

## NOTICE OF MEETING

**Meeting:** PLANNING DEVELOPMENT CONTROL COMMITTEE

**Date and Time:** WEDNESDAY, 11 JANUARY 2017, AT 9.00 AM\*

**Place:** THE COUNCIL CHAMBER, APPLETREE COURT,  
LYNDHURST

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

**PUBLIC PARTICIPATION:**

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

**Bob Jackson**  
Chief Executive

Appletree Court, Lyndhurst, Hampshire. SO43 7PA  
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**This Agenda is also available on audio tape, in Braille, large print and digital format**

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## AGENDA

### Apologies

**1. MINUTES**

To confirm the minutes of the meeting held on 14 December 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) **Former Webbs Factory Site, Bridge Road, Lymington (Application 11/97849) (Pages 1 - 6)**

Application for the Modification of a Section 106 Obligation in respect of planning permission 11/97849 for mixed use development comprised: 168 dwellings; restaurant; retail/commercial space (Use Class A1 and A2) boat club; art gallery (Use Class D1); jetty with pontoon; access alterations; pedestrian bridge over railway; riverside walkway; car parking; landscaping; drainage

**RECOMMENDED:**

That the Section 106 Affordable Housing Obligation be varied to allow the provision of the footbridge before occupation of the 125<sup>th</sup> open market dwelling.

(b) **Land Adjacent to Clayhill Cottage, Poplar Lane, Bransgore (Application 16/11406) (Pages 7 - 14)**

1 pair of semi-detached houses; access; parking

**RECOMMENDED:**

Planning consent subject to conditions

(c) **Goblins Green, Salisbury Road, Blashford, Ellingham Harbridge & Ibsley (Application 16/11425) (Pages 15 - 20)**

Two-storey side extension

**RECOMMENDED:**

Refuse

(d) **Land of 11 and 15 Uplands Avenue, Barton-on-Sea, New Milton (Application 16/11527) (Pages 21 - 32)**

2 bungalows; parking; access; associated works

**RECOMMENDED:**

Planning consent subject to conditions

- (e) **HS Butyl International, Gordleton Industrial Park, Hannah Way, Pennington, Lymington (Application 16/11464) (Pages 33 - 44)**

Warehouse; alter parking; access

**RECOMMENDED:**

Service Manager Planning and Building Control authorised to grant planning consent subject to the Secretary of State's confirmation that he does not wish to call this in for his own determination, subject to conditions.

- (f) **21 The Fallows, Ashley, New Milton (Application 16/11467) (Pages 45 - 50)**

Roof alterations and raise ridge height in association with new first floor; chimney

**RECOMMENDED:**

Refuse

- (g) **Ringwood and Fordingbridge Skip Hire, Courtwood Farm, Court Hill, Damerham (Application 16/11544) (Pages 51 - 60)**

Erection of a building on site to house a biomass boiler and ancillary equipment along with 3 x 50m<sup>2</sup> drying bays for material storage

**RECOMMENDED:**

That the Council objects to planning permission being granted.

- (h) **Pyrford Gardens, Belmore Lane, Lymington (Application 16/11548) (Pages 61 - 66)**

Single-storey extension

**RECOMMENDED:**

Planning consent subject to conditions

**4. FEES AND CHARGES 2017-18 (Pages 67 - 70)**

To approve the fees and charges to be applied for 2017/18.

**5. MEDIUM TERM FINANCIAL PLAN AND ANNUAL BUDGET 2017/18 (Pages 71 - 74)**

To consider the draft budget for 2017/18 and to comment to the Cabinet.

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

<b>To:</b>	<b>Councillors:</b>	<b>Councillors:</b>
	Mrs D E Andrews (Chairman)	J M Olliff-Cooper
	P J Armstrong	A K Penson
	Mrs S M Bennison	W S Rippon-Swaine
	Mrs F Carpenter	Mrs A M Rostand
	A H G Davis	Miss A Sevier
	R L Frampton	M H Thierry
	L E Harris	R A Wappet
	D Harrison	Mrs C V Ward (Vice-Chairman)
	Mrs A J Hoare	M L White
	Mrs M D Holding	Mrs P A Wyeth

## **STATUTORY TESTS**

### **Introduction**

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

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

### **The Development Plan**

#### **The Development Plan Section 38**

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

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

### **Listed Buildings**

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

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

### **Conservation Areas**

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

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

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

## **Areas of Outstanding Natural Beauty (AONB's)**

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

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

## **Trees**

### Section 197. Trees Town and Country Planning Act 1990

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

## **Biodiversity**

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

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

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

### Conservation of Habitats and Species Regulations 2010

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

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

## **Equality**

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

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

### **Financial Considerations in Planning**

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

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

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**Application Number:** 11/97849 Full Planning Permission

**Site:** FORMER WEBBS FACTORY SITE, BRIDGE ROAD, LYMINGTON

**Development:** Application for the Modification of a Section 106 Obligation in respect of planning permission 11/97849 for mixed use development comprised: 168 dwellings; restaurant; retail/commercial space (Use Class A1 & A2) boat club; art gallery (Use Class D1); jetty with pontoon; access alterations; pedestrian bridge over railway; riverside walkway; car parking; landscaping; drainage

**Applicant:** Redrow Homes (South West) Ltd

**Target Date:** 21/02/2012

**Extension of time:** 31/01/2017

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## 1 REASON FOR COMMITTEE CONSIDERATION

Previous Committee interest in relation to the proposal for the development of this site, this proposal results in no changes to the form of development

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up area  
Green Belt  
Town Centre Boundary  
Lymington Conservation Area  
Site of Interest for Nature Conservation (SINC)  
Solent and Southampton Water Special Protection Area (SPA)  
Solent and Southampton Water Ramsar Site  
Solent Maritime Special Area of Conservation  
Hurst Castle to Lymington River Site of Special Scientific Interest (SSSI)  
Lymington River SSSI

## 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
7. The countryside
8. Biodiversity and landscape
9. Leisure and recreation

## Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS4: Energy and resource use
- CS5: Safe and healthy communities
- CS6: Flood risk
- CS7: Open spaces, sport and recreation
- CS10: The spatial strategy
- 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 Development Plan Document**

- LYM6: Riverside Site, Bridge Road
- LYM10.7 (LP/Y/36: Provision of footpath around the Riverside site (LYM6) (including railway crossing)

## **4 RELEVANT LEGISLATION and PPSs, PPGs and Circulars**

### **National Planning Policy Framework**

- Chapter 1 Building a strong, competitive economy
- Chapter 2 Ensuring the vitality of town centres
- Chapter 4 Promoting sustainable transport
- Chapter 6 Delivering a wide choice of high quality homes
- Chapter 7 Requiring good design
- Chapter 8 Promoting healthy communities
- Chapter 9 Protecting Green Belt land
- Chapter 10 Meeting the challenge of climate change, flooding and coastal change
- Chapter 11 Conserving and enhancing the natural environment
- Chapter 12 Conserving and enhancing the historic environment
- Chapter 13 Facilitating the sustainable use of minerals

Section 72 General duty as respects conservation areas in exercise of planning functions

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

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

SPG - Access for Disabled People

SPD - The Delivery of Affordable Housing (on Development Sites) through the Planning Process

SPG - Design for Community Safety

SPD - Design of Waste Management Facilities in New Development

SPG - Former Webbs Factory Site, Lymington

SPD - Housing Design, Density and Character

SPG - Lymington - A Conservation Area Appraisal

SPG - Landscape Requirements for New Development

SPD - Lymington Local Distinctiveness

## **6 RELEVANT PLANNING HISTORY**

- 6.1 Mixed use development comprised: 168 dwellings; restaurant; retail/commercial space (Use Class A1 & A2) boat club; art gallery (Use Class D1); jetty with pontoon; access alterations; pedestrian bridge over railway; riverside walkway; car parking; landscaping; drainage. 11/97849 granted 14th June 2012.

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

Lymington and Pennington Town Council: none received at time of publication.

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

- 9.1 Hampshire County Council Highway Engineer: No objection. The suggested modification of the agreement to require delivery of the footbridge by 125th occupation appears to be sensible but it is unlikely that the Highway Authority would agree to any subsequent modifications of this revised trigger. The delivery of the footbridge is still considered as absolutely necessary in terms of planning for this site as it will facilitate safe, convenient and direct access to the train station and town centre from the development. While the suggested modification will prolong the delivery of the footbridge it is not considered unreasonable given the complications in progressing the scheme to date. The fabrication and construction of the footbridge is likely to take 52 weeks once all stakeholders have reached agreement on the bridge's position, ownership, construction and separate tri-party legal agreement while construction of the development is scheduled to be completed during summer 2017.

## **10 REPRESENTATIONS RECEIVED**

None received

## **11 CRIME & DISORDER IMPLICATIONS**

None relevant to the consideration of this application .

## **12 ASSESSMENT**

- 12.1 An application for mixed use development comprised: 168 dwellings; restaurant; retail/commercial space (Use Class A1 & A2) boat club; art gallery (Use Class D1); jetty with pontoon; access alterations; pedestrian bridge over railway; riverside walkway; car parking; landscaping and drainage was approved by the Local Planning Authority in June 2012. The permission is subject to a Section 106 legal agreement that requires the provision of a footbridge over the railway line by the time the 75th open market dwelling is occupied.
- 12.2 This application has now been submitted to the Local Planning Authority and it requests the modification of the Section 106 legal agreement so that construction of the footbridge is delayed until the occupation of the 125th open market dwelling.

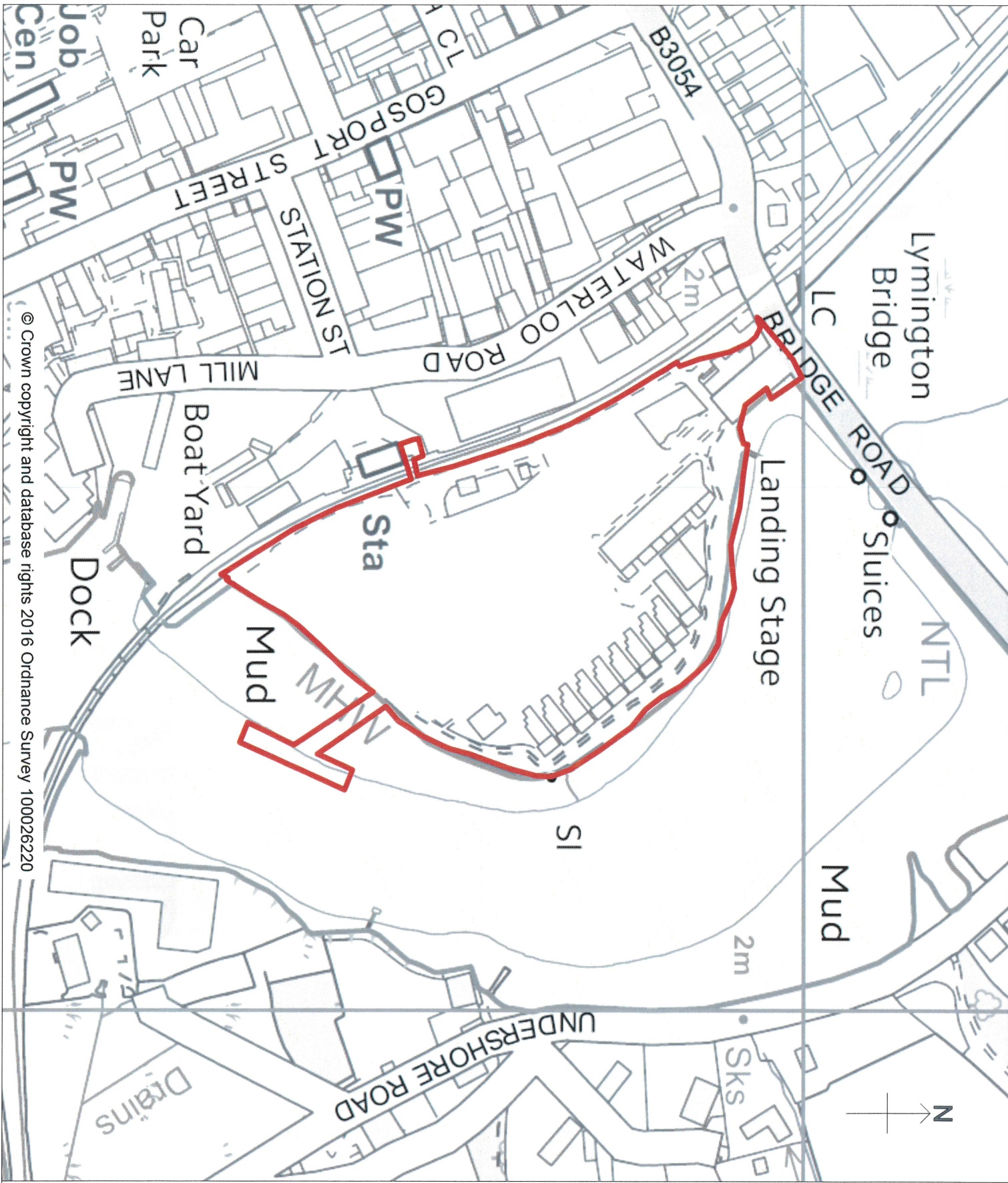
- 12.3 The applicant states that they have regularly met with stakeholders over the last three years to negotiate on the best and most practical way to deliver the bridge while recognising the respective organisations' governance frameworks and decision making processes. It is also stated that meetings have been positive yet agreement has not been reached to facilitate detailed discussions about the engineering of the bridge due to legal requirements and agreements that are needed.
- 12.4 The provision of the footbridge is critical to the success of the scheme and the applicants recognise this in their supporting statement. Officers are aware of the difficulties that are being experienced in resolving this matter and wish to help secure the provision of the bridge in good time and are hopeful that matters will move forward given the progress made to date.
- 12.5 The applicants have stated that the occupation of the 75th unit is projected to take place in May/June 2017 and occupation of the 125th unit towards the end of 2017. This would result in a projected delay of up to 7 months beyond that required by the existing obligation. While this delay is not ideal, it is considered that having regard to the difficulties being experienced by the applicant in bringing the bridge forward, it is reasonable to agree to the request.
- 12.6 In conclusion, it is considered that the applicants are using their best endeavours to secure the provision of the footbridge and that a delay of up to 7 months is reasonable in the circumstances.

