the Local Plan Review
 - The proposal is premature, bearing in mind forthcoming Local Plan Review proposals for additional housing in Hordle

- The site should be used for allotments or a park
- Ecological interests have not been fully addressed
- Detriment to protected trees
- Surface water drainage from site needs to be addressed
- The status of affordable housing is queried
- Local service infrastructure is inadequate

10.2 One representation has been received in support of the proposal on the basis that affordable housing is needed in the locality.

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission and the dwellings built, the Council will receive (net increase in dwelling £19,584 in each of the following six years from the dwellings' completion), and as a result, a total of £117,504 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 £123,182.42. It should be acknowledged that development undertaken by Registered Providers to provide housing may be exempted from their CIL liability, which should be applied for at the appropriate time following the grant of planning permission. 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, following engagement in the pre-application process and receipt of amended plans to address issues in relation to the siting and appearance of dwellings within the proposal site, drainage proposals for the site and provision of a footpath link along the south east boundary of the site, the proposal was considered to be acceptable.

14 ASSESSMENT

14.1 The Site and Proposal

14.1.1 This is the site of the former Hordle Nurseries on the periphery of the built-up area, adjoining green belt and open fields to the south west. The site is within the setting of the Parish Church of All Saints, which is a Grade II Listed Building. The site is allocated under Policy HOR2 of the Local Plan Part 2 for residential development to provide for local housing needs. The policy requires 70% of dwellings to be affordable as well as the provision of 10 full size allotment plots and provision of public open space within the development.

14.1.2 The application is made by Hyde Housing, a registered social housing provider. The proposal is for 17 affordable dwellings, together with associated estate road and off-street parking, open space and allotments. The proposal provides for a mix of social rented and shared ownership dwellings in the ratio of 60:40. The dwellings are a mix of 1, 2 and 3 bed units, finished in brick, slate tile with head and cill detailing, chimneys and canopies to reflect the local vernacular. The dwellings would be arranged around a central core of open space and visitor parking, with allotments behind plots nos. 10-17 to the south west.

14.2 Principle of Development

14.2.1 The site is allocated in the adopted Local Plan: Sites and Development Management (Part 2) DPD under Policy HOR2. As an allocated housing site, a presumption in favour of residential development exists here. The site is allocated for up to around 15 dwellings, although it is now proposed to provide 17 units.

14.2.2 Comments have been received criticising the planning process as this application for 17 homes is being considered in isolation, rather than holistically in conjunction with the Local Plan Review (LPR) (2016-2036) which proposes redesignation of the green belt. It is acknowledged that sites in the vicinity to the north west and south east of Hordle Lane are being considered as potential strategic housing locations for up to 180 dwellings under the LPR. The sites identified by the LPR are 'potential' sites and can only be afforded limited weight at this stage, as they are not certain to come forward. They will be considered on their own merits under the LPR and under any subsequent planning applications. The application site is an allocated site under Policy HOR2 of the current Local Plan Part 2, which was adopted in April 2014. In light of this the Planning Authority must consider the current submission on its own merits.

- 14.2.3 While beyond the boundary of the allocated site and within green belt, the position of allotments is considered to be logical, as HOR2 allows for provision of allotments on land adjacent to the site. Furthermore, Paragraph 89 of the NPPF relates to the types of development that may be appropriate within green belt, which includes facilities for outdoor recreation. The allotments would not significantly impact upon amenity or the openness of the green belt, by virtue of their undeveloped form. The benefits of the proposed allotments outweigh the very limited harm to the green belt.
- 14.2.4 The principle of housing development and allotments on the application site is considered to be acceptable subject to other material planning considerations, as outlined below.

14.3 Character and Appearance

- 14.3.1 Policies CS2 and CS3 of the Core Strategy and the Hordle Village Design Statement, seek to ensure that new development is well designed to respect the character, identity and context of the area's towns and countryside and heritage assets.
- 14.3.2 The site adjoins a linear bungalow development to the north east, the Listed Parish Church to the east and more modern two storey residential developments to the south east, across Hordle Lane. The site is separated from Hordle Lane by mature trees and hedgerows, which the applicant has taken care to retain within the scheme. The Tree Officer raises no objections to the proposal, but requires clarification of potential tree impacts, which the applicant has been requested to provide. This bank of trees, together with proposed landscaping measures, including an area of public open space to the centre of the scheme, limits the degree to which the development will be visible upon approach along Hordle Lane. That said, the design and materials of the dwellings are of a good standard incorporating the use of red brick, grey tiles, artificial stone window heads and cills, chimneys and vertically arranged windows, to reflect the character and appearance of the more traditional and predominant dwelling type found in Hordle. The Hordle Village Design Statement identifies traditional cottages (1890 to 1920) of red brick and slate/tiled roofs to be the most predominant dwelling type found in the village and it is this type of dwelling the proposal seeks to reflect. Policy GBE02 of the Design Statement states that 'the design of all development should respect the inherent character of the locality with the careful selection of materials appropriately matched to the vernacular'.
- 14.3.3 Concerns are raised by the Parish Council that the proposal constitutes overdevelopment and overcrowding of the site, where the allocation is to provide 15 new dwellings not the 17 now proposed. Indeed, concerns were initially raised by the Urban Design Team over the impact of certain elements of the proposal on the character of the area, revolving around the domination of the open space by car parking, orientation of dwellings to the open space and each other, the massing of plots 1 and 2 and the appearance of the originally proposed flatted development and maisonette on plots 8 and 9. The revised plans showing dormer bungalows on plots 1 and 2, which continue the linear row of bungalows along Hordle Lane; the provision of semi-detached dwellings on plots 8-9, re-orientation of the layouts and the drawing back of parking, away from the open space. These overcome the original concerns raised by the Urban Design Team. Officers consider the amended layout showing 17 dwellings can be accommodated on this site.

14.3.4 The Parish Council are also concerned that the design of the houses is unacceptable and contrary to the Hordle Village Design Statement. Officers consider the proposal has struck the right balance between providing much needed affordable housing, within a scheme that preserves the character of the area. In terms of the Hordle Village Design Statement the proposal has been amended to be more sympathetic to the bungalows to the north east in accordance with Policy GBE04. The design, materials and appearance of the dwellings are such that they would not appear dissimilar to housing for private sale in accordance with Policy GBE07. It is considered that the amended plans incorporate sufficient individuality of design (5 house types), arranged around an attractive area of open space and retained trees on the frontage, such that the development will contribute to the appearance of the village in accordance with Policy GBE08.

14.3.5 The amended form of development is acceptable in terms of its character impacts and impact on the setting of nearby heritage assets, in accordance with Policies CS2 and CS3 of the Core Strategy, DM1 of the Local Plan Part 2 and the Hordle Village Design Statement, subject to a condition to ensure the materials used in the development are of acceptable quality.

14.4 Provision of Open Space and allotments

14.4.1 The site plan shows an adequate level of public open space (POS) and 10 no. allotments, which complies with adopted Local Plan (Policies CS7 and Policy HOR2). This would be on the proviso that the area would be appropriately laid out and serviced by the developer to make them an intrinsic part of the development, to make it acceptable for use by future occupiers.

14.4.2 The Open Space Team are concerned with the drainage strategy plan received which shows substantial drainage structures, inspection chambers and drainage runs within the POS area. This apparatus needs to be sited outside the grassed POS areas as it restricts any future planting and equipment proposals for the area as well as giving long term maintenance implications for the POS land. The applicant has been requested to submit amended plans to address this matter. Full details of the POS areas and natural play features are still required for approval, which may be ensured by landscaping condition.

14.4.3 Delivery of the open space and allotments along with commuted sums for POS maintenance of £4557.56 and play space maintenance of £11,116, would be secured through completion of a legal agreement. The Council is currently in discussions with the parish council regarding the future management of the allotments and maintenance of the green space.

14.5 Impacts upon adjoining amenity

14.5.1 Policy CS2 and Policy GBE04 of the Village Design Statement require the Planning Authority to consider the impact of development proposals upon adjoining amenity and upon the amenity of future occupiers of the new units. The proposal site adjoins the residential curtilage of a single dwelling (Denton) to the north east, with which Plots 1-7 share a common boundary.

14.5.2 Concerns are raised that Plots 1-2 will cause visual intrusion, overlooking and shading to the immediate neighbour (Denton) to the north east. The closest new dwellings (Plots 1 and 2) are 12.5m away from the boundary with Denton and 17m away from its side elevation. Two non-bathroom dormer windows would face Denton at a distance of 18.5m. Denton does not have any primary windows facing Plots 1 and 2, only obscure glazed secondary windows, so it is concluded that no direct loss of privacy will result in respect of Plot 1 and 2. Plots 3 to 7 are further away from Denton and would be offered no direct views into its curtilage due to the presence of outbuildings and a high conifer hedge, which prevent intervisibility. The reduction in height of Plots 1 and 2, through incorporation of dormer bungalows and degree of separation dictate that no overbearing impact or loss of light would result to Denton.

14.5.3 It is concluded that an acceptable form of development can be achieved without impacting significantly on the amenity of existing residents, in terms of loss of privacy, light or overbearing impact. However, it would be prudent to ensure the boundary with Denton is bolstered by heavy landscaping to limit intervisibility, which can be ensured by a landscaping condition.

14.6 Affordable Housing and Habitat Mitigation Measures

14.6.1 The application is made by The Hyde Housing Group, a registered provider of social housing. The scheme proposes 17 new dwellings, including 9 dwellings for the provision of social rented housing and 8 shared equity homes. This equates to 100% of total unit numbers and therefore fully complies with Policy CS15(b) and Policy HOR2, which seek a minimum of 70% affordable housing. The type and number of affordable dwellings will be ensured by a Section 106 agreement to ensure their delivery.

14.6.2 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.

14.7 Highway Impacts

14.7.1 Concern is raised by the Parish Council and local residents over statements included within the submitted Transport Plan. Consequently the County Highway Authority was specifically requested to comment on concerns raised with regard to the highway impacts of the development. The Highway Authority responded directly to the Parish Council in a letter, the main points of which are summarised in sections 14.7.2 to 14.7.5 below.

14.7.2 It is the Highway Authority's established view that the roads surrounding the site are suitable for cycling and any objection based on the lack of accessibility by cycle would be not appropriate in this instance and would be unlikely to be sustained at appeal.

- 14.7.3 The site has been allocated for residential development and the wider issues of sustainable transport provision would have been considered both by NFDC and the County Council when it was being assessed for inclusion in the adopted plan as site HOR2 for residential development.
- 14.7.4 The Highway Authority requested that further information be provided in respect of parked vehicles in the vicinity of the proposed new access and how any parked cars would affect the turning movements for larger vehicles using the site. Of particular concern was the widespread parking of cars associated with the drop off and pick up of children using the nearby school in Hordle Lane. The applicant has provided details of a parking survey detailing the location and number of parked vehicles taken throughout a school day at the end of the last summer term. This information is superimposed on the swept path analysis for larger vehicles using the proposed new access. Based on the information provided the Highway Authority is satisfied that access to the site for larger vehicles will not be compromised by the presence of parked vehicles and therefore will not result in an increased danger or inconvenience to users of the highway.
- 14.7.5 The applicant has provided details of a footway to be provided within the site which would link the existing footway to the north to the proposed development, this link is considered acceptable to the Highway Authority. The Highway Authority stated that it would also wish to see this footway extended within the site to the south of the access. In light of this the applicant provided a revised site layout plan ref 14.165.101 rev H, which indicates a footway link within the southern frontage of the site. This footway together with the one to the north would provide a pedestrian link clear of the carriageway in Hordle Lane between the school and church and the highway in Hordle Lane to the south of the junction with Vicarage Lane and overcomes the Highway Authority's previous concerns.
- 14.7.6 With regard to comments that the submitted Transport Plan does not take any other developments into account, such as the permission for industrial units on the Old Coal Yard site or potential strategic housing sites, the application must be considered on its own merits and on the basis of its own supporting information. There is no certainty that the other developments referred to will come forward and if they did, they would need to undergo their own scrutiny process. No objections are raised by the Highway Authority subject to highway construction, parking, bin store and turning conditions, consequently a reason for refusal on highway grounds cannot be substantiated.

14.8 Flood Risk and Site Drainage

- 14.8.1 Given that this application is classed as a major application being more than 10 dwellings, the County Drainage Authority require the relevant drainage information to be provided in the form of a flood risk assessment or drainage strategy. The applicant has submitted a drainage strategy, although it has failed to satisfy the Drainage Authority. The applicant has been requested to provide the requisite drainage information, although until this is provided, the Drainage Authority are unable to comment on this application. Members will be updated on the proposed drainage arrangements prior to the meeting.

14.8.2 The applicant has also been requested to clarify the proposed arrangements for foul sewerage, in light of Southern Water's comments, where the preferred option would be to public sewer, rather than package treatment plant.

14.9 Ecological Interests

14.9.1 The Ecologist has no in-principle objection at this stage, but there could be opportunities to provide compensation within the red and blue line areas, the ecological information supplied to date highlights the need for further survey and impact assessment to inform design and rule out impacts on protected species. The applicant's ecological consultants are undertaking this work, and have been requested to report on the full ecological implications of the development prior to committee.

14.10 Conclusion

14.10.1 In conclusion it is considered that the amended form of development would be appropriate to the character and appearance of the area with no adverse implications on highway safety for neighbours. Affordable housing, habitat mitigation and open space can be provided under the terms of a legal agreement. Subject to receipt of acceptable additional plans and information to address the concerns over surface water drainage, ecology and tree impacts identified above, the application may be recommended for approval.

14.10.2 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	12	17	0
Financial Contribution	0	0	0
Habitats Mitigation			
Financial Contribution	£57,050	£57,050	0

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	1477.28		1477.28	1477.28	£80/sqm	£123,182.42 *

Subtotal:	£123,182.42
Relief:	£0.00
Total Payable:	£123,182.42

* 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

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

- i) the completion, by 30th December 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, public open space maintenance contributions and allotments
- ii) the imposition of the conditions set out below.

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

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: (insert plan numbers).

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. Details of the width, alignment, gradient and type of construction proposed for the adoptable carriageways and footways shall be submitted to and approved in writing by the Local planning Authority before commencement of development. The development shall not be occupied until they have been constructed and made available to the public.

Reason: To ensure the carriageways and footways are constructed to a standard which would enable them to be taken over as highway maintainable at the public expense, in accordance with Policy CS2 of the Core Strategy

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

Reason: To ensure adequate on-site car parking provision for the approved development, in accordance with Policy CS2 of the Core Strategy.

6. No development shall start on site until plans and particulars showing details of the provisions of bin/cycle storage within the site have been submitted and approved in writing by the Planning Authority. The development shall be carried out in accordance with the approved details before the use of the development is commenced and shall be retained thereafter.

Reason: To ensure adequate provision within the site, in accordance with Policy CS2 of the Core Strategy.

7. Before use of the development is commenced provision for turning to enable vehicles to enter and leave in a forward gear shall have been provided within the site in accordance with the approved plans and shall be retained thereafter.

Reason: In the interests of highway safety, in accordance with Policy CS2 of the Core Strategy.

8. 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 size, species, form, location and planting/protection method in accordance with BS8545: 2014;
- (c) areas for hard surfacing and the materials to be used;
- (d) full details of childrens play area design and equipment
- (e) full details of all boundary treatment and other means of enclosure;
- (f) a method and programme for its implementation and the means to provide for its future maintenance.

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

Reason: To ensure that the development takes place in an appropriate way to comply with Policies CS2 and CS3 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and the Hordle Village Design Statement

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

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

10. 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.

11. Before development commences details of the means of disposal of foul and 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 CS6 of the Core Strategy of the New Forest District Local Plan First Alteration and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

12. Before development commences details of the means of the future maintenance of the sustainable urban drainage system 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.

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.

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 and Policy HOR2 of the Local Plan Part 2 (Sites and Development Management DPD) 2014.
2. The proposed development would fail to make any contribution to ensure on-site provision and management of public open space and allotments to meet the needs of the occupants of the development and the local community. 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 CS25 of the Core Strategy and Policy HOR2 of the Local Plan Part 2 (Sites and Development Management DPD) 2014.

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, following engagement in the pre-application process and receipt of amended plans to address issues in relation to the siting and appearance of dwellings within the proposal site, drainage proposals for the site and provision of a footpath link along the south east boundary of the site, the proposal was considered to be acceptable.

2. In discharging condition no. 10 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/>

3. The County Highway Authority advise that the footway to the south of the site should be included as part of any subsequent S38 adoption agreement with the Highway Authority. The section of footway within the highway at the junction with the carriageway in Hordle Lane would be required to be delivered via a S278 legal agreement and would be subject to a design check and safety audit to ensure that the proposals would provide a safe access back onto the carriageway in Hordle Lane to the south.
4. Scottish and Southern Electric advise that an existing overhead low voltage electricity line crosses the entrance to the proposed site and there is also an existing underground cable that crosses the proposed road that used to supply electricity to the old Nursery. The applicant is made aware of this apparatus. Plans of the position of the line and apparatus are available from their mapping services department mapping.services@sse.com. If the overhead line and underground cable were required to be diverted, then SSE would expect the developer to pay for all costs incurred.
5. An extract of Southern Gas Networks mains records of the proposed work area is available to view on the Council's website for your guidance. This plan only shows the pipes owned by SGN in their 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 they know of any other pipes in the area they 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 their low/medium/intermediate pressure gas main near your site. There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. You should, where required confirm the position using hand dug trial holes. A colour copy of these plans and the gas safety advice booklet enclosed should be passed to the senior person on site in order to prevent damage to our plant and potential direct or consequential costs to your organisation.

Safe digging practices, in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working for you on or near gas plant.

Damage to their pipes can be extremely dangerous for both your employees and the general public. The cost to repair pipelines following direct or consequential damage will be charged to your organisation.

