

## NOTICE OF MEETING

**Meeting:** PLANNING DEVELOPMENT CONTROL COMMITTEE

**Date and Time:** WEDNESDAY, 8 FEBRUARY 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  
[www.newforest.gov.uk](http://www.newforest.gov.uk)

**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 11 January 2017 as a correct record.

**2. DECLARATIONS OF INTEREST**

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

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

### 3. PLANNING APPLICATIONS FOR COMMITTEE DECISION

To determine the applications set out below:

- (a) **Land South of Lymington Road, New Milton (Application 13/11276) (Pages 1 - 14)**

4 houses; site of alternative natural green space; access (Outline Application with details only of access)

**RECOMMENDED:**

Planning consent subject to conditions

- (b) **68 Forest Edge, Fawley (Application 16/10861) (Pages 15 - 20)**

Single-storey extension

**RECOMMENDED:**

Refuse

- (c) **Shorefield Country Park, Shorefield Road, Downton, Milford-on-Sea (Application 16/11116) (Pages 21 - 28)**

Alterations and extension to access road; gates; bund

**RECOMMENDED:**

Planning consent subject to conditions

- (d) **6 Barton Common Road, Barton-on-Sea, New Milton (Application 16/11255) (Pages 29 - 42)**

One block of 8 flats; parking; bin and cycle storage

**RECOMMENDED:**

Planning consent subject to conditions

- (e) **Shorefield Country Park, Shorefield Road, Downton, Milford-on-Sea (Application 16/11315) (Pages 43 - 50)**

Bund bordering 3 the Bucklers (retrospective)

**RECOMMENDED:**

Planning consent subject to conditions

- (f) **27 Farm Lane South, Barton-on-Sea, New Milton (Application 16/11382) (Pages 51 - 58)**

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

**RECOMMENDED:**

Planning consent subject to conditions

- (g) **Oakhaven Hospice, Lower Pennington Lane, Pennington, Lymington (Application 16/11466) (Pages 59 - 66)**

Additional parking

**RECOMMENDED:**

Planning consent subject to conditions

- (h) **2 Quay Street, Lymington (Application 16/11482) (Pages 67 - 72)**

Use of rear ground floor as residential

**RECOMMENDED:**

Planning consent subject to conditions

- (i) **Pyrford Gardens, Belmore Lane, Lymington (Application 16/11548) (Pages 73 - 78)**

Single-storey extension

**RECOMMENDED:**

Planning consent subject to conditions

- (j) **6 Highfield Avenue, Ringwood (Application 16/11553) (Pages 79 - 84)**

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

**RECOMMENDED:**

Refuse

- (k) **Land of 29 Pear Tree Close, Bransgore (Application 16/11581) (Pages 85 - 92)**

Attached house; detached garage; dropped kerb

**RECOMMENDED:**

Refuse

- (l) **Harbridge School, Harbridge, Ellingham, Harbridge & Ibsley (Application 16/11602) (Pages 93 - 102)**

Use as one dwelling; rooflights; demolition of single-storey flat roofed extension; alterations to windows

**RECOMMENDED:**

Planning consent subject to conditions

- (m) **Harbridge School, Harbridge, Ellingham, Harbridge & Ibsley (Application 16/11603) (Pages 103 - 108)**

First floor mezzanine extension; rooflights; demolition of single-storey flat roofed extension and reinstate brickwork detailing; repair roof; repoint chimney; rainwater goods; stone vent; repair tower; reinstate glazed door pane; repair doors and windows; remove polycarbonate outbuilding canopy; remove main hall flat ceiling; make good original vaulted ceiling; stud walls; first floor internal end studwall with glazing; repair floor; insert staircase; remove window shutters; open fireplaces; insert hammerbeam (Application for Listed Building Consent)

**RECOMMENDED:**

Grant Listed Building Consent subject to conditions

- (n) **25 Sea Road, Milford-on-Sea (Application 16/11633) (Pages 109 - 118)**

2 detached houses; associated parking; landscaping; demolition of existing

**RECOMMENDED:**

Planning consent subject to conditions

- (o) **18 Priestlands Road, Pennington, Lymington (Application 16/11644) (Pages 119 - 126)**