**Recommendation:**

That the Section 106 Affordable Housing Obligation be varied to allow the provision of the footbridge before occupation of the 125th open market dwelling.

**Further information:**

Major Team  
Telephone: 023 8028 5345 (Option 1)



**New Forest**  
DISTRICT COUNCIL

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Service Manager  
Planning and Building Control  
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**Planning Development  
Control Committee**  
January 2017

**Item No: 3a**  
Former Webbs Factory Site  
Bridge Street  
Lyminster  
11/97849  
SZ3295

Scale 1:2500

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

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**Application Number:** 16/11406 Full Planning Permission

**Site:** Land Adjacent to CLAYHILL COTTAGE, POPLAR LANE,  
BRANSGORE BH23 8JE

**Development:** 1 pair of semi-detached houses; access; parking

**Applicant:** Mr Frampton

**Target Date:** 07/12/2016

**Extension Date:** 11/01/2017

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## 1 REASON FOR COMMITTEE CONSIDERATION

Application is by a District Councillor.

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

#### Objectives

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

#### Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS15: Affordable housing contribution requirements from developments
- CS25: Developers contributions

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

- NPPF1: National Planning Policy Framework – Presumption in favour of sustainable development
- 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
- Achieving Sustainable Development
- NPPF Ch. 6 - Delivering a wide choice of high quality homes
- NPPF Ch. 7 - Requiring good design

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

SPD - Housing Design, Density and Character  
SPD - Design of Waste Management Facilities in New Development  
SPD - Parking Standards

## **6 RELEVANT PLANNING HISTORY**

- 6.1 14/11755 - bungalow, detached garage, bin store, parking, access.  
Refused 11.3.15, appeal withdrawn.  
6.2 14/11369 - bungalow, parking access. Refused 10.12.14

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

Bransgore Parish Council - recommend permission and would not accept a delegated refusal. The design and siting of the semi-detached houses does not impact on the surrounding area.

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

- 9.1 Southern Gas Networks - offer advice  
9.2 Environmental Health (Contamination) - no concerns  
9.3 Hampshire County Council Highway Engineer - no objection subject conditions

## **10 REPRESENTATIONS RECEIVED**

None

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission and the dwellings built, the Council will receive New Homes Bonus in each of the following six years from the dwellings' completion. Following the Government Autumn Statement on 17 November 2016 the exact figures in respect of each new property are yet to be confirmed

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 £18,548.07.

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 site lies within but at the edge of the built up area of Bransgore in a residential area. The access around the site and host dwelling leads to a campsite. The site has been fenced off from the host dwelling since the last application, the fence being situated on top of the bank created when the host dwelling was extended in the 1990s. The site is therefore marginally higher than the host dwelling. At present, there is a mature hedge along the majority of the access drive.

14.2 The proposal entails the provision of a pair of semi-detached cottages comprising hall, WC, kitchen/dining room and living room at ground floor level with three bedrooms (one ensuite) and a family bathroom at first floor level. Each dwelling would have an access and space for two cars together with a shed which could accommodate cycle parking.

- 14.3 The application follows two previous schemes which have not been viewed favourably in view of the level of site coverage of the proposed building, in both cases, a single-storey dwelling. The scheme under consideration has a smaller footprint, although it is for two dwellings with first floors. This allows for more open space around the building with new hard surfacing to the front of the properties and good sized gardens. In visual terms, the design reflects features on the host dwelling such as gables, chimneys and brick arches. This detailing is more proportionate in relation to the host dwelling than on previous proposals. The dwellings now proposed would be appropriate to local distinctiveness in this area.
- 14.4 The proposal dwellings would have a limited impact on residential amenity as there are no windows on the host dwelling which would be overlooked as a result and other nearby dwellings are sufficiently far enough away not to be affected.
- 14.5 The level of parking is adequate for the size of dwellings proposed and the Highway authority has not raised any objections to the new access point onto the private drive to the campsite.
- 14.6 In the light of National guidance issued in May 2016, it is not felt that a contribution to affordable housing should be sought, even though this would be 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.
- 14.7 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.
- 14.8 In accordance with the Habitat Regulations 2010 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard.
- 14.9 It is considered that the reduced footprint of the scheme is a significant improvement resulting in a better layout, more space around the building and adequate parking provision without harming the visual or residential amenities of the area and permission is therefore recommended.
- 14.10 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed.

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

## Section 106 Contributions Summary Table

<b>Proposal:</b>			
<b>Type of Contribution</b>	<b>NFDC Policy Requirement</b>	<b>Developer Proposed Provision</b>	<b>Difference</b>
<b>Affordable Housing</b>			
No. of Affordable dwellings			
Financial Contribution	0	0	0
<b>Habitats Mitigation</b>			
Financial Contribution	£8,500		

## CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	222.44	0	222.44	222.44	£80/sqm	£18,548.07 *

Subtotal:	£18,548.07
Relief:	£0.00
Total Payable:	£18,548.07

\* 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: Supporting statement, 105, 103, 01B, 03B, 04.  
  
Reason: To ensure satisfactory provision of the development.
3. Before development commences, samples or exact details of the facing and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.  
  
Reason: To ensure an acceptable appearance of the building in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park.
4. Before development commences, the proposed slab levels in relationship to the existing ground levels set to an agreed datum shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with those details which have been approved.  
  
Reason: To ensure that the development takes place in an appropriate way in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy)
5. The development hereby permitted shall not be occupied until the parking spaces and sheds shown on plan 03B for the parking and garaging of motor vehicles and cycles have been provided. The spaces shown on plan 03B for the parking and garaging of motor vehicles and cycles shall be retained and kept available for their intended use 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. 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 Class A of Part 1 of Schedule 2 to the Order, shall be erected or carried out without express planning permission first having been granted.  
  
Reason: In view of the physical characteristics of the plot, the Local Planning Authority would wish to ensure that any future development proposals do not adversely affect the visual amenities of the area and the amenities of neighbouring properties, contrary to Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).
7. 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.

**Notes for inclusion on certificate:**

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

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

2. In discharging condition No. 7. above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/>

**Further Information:**

Major Team  
Telephone: 023 8028 5345 (Option 1)



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**Application Number:** 16/11425 Full Planning Permission

**Site:** GOBLINS GREEN, SALISBURY ROAD, BLASHFORD,  
ELLINGHAM HARBRIDGE & IBSLEY BH24 3PF

**Development:** Two-storey side extension

**Applicant:** Mr & Mrs Dimmer

**Target Date:** 12/12/2016

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## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

## 2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Constraints

Flood Zone  
Aerodrome Safeguarding Zone  
Plan Area  
Planning Agreement

### Plan Policy Designations

Countryside

### National Planning Policy Framework

NPPF Ch. 7 - Requiring good design  
NPPF Ch. 11 - Conserving and enhancing the natural environment

### Core Strategy

CS2: Design quality  
CS6: Flood risk  
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)

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

DM2: Nature conservation, biodiversity and geodiversity

DM20: Residential development in the countryside

### Supplementary Planning Guidance And Documents

SPG - Residential Design Guide for Rural Areas

### 3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

### 4 RELEVANT SITE HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
16/10862 Two-storey side extension	22/08/2016	Refused	Decided	
83/NFDC/24532 Erection of an attached garage and store (existing garage and store to be demolished).	19/07/1983	Granted Subject to Conditions	Decided	
XX/RFR/16170 Alterations and extensions	16/05/1973	Granted Subject to Conditions	Decided	

### 5 COUNCILLOR COMMENTS

No comments received

### 6 PARISH / TOWN COUNCIL COMMENTS

**Ellingham, Harbridge & Ibsley Parish Council:** recommend permission under option 3 to NFDC, with the following comments:-

- The unsympathetic extensions added in the 50s and 70s have resulted in the original cottage being rather overwhelmed. The Parish Council feel that this proposal is the best fit if the applicant wishes to retain the original central section of the cottage.
- The materials to be used must match the existing white smooth render with matching roof tiles.
- Any future application for a garage will be regarded unfavourably.

### 7 CONSULTEE COMMENTS

**Natural England:** no objection

**NPA Ecologist:** no objections. The position of the building is conducive to the presence of bats. Given the scale of the works and that there are no records for the property, the risk of impacts is reduced and therefore, in this instance refusal on the basis of lack of information would not be justified. However, it is recommended that the applicant is made aware of the potential for protected species on the site and the need for precaution. An informative note is suggested.

Comments in full are available on our website.

### 8 REPRESENTATIONS RECEIVED

One letter of support:

- property set back from road, and not visible;



- closest neighbours to property, no objections to extension, and will improve look of property;
- it is in keeping with the remainder of properties and the general area

Comments in full are available on 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.

This application was a resubmission following a previous refusal, 16/10862. Even though the size of the extension has been slightly reduced to overcome the policy objection, the height and form of the extension would still appear unsympathetic to the existing dwelling which would result in an unacceptable level of harm to the character of the property and its rural location. These concerns were identified in the determination of the previous planning application as well as in the initial briefing on this application, but have not been addressed. Furthermore, no pre-application advice was sought prior to the new application being submitted. As the application now falls to be determined, there would be a sufficient level of harm arising from this proposal to justify a refusal in this instance.

## **12 ASSESSMENT**

- 12.1 The property occupies an isolated position, accessed by an unmade track. By reason of its location, the proposed extension would not impact on neighbour amenity or on the street scene.
- 12.2 A previous application, for a similar proposal, was refused for two reasons. Firstly as due to its height and gabled form it would be an overly dominant and unsympathetic extension that would overwhelm the original cottage, and would result in a harmful form of development that would detract from the character and appearance of the existing dwelling and its countryside location
- 12.3 Secondly, due to its size in relation to the original dwelling it would be contrary to policy DM20.

- 12.4 The modest reduction in the overall dimensions of the proposed extension has resulted in the floorspace falling within the 30% allowance of policy DM20, so that the proposed extension now complies with policy.
- 12.5 The remaining consideration in assessing this proposal is its impact on the character of the existing dwelling, and rural location.
- 12.6 The existing dwelling has been extended in the past, and this is identifiable on site, the smaller two storey element being the original dwelling. A two storey side extension was added c 1973, and even though this dominates the original dwelling, the front elevation of the extension reflected the form of that property.
- 12.7 The proposed two storey extension would replace the existing attached single storey garage. The introduction of a full gable within the front elevation would not be sympathetic to the form of the extended dwelling and, coupled with the proposed height of the extension when comparable to the previous extension, would result in an overly dominant element that erodes the form of the original dwelling. It would therefore adversely impact on the character and appearance of the existing dwelling.
- 12.8 The harm of this form of extension was identified in the previous application, and formed one of the reasons for refusal. No attempt has been made to address the earlier reason for refusal, and alternative options to extend the dwelling have not been explored. Even though the property is in an isolated location it is located on the route of public footpath 727. This unsympathetic addition would result in a more imposing building which would be at odds in this sensitive rural location and the use of matching materials would not be sufficient to mitigate the harm of the extension. As such for the reasons set out above, there would be a justifiable level of harm arising from this proposal to justify a refusal in this instance.
- 12.9 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

### **13. RECOMMENDATION**

**Refuse**

**Reason(s) for Refusal:**

1. By reason of the height and gabled form of the proposed extension, this would result in an overly dominant and unsympathetic addition that would overwhelm the original cottage. As such it would result in a harmful form of development that would detract from the character and appearance of the existing dwelling and its countryside location, contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park, DM20 of the Local Plan Part 2: Sites and Development Management Development Plan, and Chap 7 of the National Planning Policy Framework.