6. With regard to condition nos. 11 and 12, Southern Water advise that good management of SUDS schemes will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Where a SIDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should specify the

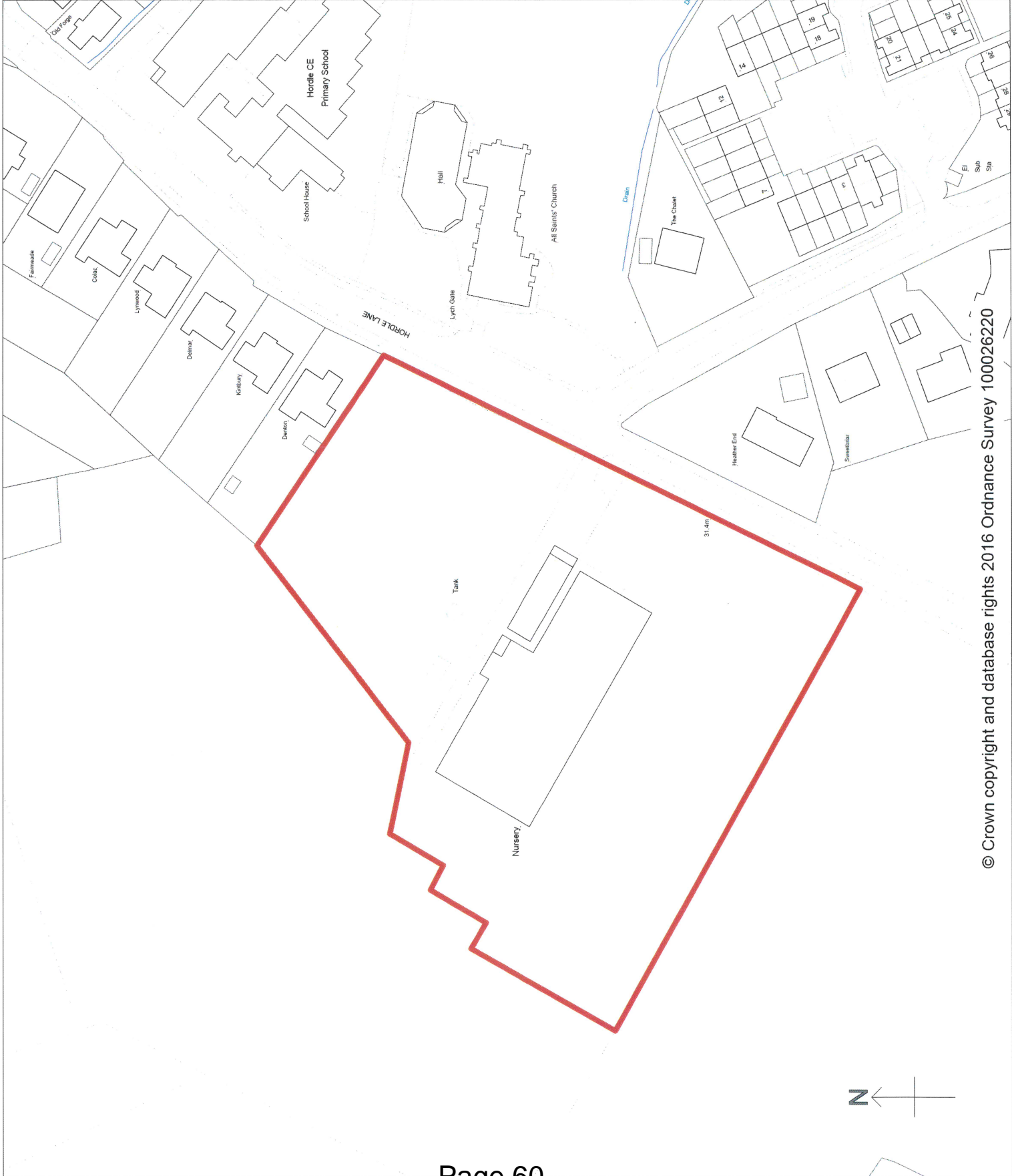
responsibilities of each party for the implementation of the SUDS scheme, specify a timetable for implementation and provide a management and maintenance plan for the lifetime of the development. This should include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Due to changes in legislation that came into force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the site. Should any sewer be found during the course of construction, an investigation of the sewer will be required to ascertain its condition, the number of properties served and potential means of access before any further works. The applicant is advised to discuss any such matter with Southern Water on 0330 3030119.

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



Application Number: 16/10809 Full Planning Permission

Site: Land west of 19-20 SOPLEY, BH23 7AX

Development: Greenhouse and shed (retrospective)

Applicant: Mr Benton Jones

Target Date: 04/08/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council View

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Green Belt
Countryside
Conservation Area
Adjacent Listed Building

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

CS2: Design quality
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
CS10: The spatial strategy

Local Plan Part 2 Sites and Development Management Development Plan Document

DM1: Heritage and Conservation

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

None

6 RELEVANT PLANNING HISTORY

6.1 Field Shelter - retrospective (10808) Granted on the 3rd August 2016.

7 PARISH / TOWN COUNCIL COMMENTS

Sopley Parish Council: Recommend permission. The Members of Sopley Parish Council have no concerns regarding this Greenhouse, it is a very attractive building completed in an appropriate manner

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

Conservation Officer: recommends refusal

10 REPRESENTATIONS RECEIVED

10.1 2 letters of support. The greenhouse and shed are of modest proportions and not easily visible from the road or our property, which is positioned towards the northern boundary of the field. These structures are used for horticultural purposes in association with the running of a hospitality business at Sopley Mill. Historically the field has always supported business at the Mill as it was where the Mill horses, used to bring in grain carts, were kept.

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.

This application is retrospective. and no pre application advice was sought. The main concern is the siting of the development and accordingly, the only way forward would be to consider an alternative location. Officers have made a suggestion, however, the applicant wishes to retain the structures in their current position.

14 ASSESSMENT

- 14.1 This retrospective planning application seeks permission to retain an existing greenhouse and shed on land to the rear (west) of No 19/20 Sopley. No 19/20 Sopley is a grade 2 listed building used as a detached dwelling house set within its own residential curtilage. The dwelling fronts onto Ringwood Road and has a reasonably sized garden with a large car parking area and garaging to the south. There are two detached outbuildings within the curtilage of 19/20 Sopley. There are existing field shelters within the field which are located closer to Ringwood Road. The two field shelters are used in association with the keeping of horses on the land. The site lies within Sopley Conservation Area, the Green Belt and countryside.
- 14.2 The greenhouse and shed are sited in the central part of a field approximately 25 metres back from the residential curtilage of 19/20 Sopley. These structures are enclosed by post and mesh fencing, which contains some outside plants and pots. The field grass is relatively short due to the horses grazing on the land and planning permission was recently granted on the site to retain a field shelter for the horses. The shed is a conventional timber building measuring 3.2 metres wide, by 3.5 metres long, by 2.1 metres high. The greenhouse has a pitched roof measuring 5.1 metres by 2.5 metres by 3.4 metres high.
- 14.3 In support of the application, it is stated that the greenhouse and shed are part of the horticultural use of the land used to cultivate flowers and plants that are used in connection with the wedding venue at Sopley Mill. The applicant, owns and operates the Mill and has grown plants and flowers on the land for several years, albeit utilising the existing greenhouse and associated land that is located slightly further to the south (to the north of the residential property at Morden). It has been stated that this is not a new activity, but a relocation from a different part of the site. It is intended that the existing green house on land to the south will be removed. The location of the greenhouse and shed now sought has been chosen to maximise light in the open field and it is stated that the land forms part of a much wider agricultural operation in

the Sopley Estate. In summary, the supporting statement considers that the activity occurring at the site is an horticultural operation, which falls under the definition of an agricultural activity.

- 14.4 The site lies within the designated Green Belt, paragraph 87 of the National Planning Policy Framework (NPPF).confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. New buildings are to be regarded as inappropriate development, subject to a number of express exceptions listed in paragraph 89 of the Framework. These exceptions include the provision of appropriate facilities for agriculture and forestry, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
- 14.5 In assessing this case against the NPPF, the applicant carries out a plant growing operation on the land which is solely in connection with his business in hiring out the Mill as a wedding venue. The applicant is not growing plants as a business. The hiring of the Mill is either a Class D2 use (Assembly and leisure use) or a sui generis use. On the basis that the greenhouse and shed are used in connection with the hiring of the Mill it is considered that the use of the Mill for wedding venues is the principle use. Accordingly, the application is for the change of use of the land to a Class D2 use, which is not an appropriate use in the Green Belt by definition. Moreover, it cannot be argued that the buildings are an exception. It is considered that the harm that results from the physical impact of the buildings add to the harm to the Green Belt and any benefits of the use are not considered to amount of 'very special circumstances' sufficient to clearly outweigh the harm.
- 14.6 In terms of the impact on the character and appearance of the Sopley Conservation Area and setting of a listed building, the site is between the village and the stream which separates the built environment from the water meadows beyond. Sopley has retained much of its relationship with the rural landscape and the land which is the subject of this application has always been agricultural land of some description, possibly relating to the stream below.
- 14.7 The piece of land upon which the greenhouse and sheds are placed forms an important rural setting for both the village and the water meadows beyond. Although the development is not visible from either the road or the water meadows due to the presence of vegetation, they have been placed in the centre of an important piece of open space that contributes to the character of the Conservation Area by virtue of its rural setting.
- 14.8 The placement of structures in this area needs to be carefully considered in order to minimise the impact upon this open space and it is not considered that, in this case, the balance has been struck correctly. The buildings and area around them appear too domesticated to be placed within an agricultural setting and as a result the field appears as an extension of domestic curtilage. This negatively impacts upon the rural character of the Conservation Area and begins to blur the boundaries between the edge of the village and the agricultural land beyond. Careful consideration has been given to the setting of the listed building, however, the main issue in this case is the effect on the character and appearance of the Conservation Area.

- 14.9 With regard to other matters, the buildings do not result in any adverse impact on residential amenity or give rise to any other detrimental impacts.
- 14.10 In conclusion, it is considered that the development constitutes inappropriate development within the Green Belt, and there are no 'very special circumstances' that outweigh the harm. Moreover, it is considered that by reason of their appearance and siting, the greenhouse and shed unacceptably encroach into the open space of the field and appear as incongruous features in their setting that have a negative impact on the rural character of the Conservation Area. Officers consider that an alternative location should be sought for the development and one possibility would be close to Ringwood Road.
- 14.11 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that 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 development would constitute inappropriate development within the Green Belt and would impact upon the openness of the Green Belt contrary to the aims of the National Planning Policy Framework. It is considered that the supporting information provided by the applicant does not amount to the very special circumstances required in order to justify a departure from Green Belt policy. The proposal would also be contrary to Policies CS2 and CS10 of the Core Strategy for the New Forest District outside the National Park.
2. The area of open land between the built development of Sopley village and the River Avon with water meadows beyond to the west makes an important and positive contribution to the character and appearance of the Conservation Area by virtue of its rural setting. By reason of their appearance and siting, the greenhouse and shed unacceptably encroach into the open space of the field and appear as incongruous features in their setting that have a negative impact on the rural character of the Conservation Area. As such the proposal would be contrary to Policies CS2 and CS3 of the Core Strategy for New Forest District outside the National Park and Policy DM1 of the Local Plan Part 2 Sites and Development Management Document

Notes for inclusion on certificate:

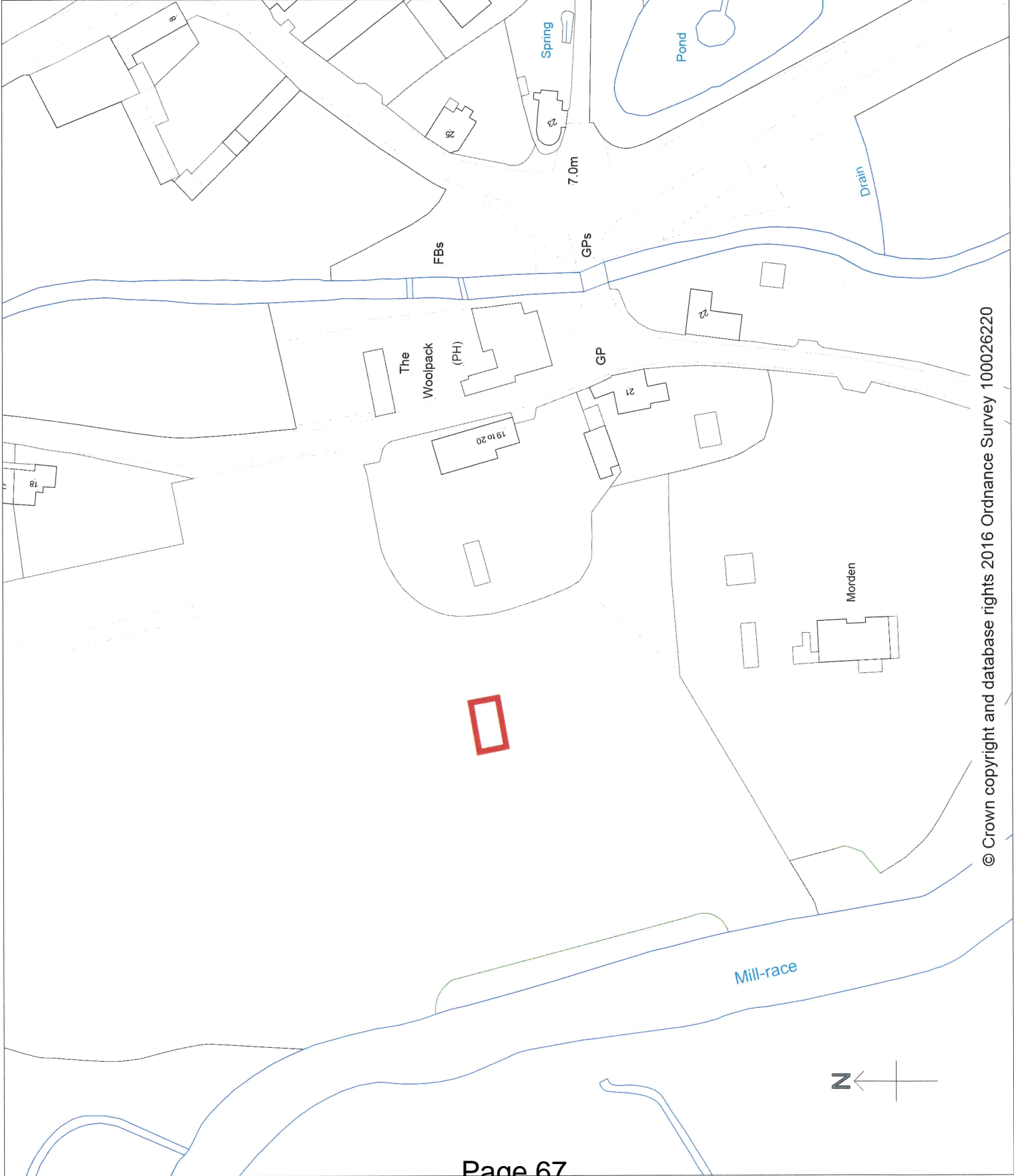
1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising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

This application is retrospective and no pre application advice was sought. The main concern was the siting of the development and accordingly, the only way forward would be in an alternative location. Officers have made a suggestion, however, the applicant wished to retain the structures in their current position.

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



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Application Number: 16/10960 Full Planning Permission

Site: THORNFIELDS, 8 MILFORD ROAD, PENNINGTON,
LYMINGTON SO41 8DJ

Development: Single-storey side and rear extensions; first-floor rear extension;
lantern rooflights; fire escapes

Applicant: Mr & Mrs Poordil

Target Date: 06/10/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council View

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Objectives

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

Policies

CS2: Design quality
CS8: Community services and infrastructure
CS24: Transport considerations
CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

DM10: Residential accommodation for older people

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

6 RELEVANT PLANNING HISTORY

- 6.1 First & Second Floor addition (75147) - granted 24/9/02 (not implemented)
- 6.2 Rear extensions (78867) - granted 11/9/03 (not implemented)
- 6.3 Single-storey rear extension (14/10535) - refused - 20/6/14
- 6.4 Single-storey side & rear extensions; first floor window extensions (14/11409) - refused 4/12/14

7 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council:- Recommend refusal - concerns with regard to overlooking of neighbours, blocking out neighbour's light and overdevelopment of site.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer:- No objection subject to condition to secure cycle store
- 9.2 Environmental Health (contaminated land):- No objection subject to contaminated land conditions
- 9.3 Southern Gas:- advise of site's proximity to gas main.

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

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

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

In this case, the application proposals have been the result of a lengthy period of negotiation prior to the application being submitted. The applicants have sought to clarify specific points since the application was registered and this has enabled a positive recommendation to be made.

14 ASSESSMENT

- 14.1 Thornfields Care Home is a 2-storey detached building with limited second floor accommodation set into the roof of the building. The building includes a modest single-storey flat-roofed addition to the rear. The care home has 13 bedrooms, 9 of which are single, and 4 of which are shared rooms. There is a parking area to the front of the site, while to the rear of the building is a large garden area. The site is bounded by a development of retirement bungalows on its south-western side including a bungalow at 2 North Greenlands. The north-east side of the site, is bounded by 6 Milford Road, which is in use as a specialist care home.
- 14.2 2 previous applications to extend the care home were refused planning permission in 2014. The first was a very large single-storey extension that was deemed harmful to the character and appearance of the area due to a harmful loss of greenspace and the extension's poor quality flat-roofed design. The second was a smaller single-storey extension, but that too was felt to have an adverse impact on the character and appearance of the area due to a loss of greenspace and the extension's poor design.
- 14.3 The application that has now been submitted proposes both single and first floor extensions, and would result in a care home with 20 bedrooms. The single-storey extensions would be more limited than was the case with the previously refused schemes, and therefore the resulting building would not have such an extensive footprint as with those schemes. Although the proposed extension would encroach slightly into the site's significant rear garden setting, the degree of encroachment would be

sufficiently limited as not to erode the positive contribution that this large rear garden area makes to local distinctiveness. The first floor extensions would evidently result in a building with a greater mass, but not an unacceptable one. The mass of the extended building would be sufficiently well articulated and the design and appearance of the extensions would be in keeping with the design of the existing building. Overall, it is felt that the development now proposed has much greater architectural integrity than the previously refused single-storey additions. The proposal would not constitute an overdevelopment of the site, but would be a contextually appropriate development that would be sympathetic to local distinctiveness and the character and appearance of the wider area.