Two-storey side and rear extensions; dormers; fenestration alterations; rooflights

**RECOMMENDED:**

Refuse

- (p) **4 South Street, Pennington, Lymington (Application 16/11701) (Pages 127 - 134)**

Use of ground floor as 1 flat

**RECOMMENDED:**

Refuse

- (q) **Land at Buckland Manor Farm, Alexandra Road, Lymington (Application 16/10764) (Pages 135 - 164)**

Development of 87 dwellings comprised: 21 detached houses; 5 bungalows; 26 pairs of semi-detached houses; 3 terraces of 3 houses; garages; parking; landscaping; junction access; estate roads; footpaths, SANG; open space; 10 allotments.

**RECOMMENDED:**

Service Manager authorised to grant permission subject to S106 agreement and appropriate conditions (Please note: reconsideration of item previously approved by Committee to extend period for completion of the S106 agreement).

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

**To: Councillors:**

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

**Councillors:**

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

## **STATUTORY TESTS**

### **Introduction**

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

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

### **The Development Plan**

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

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

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

### **Listed Buildings**

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

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

### **Conservation Areas**

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

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

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

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

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

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

## **Trees**

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

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

## **Biodiversity**

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

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

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

### Conservation of Habitats and Species Regulations 2010

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

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

## **Equality**

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

determining all planning applications. In particular the Committee must pay due regard to the need to:

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

### **Financial Considerations in Planning**

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

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



**Application Number:** 13/11276 Outline Planning Permission

**Site:** Land south of, LYMINGTON ROAD, NEW MILTON BH25 6PR

**Development:** 4 houses; site of alternative natural green space; access  
(Outline Application with details only of access)

**Applicant:** Mr Chappell

**Target Date:** 06/12/2013

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## 1 REASON FOR COMMITTEE CONSIDERATION

Previous Committee consideration, contrary to consultee comment and contrary to policy and to allow additional considerations that have come about following the initial resolution to be taken on board.

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up area  
Landscape Feature  
Protected trees

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

### Sites and Development Management Development Plan Document

DM2: Nature conservation, biodiversity and geodiversity  
DM3: Mitigation of impacts on European nature conservation sites  
NMT12: New public open space south of Lymington Road, north of Chestnut Avenue

#### **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 - Design of Waste Management Facilities in New Development  
SPD - Parking Standards  
SPD - Mitigation Strategy for European Sites  
SPD - Housing Design, Density and Character

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

- 6.1 Erection of 6 houses and construct new access (54869) Refused on the 1st September 1994
- 6.2 Erection of 5 houses and construct new access (55862) Refused on the 6th Feb 1995. Appeal dismissed.

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

Comments not changed since original submission

New Milton Town Council: recommend refusal - While the principle of enabling development on the open space and Site of Alternative Natural Green Space is accepted

- 1. The policy objective of providing at least 0.3 hectares of accessible public open space and SANGS is not met; the extension of the road and turning head into the western half of the site urbanises around two thirds of the site such that the area available for delivering open space and natural green space is too small. Further delivery of a pedestrian through route for access is uncertain because the indicative footpaths terminate in private land at the site boundary.
- 2. Unsafe access onto the A337: there is a lack of confidence in the recorded wet weather speeds used to determine the appropriate easterly visibility splay and uncertainty in delivering a suitable visibility splay due to a lack of control over the necessary land.
- 3. Protected trees will not be adequately protected; given the absence of an arboricultural method statement there is a lack of confidence that the numerous protected trees on the site will be adequately protected; it is noted that the indicative layout (which could become subject to condition to implement) sites a garage underneath a protected tree making that tree vulnerable to future applications for management to safeguard the building only.

#### **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

- 9.1 Hampshire County Council Highway Engineer: Raised objections
- 9.2 Tree Officer: no objection subject to condition
- 9.3 Environmental Design (Urban Design): no objection
- 9.4 Policy: no objection
- 9.5 Ecologist: comments in main body of report and offer positives and negatives amount the proposals
- 9.6 Land Drainage: no objection subject to condition
- 9.7 Southern Water Authority. Plan showing position of foul sewer crossing the site. The exact position of the foul sewers must be determined on site by the applicant before the layout is finalised.