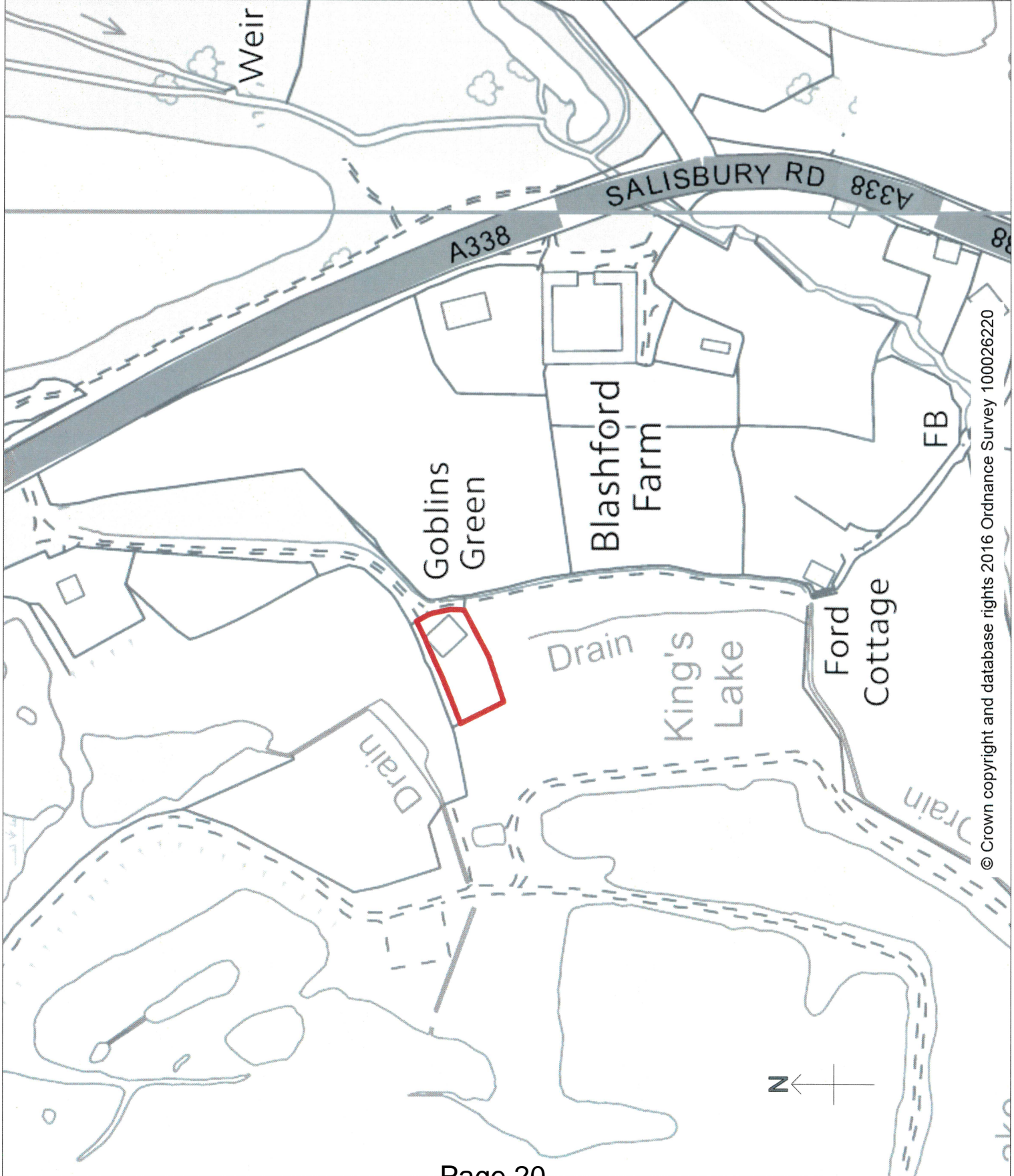
**Notes for inclusion on certificate:**

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

This application was a resubmission following a previous refusal. Even though the size of the extension had been slightly reduced to overcome the policy objection, the height and form of the extension would still be unsympathetic to the existing dwelling which would result in an unacceptable level of harm to the character of the property and its rural location. These concerns were identified in the determination of the previous planning application as well as in the initial briefing on this application. No attempt has been made to address this aspect of the refusal and furthermore no advice was sought prior to the new application being submitted. There would be a sufficient level of harm arising from this proposal with regards to the adverse impact on the character and appearance of the existing dwelling and its rural location, to justify a refusal in this instance.

**Further Information:**

Householder Team  
Telephone: 023 8028 5345 (Option 1)



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**Application Number:** 16/11527 Full Planning Permission

**Site:** Land of 11 & 15, UPLANDS AVENUE, BARTON-ON-SEA,  
NEW MILTON BH25 7BJ

**Development:** 2 bungalows; parking; access; associated works

**Applicant:** AJ Developments Ltd

**Target Date:** 29/12/2016

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## 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
- 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 - New Milton Local Distinctiveness  
SPD - Mitigation Strategy for European Sites

## **6 RELEVANT PLANNING HISTORY**

- 6.1 2 bungalows; landscaping; parking (outline application with details only of access, layout & scale) (16/10142) - refused 23/3/16 - appeal dismissed

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

New Milton Town Council:- Strongly object - the layout is contrary to New Milton Local Distinctiveness SPD in terms of building line, green infrastructure, Green Setting and Rhythms, and would therefore heavily undermine the character of the locality; the proposed backland development would be contrary to policy; proposal would set an unwanted precedent; members feel that the previous appeal inspector did not hold the Local Distinctiveness Study in full regard when deciding the recent appeal.

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

- 9.1 Hampshire County Council Highway Engineer: no objection subject to conditions
- 9.2 Ecologist: no objection subject to measures of the ecology report being secured by an appropriate condition
- 9.3 Tree Officer: no objection subject to condition

## **10 REPRESENTATIONS RECEIVED**

- 10.1 13 letters of objection / concern from neighbouring properties / local residents:- proposal would destroy the integrity of the neighbourhood; adverse impact on unique and distinctive character of Uplands Avenue; inappropriate backland development; overdevelopment of site; development would be overbearing and out of keeping with adjacent development; loss of collective greenspace; adverse impact on trees; precedent; increased traffic will destroy the quiet ambience of the road; inadequate on-site parking; unacceptable destruction of wildlife habitat; noise disturbance; adverse impact on neighbours' security; loss of neighbours' outlook; concerns about drainage; concerns about landscaping; disagree with conclusions of recent appeal decision, which does not have adequate regard to New Milton Local Distinctiveness SPD; planning policies have changed since other backland developments have been permitted; conflict with covenants.

## **11 CRIME & DISORDER IMPLICATIONS**

No relevant considerations

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission and the dwellings built, the Council will receive New Homes Bonus in each of the following six years from the dwellings' completion. Following the Government Autumn Statement on 17 November 2016 the exact figures in respect of each new property are yet to be confirmed.

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 £15,509.54.

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 comprises a couple of detached bungalows that are set back from the road within generous sized garden plots. Both garden plots have a mature character, there being extensive areas of shrubbery and mature trees growing in both plots. Uplands Avenue is characterised by detached dwellings, some of which are single-storey like those on the application site, and others of which are 2-storeys high. All properties are set within good sized garden plots, which gives the area an attractively green and spacious character. The properties to the rear of the application site in Westbury Close are modest detached bungalows set within more modest garden plots than those that typify Uplands Avenue.

- 14.2 The submitted application seeks to build 2 new detached bungalows to the rear of 11 and 15 Uplands Avenue, which would be served by a new access route between the 2 existing dwellings. An additional area of parking is also proposed to the front of 15 Uplands Avenue. The application follows on from a similar application that was refused by the Local Planning Authority in March 2016, albeit that the previous refusal was for an outline application rather than the full planning application that has now been submitted.
- 14.3 The Local Planning Authority refused the previous application at this site on the basis that the development would have been a contextually inappropriate development that would have been detrimental to local distinctiveness. It was specifically felt that the development would have constituted an inappropriate backland development that would have been out of keeping with the typical pattern and form of other development in Uplands Avenue. It was also felt that the development would have resulted in a harmful loss of mature trees and vegetation. However, in considering a subsequent appeal, an appeal inspector took a different view. He concluded that the development would not cause unacceptable harm to the character and appearance of the area. While the appeal inspector disagreed with the Local Planning Authority on this key issue, he nonetheless dismissed the appeal on the basis that he could not be sure that the development would be acceptable in terms of its effect on designated European sites.
- 14.4 The Local Planning Authority's normal approach to ensure compliance with Local Plan Part 2 Policy DM3 is to impose a negatively worded condition on any planning permission, effectively requiring an applicant to enter into a Section 106 legal agreement with the Council before the commencement of development, through which habitat mitigation measures (usually a financial contribution) can then be secured. However, the appeal inspector felt that a condition along these lines is contrary to Planning Practice Guidance and should not therefore be imposed. The appeal inspector's position is a view that has been shared by some other appeal inspectors, but not by all.
- 14.5 It is accepted that the Council's standard approach of imposing a condition to secure habitat mitigation measures does not sit comfortably with Planning Practice Guidance. However, it is maintained that the Council's approach of imposing a condition is still the most reasonable and appropriate way of ensuring compliance with Local Plan Policy DM3. The difficulty with trying to secure habitat mitigation measures through a Section 106 legal agreement before a permission is issued (rather than through a condition) is that such an approach would conflict with the Community Infrastructure Levy (CIL) Regulations. The CIL Regulations make it clear that where CIL is applicable (as it is here), Local Planning Authorities should not then seek Section 106 contributions towards infrastructure (which would include the main element of the habitat mitigation contribution required under policy). Accordingly, the CIL Regulations preclude the Local Planning Authority's ability to effectively secure habitat mitigation contributions before an application is determined, noting that it is possible for applicants to gain relief from CIL contributions. Therefore, it is felt the only reasonable way in which the habitat mitigation requirement can be secured is through a condition, notwithstanding what is said in Planning Practice Guidance. It should be noted that if the appeal inspector's conclusions on this matter were to be accepted and followed, there would then (because of the CIL



Regulations) be little option but to refuse all planning applications for additional dwellings, which would simply not be a reasonable or tenable position for any Local Authority to take. Therefore, if it is concluded that the application is acceptable in all other respects, it is considered that it would still be appropriate to apply the Council's standard habitat mitigation contribution to ensure compliance with Local Plan Part 2 Policy DM3.

- 14.6 The appeal inspector's conclusion that the previous development proposal had an acceptable impact on the character and appearance of the area was a disappointing conclusion, not least because the appeal decision failed to acknowledge or recognise some of the key advice within the New Milton Local Distinctiveness Supplementary Planning Document (SPD). Specifically, the SPD identifies the rear gardens of 11 and 15 Uplands Avenue as forming a group of tranquil garden space that is important to local distinctiveness. The appeal decision failed to recognise this. The SPD also identifies the trees / tree group within the rear gardens of 11 and 15 Uplands Avenue, and in other adjacent rear gardens as being an important tree group. Again, this was not recognised in the appeal decision. The appeal decision also apparently ignored some key advice in the SPD. Notably, the SPD states that "Collectively, rear gardens through their greenery, tranquillity and biodiversity often form a strong part of the distinctiveness of an area. A single insertion of development into the collective rear garden space of a group of dwellings can destroy the integrity of the whole." The SPD goes on to advise that "Backland development which breaks into and destroys a peaceful oasis of rear garden land should be avoided". It is regrettable that this key advice appears to have been ignored.
- 14.7 Instead of demonstrably considering the significance of collective areas of rear garden to local distinctiveness, the appeal decision focused on the density of the development, which it noted would be similar to that of properties in Westbury Close to the west. As such, the appeal inspector was satisfied that the dwellings would sit comfortably within their plots and would not therefore appear cramped. The appeal decision did note that there are other examples of backland development in the wider locality, but without recognising that these are not in areas that the SPD identifies as forming a group of tranquil garden space. The appeal decision also noted the overgrown nature of the site and the fact that most of the trees are of low quality or unsuitable for retention. The appeal inspector therefore felt that removal of much of this vegetation would be acceptable subject to a suitable landscaping scheme. This is not disputed, although it is important that the trees to be removed are considered not just from an arboricultural perspective, but in terms of their contribution to landscape character.
- 14.8 The appeal inspector's overall conclusion that the degree of change to the site would not cause unacceptable harm or bring the proposal into conflict with the development plan is felt to be a questionable conclusion in the light of the advice of the Council's SPD which was perhaps not given the weight it should have been. Nonetheless, it was the inspector's conclusion, and must therefore be afforded significant weight when considering this latest application. Even though the current application is a full application, it would have effectively the same impact as the impact of the previous proposal that the appeal inspector deemed to be acceptable. Therefore, a refusal of planning permission on the basis that the development would be harmful to the character and appearance of

the area would be a very difficult argument to sustain at a further appeal. Indeed, such a refusal would run a significant (though not inevitable) risk of being deemed unreasonable behaviour where a substantive award of costs could be awarded against the Local Planning Authority. National Planning Practice Guidance advises that persisting in objections to a scheme or elements of a scheme which the Secretary of State or an Inspector has previously indicated to be acceptable is an example of unreasonable behaviour where substantive costs may be awarded to an appellant. Given this risk of costs, it is felt, with some regret, that the only reasonable conclusion that can be reached is to accept the conclusion of the previous appeal inspector and thereby conclude that the development's impact on the character and appearance of the area is acceptable, notwithstanding the advice of the Council's SPD.