- 14.4 The extensions that are proposed would have some impact on the amenities of neighbouring dwellings, with the adjacent properties at 2 North Greenlands and 6 Milford Road being the most affected properties. On its north-eastern side, facing 6 Milford Road, the application proposes 2 additional first floor bedroom windows. However, there are some tall evergreen trees on this boundary (growing within the adjacent property), which means the adjacent property would be fairly well screened from the new extension. This level of screening combined with the communal nature of 6 Milford Road would mean that the development would not affect the privacy of the occupants of 6 Milford Road to an unreasonable degree.
- 14.5 On its south-western side facing 2 North Greenlands, the proposal would include 2 additional first floor bedroom windows as well as a new fire escape stairwell and door. The windows in question would be about 5 metres away from the site's boundary with 2 North Greenlands, and would potentially give views down into a fairly well used area of private garden to the north-west side of that property that is not currently materially overlooked. To address this overlooking concern the applicant is proposing that the new windows on this elevation be of an oriel (projecting) design with that half of the window most directly facing the private garden area of 2 North Greenlands being obscurely glazed and fixed shut. It is felt that this design solution would adequately maintain the reasonable privacy of the garden of 2 North Greenlands, providing also that the new fire escape staircase and door is only used for its intended purpose as an emergency escape. It should be noted that there are secondary windows on the side elevation of 2 North Greenlands, but these are protected to a degree by the existing boundary fence. Given this and that there are windows on the existing building facing the dwelling at 2 North Greenlands, it is felt, on balance, that the additional overlooking arising from this proposed development would not be unacceptably harmful to the privacy of the occupants of 2 North Greenlands.
- 14.6 The new first floor extensions would be set sufficiently away from the site's side boundaries as not to materially affect the light and outlook of the adjacent properties. The new single-storey extensions would be set closer to the site's side boundaries, but these would still be set slightly back from the site's boundaries and given their limited height, it is not felt these single-storey additions would be harmful to the amenities of neighbouring properties.

- 14.7 The Highway Authority have confirmed that there is adequate on-site parking to serve the needs of the development. As staffing levels would increase only by 1 part-time employee and, given the nature of the use, it is not felt a condition requiring a cycle store would be justified.
- 14.8 In considering this proposal, it is important to recognise the social benefits there would be in terms of the provision of improved care facilities which will better meet modern requirements. Both the scheme's social and economic benefits weigh in favour of the application.
- 14.9 Overall, the proposed development would be consistent with Local Plan policies and objectives. The development would be beneficial in providing an improved care home facility. The proposed development would be an appropriate design that would have an acceptable impact on the character and appearance of the area. While the development would have some impact on the amenities of neighbouring dwellings, it is felt this impact would be within acceptable limits. Therefore, the application is recommended for permission.
- 14.10 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: ADP/1513/P/06A, ADP/1513/P/08A, ADP/1513/P/07/A, ADP/1513/P/00, ADP/1513/P/05, ADP/1513/P/03, ADP/1513/P/04, ADP/1513/P/01, ADP/1513/P/02.

Reason: To ensure satisfactory provision of the development.

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

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

4. The west facing half of the new 2 first floor oriel windows on the south-west elevation of the approved extension / building shall at all times be glazed with obscure glass and fixed shut.

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

5. The proposed new fire escape access and door on the south-west elevation of the building shall only be used as an emergency means of exit from the building and shall not be used for general access purposes.

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

6. 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 7 to 9 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 10 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).

7. 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).

8. 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).

9. 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).

10. 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 7, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 8, 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 9.

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).

Notes for inclusion on certificate:

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

In this case, the application proposals were the result of lengthy negotiations prior to the application being submitted. The applicants sought to clarify specific points before the application was registered and this enabled a positive recommendation to be made.

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
November 2016**

Item No: 3f
Thornfields
8 Milford Road
Pennington Lymington
16/10960
SZ3194

Scale 1:1250

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



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Application Number: 16/10989 Full Planning Permission

Site: 4 FULLERTON ROAD, PENNINGTON, LYMINGTON SO41 9JN

Development: Rear extension; raise roof height, 3 rear dormers, 2 front dormers and rooflight in association with new first floor; fenestration alterations; porch; detached garage; raised steps on rear elevation (Retrospective)

Applicant: Mr Miller

Target Date: 20/09/2016

Extension Date: 11/11/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Plan Area

Plan Policy Designations

Built-up Area

National Planning Policy Framework

NPPF Ch. 7 - Requiring good design

Core Strategy

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

Supplementary Planning Guidance And Documents

SPD - Lymington Local Distinctiveness

3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

4 RELEVANT SITE HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
15/10223 Raise ridge height; front and rear dormers in association with new first floor; single-storey rear extension; front porch; raised steps on rear elevation; fenestration alterations; single detached garage	22/04/2015	Refused	Appeal Decided	Appeal Allowed with Conditions
14/11110 Roof alterations and front and rear dormers in association with new first floor; two-storey rear extension; front porch; raised steps on rear elevation; detached garage	01/10/2014	Refused	Decided	
14/10636 Roof alterations in association with new first floor; rear extension; front porch; raised steps on rear elevation; detached garage	15/07/2014	Refused	Decided	
12/98966 2 front dormers; rear dormer; roof alterations in association with new first floor; two-storey rear extension; solar panels; decking; front porch; pedestrian access; detached garage	17/09/2012	Withdrawn by Applicant	Withdrawn	
84/NFDC/26516 Addition of 2 bedrooms, boxroom and linen room in roof space.	21/06/1984	Granted	Decided	
XX/LYB/06161 Erection of 136 bungalows and garages with construction of accesses.	05/04/1960	Granted Subject to Conditions	Decided	

5 COUNCILLOR COMMENTS

No comments received

6 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council: Recommend refusal. The works completed are not in keeping with the Planning Inspectorate's specifications.

7 CONSULTEE COMMENTS

No comments received

8 REPRESENTATIONS RECEIVED

3 FULLERTON ROAD : objection:

- conditions imposed by appeal inspector ignored
- not built in accordance with approved plans 15/10223 as it differs in design and materials
- plans submitted with current application did not show built development correctly, incorrect sizes of built dormers and glazing details incorrect
- allowing the breaking of rules and flouting of conditions would create precedent and put planning in jeopardy
- overdevelopment
- loss of privacy to main living areas
- if previous plans had been adhered to this would have been acceptable

50 HIGHFIELD ROAD: objection:

- appeal decision ref 15/10223 included condition that the works be carried out in accordance with the approved plans, works proceeded in spite of enforcement involvement
- rear dormers as built have bulky profile facing directly towards objector's property, flat topped dormer profiles dominate the top of Fullerton Road, as well as parts of Highfield Road
- the rear dormers as approved should be enforced.
- loss of privacy, due to increase of windows
- NFDC should enforce directives and conditions of the appeal decision.
- Increase to floor area over previously approved plans
- materials used not what was approved
- need to avoid precedent being set for future development

Petition arranged by 40 Highfield Road on behalf of 21 Local Residents, and resubmitted by 50 Highfield Road

Petition Against, on grounds of overdevelopment

- adverse visual impact on the local area

Revised drawings were received and an additional re-consultation is underway. Any further comments will be reported to Committee.

Comments in full are available on the Council's website.

9 CRIME & DISORDER IMPLICATIONS

None relevant

10 LOCAL FINANCE CONSIDERATIONS

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

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

11 WORKING WITH THE APPLICANT/AGENT

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

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

A previously refused application was allowed on appeal. At the time of building the approved plans were not adhered to, leading to an enforcement investigation. The applicants were given the opportunity to submit a further application, so the identified changes could be assessed against the relevant planning considerations, which is standard practice in such circumstances.

The initial plans submitted with this application did not correctly identify the development as built, so accurate plans were required and these were requested from the applicant. Due to the delay, and to ensure that all interested parties were aware of exactly what was being applied for, the further plans were readvertised.

The principle of an extension to this dwelling was accepted under the previous appeal, and therefore only the changes to the development can be considered. It is regrettable that the development was not built as approved at appeal and the correct procedures were not followed to seek alterations to the scheme before commencing the build, but this cannot be a factor in the assessment of the current proposal, nor can a punitive approach be adopted.

Consideration has been given to all comments received, but the changes to the scheme as compared to what was allowed at appeal, would not justify a refusal in this case.

12 ASSESSMENT

12.1 An extension was allowed at appeal in September 2015. This previous consent approved an increase to the overall ridge height of the dwelling, front and rear dormers, single storey rear extension, front porch, raised steps on rear elevation, fenestration alterations, and a single detached garage.

12.2 Discrepancies between the approved plans and what was actually being built on site was brought to the attention of the Enforcement team in June 2016. In an attempt to regularize these revisions, the applicant has subsequently submitted a new planning application. The plans initially submitted with this current application though did not reflect what was being built. To ensure that the plans for the current development reflected correctly what was being built amended plans were requested.

12.3 The principle of extending the overall height of the dwelling and the introduction of dormers has already been accepted, at appeal. The assessment of the current application can only focus on those elements that differ from the previously approved plans, and the Planning Inspector's report is a major consideration in this assessment.

12.4 The changes on the built extension from the previously approved plans are:

- the change of the dormers from pitched roofs to flat roofs;
- reduction in depth and height of the dormers on both the front and rear elevations;

- increase in size of glazing within the dormer windows, changing from 2 casements to 3 casements;
 - additional dormer on rear elevation
 - rooflight on front elevation
 - omission of windows on side elevations
 - change to ground floor fenestration on rear elevation
 - increase in width and centralisation of porch, and change from pitched roof to flat roof
 - reduction in overall height of resulting building by 140mm
 - change in materials of roof from tile to slate
 - change in materials of dormers from tile hanging to horizontal cladding.
- 12.5 The most significant alteration from the approved scheme is the changes to the dormers. When assessing the approved scheme the Inspector stated that: *'the dormer windows, which would not be entirely alien features in the area, would be appropriately subservient and well positioned features within the roof slopes'*. (Para 6). Compared to the previously approved plans, the reduced size of the dormers would still be subservient, and even though slightly higher on the roofslope, by reason of their form and size they would be appropriate to the roof slope.
- 12.6 Examples of flat roofed dormers are evident in the immediate area, so this change to the design would not be harmful to the character of the area or detract from the street scene. Furthermore, due to the reduced dimensions of the dormers they would not be as bulky as those previously approved at appeal.
- 12.7 The increase in the number of dormers on the rear roof slope would result in a more cluttered roofscape but this is mitigated to a degree by the reduction in the dimensions of the dormers. Furthermore, only limited views in this aspect are achievable from public vantage points within Highfield Road. As such the increase in the number of dormers on the rear elevation would not adversely impact upon the overall appearance of the extended dwelling, nor would it be prominent within the streetscene of Highfield Road.
- 12.8 A rooflight has been added to the front elevation, being lower than the dormer windows either side and serving a landing area. By reason of its flush siting, it is not overly prominent within the roof slope and is not untypical development. If this had not been part of other development, it ordinarily could have been installed as permitted development. The additional roof light therefore would not detract from the appearance of the dwelling or the character of the wider area; neither would it adversely impact upon the street scene.
- 12.9 The increase in overall height was considered acceptable by the Planning Inspector. As the height is slightly reduced this can only be considered an improvement.
- 12.10 The proposed increase in width of the porch would result in it being more centralised on the front of the building, and the introduction of a flat roof would retain consistency with the dormers. The changes to the porch would result in a more sympathetic addition when compared to the previous plans.

- 12.11 The Planning Inspector attached a condition at appeal requiring matching materials.

This is a standard condition, that is used to ensure that the extension harmonises with the existing dwelling. The roof material, as part of this submission, has been changed from tile to slate, which is not in keeping with the immediately surrounding properties. Notwithstanding this, there will be examples of this roof material used elsewhere in the area, and though this contrasting roof material draws attention to the new development, this change is not so significantly harmful to the overall character of the area, or the street scene as to justify refusal on this basis.

- 12.12 The other changes to the fenestration are not significant within the overall scheme, and the omission of the side windows would improve the relationship with the neighbouring properties.

- 12.13 Objections have been received with regard to overlooking from the front dormers and rooflight to the dwelling opposite, 3 Fullerton Road. Even though it is accepted that the ratio of glazing has been increased, the overall dormers have been reduced in size. When assessing the previous proposals at the application site, it was not considered that the introduction of front dormers would exacerbate the level of overlooking already achievable from public vantage points. These changes, from the previously approved scheme would not significantly alter this situation.

- 12.14 With regard to overlooking from the rear dormers, this was assessed as part of the appeal scheme. This application (ref 15/10223) was refused, but this was not on the grounds of overlooking. The two dormers on the rear were considered a reasonable distance from the neighbour at 50 Highfield Road, having a separation distance in excess of 20m, which is an acceptable urban relationship. The Planning Inspector was silent on this matter. Although it was not stated as a reason of refusal, if the Inspector had considered it to be an issue, it could have been raised as part of the appeal determination. The additional dormer window would be serving a bathroom and is fitted with obscure glass, so the situation would not be exacerbated when compared to the previous approval. The increase in the size of glazing is also not excessive when compared to the previously approved plans, so a level of harm to the amenities of 50 Highfield Road could not be justified in this instance.

- 12.15 When compared to the plans previously approved, the overall bulk of the building has been reduced. The deviation from plans allowed at appeal is not condoned, but the current application has to be judged on its merits and, taking into account the planning history of the site where a similar scheme was allowed at appeal, there is no justification to refuse the development as built.

- 12.16 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.

13. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

1. The development permitted shall be carried out in accordance with the following approved plans: 005P Rev B, 003Q Rev A, 001, 002

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.

A previously refused application was allowed on appeal. At the time of building, the approved plans were not adhered to. The applicants were given the opportunity to submit a further application, so the identified changes could be assessed against the relevant planning considerations, which is standard practice.

The initial plans submitted with this application did not correctly identify the development as built, so accurate plans were required and these were requested from the applicant. Due to the delay, and to ensure that all interested parties were aware of exactly what was being applied for, the further plans were readvertised.

The principle of an extension to this dwelling was accepted under the previous appeal, and therefore only the changes to the development can be considered. It is regrettable that the development was not built as approved at appeal and the correct procedures were not followed to seek alterations to the scheme before commencing the build, but this cannot be a factor in the assessment of the current proposal, nor can a punitive approach be adopted.

Consideration was given to all comments received, but the changes to the scheme would not justify a refusal in this case.

Further Information:

Householder Team
Telephone: 023 8028 5345 (Option 1)



Application Number: 16/11027 Full Planning Permission

Site: SLAUGHTER HOUSE, SKY END LANE, HORDLE SO41 0HG

Development: Use of land as residential curtilage; house; garage; barn; access; demolition of existing buildings (AMENDED PLANS)

Applicant: Mr Baldwin

Target Date: 27/09/2016

Extension Date: 09/11/2016

1 REASON FOR COMMITTEE CONSIDERATION

Recommendation contrary to Policy CS15 (Affordable housing contribution requirements from developments), as no affordable housing contribution is sought. Also contrary to Policy DM20 related to residential development in the countryside.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside
Green Belt

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

CS2: Design quality;
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation);
CS6: Flood risk
CS10: The spatial strategy

Local Plan Part 2 Sites and Development Management Development Plan Document

DM2: Nature conservation, biodiversity and geodiversity
DM3: Mitigation of impacts on European nature conservation sites
DM5: Contaminated Land
DM20: Residential development in the countryside

National Planning Policy Framework

7. Requiring good Design
9. Protecting Green Belt Land

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

Advisory Note on the Implementation of Core Strategy Policy CS15 - Affordable Housing (Nov 2012)
Parking Standards SPD (Oct 2012)
SPD - Mitigation Strategy for European Sites
Residential Design Guide for Rural Areas of the New Forest

6 RELEVANT PLANNING HISTORY

- 6.1 15/99075 - Use as two dwellings (Prior Approval Application) - 17/02/2016 Prior Approval not required
- 6.2 12/99075 - 2 two-storey dwellings; access; parking; landscaping; demolition of existing - 02/10/2012 Refused
- 6.3 88/NFDC/40085 Erection of a workroom & office - 04/01/1989 Refused
- 6.4 88/NFDC/37961 Addition of a workroom and office and construct car park - 19/07/1988 Refused
- 6.5 76/NFDC/06262 Alterations and additions of two store rooms and construction of a canopy over entrance doors - 23/11/1976 Granted
- 6.6 XX/LYB/12145 Extension to provide cold rooms in existing slaughter-house - 03/09/1969 Granted
- 6.7 XX/LYB/07268 Erection of additions to existing slaughterhouse - 14/07/1961 Granted

7 PARISH / TOWN COUNCIL COMMENTS

Hordle Parish Council: recommend permission

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highways Engineer: Vehicular access would be via the existing access onto the highway in Sky End Lane which currently serves the site. A total of 3 on site car parking spaces would be provided together with turning facilities which would allow vehicles to enter and leave the site in a forward gear. There are no details of any facilities for the parking of cycles. The level of parking to be provided in respect of the proposed dwellings complies with that recommended in the Parking SPD. A previous application at the site ref 15/11763 for 2 new dwellings was recommended for refusal by the Highway Authority on the grounds of the inadequate width and visibility at the existing vehicular access to the site onto Sky End Lane. On the basis that the proposed barn is for domestic use, it is the Highway Authority's view that the current proposals which are now for a single dwelling and barn are unlikely to result in an increase in vehicular movements at the site over and above those which might currently take place at the site. The proposed dwelling is located in excess of 45 metres from the highway

therefore in accordance with guidance contained within Manual for Streets facilities should be provided within to allow a fire appliance to turn within the site. Given the current layout this is unlikely to be achievable, however the alternative provision of a sprinkler system might be considered subject to Building Regulations approval. The parking and turning areas shown should be secured by condition. Details of cycle parking and bin facilities should be provided in accordance with the SPD, also secured by condition.

- 9.2 Ecologist: No objection subject to securing the ecological mitigation/compensation/enhancement measures outlined in the ecology report by condition. Also give informative on reptile management.
- 9.3 Environmental Health (Contaminated Land): No objection suggest an informative note.
- 9.4 Tree Officer: The main area of redevelopment is to the north of the site and in close proximity to large, prominent trees. These trees have been protected by Tree Preservation Order TPO/0032/16 and are considered a constraint on development. The TPO includes 7 individual trees and 1 group of 3 Oaks. These are predominantly situated along the northern boundary and provide an important buffer and green screen between the site and properties along Sky End Lane, while contributing to the wider landscape and are important to the character of the area. The Arboricultural Impact Assessment and Method Statement details the tree work and removals that will be carried out to facilitate the development. These are of little significance to the site or local area and the works suggested are considered as routine management. Clarification is required as to the stages of development and the timing of events with the demolition of the current outbuildings in respect of exposure of root protection areas following demolition. Clarification is required on the tree protection fencing in respect of T1 and G3 on the plan, this should be installed outside of the RPA and remain in situ for the duration of the development and be illustrated within the Tree Protection Plan. The position of soakaways and the installation of new utilities should be illustrated on a plan. No objection subject to tree protection conditions.
- 9.5 Southern Gas Networks – give informatives on the proximity of the site to their apparatus.