## **10 REPRESENTATIONS RECEIVED**

- 10.1 3 letters of objection in relation to the amended plans based on amended plans which state that the proposed development is too close to neighbouring properties and there are concerns with overlooking. Concerns with the impact on trees. The entrance and exit road to this development would be extremely dangerous to pedestrian users of the footpath and to vehicles using the Lymington Road where visibility is poor in both directions being located in the "hollow" of a bend in the road and surrounded by well developed trees and bushes
- 10.2 10 letters of objection received in respect of original submission concerned that the application only covers half the site and it should be detailed as to what is happening on the other half of the land. There should be restrictions on the land for future plans. There are restrictive covenants on the land. There should be no vehicular access to this site through our private road. The road is too narrow. There is no need for two pathways to be marked onto the plan leading to the existing right of way. Concerns have been expressed about boundary ownership. Concerns over impact on residential amenity including noise and disturbance and overlooking There is a pipeline running through the site.

## **11 CRIME & DISORDER IMPLICATIONS**

No relevant considerations

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission, the dwellings are completed and the overall number of dwellings completed in the relevant year exceeds 0.4% of the total number of existing dwellings in the District, the Council will, in general terms, receive New Homes Bonus (£4496 ) in each of the following four years.

Based on the information provided at the time of this report this development has a CIL liability but the amount will be determined at the reserved matters stage.

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 31 of Town and Country Planning (Development Management Procedure) (England) Order 2010, 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 concerns previously raised have been addressed.

## 14 ASSESSMENT

### 14.1 Introduction

14.1.1 Members may recall considering this outline application (with details only of access) for the erection of four dwellings and two garages together with the provision of an informal area of open space in the form of a Site of Alternative Natural Green Space (SANGS) on 8 October 2014. The Committee's decision was that the Head of Planning and Transportation be authorised to grant planning consent subject to the completion of a Section 106 Agreement by 30 March 2015 to secure a financial contribution for off-site affordable housing, transportation contributions and a minimum of 0.3 hectares of land to be used as SANGS/ Open space. The Section 106 Agreement would have required all of the SANGS/ Open space to be transferred to New Forest District Council.

14.1.2 The Section 106 Agreement was not completed within time and the Committee's resolution expired. Since the previous committee consideration, amendments have been made to the proposed layout of

the site. While the same number of dwellings are proposed (four detached dwellings) the actual area of open space has increased in size and the level of developable area for housing has been reduced. The area of open space has increased from 0.3 hectares to 0.4 hectares and the long access road which previously a through the central part of the open space has been considerably reduced in size. This has resulted in an improved layout with a larger and more useable area of open space/ SANGS.

#### 14.2 Site description

14.2.1 The application site is a rectangular shaped open piece of grassland within the built up area of New Milton to the south of Lymington Road. There are no buildings on the land and currently the site is not used for any purposes and has the appearance of a paddock. There is a single access into the site from Lymington Road provided by a metal gate. The site lies to the north of the rear gardens to properties in Chestnut Avenue, which consist of substantial detached dwellings in generous plots. Smaller terraced and semi detached properties in Oxey Close abut parts of the northern site boundary. On the western boundary of the site are detached properties in Farm Lane North with a public footpath running parallel to part of the site.

14.2.2 The proposed layout of the site shows an internal access road from Lymington Road running through the site with two dwellings sited on the eastern part of the site, and the area of open space to be used as a SANGS is situated on the western part of the site. The internal access road leads onto the area of open space and would effectively be connected to an internal footpath providing a link through the whole site from Lymington Road to the existing footpath to the west of the site. It should be noted that while the submitted site layout plan is an illustrative drawing, it does show a possible layout of the site for both the dwellings and area of open space and the full details of the area of open space and housing layout would be assessed as part of a reserved matters application.