- 14.9 The previous application was also initially refused for ecological reasons, but following the submission of relevant ecological surveys, the appeal inspector was satisfied that the development would have an acceptable impact on ecological interests.
- 14.10 With their single-storey design, the proposed dwellings would not have any material adverse impact on the light, outlook or privacy of any neighbouring dwelling.
- 14.11 The Highway Authority have raised no objection to the access arrangements, and the level of on-site parking would also be appropriate. Therefore, the development is not considered to have any adverse impact on highway safety.
- 14.12 Any grant of planning permission should be subject to a landscaping condition to ensure appropriate new planting to help mitigate for the significant areas of greenery that would be lost.
- 14.13 In the light of National guidance issued in May 2016, it is not felt that a contribution to affordable housing should be sought, even though this would be 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. It should be noted that the appeal inspector who considered the recent development has already concluded that no affordable housing contribution should be provided in the light of the change to National Guidance.
- 14.14 Overall, the acceptability of this proposed development must inevitably be informed by the recent appeal decision. On the issue of the habitat mitigation contribution, it is felt there is little option but to disagree with the appeal inspector and conclude that the development's impact on designated European sites could be reasonably and appropriately mitigated through a condition. On the issue of the development's impact on the character and appearance of the area, it is felt that the most appropriate option would be to accept his conclusions, namely that the development would have an acceptable impact on the character and appearance of the area, and would thereby be consistent with Policy CS2 of the Core Strategy. Accordingly, it is recommended that planning permission be granted for this proposal subject to conditions.
- 14.15 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of

possessions) of the European Convention on Human Rights. Whilst it is recognised that 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

<b>Proposal:</b>			
<b>Type of Contribution</b>	<b>NFDC Policy Requirement</b>	<b>Developer Proposed Provision</b>	<b>Difference</b>
<b>Affordable Housing</b>			
No. of Affordable dwellings	0	0	0
Financial Contribution	£73,440	0	-£73,440
<b>Habitats Mitigation</b>			
Financial Contribution	£8500	0	

## CIL Summary Table

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	186	0	186	186	£80/sqm	£15,509.54*
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Subtotal:	£15,509.54
Relief:	£0.00
Total Payable:	£15,509.54

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

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

## 15. RECOMMENDATION

**Grant Subject to Conditions**

### Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: 8689/200, 8689/201, 8689/202.

Reason: To ensure satisfactory provision of the development.

3. 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.

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 development 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. The development hereby permitted shall not be occupied until the spaces shown on the approved plans for the parking of motor vehicles have been provided. These spaces shall thereafter be retained and kept available for their intended purposes 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).

7. Before the commencement of development, details of the proposed cycle storage / parking facilities shall be submitted to and approved by the Local Planning Authority. The dwellings shall not be occupied until the approved cycle parking areas have been provided, and these cycle parking areas shall be permanently retained thereafter.

Reason: To ensure adequate cycle parking is provided and to comply with policies CS2 and CS24 of the Core Strategy for New Forest District outside of the National Park.

8. The works hereby approved shall be undertaken in strict accordance with the Ecological Survey methodology and details (Ref 25042016) dated 8/5/2016 unless otherwise first agreed in writing with the Local Planning Authority.

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

9. 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.

**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.

2. In discharging condition No. 9. above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/>

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



**New Forest**  
DISTRICT COUNCIL

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

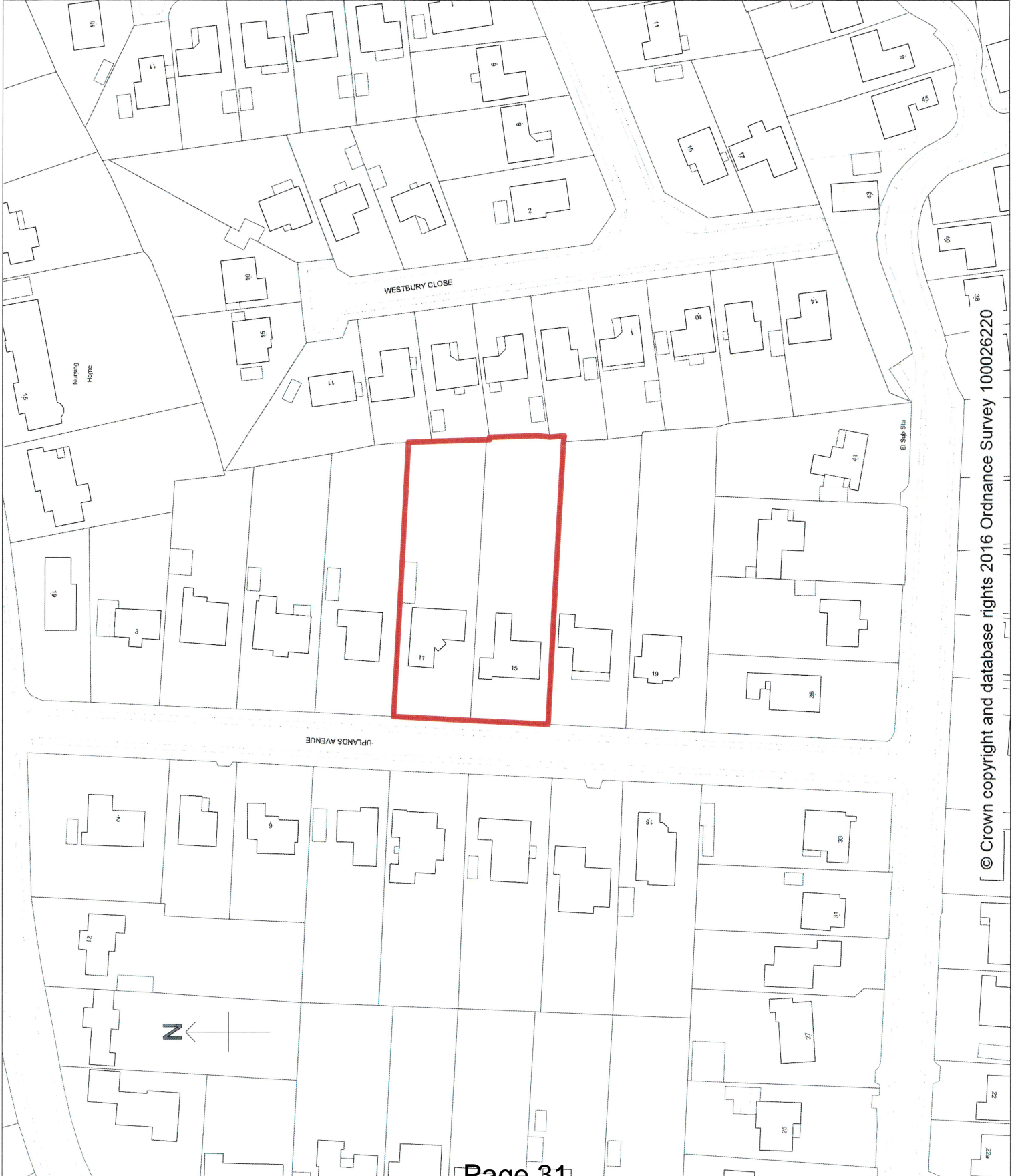
David Groom  
Service Manager  
Planning and Building Control  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

**Planning Development  
Control Committee  
January 2017**

**Item No: 3d**  
**Land of 11 & 15**  
**Uplands Avenue**  
**Barton on Sea**  
**16/11527**  
**SZ2493**

Scale 1:1250

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



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**Application Number:** 16/11464 Full Planning Permission

**Site:** HS BUTYL INTERNATIONAL, GORDLETON INDUSTRIAL  
PARK, HANNAH WAY, PENNINGTON, LYMINGTON SO41 8JD

**Development:** Warehouse; alter parking; access

**Applicant:** HS Butyl

**Target Date:** 19/12/2016

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**1 REASON FOR COMMITTEE CONSIDERATION**

Recommendation contrary to Green Belt policy.

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Green Belt

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

Core Strategy

CS2: Design quality

CS10: The spatial strategy

CS17: Employment and economic development

CS18: New provision for industrial and office development and related uses

Local Plan Part 2 Sites and Development Management Development Plan Document

DM22: Employment development in the countryside

National Planning Policy Framework - Achieving Sustainable Development

NPPF Ch. 1 - Building a strong, competitive economy

NPPF Ch. 7 - Requiring good design

NPPF Ch. 9 - Protecting Green Belt Land

**4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

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

**5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

None

## **6 RELEVANT PLANNING HISTORY**

- 6.1 11/97549 - Storage building (475 sq.m) - granted December 2011
- 6.2 87/NFDC/34367 - Industrial production unit and associated car/lorry parking - granted May 1987

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

LYMINGTON & PENNINGTON TOWN COUNCIL – Recommend permission

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

- 9.1 Hampshire County Council Flood and Water Management Team: no objections, but give informatives.
- 9.2 Hampshire County Council Highways Engineer – No objections, subject to car and cycle parking conditions and informative.
- 9.3 Southern Gas Networks – No objections, but give informatives.

## **10 REPRESENTATIONS RECEIVED**

None

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

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

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

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

This is achieved by

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

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

In this case, following the submission of further supporting information to justify the proposal in relation to its Green Belt location, the application is considered to be acceptable.

## 14 ASSESSMENT

### 14.1 The Site and Proposal

14.1.1 The site comprises a large industrial building on the Gordleton Industrial Estate, which was originally granted consent in 1987. There is an existing access point to the east of the building and an area to the rear is used for car parking and open storage. On the western side of the building is an open area with trees and landscaping along the northern boundary of the site. The site lies on the central part of the industrial estate, although there is open land to the south, with the benefit of outline planning permission for industrial expansion. The site is unallocated and lies within an area of open countryside designated as Green Belt. Access would be via the existing internal industrial estate roads from Sway Road. The application site is currently used for outside storage, covered storage, loading and car parking.

14.1.2 This planning application has been submitted by HS Butyl International and proposes the construction of a detached building to the south of the existing building. The proposed building would provide some 1000 square metres to be used for storage/warehouse purposes to support the existing business. The proposed building would be smaller than the existing building, but would be substantial in scale and mass and would be constructed from profiled metal cladding to match the existing building. It is also proposed to form a new access from the front of the site, with a view to providing a one way access system and a new car parking area to the side of the existing building.

### 14.2 Main Considerations

14.2.1 While Policy CS17 encourages redevelopment and intensification of existing employment sites and Policy DM22 allows extensions to an existing building in employment use, within the countryside, these issues must be balanced against design, scale and appearance considerations. The appropriateness of the development must also be considered with regard to the site's location within defined Green Belt as well as its impact upon the openness of the Green Belt, in accordance with Policy CS10 and Chapter 9 of the NPPF.

- 14.2.2 The principle issues to consider, having regard to relevant development plan policies, the National Planning Policy Framework and all other material considerations are as follows:
- i). Is the development appropriate in the Green Belt by definition?
  - ii). What would the effect of the development be on the openness of the Green Belt and on the purposes of including land within the Green Belt?
  - iii). Would there be any other non-Green Belt harm?
  - iv). Are there any considerations which weigh in favour of the development?
  - v). Do the matters which weigh in favour of the development clearly outweigh any harm to the Green Belt and any other harm?
  - vi). Are there 'very special circumstances' to justify allowing inappropriate development in the Green Belt?
- 14.2.3 i) Is the development appropriate in the Green Belt by definition?
- 14.2.3.1 National Policy (NPPF) attaches great importance to Green Belts, designated in order to keep land permanently open. This site lies within the Green Belt where national policy states that the construction of new buildings, save for a few exceptions, should be regarded as inappropriate. Inappropriate development is by definition harmful to the Green Belt and should not be approved, except in very special circumstances.
- 14.2.3.2 The development of a warehouse structure of the scale proposed does not fall within any of the exceptions to the general policy presumption against the construction of new buildings in the Green Belt and is therefore inappropriate development and harmful by definition. The NPPF at paragraph 88 urges Local Planning Authorities to ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.
- 14.2.4 ii) What would the effect of the development be on the openness of the Green Belt and on the purposes of including land within the Green Belt?
- 14.2.4.1 The proposed development would result in the provision of a building, access road, car parking area and loading area, which would have an impact on the openness of the Green Belt. However, the site is not elevated and is not prominent within the Green Belt, being set well back from Silver Street and surrounded by landscaping and existing and proposed buildings on all sides. Furthermore, the site is brownfield in nature, development being located over the footprint of existing open storage areas, parking and small storage buildings, so the land use would effectively be unchanged. Due to the site's lack of prominence and the existence of existing structures and outdoor storage, the proposal would not impact significantly upon the openness of the Green Belt, which weighs in favour of the proposal.
- 14.2.5 iii) Would there be any other non-Green Belt harm?

#### 14.2.5.1 a) Landscape and visual impacts

The proposal must be considered in light of its visual impact upon the character of the immediate area. Policy CS2 requires new development to respect the character, identity and context of the area's towns, villages and countryside. Visually, the proposed building would be of a similar height to the existing building and would be constructed from profiled metal cladding on its elevations and roof to match the existing building. While the proposed development would create an admittedly large new structure within the countryside, it is within the confines of Gordleton Industrial Estate and it must be acknowledged that the land immediately to the south benefits from outline permission for industrial expansion, which will include structures significantly larger than the building proposed here. It must also be acknowledged that the proposal is much smaller than the principle building on this site and would be erected instead of an alternative industrial building approved in 2011 of 475 sq.m in area. The proposal is of acceptable design and would be constructed of materials to match the principle building. It would replace an adhoc arrangement of smaller storage buildings and open storage and the site is visually well contained, due to the surrounding buildings and landscaping. There are no private views of the site that would be considered significant.

The estate is characterised by generous and deep landscaping to the front and sides of buildings, which could be continued around the area of the new access and parking arrangements and continued to the rear of the site, to soften the visual impact of development. No landscaping arrangements have been submitted, but appropriate details may be secured by condition. It is considered that, subject to the use of appropriate design, materials, colours and landscaping, the proposal is unlikely to impact significantly or harmfully upon the character of the area or countryside, in accordance with Policies CS2, CS3 and CS10.

#### 14.2.5.2 b) Highway Impacts

No concerns are raised by the Highway Authority over the scale of building proposed or reconfiguration of the proposed access, parking and turning arrangements, subject to conditions to ensure adequate car and cycle parking is provided. Conversely, the proposal is likely to result in a net reduction in vehicle movements between the application site and alternative storage provision at Woolsbridge, some 18 miles away.