10 REPRESENTATIONS RECEIVED

- 10.1 Seventeen comments have been received from fifteen separate parties.
- 10.2 5 representations object to the proposal for the following reasons:
- The scale of dwelling proposed is contrary to policy for new dwellings in the countryside;
 - Visual impact and inappropriate design, which is not in keeping with the area;
 - Urbanisation of the countryside;
 - The dwelling is too large
 - Loss of agricultural land;
 - The garden is very large and may form the basis for further residential development;

- The barn is large and could form the basis for continued commercial use;
- Potential for harm to trees;
- Ecological impacts
- Loss of privacy;
- Loss of highway safety;
- Traffic generation
- The site is inaccessible by emergency vehicles;
- The Council's neighbour notification procedure is criticised;
- Land drainage queries are raised

10.3 7 representations support the proposal for the following reasons:

- Removal of the existing buildings and clutter from the site would be to the betterment of visual amenity
- The dwelling is large but of good quality, contemporary and innovative design
- One large dwelling is preferable to the fall-back position of two smaller units here

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

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

From the 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 £59,245.60. 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 amended plans were requested to address concerns over the size of the garden curtilage, to reduce the size of the barn and obscure glaze high level windows. Amended plans were received which made the application acceptable as amended and no specific further actions were required.

14 ASSESSMENT

- 14.1 The proposal relates to a piece of land to the south east of Sky End Lane, Hordle, beyond the built up area and within Green Belt. It is proposed to demolish all existing buildings on the site and erect a 5 bedroom contemporary dwelling, garage and barn, with a garden area and paddock to the south. Access to the site would be via a narrow, unmade track from Sky End Lane. The character of the area has a semi-rural feel, and the style and types of properties are of a mixture of designs comprising bungalows, chalet style bungalows and two-storey dwellings. There are a number of mature oak trees within and bounding the site.
- 14.2 The main issues to consider in determining this application are the impact the development would have upon the openness of the Green Belt, whether the introduction of a large detached dwelling of the scale and design proposed would be compatible with the character of the area, the impact on highway safety, potential impacts on adjoining residential amenity and environmental impacts on ecological interests and protected trees.
- 14.3 The application site is located within the Green Belt and therefore the proposal must be assessed against Green Belt policies. The National Planning Policy Framework (NPPF) suggests 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. The application site is evidently a brownfield site and in the light of the NPPF a judgement needs to be made on whether the proposed redevelopment would have a greater impact on the openness of the Green Belt. If it is concluded that the proposal would have a greater impact on the openness of the Green Belt then the proposal must be deemed to be inappropriate development. The NPPF makes it clear that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.

- 14.4 In respect of Green Belt openness, existing development on the site is comprised mainly of the former slaughterhouse store and workshop, with numerous other smaller storage outbuildings, garages, greenhouses and structures, which are outlined in red on the proposed site plan. The existing buildings are of poor visual appearance and the site is generally untidy, although the applicant has made recent efforts to tidy up. A volumetric calculation has been submitted which demonstrates that existing structures equate to 2,184 cubic metres in volume. The applicant has agreed to reduce the size of the proposed barn structure, such that the cumulative volume of proposed buildings (dwelling, barn and garage) is 1,896 cubic metres. This equates to a 288 cubic metre reduction in built form over the site. Given there is no increase in built-form, it is felt that the proposal would have no greater impact on the openness of the Green Belt, and as such the proposal must be deemed appropriate development within the Green Belt.
- 14.5 The proposed development would undoubtedly change the appearance of this land with the provision of new buildings, however they will replace existing buildings and the site is not elevated and is not prominent within the Green Belt. It would be set well back from Sky End Lane and be well screened by trees and hedgerows to all boundaries. Due to the site's lack of prominence and removal of existing buildings and clutter, the proposal will not impact significantly upon the openness of the Green Belt, which weighs in favour of the proposal.
- 14.6 Policy DM20 of the Local Plan Part 2 restricts development of new dwellings in the countryside, but allows replacement dwellings. While there is no dwelling on the site, it does benefit from a prior approval application in 2015, which granted the change of use of two former slaughterhouse buildings to two dwellings. The principle of residential development on this site was therefore established by that application. This lawful fallback position is clearly material to consideration of this application and should be given weight.
- 14.7 The proposed dwelling is admittedly large, however it would not harm the openness of the Green Belt, as outlined above. The proposed siting does not encroach into the most open part of the site, nestling into the northern portion, with a backdrop of mature trees, which assist with its integration into the landscape. The Tree Officer is satisfied that the development can be accommodated without causing harm to these trees. The design and materials are of very contemporary appearance, but are not unacceptable in this locality, as the site is very separate from the more conventional dwellings fronting Sky End Lane. The site is not elevated and is not prominent within the landscape, being set well back from Sky End Lane and well screened by trees and hedgerows to all boundaries. The impact of the proposal upon the landscape and visual receptors is therefore very limited.
- 14.8 Considering the applicant's fallback position to provide two dwellings on the site by way of converting two buildings of dubious design quality, officers consider a pragmatic stance should be adopted in this instance. This would result in an admittedly large dwelling, but of contemporary, innovative and meritorious design. Consequently a dwelling of the quality proposed may be supported, contrary to the provisions of Policy DM20, subject to conditions to remove permitted development rights to extend the dwelling or erect further outbuildings.

- 14.9 The site also has a lawful commercial use and it is accepted that some form of commercial redevelopment could resume here. If the storage use were to become operational again, then this would potentially have a much greater environmental impact than the development now proposed. A reinstated storage use would generate a greater quantum of vehicle movements than the proposed development. Visually and aesthetically, the proposed development would deliver greater environmental benefits, including retention/enhancement of trees and the paddock area, removal of structures and open storage, drainage improvements and the ecological improvements defined by the ecological survey.
- 14.10 Vehicular access would be via the existing access onto the highway in Sky End Lane which currently serves the site. A total of 3 on site car parking spaces would be provided together with turning facilities which would allow vehicles to enter and leave the site in a forward gear. It is accepted that the site access suffers from inadequate width and visibility at Sky End Lane. However the applicant could implement ref. 15/11763 for 2 new dwellings and on the basis that the proposed barn is for domestic use, it is the Highway Authority's view that the current proposals which are now for a single dwelling and barn are unlikely to result in an increase in vehicular movements at the site over and above those which might currently take place at the site. With regard to accessing the site by emergency vehicles, an amended plan has been received showing the requisite turning circle for fire appliances. However, it is acknowledged that installation of a sprinkler system could alleviate concerns in respect of fire appliance access, subject to Building Regulations approval.
- 14.11 The main area of redevelopment is to the north of the site and in close proximity to large, prominent trees, which have recently been protected by Tree Preservation Order. The protected trees are predominantly situated along the northern boundary and provide an important buffer and green screen between the site and properties along Sky End Lane, while contributing to the wider landscape and are important to the character of the area. The potential tree impacts of the development have been addressed by an Arboricultural Impact Assessment, Method Statement and Tree Protection Plan submitted with the application. Having reviewed these documents, the Tree Officer is satisfied that the arboricultural impacts of the development are acceptable, subject to conditions to clarify several points with regard to protection of retained trees. Overall it is considered that the development is capable of delivering enhancements to trees within and bounding the site, specifically by demolishing existing buildings which lie over the roots of trees and reinstating the ground in accordance with an appropriate arboricultural method statement.
- 14.12 The application is accompanied by a detailed ecology survey. The proposal seeks to create new habitat and features of ecological interest on the site. The Ecologist is satisfied that the ecological impact of the development would be acceptable and indeed is satisfied that the development is capable of delivering biodiversity enhancements. This would be subject to compliance with the recommendations of the ecological survey and implementation of appropriate landscaping
- 14.13 Given their height (dwelling 7.2m, barn 5.4m) and position, the new buildings would have no material impact on the light, outlook or privacy of nearby residential properties. The windows facing the rear of nos. 25 and 27 Sky End Lane would be high level, obscure glazed and separated adequately so no loss of privacy would occur. Similarly, the retained trees

and under-storey on the northern boundary of the site, together with outbuildings to the rear of nos. 25 and 27 dictate that no overbearing presence would be experienced by adjoining occupiers. There are a couple of gaps in the boundary vegetation, but these could be plugged by heavy standard trees, details of which can be addressed by landscaping condition. Overall, there is an opportunity to improve residential amenities given that the storage use is not subject to any restrictive conditions and the poor condition of the buildings and land, as removal of the existing buildings and clutter from the site would be to the betterment of visual amenity.

- 14.14 With regard to the comments of notified parties not addressed above; the size of the garden has been reduced from that initially submitted. The majority of the land edged red will be retained as a paddock and woodland, all of which will remain within Green Belt. A condition will be applied to any approval to ensure the garden curtilage of the dwelling and paddock remain as specified, to prevent the erosion of the countryside and Green Belt, through the creep of domestic paraphernalia. The size of the barn has been reduced since the initial submission and its use for commercial purposes may be restricted by condition. A query is raised over land drainage of the current field peripheries, which is beyond the realm of this planning application. However, the applicant has indicated that it is intended to improve ditch drainage around the paddock area. It is also proposed to incorporate Sustainable Urban Drainage Systems (SUDS) into the design of the dwelling, so the proposal will not make land drainage any worse than the current situation.
- 14.15 The proposal is for a net gain of 1 no. dwelling, where contributions towards habitat mitigation would be required, in addition to any CIL liability. The proposed development has a CIL liability, but is likely to be exempt on the basis of the CIL Self-Build procedure. The applicant will need to apply for exemption at the appropriate time, following the grant of any approval. However, 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. CIL exemption dictates payment of the full habitat mitigation contribution (including management and monitoring).
- 14.16 On 28th November 2014 the Government issued planning guidance setting out the specific circumstances in which contributions for affordable housing and tariff style planning obligations (section 106 agreements) should not be sought from small scale and self-build development. This guidance has been reissued following the order of the Court of Appeal dated 13th May 2016 (*West Berkshire District Council and Another v The Secretary of State for Communities and Local Government*). The planning guidance specifies the circumstances in which contributions should not be sought as follows:

“Contributions should not be sought from developments of 10 units or less and which have a maximum combined gross floorspace of no more than 1,000 sqm; In designated rural areas, local planning authorities may choose to apply a lower threshold of 5 units or less...;”

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

This national guidance is at odds with Policy CS15 of the Council’s Core Strategy. In these circumstances, the law gives no priority to either the Council’s Core Strategy or to the Government’s national guidance. It is for the decision maker to assess both policies as “material considerations” and to decide which should have greater weight to 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.

- 14.17 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. 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.
- 14.18 In summary, the proposal considered to be appropriate development in the Green Belt. Its design is considered to be of good quality and the environmental benefits of the scheme weigh in its favour. The proposed development could take place without detriment to the ecology, trees or amenities of the wider area, and without adversely affecting highway safety. Therefore, subject to conditions to ensure that the scheme’s specific benefits are fully delivered, the application is recommended for permission. Also subject to receipt of no new material objections from notified parties or consultees on the amended by 15th November 2016, Members are requested to delegate authority to the Service Manager Planning and Building Control, in line with the recommendation.
- 14.19 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	0	0	0
Financial Contribution	0	0	0
Habitats Mitigation			
Financial Contribution	£5,350	£5,350	0

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	710.51		710.51	710.51	£80/sqm	£59,245.60 *

Subtotal:	£59,245.60
Relief:	£0.00
Total Payable:	£59,245.60

* 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)

Grant Subject to Conditions

15. RECOMMENDATION

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

- i) the receipt of no new material objections to the submitted amended plans before 15th November 2016
- ii) the imposition of the conditions set out below.

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: 16-121/011 Rev A, 16-121/012 Rev A, 16-121/013 Rev A, 16-121/014 Rev A, 16-121/015 Rev A, 16-121/101 Rev B, 16-121/16E and 16-121/017

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. No development, demolition or site clearance shall be undertaken until an amended Construction/Demolition Method Statement has been submitted to and been approved in writing by the Local Planning Authority, detailing the following information;

- Amended Tree Protection Plan;
- A plan illustrating the location of service routes, including the position of soakaways;
- Revised Method Statement subject to the location of service routes and position of soakaways as stated in section 7.9 of the Arboricultural Impact Assessment;
- Location of site compound and mixing areas;

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

Reason: To safeguard trees and natural features which are important to the visual amenities of the area.

5. 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 amended Arboricultural Impact Assessment, Method Statement and Tree Protection Plan and in accordance with the recommendations as set out in BS5837:2012.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area.

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

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

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 has an appropriate landscaped setting, to safeguard biodiversity interests, and to comply with Policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park.

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

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

8. Development shall take place fully in accordance with the recommendations set out in the Lowans Ecology & Associates Biodiversity Survey Assessment dated March 2016, unless otherwise agreed in writing with the Local Planning Authority.

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

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any re-enactment of that Order) no extension, roof alterations or outbuildings otherwise approved by Classes A, B, C or E of Part 1 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.

Reason: In view of the physical characteristics of the site, the Local Planning Authority would wish to ensure that any future development proposals do not adversely affect the visual amenities of the area, openness of the Green Belt or neighbouring residential amenity, in accordance Policies CS2 and CS10 of the Core Strategy for the New Forest District outside the National Park.

10. The covered terrace and first and second floor void areas within the approved dwelling and shown on drawing no. 16-121/013 Rev A shall not be used for or converted to habitable accommodation at any time.

Reason: The conversion of this space to additional habitable accommodation would be contrary to Policy DM20 of the Local Plan Part 2, which seeks to limit increases to floorspace of countryside dwellings in the interests of limiting the impact of built development on the site and its countryside setting.

11. Prior to occupation of the dwelling hereby approved all outbuildings, containers, plant, machinery and materials currently stored in the open on the site shall be removed from the site and the ground reinstated in accordance with the approved plans and landscaping arrangements.

Reason: In the interest of the visual amenities of the locality and to preserve the openness of the Green Belt in accordance with Policies CS2 and CS10 of the Core Strategy for the New Forest District outside the National Park

12. The barn, garage and paddock area identified on drawing no. 16-121/16E shall not be used for any commercial purposes.

Reason: The introduction of a commercial use in this location would cause harm by virtue of the poor access arrangements and relationship to residential properties, which would be contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

13. Before first occupation of the development hereby approved, a surface water sustainable drainage system (SuDS) shall be designed and installed to accommodate the run-off from all impermeable surfaces including roofs, driveways and patio areas on the approved development such that no additional or increased rate of flow of surface water will drain to any water body or adjacent land and that there is capacity in the installed drainage system to contain below ground level the run-off from a 1 in 100 year rainfall event plus 30% on stored volumes as an allowance for climate change as set out in the Technical Guidance on Flood Risk to the National Planning Policy Framework.

Infiltration rates for soakaways are to be based on percolation tests in accordance with BRE 365, CIRIA SuDS manual C753, or a similar approved method.

In the event that a SuDS compliant design is not reasonably practical, then the design of the drainage system shall follow the hierarchy of preference for different types of surface water drainage system as set out at paragraph 3(3) of Approved Document H of the Building Regulations.

The drainage system shall be designed to remain safe and accessible for the lifetime of the development, taking into account future amenity and maintenance requirements.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS6 of the Core Strategy for the New Forest District outside the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

14. 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.

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

Reason: To ensure adequate on-site car parking provision for the approved development to comply with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

16. Before use of the development is commenced provision for turning to enable vehicles to enter and leave in a forward gear shall have been provided within the site in accordance with the approved plans and shall be retained thereafter.

Reason: In the interest of highway safety, in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

17. No development shall start on site until plans and particulars showing details of the provisions of bin/cycle storage within the site have been submitted and approved in writing by the Planning Authority. The development shall be carried out in accordance with the approved details before the use of the development is commenced and shall be retained thereafter.

Reason: To ensure adequate provision within the site, in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

Notes for inclusion on certificate:

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

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

Where the matter is not routine and we are refusing an application or we accepted amendments or contacted the applicant re submission of amended plans or agreeing to deal with as submitted etc. we must clearly explain using free text (inserted by the Case Officer) how in dealing with the application we were positive and proactive and acted in accordance with Article 35 saying exactly what happened in this case

2. The Council's Ecologist advises that consideration should be given to mitigation for reptile species would be required if development does not proceed after summer 2017, as if grazing of the area ceases vegetation may have the opportunity to become more conducive to presence. Appropriate management of the site, in consultation with your ecologist would reduce the likelihood of impact.
3. The Council's Contaminated Land Section advise that there are a number of sites near to this property which have had past contaminative uses. It is possible that some contamination may have migrated through the ground and groundwater. Whilst the Authority has no evidence to suggest that this is the case, any observed presence of contamination during any ground invasive works should be reported to the Local Authority Environmental Health Officer and works halted whilst the matter is considered. It is advisable to obtain specialist advice concerning the potential for contamination and its recognition. Under the National Planning Policy Framework, where a site is affected by contamination, responsibility for securing a safe development and/or new use, rests with the developer and/or landowner and as a minimum requirement the land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.
4. In discharging condition no. 14 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/>

5. An extract of Southern Gas Networks mains records of the proposed work area is available to view on the Council's website for your guidance. This plan only shows the pipes owned by SGN in their 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 they know of any other pipes in the area they 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 their low/medium/intermediate pressure gas main near your site. There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. You should, where required confirm the position using hand dug trial holes. A colour copy of these plans and the gas safety advice booklet enclosed should be passed to the senior person on site in order to prevent damage to our plant and potential direct or consequential costs to your organisation.

Safe digging practices, in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working for you on or near gas plant.

Damage to their pipes can be extremely dangerous for both your employees and the general public. The cost to repair pipelines following direct or consequential damage will be charged to your organisation.

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



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Application Number: 16/11030 Full Planning Permission

Site: 27 HIGH STREET, MILFORD-ON-SEA SO41 0QF

Development: Use as craft beer bar (Use Class A4)

Applicant: Mr J Woodsford

Target Date: 13/10/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area
Conservation Area
Local Shopping Frontage

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

Core Strategy 2009

- CS1: Sustainable development principles
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS9: Settlement hierarchy
- CS20: Town, district, village and local centres
- CS24: Transport considerations

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

- DM1: Heritage and Conservation
- DM18: Local shopping frontages in Marchwood, Blackfield, Holbury, Fawley, Milford on Sea, Hordle, Bransgore

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

Change of use from retail to launderette (45070) Granted with conditions on the 29th June 1990

7 PARISH / TOWN COUNCIL COMMENTS

Milford On Sea Parish Council: recommend refusal. The Parish Council welcomes new businesses to the village but felt this application is in the wrong location. Noting the Environmental Health Officer's report, the Parish Council was concerned by the possible negative effects of late night noise, anti-social behaviour and highway issues on neighbouring residents which could result from this application.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

Environmental Health Officer (Pollution):No objection subject to conditions

10 REPRESENTATIONS RECEIVED

10.1 6 of support. This will be good in Milford and would offer a new facility for the area.