#### 14.3 Planning history

14.3.1 There have been previous applications on this site in 1994 and 1995, which were refused permission and dismissed on appeal. The application dismissed on appeal involved a development of five large detached dwellings on the whole of this site with the access to be provided between two existing residential properties in Chestnut Avenue. In dismissing the appeal, the Inspector did not raise any concerns relating to the effect on the character of the area or trees, however, he was concerned with the impact of the proposed access road on the living conditions of the adjoining residents at 30 and 32 Chestnut Avenue.

#### 14.4 Policy

14.4.1 The relevant policy in this case is Policy NM12 of the Local Plan Part 2 which states that the site in question is proposed as a new public open space to be managed as Suitable Alternative Natural Green Space (SANGS). The policy seeks to mitigate the impact of recreational impacts from residential development on the European Nature Conservation designations and to secure long term public access to

this area. However, in order for this area of open space to be implemented, the Council may consider a very limited amount of 'enabling development' on the site provided a minimum of 0.3 hectares of accessible public open space in the form of natural green space is provided. The details of the creation of this area of open space which would be managed as a SANGS is set out in the Councils adopted Mitigation Strategy. It states that provision of the area of natural green space is linked to the public right of way to the west of the site.

14.4.2 The proposed illustrative layout of the site shows that an area of open space in the western part of the site which equates to over 0.4 hectares in size would be provided. The area of open space would be an informal grassed area with scattered trees with a footpath link through the site connecting to the existing public footpath to the west in Farm Lane North to Lymington Road. This would enable people to access and utilise this area from the surrounding areas and provide a pedestrian connection through the site. It is considered that the provision of four dwellings on this site together with the internal access road from Lymington Road enables the implementation of the area of open space to be accessible to the public and on this basis, it is considered that the proposal would comply with Policy NM12.

14.4.3 It should be noted that following the adoption of CIL in April 2015, the regulations have affected what can actually be secured or provided through a Section 106 Agreement and accordingly, in this case, the open space/ SANGS cannot be secured by a Section 106 Agreement before a decision is made.

14.4.4 In order to fully understand the legalities of the matter, both the applicants agent and Officers sought advice from Counsel. In response, Counsels opinion concludes that the issue can be resolved if the provision of on site SANGS required by the NMT12 allocation can be achieved by a pre commencement condition requiring the Councils written approval for a scheme to maintain the space as SANGS. After the application is approved, one option is that the scheme can secure a S106 Agreement between the applicant and the Council to transfer the site to the Council to be managed as SANGS. The S106 obligation would not offend the requirements of Regulation 123 (2) of the CIL Regulations. In consequence the habitat mitigation proposed complies with Policy DM3 .

#### 14.5 Ecological matters

14.5.1 In relation to the nature conservation issues, further survey work has been carried out on the site. Hampshire Biodiversity Information Centre (HBIC) as part of their alternative open space study and assessment consider the site as comprising high quality, unimproved grassland. In response, the Ecologist has stated that such sites are increasingly rare in Hampshire and the UK, they are identified as priority habitats within Government legislation and policy which highlight the need for planning authorities to further their conservation (e.g. National Environment and Rural Communities (NERC) Act 2006 Section 40). The site would meet criteria to allow it to be considered a Site of Importance for Nature Conservation (SINC) and the Hampshire Biodiversity Information Centre (HBIC) have proposed the site as a SINC. Currently there is not much variation across the site that would allow lower quality areas to be identified and enable an area for development to be identified. The

type of habitat present and the information gained by HBIC demonstrates the land has intrinsic value that has been present for many years.

14.5.2 Policy DM2 does say development that would damage SINC's or habitats or species of principal importance will not be permitted unless the benefits outweigh the harm. In this particular case attempts have been made to reduce impacts by minimising the extent of loss and maximising the area which is to be retained and furthermore placed into enhanced management (ie the area of open space has been increased in size). This has been achieved by increasing the area of land to be used as SANGS/Open space to 0.4 hectares and removing some of the internal road network. The Ecologist understands that the open space area would be managed by the Council in the future and so appropriate management is likely to be delivered. While any loss of habitat is regrettable and requires careful consideration, there is no evidence to indicate the site would be managed to retain interest in the future and the proposal would secure the long term appropriate management of the remainder of the site.