#### 14.2.5.3 c) Residential Amenity Impacts

Policy CS2 requires new development to limit adverse impacts upon the amenity of adjoining occupiers. There is unlikely to be any adverse impact on the surrounding area or residential amenity given the industrial nature of the wider site and that there are no residential properties within the locality. The impacts of the proposal comply with the amenity related provisions of Policy CS2 of the Core Strategy.

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

- 14.2.6.1 The applicant has provided the following details in relation to 'need', enhancements and mitigation as part of the submission, which seek to demonstrate that very special circumstances exist which justify allowing inappropriate development in the Green Belt.

- HS Butyl is an established global supplier of quality sealants for a wide range of applications in the construction and automotive industries and the existing building is used for the manufacturing and development of their products. There is very little covered storage space within the existing building and external storage is no longer acceptable for weather and security reasons.
- There is a locational requirement to site the building here. The applicant rents a warehouse on the Woolsbridge Industrial Estate 18 miles away which takes 30 minutes to travel to when the roads are not congested. At least 5 HGV/trailer vehicle movements are made between the two sites per week so for economic, efficiency and environmental reasons this proposal is sound.
- The proposal seeks to improve parking and traffic management with the new parking and access arrangements proposed, creating safer site access and egress.
- As the proposed building would be sited parallel to the existing, be of the same facing materials and colours and be no greater in height, the visual impact would be minimal. The building would also be sited within the existing site boundary and would not extend into the open countryside.
- The proposal would not have a detrimental impact on the living conditions of the adjoining neighbouring properties.
- While the proposal is larger than the previously approved scheme, the same reasons to approve this application apply.
- HS Butyl employ a total of 127 people full time which are split into three shifts over 24 hours Monday to Friday. They have good order books which will secure these jobs and allow them to invest in these proposals for the long-term sustainability of the company.

14.2.6.2 Officers concur with the view that the current storage arrangements on site are poor and that there is a need to establish appropriate covered storage in the interests of enabling this established company to grow, which would be beneficial to the economic prospects of the District. This would be in accordance with Core Strategy Policy CS17 and Local Plan Part 2 Policy DM22, which seek to encourage the redevelopment and intensification of existing employment sites in an appropriate manner. The proposal is likely to result in a net reduction in vehicle movements between the application site and alternative storage provision at Woolsbridge, some 18 miles away. Officers are satisfied that there are no alternative sites that meet the requirements of the development outside of the Green Belt. Given that the site lies within the central part of an established built up industrial estate and would not extend into the open countryside to the south, it is not considered that the proposal would significantly adversely affect the openness of the Green Belt.

14.2.6.3 Having examined the need assessment, there would appear to be a significant need for the development and there is no compelling evidence to counter the applicant's justification statement, which weighs in favour of the proposal. It is considered that the case put forward in relation to the needs of the applicant to expand are sufficient to outweigh the presumption against development of this Green Belt site.

- 14.2.7 v) Do the matters which weigh in favour of the development clearly outweigh any harm to the Green Belt and any other harm?
- 14.2.7.1 As set out above, the proposed development amounts to inappropriate development in the Green Belt, which by definition is harmful to the Green Belt. Substantial weight attaches to any harm to the Green Belt. Moreover, while the majority of the site would remain open, the building and the parking areas would lead to some loss of openness. It would not however constitute encroachment into the countryside.
- 14.2.7.2 With respect to 'any other harm', the site would be visually enclosed and it is not envisaged that the proposal would result in any significant harm to the openness of the Green Belt or character of the area. With regard to highway matters, the proposal is regarded as satisfactory by the Highway Authority and it is likely to result in a net reduction in vehicle movements between sites. With regards to residential amenity impacts, the proposal is not considered likely to have any harmful impact, which would weigh against the scheme. Your officers are not aware of any other matters raised in representations that would weigh against the scheme.
- 14.2.7.3 In respect of those matters which weigh in favour of the scheme, the applicant has provided evidence in relation to the need for the development. The proposed development is on a brownfield site, well related to the applicant's existing building, likely to make a positive contribution to the local economy, would result in reduced vehicle movements and with only very limited harm to the openness of the Green Belt. In your officers' view, the matters which weigh in favour of the development clearly outweigh the harm to the Green Belt and all other harm identified above.
- 14.2.8 vi) Are there 'very special circumstances' to justify allowing inappropriate development in the Green Belt?
- 14.2.8.1 In light of the above, it is concluded that 'very special circumstances' do exist, in the form of the locational need for the development, lack of alternative sites and benefits derived to warrant a departure from established and adopted Green Belt policies. The principle of the proposed development within the Green Belt is therefore considered to be acceptable in this instance.
- 14.2.9 Conclusion
- 14.2.9.1 In conclusion, while the proposed development is inappropriate development within the Green Belt, it is considered that it would not have any significant adverse effect on the countryside and designated Green Belt, and would help support the existing business. Subject to conditions, the proposal would have no significant adverse impact upon the character and appearance of the area, adjoining amenity or highway safety. In light of these considerations and the fact that the applicant has demonstrated very special circumstances to warrant a departure from Green Belt Policy, the proposal is recommended for approval. As the proposal is for a building of 1000 square metres floor space, the application must be referred to the Secretary of State to determine whether or not to call the application in for a decision.
- 14.2.9.2 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of

possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

## 15. RECOMMENDATION

That the Service Manager Planning and Building Control be **AUTHORISED TO GRANT PERMISSION** subject to the Secretary of State's confirmation that he does not wish to call this application in for his own determination, subject to the following 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: 1640.01A, 1640.02B, 1640.03A, 1640.04 and 1640.06.  
  
Reason: To ensure satisfactory provision of the development.
3. The external facing materials shall match those used on the principle, frontage building on this site.  
  
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. 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.
5. No development shall start on site until plans and particulars showing details of the provisions of cycle storage within the site have been submitted to 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: A pre-commencement condition is required as details of cycle parking were not submitted with the application, to ensure adequate provision within the site in accordance with policy CS24 of the Local Plan for the New Forest outside the National Park (Core Strategy).



6. Before development commences a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include a specification for new planting (species, size, spacing and location) and other means of enclosure. 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 makes adequate landscaping arrangements to preserve the character of the locality and countryside and openness of the Green Belt, in accordance with Policies CS2, CS3 and CS10 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

7. 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).

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 and hard surfaces 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.

## Notes for inclusion on certificate:

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

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

2. 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

3. Hampshire County Council Flood and Water Management Team advise the applicant to visit their website <http://www3.hants.gov.uk/flooding/hampshireflooding/drainagesystems.htm> for further information on recommended surface water drainage techniques.

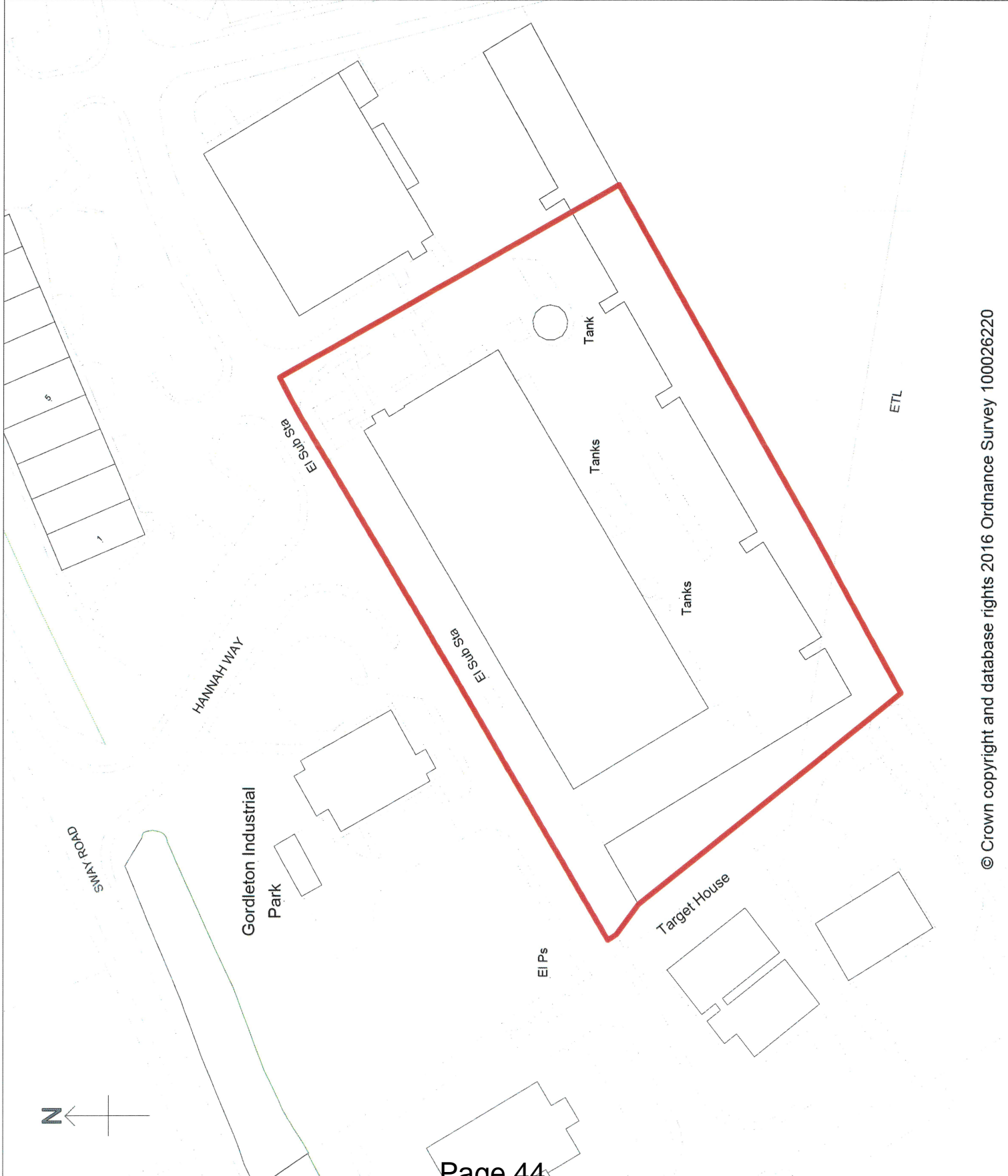
Also, please note that if the proposals include works to an ordinary watercourse, under the Land drainage Act 1991, as amended by the Flood and Water Management Act 2010, prior consent of the Lead Local Flood Authority is required for this work. This consent is required as a separate permission to planning. Details can be found <http://www3.hants.gov.uk/flooding/hampshireflooding/watercourses.htm>

4. The application drawings/form does not state how surface water will be discharged of. There should be no increase in flow to any surface water system or watercourse. The reason for this is that most of the watercourses in the New Forest catchment flood out of bank during high rainfall which can cause property flooding. A predicted 30% increase in flow rate caused by climate change over the next 100 years is likely to cause more properties to flood. NFDC Building Control can advise on the disposal of surface water.
5. Hampshire County Highway Authority advise that as the proposals include the formation of a new access onto the highway the applicant is made aware of the requirement to carry out any works on the highway to the appropriate standard laid down by and under a licence agreement with the Highway Authority.

**Further Information:**

Major Team

Telephone: 023 8028 5345 (Option 1)



**Application Number:** 16/11467 Full Planning Permission

**Site:** 21 THE FALLOWS, ASHLEY, NEW MILTON BH25 5RP

**Development:** Roof alterations and raise ridge height in association with new first floor; chimney

**Applicant:** Mr Curtis

**Target Date:** 19/12/2016

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## 1 REASON FOR COMMITTEE CONSIDERATION

Called in by a member of the Planning Committee.

## 2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Constraints

Aerodrome Safeguarding Zone  
Plan Area  
Planning Agreement

### 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 - 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
95/NFDC/57407 Addition of a porch	02/10/1995	Granted	Decided	
NFDC/87/35778 22 dwellings and garages.	12/04/1988	Granted Subject to Conditions	Decided	

**5 COUNCILLOR COMMENTS**

Cllr Mrs C Ward: supports this application and calls for it to be included for consideration by the Planning Development Control Committee

**6 PARISH / TOWN COUNCIL COMMENTS**

New Milton Town Council: Acceptable (Delegated)

**7 CONSULTEE COMMENTS**

No Comments Received

**8 REPRESENTATIONS RECEIVED**

**3 Objections received**

- roof height could lead to loss of day light and overshadowing
- principle of first floor development is unacceptable
- overall size of the new building out of keeping with existing properties in the immediate area especially with other 4 properties within the small close.
- concern about potential impact on drive, especially from deliveries of building materials, though this concern could be alleviated by deliveries coming via Hollandswood Drive
- loss of privacy and overlooking
- overbearing

The applicant has written in support of their proposals and responds to the following issues:

- loss of privacy and overlooking
- overshadowing
- overbearing
- principle and out of character

Overall they suggest that their proposals are acceptable and do not result in any adverse impact.

Comments in full are available on the 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.

Pre-application advice was sought prior to this application being formally submitted. However, the formal submission did not fully reflect the advice given, and the resulting bulk of the extensions are sufficiently harmful to justify a refusal in this instance.