10.2 5 letters of objection concerned over noise and disturbance to residential properties. The outside area will have chairs and tables. The outside area will also be used as a smoking area for patrons. There are already many licensed trading premises. The Red Lion is just across the road. Concern over deliveries. The High Street is already restricted in width, additional deliveries will exacerbate the problem.

11 CRIME & DISORDER IMPLICATIONS

Crime Reduction Officer: Awaiting comments

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

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

14 ASSESSMENT

- 14.1 The application property is a two and a half storey 'mock tudor' building which lies within the central part of Milford on Sea. The premises is currently vacant, but was previously used as a launderette on the ground floor with a residential flat above. The main entrance to the building is from a narrow public pavement which runs under a large canopy. It is understood that the use of the launderette ceased back in March 2015. The premises is relatively small in size measuring around 38 square metres with two large windows fronting the High Street.
- 14.2 This proposal seeks the change of use from a launderette (Class A1) to a craft beer bar (Class A4). It is proposed that the use will operate between 11:00 and 23:00 all week. No external changes are proposed to the building. The applicant seeks to make internal alterations to the building including installing sound proofing to mitigate against noise emanating from the premises. The upper floor of the premises would be used as a residential flat.
- 14.3 The site lies within the central part of Milford On Sea which comprises a mixture of uses including residential, retail, commercial, and other community uses. There is a Public House known as the 'Red Lion', across the road, but not immediately opposite. The application building is not listed but lies within the Conservation Area. The neighbouring property on one side is used as a shop, with a chiropodist on the other side with residential above. There are residential properties across the road and to the rear.

- 14.4 Starting with the policy position, Local Plan Part 2 Policy DM18 permits uses in this part of the village centre of Milford which provide for the day to day shopping and service needs of the area and seeks to retain 50% of ground floor units in retail (Class A1) use. The current survey indicates that 53% of the defined local shopping frontage in Milford is in retail use. The village centre of Milford retains a relatively high proportion of units in retail use, and the place seems well used and supported by the local population. The proposed use is likely to attract people to the area during the day and at night time.
- 14.5 The former use of the premises as a launderette has now ceased and the premises is vacant. While the premises lies within the central part of the village centre, the unit has a small floor area and there can be no certainty that an alternative retail use will be found. Nevertheless, the use of the premises as a small bar would add to activity during the day and in particular the evening hours that would complement the existing uses. Accordingly, it is considered that the proposed use would accord with Policy DM18 and would not have any adverse impact on the vitality and viability of the village centre.
- 14.6 In terms of the effect on the character of the Conservation Area and locality, the site lies within the central village location and the proposed use may well enliven the area, and there are no concerns in this regard. No external changes are proposed and the use will not have any impact on the Conservation Area.
- 14.7 The main issue is the effect of the development on the living conditions of the neighbouring residents, with particular regard to noise and disturbance. This includes noise from patrons within the building, noise from patrons outside the premises, particularly those smoking, noise from plant, chillers and extraction systems, and noise from patrons arriving and leaving the premises.
- 14.8 There is residential accommodation at first floor level above the premises and the age of the buildings would suggest that the building structure provides a poor level of sound insulation between these two uses. There are also residential properties to the rear and front of the premises. In assessing the proposal, it is noted that the previous uses of the launderette would have generated some noise during the day, but this would have only affected the upper floor residential flat. It is noted that there is a Public House in the vicinity of the site, which includes an outside area to the front.
- 14.9 The Environmental Health Officer does not raise any objections to the proposal subject to conditions. The premises have been inspected and have high ceilings which will enable sufficient space to provide sound insulation within the building and underneath the outside canopy. These details can be provided through a carefully worded planning condition. The applicant has appointed a noise consultant and has no objection to providing sound proofing within the building. The proposed use is for a craft beer bar and the applicant does not wish to have any 'live or acoustic music' played from the premises. A condition can be imposed which prohibits the use of amplified music and restricts the opening times.

- 14.10 Accordingly, it is considered that subject to appropriately worded planning restrictions, and other control through separate licensing, there is no reason why the proposed use cannot operate without causing unacceptable harm to residential amenity. While there will be an increase in activity during the evening, the premises will close at a similar time to the Public House across the road and the proposed use is appropriate in this village centre location.
- 14.11 In conclusion the proposal accords with local plan policy and would provide additional activity in the area which would not have any material harm on local amenity. The site lies within the central part of the village centre where this type of A4 use is appropriate.
- 14.12 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

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: Location plan, Ground floor plan, .

Reason: To ensure satisfactory provision of the development.

3. No activity shall take place on the site in connection with the approved use other than between the hours of 09:00 and 23:00 Hours Monday to Sunday.

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. There shall be no playing of amplified music.

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. Before the use hereby approved is operated, details of measures to be undertaken to reduce sound transmission emanating from the building to an agreed level, shall be submitted to and approved in writing by, the Local Planning Authority. The submitted details shall include an acoustic assessment of the sound insulation quality of the fabric of the building to be undertaken by an appropriately qualified consultant. The development shall only take place in accordance with the approved details.

Reason: In the interest of the amenity of the adjoining neighbouring properties in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

Notes for inclusion on certificate:

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

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

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)

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Application Number: 16/11087 Full Planning Permission

Site: MOORLAND HOUSE REST HOME, 20 BARTON COURT AVENUE,
BARTON-ON-SEA, NEW MILTON BH25 7HF

Development: Single-storey rear extension

Applicant: Moorland House Rest Home

Target Date: 08/11/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

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

Local Plan Part 2 Sites and Development Management Development Plan Document

None

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - New Milton Local Distinctiveness

6 RELEVANT PLANNING HISTORY

- 6.1 Single storey rear extension (10268) Granted with conditions on the 25th April 2013
- 6.2 Single storey rear extension, single storey side extensions and create 4 gardens, extend car park (10062) Refused on the 6th April 2016 (currently at appeal)

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: Recommend refusal

- 1) Overdevelopment of the site
- 2) Loss of amenity space for the existing residents
- 3) Loss of amenity for neighbouring properties.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

None

10 REPRESENTATIONS RECEIVED

- 10.1 2 letters of objections concerned with that the building has already been heavily extended and is very dominating, unattractive. The proposal is too close to garden. The building is not in keeping with the local area.

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

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

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

14 ASSESSMENT

- 14.1 This planning application proposes a single storey rear extension to be used as a lounge for the nursing home and is effectively a revised design to an extension approved under planning permission 10268. The proposed extension would be a simple glazed structure, under a flat roof with roof lantern measuring around 47 square metres. It would be sited along the south elevation of the building, which would not be readily visible from the public domain. The proposed extension would use part of the existing rear garden area of the nursing home. The proposal also shows a slight re-configuration of the car parking spaces with additional soft landscaping. A revised application is required as this is a different design of building in comparison to that previously approved. The changes involve a different appearance and roof design.
- 14.2 The application property is a former detached dwelling house at the junction of Barton Court Avenue and Moorland Avenue within a predominantly residential area of New Milton. The application property appears to have begun life as a detached two storey dwelling house which, because of its corner location, occupied a larger plot than most of its neighbours. In 1982 planning permission was granted for a change of use from dwelling house to residential care home for 10 persons and the building was substantially enlarged in 1983 to provide an additional 8 bedrooms. Although a number of applications submitted between 1985 and 1992 for further extensions were refused, the property now contains a total of 20 bedrooms with appropriate ancillary and communal facilities. As it presently exists, the property dominates the street scene, being the largest building in the immediate locality and occupying a greater proportion of its plot than is characteristic of this relatively spaciouly planned residential area.
- 14.3 Development in the locality comprises mainly detached bungalows, chalet bungalows and two storey dwelling houses, generally within good sized plots and set well back from the highway. A preponderance of trees, grass verges and well stocked front gardens gives the area a

spacious and verdant appearance, creating an attractive residential environment.

- 14.4 There is a long planning history associated with this the site, most importantly, planning permission was granted for a single storey conservatory to the rear of the building under reference 10268. Although that approved extension has not been implemented, the permission is still extant. That approved extension would be the same size (floor area) and sited in exactly the same location as this current application. The only difference is the design of the fenestration and roof which would entail a shallow glazed pitched roof. Moreover, a more recent application was submitted for a single storey rear extension and extension to face Barton Court Avenue under reference 10062, which was refused. The rear extension in that application was identical to this current application and no objection was raised in the refusal notice to the that element of the proposal. The application is currently at appeal.
- 14.5 In assessing this proposal, it should be noted that there is an extant planning permission on this site for a extension, which is nearly identical to the current application. The only difference is the roof design and fenestration. It is clear that there have been concerns about extensions to the front of the building facing Moorland Avenue and Barton Court Avenue and several applications have been refused.
- 14.6 Visually, the proposed extension would be set back into the site and only glimpses of the building would be seen from Barton Court Avenue between the side of the existing two storey building and the adjoining property at No. 22. Given the extension would be a modest structure set against the large two storey building, it would not appear obtrusive in this setting or imposing in the street scene. In terms of whether the proposed extension would be an overdevelopment of the site, it is clear that the original building on the site has been extended over the years and the amount of space around the buildings is small. However, the proposed extension would have a relatively modest footprint and space would still remain around the building, with amenity space for residents, and accordingly it would not result in an overdevelopment of the site.
- 14.7 In terms of other matters, with regard to residential amenity, there are only two residential properties that would be affected by the proposal, No. 3 Moorland Avenue and 22 Barton Court Avenue. Concerning the resident at No. 3, the proposed extension would be located a considerable distance away from their side boundary and, given the modest scale of the extension, it would not affect the light, outlook or privacy of that resident.
- 14.8 Concerning No. 22, the proposed extension would be very close to the side boundary with a gap of just over 2 metres. The extension would extend by 6 metres along the boundary, with a further 3.3 metres which would be set further away from the boundary. Given its overall scale and size, its construction using glazing, and the design of the flat roof, it is not considered to result in an unacceptable loss of outlook or light to that resident. In terms of overlooking, there is a boundary wall which rises to approximately 1.6 metres high. It is accepted that the proposed extension would result in a degree of overlooking given the height of the boundary wall, however, when the residents are currently in the garden

area they would be able to overlook that neighbour. Given the conservatory would be single storey, either the applicant or neighbour could increase the height of the boundary wall, which would help mitigate any overlooking between the two existing residents.

- 14.9 In conclusion, this current application is nearly identical to an extant permission. The only difference is the design, which is considered to be an improvement. It is considered that while the proposed extension would further intensify built development on this site, it would not be readily visible from the surrounding area and is a modest structure which would still enable some amenity space to be provided around the building for residents to use and enjoy.
- 14.10 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: 13-T1850/009, 008, 006 Rev D, 005 Rev B, 004 Rev D, 003, 001, 002

Reason: To ensure satisfactory provision of the development.

Notes for inclusion on certificate:

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

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

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



New Forest
DISTRICT COUNCIL

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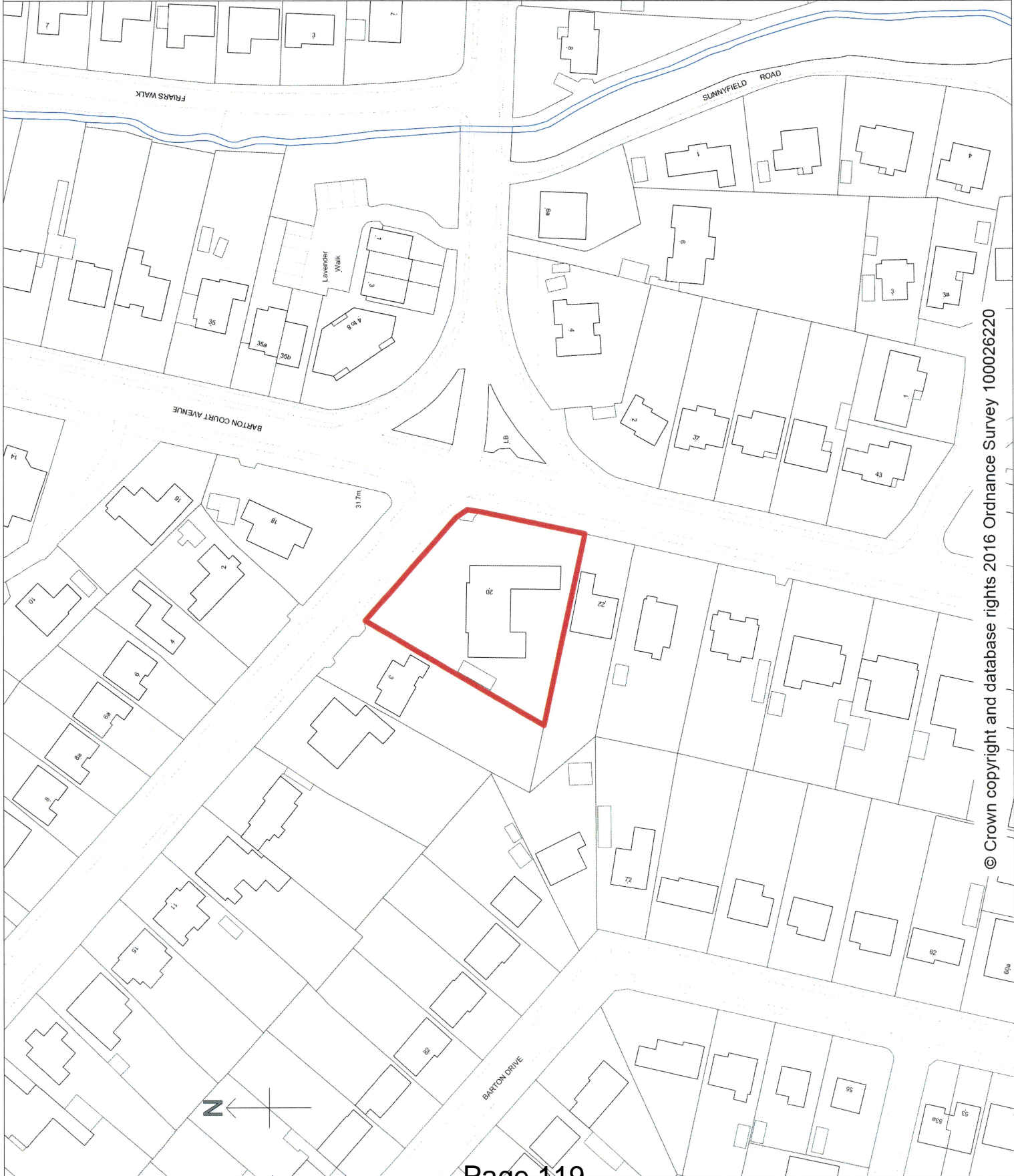
**Planning Development
Control Committee
November 2016**

Item No: 3j

Moorland House Rest Home
20 Barton Court Ave
Barton on Sea
16/11087
SZ2393

Scale 1:1250

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



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Application Number: 16/11154 Full Planning Permission

Site: 226 SOUTHAMPTON ROAD, RINGWOOD BH24 1JQ

Development: One & two-storey rear extension; detached house; parking;
access from Wessex Road

Applicant: Homer Pardy Developments

Target Date: 27/10/2016

Extension Date: 11/11/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Policy CS15 (Affordable housing contribution requirements from developments).

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 contribution requirements from developments

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. 7 - Requiring good design

Conservation Area: N : Tree Preservation Order: N TPO No:

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

6 RELEVANT PLANNING HISTORY

- 6.1 11/97036 – Bungalow; parking; access from Wessex Road – refused July 2011 as the proposed dwelling, by reason of the plot size, would result in a cramped form of development out of character with the more spacious nature of surrounding development and the pattern of development along Wessex Road, resulting in a poor relationship with adjoining properties.

7 PARISH / TOWN COUNCIL COMMENTS

Ringwood Town Council - recommend refusal. Members felt that the same observations applied to this proposal as the previous application for the site, in that the proposed dwelling would have a cramped appearance and an adverse impact upon the visual amenities of the area. As it would be back garden / infill development, it would also appear to be contrary to policy CS1 and CS2 of the Core Strategy. This was their view to an even greater extent, as they felt this proposal for a two-storey dwelling was worse than the proposal for a bungalow, which was refused on appeal. It is also contrary to the Parking Standards SPD, with only one space provided for the new dwelling.

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 – no comments received to date.

10 REPRESENTATIONS RECEIVED

- 10.1 One letter has been received objecting to the proposal on grounds that its height and proximity would result in a loss of light to the front of no. 1 Wessex Road.

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 £9,350.75.

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 no pre-application advice was sought from the Council prior to the application's submission. The concerns of the Council, statutory consultees and notified parties in respect of the potential overintensive form of development, character and amenity impacts were made available on the Council's website. While the comments of notified parties were discussed with the agent no direct amendments were 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 not unreasonable to refuse the application.

14 ASSESSMENT

- 14.1 The application site is a piece of land to the rear of number 226 Southampton Road, which appears to have formerly been part of the garden area of no. 226, but has been subdivided and left vacant and

untended for some years. The surrounding area is characterised by properties of various designs and uses with a commercial premises to the south of the site and a recently constructed bungalow to the east (to the rear no. 1 Wessex Road).

- 14.2 This application seeks consent for a 3 bedroom, 2 storey dwelling with vehicular access to two parking spaces from Wessex Road. It is also proposed to erect single and two storey extensions to 226 Southampton Road.
- 14.3 The main issues to consider are the impact of the proposal on the character and appearance of the area and upon adjoining 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 consider the space retained around new buildings, relationship with 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 NPPF 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.
- 14.5 Although the site lies within the built up area of Ringwood where in principle residential development is considered acceptable, the proposed new plot would be smaller than most other plots along both Wessex Road and Southampton Road. In assessing the effect on the character and appearance of the area, the immediate context of the area is predominantly detached and semi-detached dwellings fronting local roads with good sized rear gardens and for the most part vegetated boundaries onto Wessex Road, which contribute to the character of the area. The proposal seeks to utilise part of the garden of no. 226 and a small portion of the garden of no. 224 to establish an independent two bed, two storey dwelling, with parking spaces for two cars on the site frontage. The proposed dwelling and associated parking would be clearly visible from Wessex Road, where it would appear as isolated and harmful to the street scene, as there is no potential for trees and greenery on the site frontage. Conversely the hedge that currently separates the site from the curtilage of no. 224 would be removed, which would be harmful to the street scene. The proposed dwelling would have a small rear garden and the front of the site would be dominated by parking arrangements, which emphasise the cramped appearance of this development. Due to the size of the plot, the proposed dwelling would appear as an isolated and cramped form of development, out of character with the more spacious nature of development within the locality with no potential for trees and greenery on the site frontage. Clearly the concerns outlined by refusal of a single storey bungalow in 2011 have not been overcome by this proposal for a two storey dwelling over a similar footprint, albeit a slightly wider plot frontage. The 2011 proposal was dismissed at appeal, where the Inspector concluded that:

'even though the proposed dwelling would be modest in size, the size and shape of the plot would mean that it would appear cramped in its plot. Policy CS2 of the Core Strategy requires new development to

contribute positively to local distinctiveness and sense of place. Whilst there is a mix of dwellings in the area, locating a dwelling in an inadequately sized and constrained plot as proposed would not make the positive contribution required by policy CS2. I consider that this failure would result in a harmful effect on the character and appearance of the area'.

- 14.6 While no concerns are raised over the proposed extension of the existing dwelling, the proposed dwelling constitutes overdevelopment of this site. It would have a cramped setting, being located close to the boundaries of the site, with a small garden and little space around the building, no potential for trees and greenery on the site frontage and the new dwelling would appear isolated and out of character with the area. The proposal does not accord with the provisions of Policy CS2, the Ringwood Local Distinctiveness Document and NPPF.
- 14.7 Policy CS2 also requires the impact of development proposals upon adjoining amenity to be considered. No concerns are raised over impacts of the extension of no. 226 itself, however the new dwelling would have a very close relationship to the boundary (4m away) with no. 1 Wessex Road and the amenity impacts of the proposal need to be considered. While the rear elevation has been designed to alleviate any loss of privacy, the depth and height of the proposed dwelling would present a large, two storey structure in close proximity to no. 1, just 4m away from the boundary and 11m from the front of the bungalow. No. 1 has an attractive outdoor seating area to the front, which would suffer a loss of light and overall the new dwelling would have an overbearing and oppressive impact upon the amenity of adjoining occupiers, contrary to the provisions of Policy CS2 of the Core Strategy.
- 14.8 The Council's adopted Parking Standards SPD requires residential developments of three bedrooms to provide 2.5 off street parking spaces. The proposal provides two off-street spaces, which constitutes under provision. In its favour, the site is reasonably well related to public transport links and local services, so the matter is finely balanced. The County Highway Engineer has been consulted on the matter and their comments will be reported.
- 14.9 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. 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.

- 14.10 On 28th November 2014 the Government issued planning guidance setting out the specific circumstances in which contributions for affordable housing and tariff style planning obligations (section 106 agreements) should not be sought from small scale and self-build development. This guidance has been reissued following the order of the Court of Appeal dated 13th May 2016 (*West Berkshire District Council and Another v The Secretary of State for Communities and Local Government*). The planning guidance specifies the circumstances in which contributions should not be sought as follows:

“Contributions should not be sought from developments of 10 units or less and which have a maximum combined gross floorspace of no more than 1,000 sqm; In designated rural areas, local planning authorities may choose to apply a lower threshold of 5 units or less...; Affordable housing and tariff style contributions should not be sought from any development consisting only of the construction of a residential annex or extension to an existing house”

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

- 14.11 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. 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.
- 14.12 In light of the concerns highlighted over the overdeveloped form of development, character impacts and amenity impacts, the application is recommended for refusal.
- 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.

Section 106 Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings	-	-	-
Financial Contribution	-	-	-
Habitats Mitigation			
Financial Contribution	£4,250	£4,250	0

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
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Dwelling houses	126.64	14.5	112.14	112.14	£80/sqm	£9,350.75 *
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Subtotal:	£9,350.75
Relief:	£0.00
Total Payable:	£9,350.75

* 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 proposal constitutes overdevelopment of the site with a cramped layout and poor levels of space about the dwelling with no potential for trees and greenery on the site frontage, which would be out of character with the more spacious nature of the surrounding pattern of development. Furthermore, the siting of the dwelling would appear isolated and be out of character with the pattern of development along Wessex Road. Consequently the proposal 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 paragraph 64 of the National Planning Policy Framework.

2. The proposed new dwelling would have an unacceptable impact upon adjoining residential amenity as it would reduce the level of light to and have an oppressive and overbearing impact on the outlook of number 1 Wessex Road, by virtue of its close siting and height, 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:

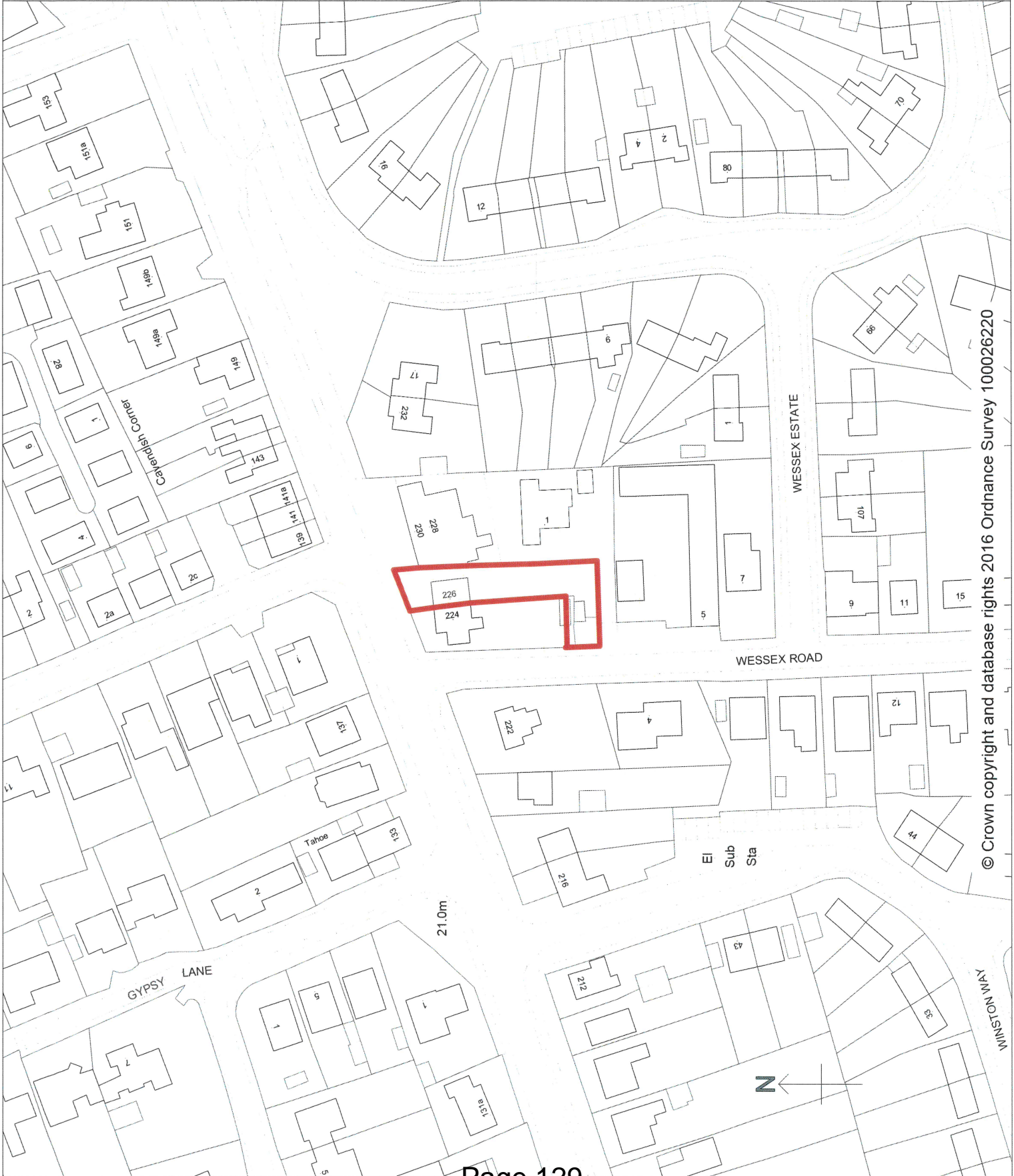
1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising 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 from the Council prior to the application's submission. The concerns of the Council, statutory consultees and notified parties in respect of the potential overintensive form of development, character and amenity impacts were made available on the Council's website. While the comments of notified parties were discussed with the agent no direct amendments were 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, plans and the level of harm the scheme would cause, it was not unreasonable to refuse the application.

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



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Application Number: 16/11187 Full Planning Permission

Site: Land of ELGIN HOUSE, ROMAN ROAD, DIBDEN PURLIEU,
HYTHE SO45 4QJ

Development: Detached house; shed

Applicant: Mr & Mrs Aalen

Target Date: 19/10/2016

Extension Date: 11/11/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Policy CS15 (Affordable housing contribution requirements from developments).

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up Area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

CS1: Sustainable development principles
CS2: Design quality
CS7: Open Spaces
CS10: The spatial strategy
CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

Policy DM3 – Habitat Mitigation
Conservation Area: N :
Tree Preservation Order: Y TPO No:2/94

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 SPD (Oct 2012)
SPD - Mitigation Strategy for European Sites

6 RELEVANT PLANNING HISTORY

6.1 15/11798 - House and parking - granted March 2016

6.2 15/11163 - Bungalow and parking - withdrawn August 2015

7 PARISH / TOWN COUNCIL COMMENTS

Hythe & Dibden Parish Council: recommend permission, but would accept the decision reached by the District Council Planning Officers under their delegated powers, subject to the following condition. That due to the narrowness of the private road and Monks Walk all builders and construction deliveries to the site should be made via Elgin House .

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

9.1 New Forest National Park Authority - no objections, subject to appropriate mitigation being secured for the New Forest SPA and Solent SPA.

9.2 Hampshire County Council Highway Engineer - No objections subject to car and cycle parking conditions.

9.3 Southern Gas Networks - Although SGN has a high pressure gas pipeline in the vicinity, the safety and integrity of our assets will not be affected by the proposal.

10 REPRESENTATIONS RECEIVED

10.1 Four letters have been received citing the following reasons for objection:

- Increased traffic using Monks Walk
- Damage caused to Monks Walk, which is unadopted
- Loss of highway safety
- Loss of privacy
- Loss of light
- Potential damage to trees

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

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

From the 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 £14,675.69, however as the applicant has declared the dwelling will be

constructed as a self build, it may be exempt from CIL. 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 following submission of amended plans showing use of obscure glazing and top quarter opening windows in the front elevation, the proposal was considered to be acceptable.

14 ASSESSMENT

- 14.1 The site is currently occupied by a two storey detached dwelling within a garden similar in size to the gardens of other dwellings in the locality. A bungalow at no. 1 Monks Walk has been erected in the rear curtilage of Fairmead, dating from the 1970's. The property is located within a built up area, that is characterised by detached residential properties, comprised of bungalows and two storey dwellings. Roman Road is characterised by dwellings generally set back from the pavement edge, with front gardens bounded by mature hedges. To the rear the site is bound by a close boarded fence (to be removed) and by mature hedges.

- 14.2 The application is made to site a two storey, four bed dwelling in the rear garden of Elgin House. Off-street parking for at least 3 no. vehicles, to serve the new dwelling would be provided, accessed via an existing track from Monks Walk. The materials of construction would be buff brickwork with Siga hanging tiles and roof tile. Planning permission was granted in March this year for a dwelling on this plot with a very similar footprint and layout, while the design has altered, the impacts of this current proposal would be similar in many respects.
- 14.3 Policy CS2 of the Core Strategy seeks to ensure that all new development is appropriate and sympathetic to its setting and shall not cause unacceptable effects on adjoining land uses in terms of visual amenity or adverse impacts upon residential amenity.
- 14.4 In terms of the impact of the proposal upon the character of the area, the proposal occupies part of the rear garden of Elgin House. The proposal has a similar footprint and is of very similar scale and appearance to the previously approved dwelling on this site, the main changes being minor alterations to the fenestration. Consequently the proposal is considered to be appropriate in the context of the area's character.
- 14.5 With regard to the amenity provisions of Policy CS2, it needs to be considered whether the scale and siting of the proposal would present any significant overbearing impact, loss of light, privacy or outlook to adjoining occupiers. It also needs to be considered whether the depth and level of amenity space proposed for future occupiers of the development, around the proposed dwelling would be acceptable. With regard to the second point the proposal offers an adequate level of garden curtilage, including off-street parking, for future occupiers of the development. Regarding adjoining amenity, windows on the front elevation would overlook the rear garden of No.2 Monks Walk at a distance of about 9 metres from the boundary. In the interests of preserving the privacy of no. 2 Monks Walk, the first floor windows should be obscure glazed and with restricted opening and amended plans have been received to address this issue. The proposal would not have any overbearing impact or result in any significant light loss to adjoining properties, being of modest height (7m), reducing to 4.5m closest to the boundary with no. 1 Monks Walk.
- 14.6 The Highway Authority raises no objections to the proposal, pointing out that it is similar in respect of highway matters to the previous application at the site ref 15/11798. Vehicular access to the site would be from the shared access onto Monks Walk which is an unadopted road and serves approximately 15 other properties. Monks Walk joins the highway at its junction with Roman Road and although this junction is substandard in terms of visibility and width there are no records of any injury accidents at this location over the past 5 years. Given that the proposals would only increase the vehicular movements at this junction by less than 10% it is considered that any refusal in respect of the suitability of the junction of Monks Walk and Roman Road would not be appropriate in this instance.
- 14.7 With regard to comments that the narrow access will prove problematic insofar as access by construction traffic and potential damage to the road surface, an informative will be placed on any approval requesting the applicant to consider the use of smaller vehicles for access via Monks Walk or otherwise gain access directly from Roman Road, through Elgin House.

- 14.8 With regard to concerns raised over potential tree damage there is a group of prominent, protected, Beech trees growing on a neighbouring property along the boundary of the access track. The Tree Officer previously considered the existing track provides satisfactory ground protection for these trees and that no damage would occur to these specimens. The proposed construction traffic access informative should assist in this regard.
- 14.9 The proposal is for a net gain of 1 no. dwelling, where contributions towards affordable housing and habitat mitigation would be required, in addition to any CIL liability. The proposed development has a CIL liability, but is likely to be exempt on the basis of the CIL Self-Build procedure. The applicant will need to apply for exemption at the appropriate time, following the grant of any approval. However, 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. CIL exemption dictates payment of the full habitat mitigation contribution (including management and monitoring).
- 14.10 On 28th November 2014 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”*
- 14.11 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.

- 14.12 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. 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.
- 14.13 In conclusion it is considered that the proposed dwelling would be appropriate to the character and appearance of the area with no adverse implications for neighbours. The access and parking arrangements would be appropriate and the relevant contributions would be secured by a Section 106 Agreement.
- 14.14 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

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	£25,050	£0	£25,050
Habitats Mitigation			
Financial Contribution	£5,350	£5,350	0

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
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Self Build (CIL Exempt)	176		176	176	£80/sqm	£14,675.69 *
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Subtotal:	£14,675.69
Relief:	£14,675.69
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:

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

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: aale sht 1 Rev A (amended plan), aale sht 2, aale sht 3 and aale sht 4

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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any re-enactment of that Order) no extension (or alterations) otherwise approved by Classes A, B or C of Part 1 of Schedule 2 to the Order, garage or other outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order, or means of enclosure otherwise approved by Class A of Part 2 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.

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

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. Before first occupation of the development hereby approved, a surface water sustainable drainage system (SuDS) shall be designed and installed to accommodate the run-off from all impermeable surfaces including roofs, driveways and patio areas on the approved development such that no additional or increased rate of flow of surface water will drain to any water body or adjacent land and that there is capacity in the installed drainage system to contain below ground level the run-off from a 1 in 100 year rainfall event plus 30% on stored volumes as an allowance for climate change as set out in the Technical Guidance on Flood Risk to the National Planning Policy Framework.

Infiltration rates for soakaways are to be based on percolation tests in accordance with BRE 365, CIRIA SuDS manual C753, or a similar approved method.

In the event that a SuDS compliant design is not reasonably practical, then the design of the drainage system shall follow the hierarchy of preference for different types of surface water drainage system as set out at paragraph 3(3) of Approved Document H of the Building Regulations.

The drainage system shall be designed to remain safe and accessible for the lifetime of the development, taking into account future amenity and maintenance requirements.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS6 of the Core Strategy for the New Forest District outside the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

7. The first floor windows in the north east elevation of the approved dwelling shall at all times be glazed with obscure glass and only top quarter opening, as shown on amended drawing no. aale sht 1 Rev A

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).

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

Reason: To ensure adequate on-site car parking provision for the approved development, in accordance with policy CS2 of the Core Strategy of the New Forest District outside the National Park.

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

Reason: To ensure adequate on-site cycle parking provision for the approved development, in accordance with policy CS2 of the Core Strategy of the New Forest District outside the National Park.

Notes for inclusion on certificate:

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

In this case all the above apply and as the application was acceptable following submission of amended plans showing use of obscure glazing and top quarter opening windows in the front elevation, the proposal was considered to be acceptable.

2. The applicant/developer is requested to consider use of smaller construction vehicles for accessing the development site via Monks Walk or otherwise gain access directly from Roman Road, through Elgin House, in the interests of maintaining the surface of the unadopted highway and avoiding damage to protected trees, which adjoin the access to the site.

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)

Application Number: 16/11188 Full Planning Permission

Site: 9 MARINE DRIVE WEST, BARTON-ON-SEA,
NEW MILTON BH25 7QH

Development: Boundary wall; gates

Applicant: Mr & Mrs Noakes

Target Date: 19/10/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Plan Area

Plan Policy Designations

Built-up Area

National Planning Policy Framework

Section 7

Core Strategy

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

DM7: Restrictions on new soakaways

Supplementary Planning Guidance And Documents

SPD - New Milton Local Distinctiveness

3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

4 RELEVANT SITE HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
12/99257 Single-storey side extension (revised proposal)	26/11/2012	Refused	Appeal Decided	Appeal Allowed with Conditions
12/98958 Single-storey side extension	21/08/2012	Withdrawn by Applicant	Withdrawn	
12/98518 First floor side and rear extension; removal of west chimney	30/05/2012	Granted Subject to Conditions	Decided	

5 COUNCILLOR COMMENTS

No comments received

6 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: Object (non-delegated):

- (1) The boundary treatment facing Cliffe Road is out of character;
- (2) The proposed gates for each opening are out of character due to their height and material use. Local Distinctiveness Study text on 'Front Boundary - for character area Barton Sea front is relevant.