## **12 ASSESSMENT**

- 12.1 When this estate was built in the 1980s the planned development was generally arranged in clusters of house types, although there are a variety of styles of dwelling within the development. The application site is a single storey dwelling with lower profile double garage at right angles, within a small group of 2 storey houses. By reason of its position within the cul-de-sac, the property is visible from Cull Lane and Hollandswood Drive. Due to its single storey form it has a larger footprint than the 3 other dwellings within this small group of properties.
- 12.2 Taking into account that this dwelling is situated within a group of 2 storey dwellings, and furthermore is read in the context of the modern 2 storey development in neighbouring Cull Lane, the principle of allowing a first floor extension is considered to be acceptable. Notwithstanding this the footprint of the existing dwelling is already larger than the neighbouring 2 storey properties within The Fallows. Therefore, the extent of the first floor extension is fundamental to ensure that the resulting building would be of a comparable scale to its neighbours and would not result in over dominant development that is out of character within its context.
- 12.3 The proposed extension would create a first floor to the existing dwelling only, but this would extend past the apex of the existing garage and by virtue of the size of the extension, would create an overlarge dwelling out of scale with the neighbouring properties. The existing dwelling, by reason of its single storey form contributes a sense of spaciousness to the end of the cul-de-sac and this would be totally eroded by the scale of the proposed extensions. Furthermore, the arrangement of the fenestration on the front elevation would further detract from the appearance of the resulting dwelling.

- 12.4 The existing dwelling occupies a sensitive location, in that it also contributes to the character of both Hollandswood Drive and Cull Lane. As the proposed extension would extend past the ridge line of the existing garage, this would result in the two storey form being closer to the boundary with Hollandswood Road than other existing two storey dwellings which back onto the road. Views of the rear elevation would also be visible within the adjoining street scenes of Cull Lane and Hollandswood Drive, emphasising the excessive bulk of the extended dwelling compared to neighbouring two storey dwellings.
- 12.5 The impact on the character of Cull Lane is especially important. This road is identified in the New Milton Local Distinctiveness Supplementary Planning Document as being distinctive from the surrounding modern development, as it has retained its rural character and consists of a variety of styles and periods of dwellings. The application site backs onto the entrance to Cull Lane, and as such it would also be read in conjunction with a modern semi-detached house. By reason of its design and scale, it would create an intrusive and overbearing form of development that would be totally out of context with this adjacent development, and would create a sense of enclosure at the entrance to this adjoining road.
- 12.6 To conclude, the harm to both the character of the area and the street scene would be significant enough to justify a refusal in this instance.
- 12.7 The existing dwelling is set off the side boundary with 26 Cull Lane, and the proposed extensions would respect this existing separation. No 26 Cull Lane is sited to the east of the application site, and by reason of the relationship of these two properties the increased height of the dwelling would not create issues of overshadowing or loss of light to this property,
- 12.8 To the north of the application site is 22 The Fallows, which is a detached two storey dwelling with a detached garage which is sited close to the front boundary of the application site. Potentially the proposed first floor front window serving bedroom 3 could achieve views across the rear garden area of this neighbour, but as it would be a secondary window serving the room, another larger window being located on the side (west) elevation, any loss of privacy could be overcome by conditioning the window to be obscure glazed with restricted opening.
- 12.9 No 22 is sited to the north of the application site, but due to its hipped roof form the majority of shadow from the increased height should fall within the boundaries of the application site, and would not significantly impact upon this neighbour.
- 12.10 A concern has been raised about the drive way to these properties, but as this is a private driveway it would be outside the remit of planning to restrict movement over this drive way.
- 12.11 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.

### **13. RECOMMENDATION**

#### **Refuse**

#### **Reason(s) for Refusal:**

1. By reason of the size of the proposed first floor extension, it would result in an overly large dwelling that would be out of scale with neighbouring properties. This would result in an intrusive and overbearing form of development within the street scene of Cull Lane, Hollandswood Drive and The Fallows. Furthermore, it would detract from the spaciousness that the existing single storey dwelling contributes to the area, by creating an overly bulky dwelling in this location detracting from the character and appearance of the area. As such, it would be contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park, the New Milton Local Distinctiveness Supplementary Planning Document and Chap 7 of the National Planning Policy Framework.

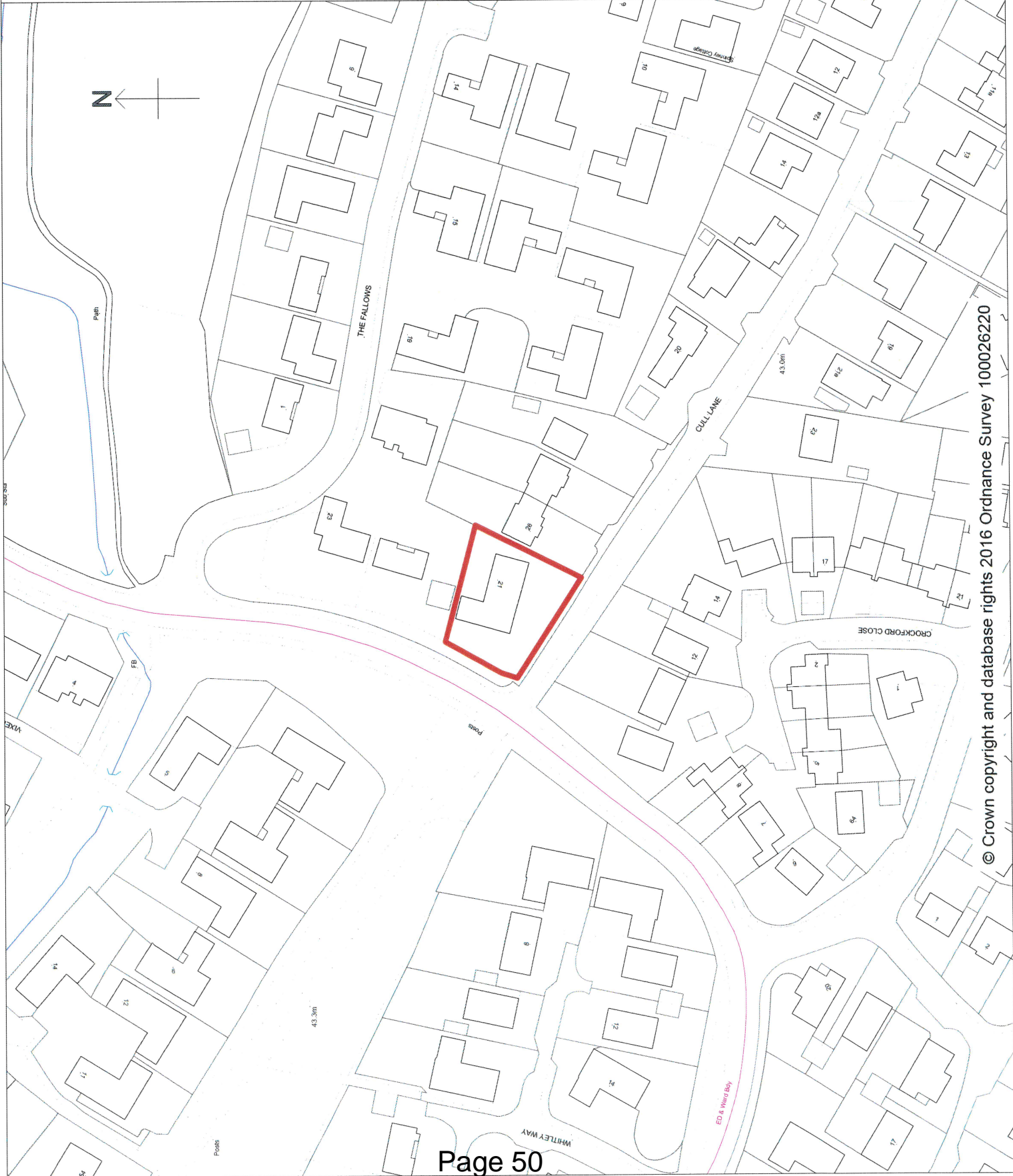
#### **Notes for inclusion on certificate:**

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

Pre application advice was sought prior to this application being formally submitted. However, the formal submission did not however fully reflect the advice given, and the resulting bulk of the extensions would be sufficiently harmful to justify a refusal in this instance.

#### **Further Information:**

Householder Team  
Telephone: 023 8028 5345 (Option 1)



**Application Number:** 16/11544 Application to Hampshire County Council

**Site:** RINGWOOD & FORDINGBRIDGE SKIP HIRE,  
COURTWOOD FARM, COURT HILL, DAMERHAM SP6 1QD

**Development:** Erection of a building on site to house a biomass boiler and ancillary equipment along with 3 x 50m2 drying bays for material storage

**Applicant:** Ringwood & Fordingbridge Skip Hire

**Target Date:** 03/01/2017

---

## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council View in Part

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside outside the New Forest  
Area of Outstanding Natural Beauty  
Adjacent to Site of Importance for Nature Conservation  
Adjacent to Ancient Woodland

## 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
4. Economy
7. The countryside

#### Policies

CS2: Design quality  
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)  
CS10: The spatial strategy  
CS17: Employment and economic development  
CS21: Rural economy  
CS24: Transport considerations

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

DM2: Nature conservation, biodiversity and geodiversity  
DM22: 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**

None

#### **6 RELEVANT PLANNING HISTORY**

- 6.1 Change of use of building to material recovery facility and use of land for storage of skips (96151) Granted by County on the 14th December 2010.
- 6.2 Portable cabin for office use and container for welfare facilities and storage (97340) Granted by County on the 25th July 2011.
- 6.3 Extension to material recovery facility to allow storage of waste, skips and parking of vehicles (11117) Granted subject to conditions on the 8th November 2016

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

Sandleheath Parish Council objects to the planning application. The grounds for objection are based on the significant impact this additional development will have on the residents/local amenity and the wider community, environmental/ecological issues and safety.

The residents of Tanners Lane who in some cases are less than 120M from the proposed Biomass and waste drying installation are already experiencing considerable noise and dust nuisance from activities on the site. Attention is drawn to the conditions imposed on the previously granted application 16/11117 about vehicle movements and hours of operation on the site. Despite this the applicant is now proposing to operate the Biomass boiler, associated diesel generator and blowers on a 24-hour basis that is likely to generate additional noise nuisance. No mention is made in the application on the noise levels expected from the process of preparing waste or filling/emptying the 50M bays. Further, it is possible that recycled wood may be used in the boiler, itself generating noise.

The submission suggests that installation of the Biomass boiler and associated equipment will reduce the amount of vehicle traffic taking waste to landfill. However, it is likely that over time this will be overtaken by requests for this site to handle additional material to offset the equipment costs, thus increasing overall traffic levels. Given the rural nature of the site and that key access to the main A338 is through Fordingbridge town centre the effect of any additional traffic on the surrounding community would be significant. As highlighted in one of the residents responses to this application, control needs to be exercised on the nature of business activity on this site.

The Parish Council and the residents are also extremely concerned about the lack of information on the likely emissions from the material being burnt in the boiler especially if the biomass material is sourced from recycled wood. Additionally, there would undoubtedly be emissions/smells from the material being dried, which given the proximity of the residential properties and prevailing wind would significantly impact their amenity. Worst case it could impact the wider village of Sandleheath.

The proposed site of the building and bays is bordered on 2 sides by SINC and SSSI protected land. The Parish Council is of the view that industrial processes of this kind are completely out of keeping with the location, in that they will significantly impact the delicate surrounding habitat. The desktop Ecological Assessment and site visit report fails to identify the importance of this surrounding land in the protection of wild life.

Raising the site level would not only have a visual impact on the Tanners Lane residents, but also change the course of runoff water into the adjoining woodland. The collection of waste liquid is also of concern in that all the likely sources would need to be directed into the proposed storage tanks. Leakage of any sort into the surrounding woodland and watercourses would be very serious.

Finally, 24/7 operation of such a large biomass installation in an unmanned format presents significant safety risks. Unlike Gas or Oil, biomass combustion cannot simply be immediately stopped in an emergency. The burning material must burn out so in an emergency there must be back up processes available to remove excess heat. A serious fire at this site could have a disastrous effect on local woods and vegetation. No safety plan has been submitted as part of the application. Considering the above points and the likely impact on the community and local environment Sandheath Parish Council recommends that the application should be refused.

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

- 9.1 Natural England: No objection but make general comments
- 9.2 Ecologist: The proximity, surface treatment and lack of acoustic and emissions barriers may result in encroachment of materials, emissions (nitrogen and dust), noise pollution, compaction and runoff into the woodland and may impact individual trees giving rise particularly to deterioration of ancient woodland and priority woodland and the SINC. Requests that further detailed information is provided in relation to dust, noise and air quality in order to demonstrate that the proposal will not impact on protected species and the Ancient Woodland.
- 9.3 Environment Agency: Holding objection. We do not currently have enough information to know if the proposed development can meet our requirements to prevent, minimise and/or control pollution. In addition the proposed development is located within 250 metres of an ancient woodland and local nature reserve. What measures would be put in place to protect the environment?
- 9.4 Environmental Health (Pollution): It is not clear from the submitted information that adverse impact to residential accommodation in the vicinity will be prevented, and whether additional measures to control noise from the development will be required. Such measures might require a further planning application. There is insufficient information to:
- characterise off-site noise impact;
  - characterise noise breakout from the structure (there appears to be an opening to the proposed structure facing residential property in the vicinity);
  - and the application uses acoustic units (Decibels) for operational noise levels without reference to measurement distance.

- 9.5 Environmental Health (Air Quality): Objects, there is insufficient information concerning the potential emissions from the biomass boiler, the impact on local air quality at neighbouring residential properties (approximately 120m from the proposed plant) and whether additional abatement measures may be required.