7 CONSULTEE COMMENTS

No comments received

8 REPRESENTATIONS RECEIVED

No comments received

9 CRIME & DISORDER IMPLICATIONS

None Relevant

10 LOCAL FINANCE CONSIDERATIONS

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

11 WORKING WITH THE APPLICANT/AGENT

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

12 ASSESSMENT

- 12.1 The application site consists of a large detached house, which is situated on a corner location at the junction of Marine Drive West and Cliffe Road. It has boundaries on both road frontages, but the dwelling itself is orientated facing Barton Cliff.

The existing boundary treatments consist of a low wall with a close boarded fence on top fronting Marine Drive West with an open gap to allow vehicular access to the front of the dwelling. The Cliffe Road frontage consists of a close boarded fence with two separate pairs of metal gates providing vehicular access, at two separate points within this boundary.

- 12.2 The proposed boundary treatment facing Marine Drive West is for a single wall, constructed of light coloured brick similar in colour to the existing wall. The existing hedge behind the wall would be retained. The plans indicate that this section of the proposed boundary would be lower than the existing brick wall and fence. The proposed wall facing Marine Drive West would measure 900mm whilst the brick piers either side of the gate and the solid timber gates would be 1.2m in height. (The existing wall and fence measures 1.2m, with the brick piers 1.4m in height).

- 12.3 The majority of this wall on this frontage would appear similar in height to the property immediately to the west of the application site no 10 Marine Drive West. Notwithstanding this, along this section of Marine Drive West there are varied forms of front enclosures in terms of height, materials and styles of frontages. The introduction of the solid timber gates would be appropriate within the proposed wall and while creating a more enclosing frontage, by reason of their height and design would not be overly dominant or harmful to the street scene, and would be appropriate to the scale and setting of the house.

- 12.4 The proposed wall fronting Cliffe Road would be the same height as the existing fence (which measures 1.8m), with the exception of the section of wall that would tie in with the Marine Drive West frontage which would be lower and then graduate up to the height of the remainder of the proposed wall. The wall would have brick piers at regular intervals which would measure 2m in height, and the metal gates would be replaced by solid timber gates.

- 12.5 This frontage would be read in the context of Cliffe Road. On the opposite corner of the junction with Cliffe Road there is a similar boundary treatment of brick wall with railings on top. The frontages in Cliffe Road incorporate some higher frontages and again there is a mixture of fencing and walling.

- 12.6 The proposed wall would not have a significant impact compared to the existing boundary treatment, and taking into account the variety of heights and materials of other boundaries within Cliffe Road it is not considered to be harmful to the street scene or the general character of the immediate area. The replacement of the existing metal gates with solid timber would provide greater privacy, but would remain in keeping with the prevailing street scene character.

- 12.7 The New Milton Local Distinctive Supplementary Planning Document recommends that boundaries should respect typical heights. The proposed wall fronting Marine Drive West would be lower than the existing, whereas the wall fronting Cliffe Road would replicate the height of the existing fence with just the brick piers and timber gates being marginally higher. The existing boundaries to the application site are established, and new boundary walls would respect these and therefore would not conflict with this advice.
- 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: 4944 BW 03, 4944 BW 02, 4944 BW 01

Reason: To ensure satisfactory provision of the development.

Notes for inclusion on certificate:

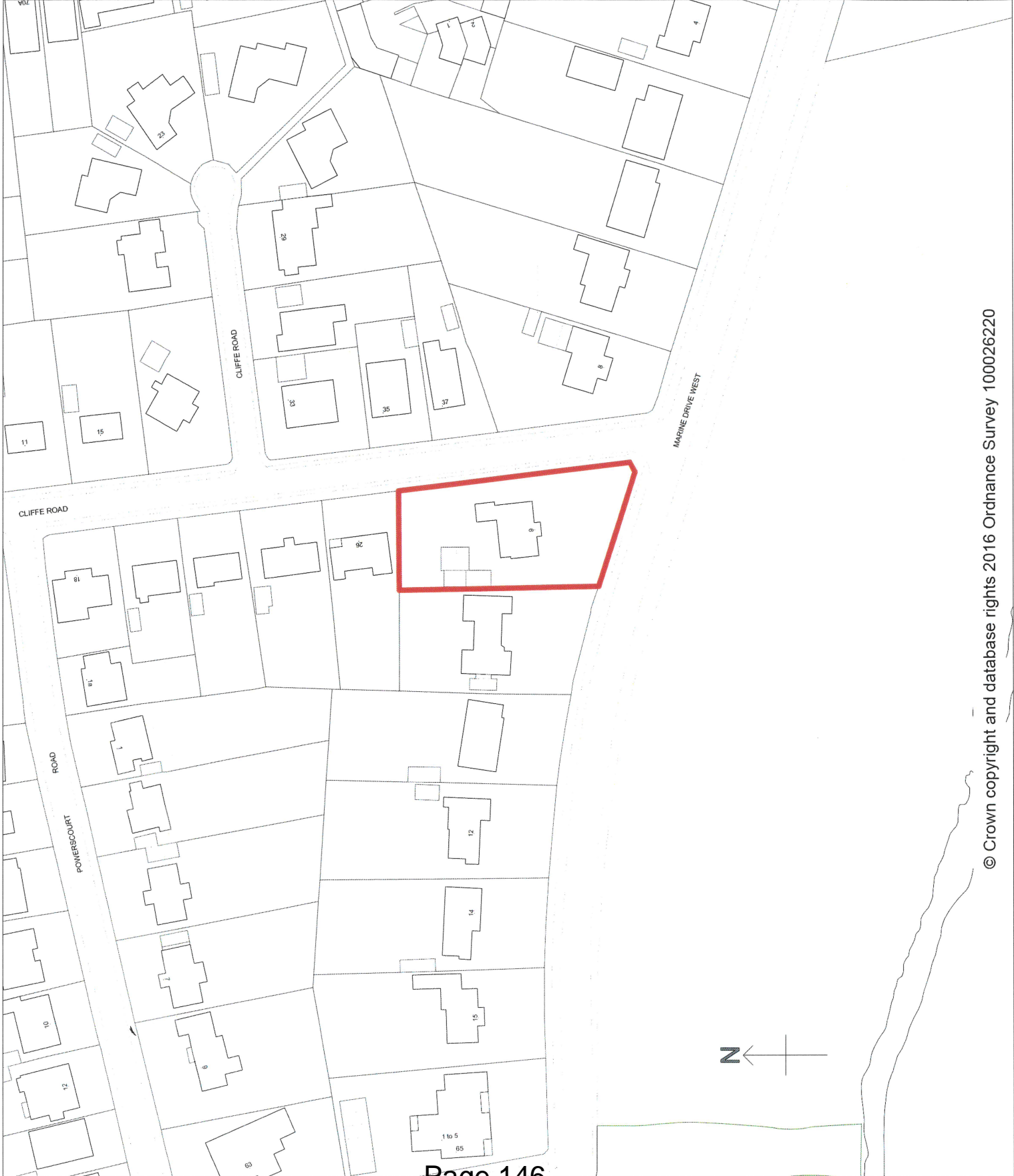
1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising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

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

Further Information:

Householder Team

Telephone: 023 8028 5345 (Option 1)



Application Number: 16/11250 Full Planning Permission

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

Development: Bungalow; parking

Applicant: Pathway Construction Ltd

Target Date: 14/11/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Policy CS15 (Affordable housing contribution requirements from developments), as no affordable housing contribution is sought and contrary to Town Council view (in part).

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-Up Area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

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

6 RELEVANT PLANNING HISTORY

- 6.1 16/10824 - Two storey house and parking - refused September 2016 due to concerns over the harmful impact it would have on the character of the area and adjoining amenity.
- 6.2 15/11478 - two storey rear extension - granted January 2016
- 6.3 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 - recommend refusal. The Committee concluded that concerns raised previously had not been addressed and recommended refusal for the same reasons as the earlier proposal. Members disagreed with the Highways Officer and were very concerned with the added congestion that would result from the lack of parking at a busy and narrow point in the road. They also considered 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 – no objections subject to parking conditions.

10 REPRESENTATIONS RECEIVED

None at the time of writing

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 dwelling's completion, and as a result, a total of £6912 in government grant under the New Homes Bonus will be received.

From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments. Based on the information provided at the time of this report this development has a CIL liability of £6,562.37. 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, even in light of the previous refusal. In this case, the concerns of the Council, statutory consultees and notified parties in respect of the potential overintensive form of development and character 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 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 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 the erection of a single storey, 2 bedroom detached bungalow, with associated garden area to the rear and two parking spaces to the front. The bungalow 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. Planning permission was refused earlier this year for a two storey dwelling on this plot for reasons relating to overdevelopment and adverse impact on No.1 East View Road (cartref).
- 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. 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 two bed bungalow, with parking spaces for two cars in a tandem formation placed into the site frontage. A further two car parking spaces appear to be provided for use by no. 2 East View, again squeezed into the site frontage. This is not considered to reflect the context of the area given that the character of the area which is informed by the retention of good sized gardens to the rear as well as landscaped frontage areas. The proposed dwelling and associated parking would be clearly visible from East View Road. While the proposed building would be sited along the established building line and be of similar depth to existing dwellings in the row, the proposal would erode the gap between dwellings and limit the potential for greenery to the site frontage, to the detriment of local character. The Local Distinctiveness Document identifies the area as 'suburban throughout and can take very little intensification of built form in terms of the further depletion of character that would ensue through loss of greenery and potential for trees and greenery'. The development would also have a small rear garden and the front of the site would become dominated by parking arrangements, which emphasises 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 closing the gap between dwellings, dominated by car parking arrangements, with a small garden area and little space around the building. The proposal would therefore be an incongruous feature and out of character with the area, contrary to 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. While the proposal has a close relationship to the boundary with no. 1 East View Road (Cartref), its single storey form and fenestration arrangements

dictate that no overbearing impacts or loss of light, outlook or privacy would result to the neighbouring properties.

- 14.7 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, which complies with the adopted parking standards. It is not considered that highway concerns can be introduced to substantiate a further reason for refusal. In the light of the Town Council comment, further highways advice will be sought and reported to Committee.
- 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. 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 On 28th November 2014 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”*
- 14.10 In light of the concerns highlighted over the overdeveloped form of development and character impacts the application is recommended for refusal.

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

Section 106 Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings	-	-	-
Financial Contribution	-	-	-
Habitats Mitigation			
Financial Contribution	£3,050	£3,050	£0

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	78.7		78.7	78.7	£80/sqm	£6,562.37*

Subtotal:	£6,562.37
Relief:	£0.00
Total Payable:	£6,562.37

* 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 offer 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 arrangements, loss of potential for trees and greenery and small rear garden area. Consequently the proposal would be an incongruous feature which would detract from the street scene and deplete the character 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 paragraph 64 of the National Planning Policy Framework.

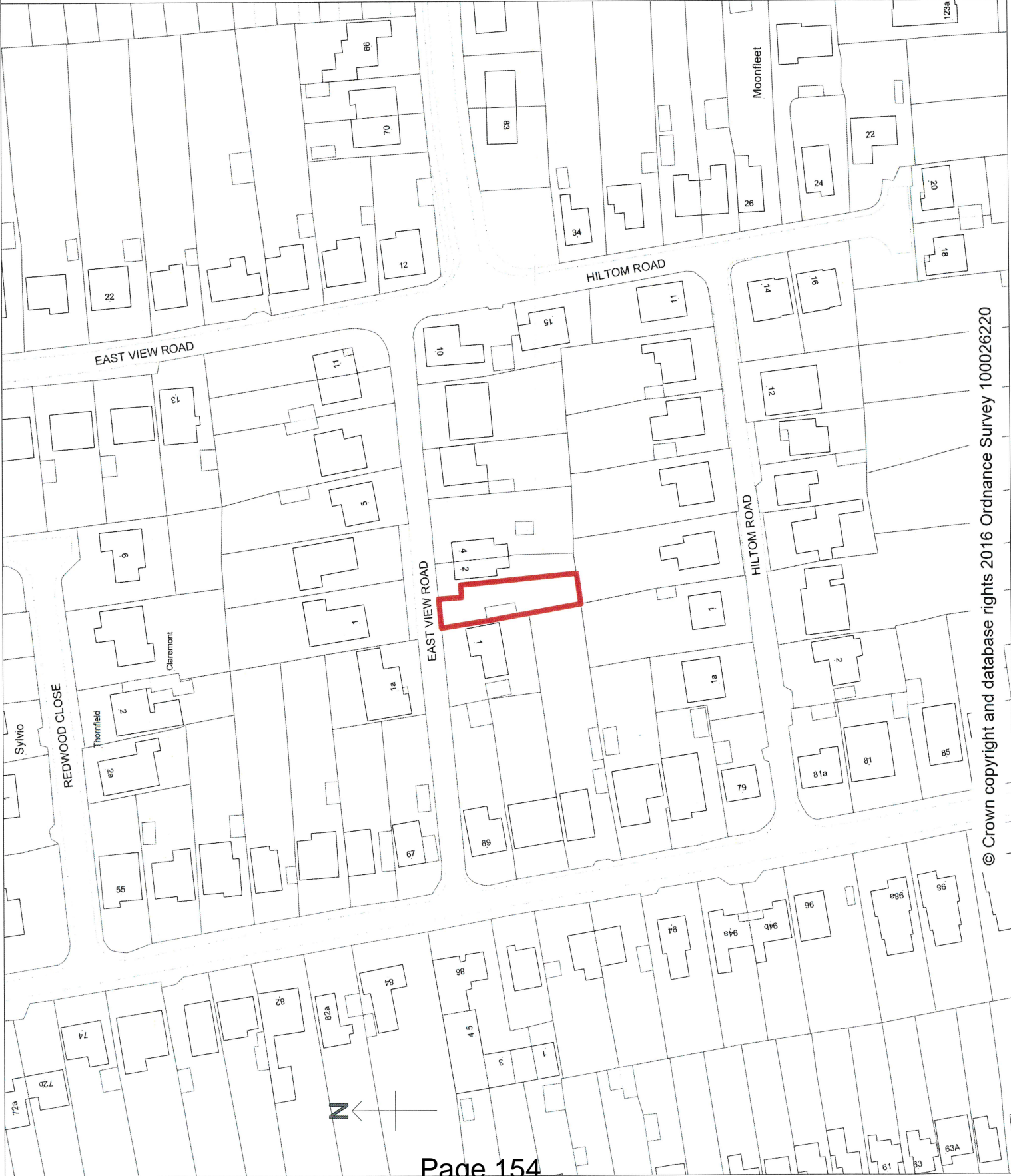
Notes for inclusion on certificate:

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

In this instance no pre-application advice was sought from the planning authority in respect of the form of development proposed, even in light of the previous refusal. In this case, the concerns of the Council, statutory consultees and notified parties in respect of the potential overdeveloped form of development and character 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 acceptable plans and the level of harm the scheme would cause, it is reasonable to refuse the application.

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)



Application Number: 16/11266 Full Planning Permission

Site: Land of HOLLY COTTAGE, 9 WAINSFORD ROAD,
PENNINGTON, LYMINGTON SO41 8GD

Development: House

Applicant: Mr Finch

Target Date: 15/11/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view; Contrary to Policy (in respect of affordable housing contribution requirements)

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

DM1: Heritage and Conservation

DM3: Mitigation of impacts on European nature conservation sites

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Lymington Local Distinctiveness
SPD - Mitigation Strategy for European Sites
SPD - Parking Standards

6 RELEVANT PLANNING HISTORY

6.1 House; parking (14/11657) - refused 16/2/15

6.2 House (15/10577) - refused 8/7/15

7 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council:- recommend refusal on grounds of impact on character of area; adverse impact on highway safety; adverse impact on Listed Building

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

9.1 Highway Authority:- Views awaited

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

10 REPRESENTATIONS RECEIVED

10.1 3 letters of objection from neighbouring properties:- plot is not large enough to accommodate a dwelling; concerns about disruption during construction; lack of on site-parking would result in additional congestion and highway safety concerns; loss of neighbour's light and privacy; adverse impact on the setting of The Old School.

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

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

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

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

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

13 WORKING WITH THE APPLICANT/AGENT

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

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 forms part of the garden curtilage of 9 Wainsford Road, which forms one half of a traditional pair of 2-storey semi-detached dwellings within the centre of Pennington Village. This pair of cottages is recognised as an important building in the Lymington Local Distinctiveness Supplementary Planning Document (SPD). The site is bounded on its western side by a more modern 2-storey detached dwelling at 9a Wainsford Road. The rear garden of 7 Wainsford Road wraps around the rear of the site. Opposite the frontage of the site is the Grade II Listed Old School.
- 14.2 An application for a new 2-storey detached dwelling was refused at this site in February 2015. The development, which involved demolition of an existing double garage building to the west side of the main dwelling at 9 Wainsford Road, was deemed to be of a poor design that was thereby harmful to the local distinctiveness and the character and appearance of the area. The development was also deemed to result in unacceptable overlooking of a neighbouring dwelling, and the development,

furthermore, failed to secure various contributions required under policy. More recently, an application for a 2-storey detached dwelling was also refused but only on the grounds that the proposal failed to secure contributions to affordable housing and habitat mitigation measures. In all other respects, it was concluded that the dwelling would have an acceptable impact.

14.3 This latest application is identical to the development that was refused in July 2015. The main thing that has changed since the previous application was determined is the Council's approach to affordable housing.

14.4 Based on the requirements of Core Strategy Policy CS15, the proposed development is one that should secure an affordable housing contribution of £45,900. However, 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.

14.5 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.

14.6 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 now 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. As such,

the most significant objection to the previously refused scheme would no longer apply.