The additional information required from the applicant should include the completion of a Biomass Information Request Form with particular reference to:

- The burning rate of the fuel servicing the biomass boiler in kg/hr
- Further detail of the wood being classified as Grade A which will be feeding the biomass boiler
- The impact from the operation of the biomass boiler on local air quality at sensitive locations for nitrogen dioxide and particulate matter

In addition the biomass boiler may require an Environmental (Part B) Permit from New Forest District Council in order to operate. While the requirement for an Environmental Permit does not impact on the requirement for planning permission, the Permit will set emission limits for certain pollutants which may influence the height of the flue servicing the biomass boiler.

- 9.6 Hampshire County Council Highway Engineer: No objection subject to conditions
- 9.7 Area of Outstanding Natural Beauty Officer: The proposal could be regarded at first sight to be laudable. However looking more closely at the statement submitted there are rather a lot of unanswered questions beyond any basic policy issues. The proposal appears to be, despite assertions to the contrary, an intensification of the use of the site and all that goes with that. In addition to any policy considerations there seem to be a number of detailed matters that have been left unanswered and these need to be addressed if sympathetic consideration is to be given to the proposal.

## **10 REPRESENTATIONS RECEIVED**

N/A

## **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 the matter is to be dealt with by Hampshire County Council.

## **14 ASSESSMENT**

- 14.1 This application is to be determined by Hampshire County Council and New Forest District Council are consultees.
- 14.2 The application relates to Ringwood and Fordingbridge Skip Hire which is a materials recovery facility that lies to the north west of Sandleheath. The company currently use an area of land and former agricultural building located within the west of Courtwood Farm as a material recovery facility. A very recent planning application under 11117 was approved for the material recovery facility to be extended to allow for the storage of waste, skips and parking of vehicles and part of the approved area is subject to this current application. That previous planning application essentially proposed to increase the site area to be used for the waste operation and storage, but it was not proposed to increase the importation level.
- 14.3 This current proposal is to erect a building to accommodate a biomass boiler and ancillary equipment together with three 50 cubic metre drying bays for material storage. This application should be considered in conjunction with planning permission 11117 which was for the extension to the materials recovery facility, as the proposed building and drying bays would be located in part of the site covered by that previous application. The proposed hours of use are Monday to Friday 07:00 to 18:00 and Saturday between 07:00 and 13:00 for sorting and vehicle movements..

- 14.4 The proposed biomass boiler and associated equipment would be used to burn Grade A wood chip to generate heat, then through a heat exchanger and fan blow warm air to the 3 x drying bays that would also be installed and would be operational on a 24 hour basis. The warm air will be used to lower the moisture content of the material on site. In support of the application it is stated that there would not be greater throughput of waste at the site over and above what currently exists. The process would allow better treatment of the material, which provides environmental benefits as it reduces the amount of vehicles taking a given amount of the material from the site once sorted and dried, as well as reducing the amount of material going to landfill.
- 14.5 The proposed biomass boiler would be installed within an 'L' shaped building with the main section measuring 11.2 metres, by 11 metres to 5.75 metres to the ridge. The proposed flue would rise to 9 metres in height and would protrude through the central roof of the building. The proposed building would be a simple pitched roof building constructed from profile wall cladding.
- 14.6 In assessing this proposal, there are a number of important issues to consider. The site forms part of Courtwood Farm, which lies just outside the settlement area of Sandleheath. To the north and west of the site is woodland, to the south running from east to west is Tanners Lane, a small residential lane. The site is an existing large industrial area, it has a number of engineering/ industrial developments which have evolved from converting farm buildings. The site lies within the countryside and Area of Outstanding Natural Beauty. The site lies adjacent to Lower Court Wood Site and Lower Breach Copse which are sites of Importance for Nature Conservation and also designated as semi ancient woodland.
- 14.7 In policy terms, the site lies within the countryside where there are restrictive policies for new buildings. Core Strategy CS21 relates to the rural economy and states that the strategy seeks to keep existing employment sites and encourage improvements and redevelopments that would help maintain and enhance the environment. Local Plan Part 2 policy DM22 relates to employment development in the countryside and states that development will be permitted for established rural enterprise for extension to existing buildings or the redevelopment of an existing employment site, which results in environmental benefits
- 14.8 In this case, the proposed building is not for an extension to an existing building or redevelopment of the site, but would entail a new building, built over an existing area used for storage bays for waste material. The proposed biomass boiler could also provide environmental benefits in the form of a renewable energy that can reduce the reliance on fossil fuels. On this basis, there are no policy objections to the building subject to the matters set out below.
- 14.9 Visually, the site is well screened from public viewpoints and has a high degree of self containment provided by other buildings within the complex. The proposed building and bays would be located within the far western part of the site with the woodland to the rear. There are a number of buildings on the site, which vary in size and design and it is considered that the proposed building would be appropriate for this location and could be seen as an improvement when compared to the level of outside storage currently on the site.



- 14.10 With regard to residential amenity, there are residential properties located approximately 120 metres away from the site. The main issues relate to dust, noise and disturbance from the proposed biomass boiler and the impact on air quality. While concerns have been expressed in relation to additional traffic generation, it should be noted that this application does not propose to intensify the use of the site.
- 14.11 Concerning the impact of noise on the nearby residential properties, it is considered that the distance of 120 metres to the nearest residential properties is reasonable and such a building and facility could be designed without causing a significant impact on their living conditions. However, the Environmental Health Officer considers that insufficient information has been submitted to characterise the noise breakout from the structure (there is an opening to the proposed structure facing residential properties) and no information on operational noise level. Further detailed information would need to be submitted in the form of a noise assessment to demonstrate that there would not be an adverse impact on the neighbouring residential properties. For instance the noisy equipment is likely to be contained within the building but no assessment has been submitted. With regard to dust there is a dust supervisor system already on the site and due to its position at the lower end of the site, and dense trees, it is not considered that dust is an issue, but further details should be provided to demonstrate that dust would not occur from the operations.
- 14.12 In relation to air quality matters, the Environmental Health Officer states that there is insufficient information concerning the potential emissions from the biomass boiler, the impact on local air quality at neighbouring residential properties (approximately 120m from the proposed plant) and whether additional abatement measures may be required. The Environmental Health Officer objects until sufficient information is submitted. In addition the biomass boiler may require an Environmental (Part B) Permit from New Forest District Council in order to operate. While the requirement for an Environmental Permit does not impact on the requirement for planning permission, the Permit will set emission limits for certain pollutants which may influence the height of the flue servicing the biomass boiler.
- 14.13 In terms of public highway safety matters, the Highway Authority does not raise any objection and considers that based upon the details submitted, the proposed use would not increase existing vehicle movements and there are no alterations proposed to the public highway. The application states that the use of a biomass facility could reduce the current level of traffic movements into and out of the site.
- 14.14 In terms of ecological matters, such a proposal could have potential to impact on the adjacent SINC and habitat. Ancient woodland edge is habitat of high value to woodland birds, bats and the nationally rare and scarce invertebrates such as those recorded in the ancient woodland block that surrounds the site. Noise of a continuous quality and seepage to well within the designated site, may affect the capacity these species have (that favour woodland edge) to rear young, hunt or communicate.
- 14.15 The Ecologist considers that the proximity, surface treatment and lack of acoustic and emissions barriers may result in encroachment of materials, emissions (nitrogen and dust), noise pollution, compaction and runoff into the woodland and may impact individual trees giving rise particularly

to deterioration of ancient woodland and priority woodland and the SINC. The Ecologist requests that further detailed information is provided in relation to dust, noise and air quality in order to demonstrate that the proposal will not impact on protected species and the Ancient Woodland.

- 14.16 The Environment Agency states that they do not currently have sufficient information to know whether the proposed development can meet the requirements to prevent, minimise and/or control pollution. In addition the proposed development is located within 250 metres of an ancient woodland and local nature reserve and they have concerns about what measures would be put in place to protect the environment.
- 14.17 Overall in summarising the issues, and based upon the comments from consultees, there are still many matters and details in relation to noise, dust, air quality and drainage which have not been provided to demonstrate there will be no adverse impact on residential amenity and ecology. The proposal for a biomass boiler would be a facility that would provide visual and environmental benefits, and accordingly, it is considered that the applicant should be given the opportunity to provide these details and information in order to demonstrate that such adverse impacts will not arise. These could result in changes to the design or siting of the building or flue. There are no objections on the grounds of public highway safety or the character of the area.
- 14.18 Officers recommend that an objection be raised subject to the consultee objections being addressed.

## 15. RECOMMENDATION

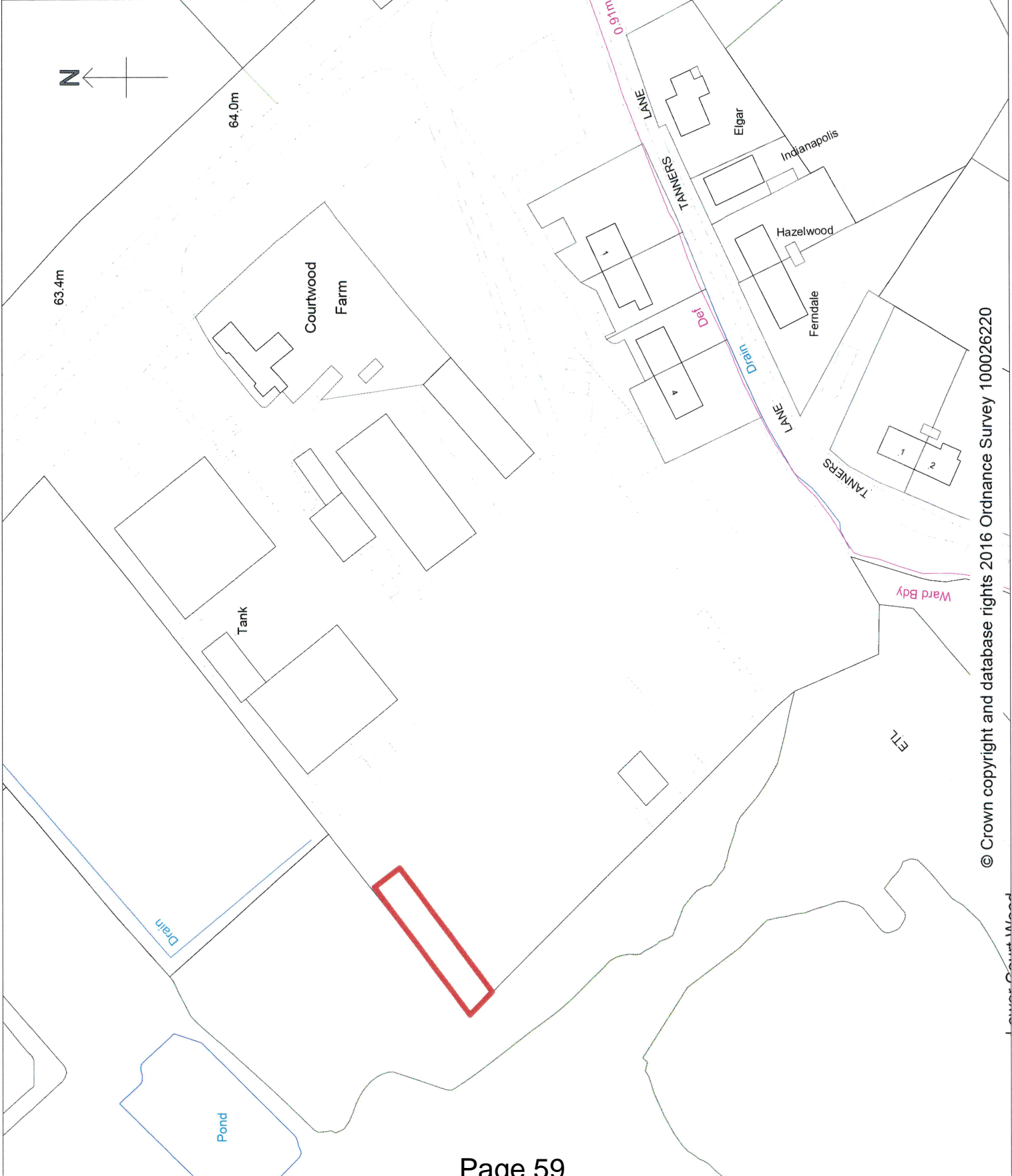
### Raise Objections

The Council **OBJECTS** to planning permission being granted.

Overall in summarising the issues, and based upon the comments from consultees, there are still many matters and details in relation to noise, dust, air quality and drainage which have not been provided to demonstrate there would be no adverse impact on residential amenity and ecology. The proposal for a biomass boiler could provide environmental and visual benefits and accordingly, it is considered that the applicant should be given the opportunity to provide further details and information in order to demonstrate that such adverse impacts would not arise from the development and operations.

### Further Information:

Major Team  
Telephone: 023 8028 5345 (Option 1)



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**Application Number:** 16/11548 Full Planning Permission

**Site:** PYRFORD GARDENS, BELMORE LANE, LYMINGTON SO41 3NR

**Development:** Single-storey extension

**Applicant:** Mr & Mrs Hall

**Target Date:** 04/01/2017

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**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Town Council View

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Built-up area

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Core Strategy**

Objectives

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

Policies

CS2: Design quality

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

No relevant policies

**4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

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

**5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

SPD - Lymington Local Distinctiveness

**6 RELEVANT PLANNING HISTORY**

- 6.1 Two-storey extension (12/98306) - withdrawn - 25/4/12
- 6.2 Single-storey extension (16/11284) - withdrawn - 18/10/16

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

Lymington & Pennington Town Council: recommend refusal - support the numerous objections from neighbouring properties

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

9.1 Natural England:- no objection

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

## **10 REPRESENTATIONS RECEIVED**

10.1 8 letters of objection from other residents of Pyrford Gardens / Mews:- adverse impact on neighbours' privacy, light and outlook; adverse visual impact; loss of vegetation; loss of a level access to rear garden; loss of seating area in communal room; adverse impact on reception room; development is not needed; concerns about access to foul drainage manholes; concerns about impact on maintenance charges.

10.2 1 letter from neighbouring property raising no objection

## **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 Pyrford Gardens is comprised of 22 warden assisted flats in an attractive landscaped setting. The submitted application seeks to add a single-storey extension to the rear of the building for use as an office by the warden. The proposed extension would be modest in size, being about 14 square metres in area and 3 metres in height, with most of the extension occupying an existing recess.
- 14.2 Given the extension's size and location, it would have no discernible impact on the character and appearance of the area. The extension would be of a contextually appropriate design. The loss of a small amount of garden vegetation would be entirely acceptable.
- 14.3 The extension would project 1.2 metres to the rear of the existing building. Although the extension would be relatively close to a window in flat 4, it is felt that the impact on the light and outlook of that flat and on other adjacent flats would be acceptable, having regard to the extension's limited degree of projection, and its modest height, the impact on neighbours' privacy would also be limited given that the extension would project into what is already a semi-communal space, and noting that the applicant is proposing that specific windows shall be obscure glazed.
- 14.4 Local residents have raised a variety of concerns, some of which are not legitimate planning concerns. Ultimately, it is not felt this small development would harmfully compromise the living conditions of existing residents of Pyrford Gardens. The development would still have appropriate communal areas, and while access to the external garden area would be altered, this would not be an unacceptable change.
- 14.5 Overall, the proposed development is considered to be consistent with policy. The development would be a small-scale and relatively discrete proposal that would have an acceptable impact on the character and appearance of the area, and an acceptable impact on the amenities and privacy of existing residents of Pyrford Gardens. As such, the application is recommended for permission.
- 14.6 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of

possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

## **15. RECOMMENDATION**

### **Grant Subject to Conditions**

#### **Proposed Conditions:**

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: 1:1250 Location Plan, 1215:05 B, 1215 04 B, 1215 03, 1215 01 C, 1215 02.

Reason: To ensure satisfactory provision of the development.

3. The windows on the approved extension that are shown as being obscure glazed shall be fitted and permanently retained as such.

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:**

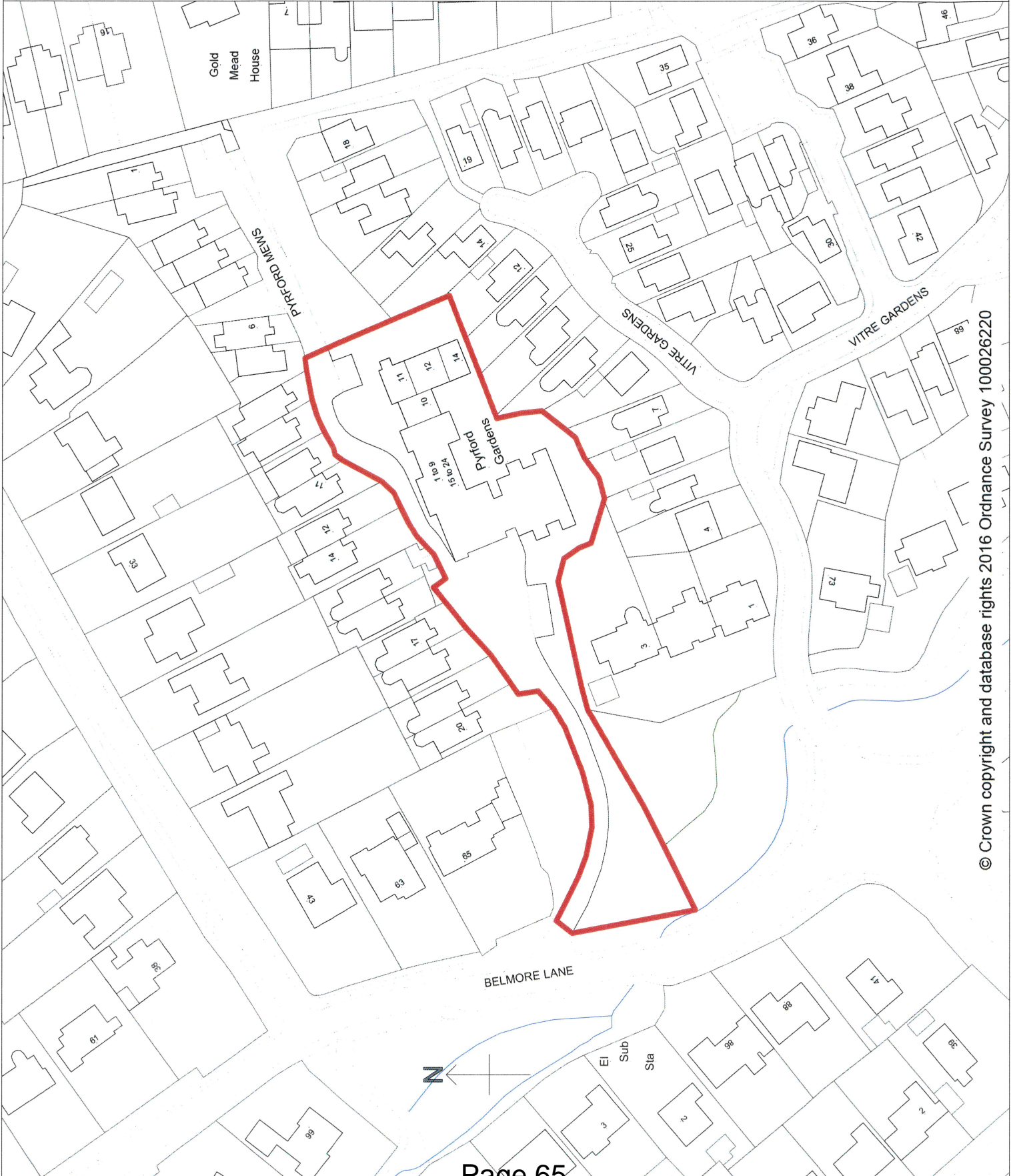
1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising 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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## PLANNING DEVELOPMENT CONTROL – 11 JANUARY 2017

### FEES AND CHARGES – 2017/18

#### 1. INTRODUCTION

- 1.1 This report sets out the suggested fees and charges for 2017/18 for Council services forming part of the Committee. The report forms part of the Council's medium term financial plan and annual budget for 2017/18.

#### 2. BACKGROUND

- 2.1 A schedule of the proposed fees and charges for financial year 2017/18 is attached as **Appendix 1**.
- 2.2 The schedule contains the following information:
- Current charges for 2016/17
  - Proposed charges for 2017/18
  - Year on year percentage increase
- 2.3 The general approach recommended in this decision is that fees and charges are increased by 2% from the current charges except where that would result in an awkward figure arising. The actual percentage is shown for each category.
- 2.4 Most of the fees within this portfolio are either set by the Government (planning application fees) or must balance expenditure and income (building regulations' and land charges) and hence are not covered by this report.

#### 3. FINANCIAL IMPLICATIONS

- 3.1 The proposed fees and charges, detailed in Appendix 1 have been set principally in accordance with the Council's charging policy and financial targets for 2017/18.

#### 4. ENVIRONMENTAL IMPLICATIONS

- 4.1 None as a direct result of this report but the pre application planning advice that these fees apply to contributes positively to the general environment.

#### 5. CRIME & DISORDER AND EQUALITY IMPLICATIONS

- 5.1 None directly arising from this report.

**6. CONCLUSION**

- 6.1 Fees and charges are proposed for the 2017/18 financial year. Any significant financial implications are reflected in the Portfolio Plan proposals.

**7. RECOMMENDATION**

- 7.1 The Committee is asked to approve the proposed fees and charges as set out in Appendix 1.

**For Further Information Please Contact:**

David Groom  
Service Manager Planning and Building Control  
Tel: 02380 285588  
Email: david.groom@nfdc.gov.uk

**Background Papers:**

None

## APPENDIX 1

### **DEVELOPMENT CONTROL COMMITTEE** **PROPOSED SCALE OF FEES AND CHARGES FOR 2017/18**

<b>Pre-Application Enquiry Fees (These fees include VAT)</b>	<b>Charges 2016/2017 (inc. VAT) £</b>	<b>Proposed Charges 2017/2018(inc. VAT) £</b>	<b>% Increase</b>
<b>Category</b>			
Application Checking Form	30.00	30.00	-
Householder Development Form (is development acceptable)	88.00	90.00	2.3
Householder Development Combined Form (is permission required and, if relevant, is development acceptable)	176.00	180.00	2.3
Clarification Meeting Form (Householder Development)	51.00	52.00	2.0
Clarification Meeting Form (Non- Householder Development)	208.00	212.00	1.9
Shop fronts & Advertisements; Telecommunications and Change of Use Development Form	88.00	90.00	2.3
Small Scale Residential & Commercial Pre-Application Advice Enquiry Form	272.00	277.00	1.8
Minor Residential or Commercial Pre-Application Advice Enquiry Form	545.00	555.00	1.8
Major Residential or Commercial Pre-Application Advice Enquiry Form	816.00	832.00	2.0
Principles of Development Form	2080.00	2120.00	1.9
Larger Residential or Commercial Schemes	Fees Negotiated – one off	Fees Negotiated – one off	
Trees	Free of Charge	Free of Charge	
Heritage Asset Advice Form	26.50	27.00	1.9

<b>Section 106 Agreements – Legal Fees (per hour)</b> Reduced Legal Fees (see below) apply if only a Habitats Contribution (with no other provisions) is required:-	160.00	165.00	3.1
1 dwelling (£550 contribution)	100.00	100.00	-
2 dwellings (£1,100 contribution)	150.00	150.00	-
3 dwellings (£1,650 contribution)	200.00	200.00	-
4 dwellings (£2,200 contribution)	250.00	250.00	-
5 dwellings (£2,750 contribution)	300.00	300.00	-
6 dwellings (£3,300 contribution)	350.00	350.00	-
7 dwellings (£3,850 contribution)	400.00	400.00	-
8 or more dwellings	480.00	495.00	3.1

High Hedge Applications*	527.00	537.00	1.9
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\*If formal mediation is undertaken there will be a reduction in the fee equivalent to the costs incurred by attempting formal mediation, up to a maximum reduction of £160. A full refund will be given where a Tree Preservation Order is placed on the hedge in question. A fee of £100 to be paid by householders making a complaint who are in receipt of benefits.

Local Plan Review Site Advice (wef 1/1/2016)	500.00	500.00	-
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## PLANNING DEVELOPMENT CONTROL COMMITTEE – 11 JANUARY 2017

### MEDIUM TERM FINANCIAL PLAN AND ANNUAL BUDGET 2017/18

#### 1. PURPOSE OF REPORT

- 1.1 To consider the development of the draft Medium Term Financial Plan and the Annual Budget for 2017/18 and, in particular to comment back to the Cabinet with any proposals on the base budget shown in Appendix A.

#### 2. DETAIL

- 2.1 The Cabinet on 5 October 2016 and 4 January 2017 considered the Medium Term Financial Plan and the **Draft Annual Budget** process for 2017/18.
- 2.2 The base budget for the service areas falling under the responsibility of this Committee is set out in Appendix A. The Committee is asked to consider these and in particular to comment to the Cabinet on any budget matters affecting this Committee.
- 2.3 Overall the net budget requirement has decreased by £72k. The decrease is due to the savings identified through the Senior Management Review and as part of the Budget Stabilisation Strategy, partially offset by pay and price cost increases and increases in Corporate Allocations. The changes outlined are included in the breakdown of the figures within Appendix A.
- 2.4 There are potentially further changes to come as the final budget will not be approved until Council meet at the end of February.

#### 3. CRIME AND DISORDER / EQUALITY AND DIVERSITY / ENVIROMENTAL IMPLICATIONS

- 3.1 Nothing arising directly from this report.

#### 4. FINANCIAL IMPLICATIONS

- 4.1 The financial implications are contained within the body of the report.

## **5. RECOMMENDATION**

- 5.1 That the Committee considers the 2017/18 base budget for the service areas within the terms of reference for this Committee, as set out in Appendix A to this report and submits any comments to the Cabinet.

### **For further information please contact:**

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### **Background Papers:**

None



## PDC COMMITTEE BASE BUDGETS

	<b>2016/17 Budget £</b>	<b>Draft 2017/18 Budget £</b>
Planning Applications	287,500	286,610
Planning Appeals	184,570	180,260
Planning Monitoring and Enforcement	399,280	358,780
Planning Informal Advice	242,810	216,520
<b>TOTAL</b>	<b>1,114,160</b>	<b>1,042,170</b>

**NOTES:**

**£**

**1 - Budget Proposals affecting this Committee**

Senior Management Review / Budget Stabilisation Strategy -128,210

Pay and Price Increases 47,250

Corporate Allocations 8,970

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**-71,990**

**2 - Draft budgets shown above are subject to change due to further decisions by Cabinet and / or Council and subject to the final determination of business unit and corporate cost allocations.**

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