- 14.7 The other reason why application 15/10577 was refused, namely a failure to secure habitat mitigation contributions, is still a relevant concern, but one that could now be addressed by a planning condition 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. The imposition of such a condition would ensure that there is no conflict with the Habitat Regulations 2010 and would ensure compliance with the Council's Local Part 2 Policy DM3. The condition is necessary as, without it, likely significant adverse effects on both the New Forest and the Solent European Nature Conservation Sites cannot be ruled out.
- 14.8 The development that is proposed is considered to respect the scale and appearance of the adjacent semi-detached cottages. The dwelling would have a traditional roof form and appearance that would relate appropriately to 9 Wainsford Road. The plot would be a small one with limited depth. However, in view of the site's location and context in the centre of Pennington village, it is felt that the plot size would be adequate, taking into account the dwelling's setting, which would include an enclosed front garden without any parking, and therefore with the scope to provide sufficient areas of greenery to the front of the dwelling to soften its visual impact. The rear garden, while small, would provide a pleasant southerly outlook. Therefore, on balance, it is felt that the scheme would be of an acceptable design quality, subject to appropriate materials and landscaping. However, this design quality could potentially be swiftly eroded by some fairly small scale changes that would normally be permitted development. As such, any permission would need to be the subject of a condition removing permitted development rights to ensure the design quality of the proposed scheme is not unduly compromised by unsympathetic future changes.
- 14.9 The proposed development would affect the setting of the adjacent Grade II Listed Building at the Old School. There is a reasonable separation distance between the Old School and the application site. Given the conclusion that the proposed development is of an acceptable design quality, it is felt that the development's impact on the setting of the Old School would be acceptable.
- 14.10 The dwelling that is proposed would have some impact on the outlook from a first floor bathroom window in the neighbouring dwelling at 9a Wainsford Road. However, this impact would be relatively marginal, and one which would be unacceptable. The development's impact on the amenities of the occupants of the host dwelling is also considered to be acceptable. A first floor window on the side elevation of the proposed dwelling could reasonably be glazed with obscure glass, given that the room affected is also lit by 2 large rooflights. A first floor window on the rear elevation of the building would serve a bathroom window rather than a sole bedroom window. Therefore, this window could also be conditioned to be glazed with obscure glass, and on this basis, it is felt the development would not unduly overlook the rear garden of 7 Wainsford Road, which wraps around the rear of the application site. It is felt that the development's overall impact on neighbouring properties would be acceptable.

- 14.11 The application does not propose any off-street parking for either the proposed or existing dwellings. The Council's Parking Standards Supplementary Planning Document recommends that a 3-bedroom dwelling should provide 2.5 on-site parking spaces. Therefore, the level of car parking that is proposed would not accord with the Council's recommended level of provision. However, having regard to the site's sustainable location, close to local shops and facilities, the Highway Authority previously advised that an objection based on an under-provision of parking would be inappropriate, and unsustainable at an appeal situation (their views on the current application are still awaited, but are expected to be unchanged). In reaching their conclusion on the previous application, the Highway Authority had regard to recent national planning policy advice, which makes it clear that parking standards should only be imposed where there is a clear and compelling justification that such standards are necessary to manage the local road network.
- 14.12 When previously concluding that a car free development would be acceptable, the Highway Authority noted that parking already occurs along Wainsford Road and is tolerated. They did not feel the additional on-street parking from 2 dwellings in this specific location would cause demonstrable harm to highway safety. There is a good range of shops and community facilities within easy walking distance of the dwellings, and the site is near to a local bus route. The new dwelling might therefore be attractive to non-car users. The Local Planning Authority has approved other car free developments or developments with reduced car parking in Lymington and Pennington in recent years, where those developments are sustainably located. Taking into account all of these factors, it is felt that the car free nature of the development would be acceptable and justified from a highway safety perspective.
- 14.13 Overall, the proposed development is considered to be consistent with Local Plan policies and Core Strategy objectives. The proposed development would be of an acceptable design quality that would be sympathetic to the character and setting of the wider area. The proposal would have an acceptable impact on neighbouring properties. It is felt the previous objection relating to a lack of affordable housing provision would no longer apply whilst habitat mitigation requirements could be reasonably met by condition. As such, the application is recommended for permission.
- 14.14 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

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	£45,900	0	-£45,900
Habitats Mitigation			
Financial Contribution	£4250		

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
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Self Build (CIL Exempt)	80.6	39	41.6	41.6	£80/sqm	£3,468.80 *
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Subtotal:	£3,468.80
Relief:	£3,468.80
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:

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

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

- 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: MD.01, LP.01, PPE.01, ESS.01.

Reason: To ensure satisfactory provision of the development.

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

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

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

4. Before development commences, samples or exact details of the facing and roofing materials to be used 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.

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

- (a) the existing trees and shrubs which have been agreed to be retained;
- (b) a specification for new planting (species, size, spacing and location);
- (c) areas for hard surfacing and the materials to be used;
- (d) the treatment of the boundaries of the site and 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).

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

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

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any re-enactment of that Order) no extension, otherwise approved by Classes A, B or C of Part 1 of Schedule 2 to the Order, garage or other outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order, hard surface otherwise approved by Class F of Part 1 of Schedule 2 to the Order, or means of enclosure otherwise approved by Class A of Part 2 of Schedule 2 to the Order, shall be erected, provided or carried out without express planning permission first having been granted.

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

8. Before first occupation of the development hereby approved, a surface water sustainable drainage system (SuDS) shall be designed and installed to accommodate the run-off from all impermeable surfaces including roofs, driveways and patio areas on the approved development such that no additional or increased rate of flow of surface water will drain to any water body or adjacent land and that there is capacity in the installed drainage system to contain below ground level the run-off from a 1 in 100 year rainfall event plus 30% on stored volumes as an allowance for climate change as set out in the Technical Guidance on Flood Risk to the National Planning Policy Framework.

Infiltration rates for soakaways are to be based on percolation tests in accordance with BRE 365, CIRIA SuDS manual C753, or a similar approved method.

In the event that a SuDS compliant design is not reasonably practical, then the design of the drainage system shall follow the hierarchy of preference for different types of surface water drainage system as set out at paragraph 3(3) of Approved Document H of the Building Regulations.

The drainage system shall be designed to remain safe and accessible for the lifetime of the development, taking into account future amenity and maintenance requirements.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS6 of the Core Strategy for the New Forest District outside the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

9. The first floor bathroom window on the rear elevation of the approved building and the first floor bedroom window on the side elevation of the approved building shall at all times be glazed with obscure glass.

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

10. No other first floor windows other than those hereby approved shall be inserted into the building unless express planning permission has first been granted.

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

Notes for inclusion on certificate:

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

In this case, as the application was acceptable as submitted no specific further actions were required.

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)



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Application Number: 16/11288 Outline Planning Permission

Site: 3 LOWER BUCKLAND ROAD, LYMINGTON SO41 9DH

Development: House; detached garage; parking; access
(Outline application with details only of access)

Applicant: Ms Baxter

Target Date: 21/11/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Policy CS15 (in respect of affordable housing contribution requirements)

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

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

Local Plan Part 2 Sites and Development Management Development Plan Document

DM3: Mitigation of impacts on European nature conservation sites

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Lymington Local Distinctiveness
SPD - Mitigation Strategy for European Sites
SPD - Parking Standards

6 RELEVANT PLANNING HISTORY

None

7 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council:- Views awaited

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

9.1 Hampshire County Council Highway Engineer:- Views awaited

10 REPRESENTATIONS RECEIVED

None

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission and the dwelling built, the Council will receive £1152 in each of the following six years from the dwelling's completion, and as a result, a total of £691 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 £5,920.31.

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

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

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

In this case, the application proposals were the subject of negative pre-application advice. The objections to the application are not capable of being satisfactorily resolved through negotiation.

14 ASSESSMENT

- 14.1 3 Lower Buckland Road is a hipped roofed chalet bungalow that is set back from the road in a generous sized garden plot. The dwelling is elevated above the level of the road, with banks of greenery and vegetation set either side of the existing access drive. The plot is bounded on its south side by a group of modern terraced houses at Lyric Place and by the long back garden of 35 Avenue Road. To its north side, the site is bounded by 1 and 2 Shrubbs Avenue, which is a pair of semi-detached dwellings set at a slightly lower level than the rear garden of 3 Lower Buckland Road. To its west side, the site is bounded by a dwelling at 45 Shrubbs Avenue.
- 14.2 The submitted application is for a new detached dwelling and a detached garage within the rear garden of 3 Lower Buckland Road. The application has been submitted as an outline planning application with access being the only matter of detail for determination at this stage. The application specifically proposes to alter the existing access onto the highway by extending the access position up to the site's boundary with 1 Shrubbs Avenue. The proposed new dwelling would be served by a driveway extending along the northern side of the plot.
- 14.3 The development proposed would be an uncharacteristic form of backland development that would not relate well to the character and form of adjacent development. Although layout is not a matter for detailed consideration at this stage, it is anticipated that any dwelling in the modest backland plot that is proposed would project awkwardly to the front of 45 Shrubbs Avenue. From viewpoints in Shrubbs Avenue, the new dwelling would also be seen in close proximity to the rear of 3 Lower Buckland Road, and with the taller dwellings of Lyric Place behind, a new dwelling in this backland location would have a cramped and congested appearance. The new dwelling's uncharacteristic form and cramped appearance would also be discernible from Lower Buckland Road, where the widening of the existing access and the loss of bank and vegetation would materially compound the proposed dwelling's adverse visual impact. Overall, it is not considered that a

detached dwelling (of any scale) in this backland location would be contextually appropriate or sympathetic to local distinctiveness, and therefore the proposal would be harmful to the character and appearance of the area.

- 14.4 The proposed dwelling would have the potential to harm the privacy of neighbouring dwellings if a 2-storey dwelling with poorly sited first floor windows were to be proposed. However, it is not inevitable that the dwelling should be 2-storeys. If it was only a single-storey property, there should be no resulting overlooking of neighbouring dwellings. Moreover, even if the dwelling were to be 2-storey, overlooking issues could potentially be addressed by designing the dwelling in such a way that any first floor windows are obscure glazed, high level or rooflights. If all else was acceptable, it is felt that an acceptable impact on neighbouring dwellings could be achieved through conditions and through appropriate designs at the reserved matters stage. Moreover, it is felt the proposed dwelling would have satisfactory levels of amenity in this context, even though it would have only a small garden area.
- 14.5 At the time of writing, the views of the Highway Authority are still awaited. However, it is understood that they have concerns with the proposed access due to its limited visibility, and they are also concerned due to the likely lack of an appropriate on-site turning facility. The views of the Highway Authority will be the subject of further update. It is, however, anticipated that they will raise an objection.
- 14.6 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.
- 14.7 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.

- 14.8 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.
- 14.9 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.
- 14.10 Overall the proposed development would not be consistent with Local Plan policies and objectives. The proposed development would be an inappropriate design that would not be sympathetic to the site's context. Given the development's harmful visual impact and anticipated adverse impact on highway safety, the application can only be recommended for refusal.
- 14.11 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that 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	

Habitats Mitigation			
Financial Contribution			

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	71		71	71	£80/sqm	£5,920.31 *

Subtotal:	£5,920.31
Relief:	£0.00
Total Payable:	£5,920.31

* 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 incongruous form of backland development that would be materially out of keeping with the character of adjacent development, and which would have a cramped and awkward appearance in this rear garden setting due to the small size of the plot and the dwelling's close proximity to other adjacent buildings. The development's adverse visual impact would be compounded by the access alterations onto Lower Buckland Road which would have a relatively harsh appearance due to the increased expanse of hardstanding and the loss of a bank with vegetation. As such, the proposed development would be contrary to Policy CS2 of the Core Strategy for New Forest District outside of the National Park.
2. A reason for refusal to reflect the anticipated objection from the Hampshire County Council Highway Engineer.

Notes for inclusion on certificate:

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

In this case the application proposals were the subject of negative pre-application advice. The objections to the application are not capable of being satisfactorily resolved through negotiation.

2. Please note that had the Local Planning Authority deemed the impact of the development acceptable, it would have imposed a condition requiring that any dwelling be either single-storey or, if two-storey, restricted so as to have no clear glazed first floor windows (unless high level or rooflights).

Further Information:

Major Team

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PLANNING DEVELOPMENT CONTROL COMMITTEE – 9 NOVEMBER 2016

AMENDMENT OF THE COUNCIL'S DELEGATION SCHEME REGARDING AFFORDABLE HOUSING PROVISION ON SMALL SCALE DEVELOPMENT SITES.

1. INTRODUCTION

- 1.1 The Council's scheme of delegation does not allow officers to take decisions under delegated powers on planning and related applications in certain specified circumstances. One of these is that any decision "*must accord with the provisions of the appropriate development plan documents, other adopted policy guidance or development brief standards.*"
- 1.2 This is currently causing problems in terms of the processing of applications for residential development on sites for ten dwellings or fewer with a maximum combined gross floorspace of no more than 1,000 sqm. This is because recently confirmed Government guidance states that social housing contributions can no longer be required in respect of such developments . The Government's guidance is in direct conflict with current Council policy, which it post-dates, but the guidance takes precedence.
- 1.3 This means that a meaningful number of applications are being presented to the Planning Development Control Committee every month solely because of the wording of the scheme of delegation and how it currently applies to an issue the Council cannot do anything about. This adds significant extra costs to the democratic process on a point from which no benefits can result.
- 1.3 In order to avoid these unnecessary costs this report considers whether this problem should be addressed by changing the scheme of delegation.

2. AFFORDABLE HOUSING POLICY AND ADVICE

- 2.1 On 28th November 2014 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 development. This guidance was reissued earlier this year 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*).
- 2.2 The 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”

N:B No designated rural areas lie within the Council’s planning area.

2.3 Policy CS15 of the Council’s Core Strategy requires affordable housing provision to be made for all housing developments except:

- *a single replacement dwelling*
- *an agricultural/ forestry workers dwelling or commoners’ dwelling (but the removal of an occupancy condition will require an affordable housing contribution)*
- *the conversion or subdivision (without significant extension) of an existing dwelling*
- *a residential redevelopment scheme for 4 or less dwellings, involving the demolition of at least 1 dwelling, and where the site size is smaller than 0.1 hectare*

(A copy of the Policy and the supporting text is attached as Appendix One.)

2.4 There is a direct conflict between the local policy and Government guidance. In such circumstances, while the normal presumption in favour of the development plan and the locally adopted polices remains, the new guidance is a material consideration. 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.

2.5 From a review of recent appeal decisions within this District and elsewhere it is clear that this is normally the case. Consequently the Council has no realistic ability to seek to impose its policy requirements and there is therefore no point in reporting any planning or related applications to the Committee for a decision in respect of this issue alone.

3. ENVIRONMENTAL, CRIME AND DISORDER, EQUALITY AND DIVERSITY IMPLICATIONS

3.1 Given the circumstances that apply the proposed change to the delegation scheme with regard to affordable housing provision on small sites will not raise any environmental, crime and disorder, equality or diversity issues.

4. CONCLUSION

4.1 While the need for affordable housing in this District is pressing this, in itself, is highly unlikely to be considered by the Secretary of State as sufficient reason for the Council to apply its own development plan policy rather than national policy. Therefore it is recommended the delegation scheme is amended to allow officers to make decisions that do not accord with the provisions of the Development Plan solely with respect to Policy CS15 of the Core Strategy in respect of developments of 10 or fewer dwellings.

5. RECOMMENDATION

5.1 That the Scheme of Delegation of Powers to Officers be amended to allow decisions to be made that do not accord with the provisions of the Development Plan solely with

respect to the requirement for the provision of affordable housing in accordance with policy CS15 where the development is of 10 units or less and which have a maximum combined gross floorspace of no more than 1,000 sqm under Policy CS15 of the Core Strategy.

For further information contact:

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Background Papers:

New Forest District Council Scheme of
Delegation, National Planning Policy
Guidance and the New Forest District
Council Core Strategy outside of the
National Park

APPENDIX 1

Policy CS15 of the Council's Core Strategy outside of the National Park and the supporting text.

Policy CS15 Affordable housing contribution requirements from Developments

Private developments creating new dwellings will be required to contribute towards the provision of affordable housing by making provision as set out below, under one of requirements (a) to (d). Affordable housing provision will not be required where the development is:

- a single replacement dwelling
 - an agricultural/ forestry workers dwelling or commoners' dwelling (but the removal of an occupancy condition will require an affordable housing contribution)
 - the conversion or subdivision (without significant extension) of an existing dwelling
 - a residential redevelopment scheme for 4 or less dwellings, involving the demolition of at least 1 dwelling, and where the site size is smaller than 0.1 hectare.
- (a) On greenfield housing site allocations (except for those covered by (b) below) the target is 50% affordable housing, of which 35% of the total dwellings will be social rented housing and 15% of the total dwellings will be intermediate housing. At least 50% of the affordable dwellings provided should be family housing.
- (b) On greenfield housing sites released specifically to meet an identified local need for affordable housing which will not otherwise be met (under Policy CS12), the target will be a minimum of 70% affordable housing. The development should provide a minimum of 40% social rented housing and 30% intermediate affordable housing. The remainder of the site should be developed for low-cost market housing which could include starter homes, self-build units and extra-care housing. At least 50% of the affordable dwellings provided should be family housing.
- (c) Within the defined settlements of Lymington, Everton, Hordle and Milford-on-Sea and Bransgore, the target is for 50% of all new dwellings on the site to be affordable housing, of which 35% of the total dwellings will be social rented housing and 15% of the total dwellings will be intermediate housing.
- (d) Within the other defined towns and villages³, the target is for 40% of all new dwellings to be affordable housing, of which 25% of the total dwellings will be social rented housing and 15% of the total dwellings will be intermediate housing.

Provision will normally be made on site. The affordable housing should reflect the type and size of the development as a whole, and should include family housing if that is provided as part or all of the market provision.

Where it can be demonstrated that provision of the target level of social rented and/or intermediate affordable housing is not economically viable the Council will: First, seek to maximise the potential for affordable housing contributions from that development by allowing a higher proportion of intermediate housing to be provided to meet the overall housing target; Second, seek to negotiate a percentage of affordable housing as close as

possible to the target level set in this policy, having regard to a site specific economic viability assessment.

In the following circumstances the affordable housing contribution may be made by payment of a fixed affordable housing contribution/ tariff rather than on site provision.

This will be additional to any other planning charges or tariffs (including Community Infrastructure Levy) required by the development.

- On developments of 4 or less dwellings in the defined built-up areas of Totton, Hythe, Lymington, New Milton and Ringwood;
- On developments of 1 or 2 dwellings in all other defined settlements.

The contributions will be used to enable additional affordable housing provision on alternative sites, or to subsidise the provision of social rented housing on sites where social rented housing cannot be achieved without public subsidy. In settlements where the site size threshold for affordable housing provision had previously been set at 15 or more dwellings⁴, on developments of 14 or fewer dwellings, the above affordable housing contributions will be applied subject to a 50% discount in the affordable housing provision required until 31 December 2010.

7.3.20 Sheltered housing and extra care housing⁵ all come within the scope of this policy.

7.3.21 A Supplementary Planning Document on Affordable Housing requirements and mechanisms will be produced to give detailed guidance on the implementation of this policy.

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