14.5.3 The Ecologist has reviewed the proposals in terms of other biodiversity interests, and while there were some concerns regarding the work; the further clarification on key points of the (Ecosa Ecological Assessment Oct 2016) e.g. updated reptile survey and recommendations for mitigation/compensation are acceptable. The site has also recently been mowed which may have reduced its suitability for reptiles, and this in itself illustrates how the current ownership and management of the site is not optimal for sustaining its nature conservation value and the benefits of securing more appropriate management.

14.5.4 The Ecologist considers that there is evidence to show that the low density of reptile species previously found, and absent following the 2016 surveys, can be accommodated by mitigation and compensation measures both within the development and in the retained area, which now amounts to nearly 70% of the area. While in principle the loss of local wildlife site habitat is contrary to policy approaches, the protection of such areas is subject to consideration of need and compensation. In balancing out the issues, and taking into consideration the comments from the Ecologist, it is considered that securing enhancement and appropriate management of the open space, as well as provision of features within the development itself (e.g. bat features, bird nesting opportunities), losses can be largely mitigated and benefits would accrue over time for biodiversity through the improved management.

#### 14.6 Impact on the character and appearance of the area

14.6.1 In terms of visual impact, the actual layout of the site, design of the buildings, and the layout of the area of open space would be provided in full in a reserved matters application. The submitted illustrative drawing demonstrates that the proposed number of houses can be acceptably accommodated on the site enabling the required area of open space and also shows a spacious layout with the proposed dwellings benefiting from reasonable sized gardens and space between the buildings together with a housing layout that invites the public into the site to use the area of open space.

- 14.6.2 Accordingly on the basis that the basic concepts, layout and design principles are followed in the illustrative plans, there is no reason why a high quality development should not result and if planning permission were to be granted, there should be a condition which ensures that the development should reflect the design principles on the illustrative plans.
- 14.7 Residential amenity
- 14.7.1 In terms of residential amenity, it is considered that four dwellings could be provided on this site without causing significant impact on the privacy, light and outlook of the adjoining and nearby residents and this has been demonstrated on the submitted illustrative drawing. Overlooking would be a matter to be considered in any reserved matters application when the appearance of the buildings would also be considered. However, the dwellings would be sited and orientated away from the residents to the south in Chestnut Avenue which are sited more than 20 metres away from the rear boundary. The proposed dwellings would be located closer to the residents at Nos. 1 and 2 Oxe Close, and while the distances from the rear elevation of the proposed dwellings to the rear elevation of the neighbours measures around 20 metres which is acceptable, the dwellings can be design to reduce the impact of overlooking.
- 14.8 Highway matters
- 14.8.1 With regard to highway safety matters, it is proposed to provide access onto Lymington Road, which is a classified Road. The applicant commissioned a speed survey which provided an 85%ile wet weather speed of 31mph for vehicles travelling in a westerly direction. The necessary visibility splay required to accommodate this 85%ile speed is indicated to incorporate the splay, however, it should be noted that the part of the splay passes over land in the ownership of a third party.
- 14.8.2 The Highway Authority have raise an objection to the proposal and considers that on the basis that part of the visibility splays ( in the eastern direction) passes over unregistered land (a small part of the visibility splay is outside highway land and the applicants land) the provision/ retention of the splays cannot be guaranteed by the imposition of condition.
- 14.8.3 In response, while Officers understand the comments made by the Highway Authority, a reason for refusal on the grounds that part of the visibility splay is located on unregistered land would not be reasonable. Planning permission can still be granted with a condition for the visibility splays to be provided and it will be the responsibility of the applicant to ensure that the condition can be adhered to. The applicant has enquired to find out who the owner of this piece of land is, however, they have had no success. On other highway matters, the proposed internal access shows a turning head within the layout to ensure refuse and emergency vehicles can enter and leave the site in a forward gear. Matters of car parking spaces and provision would be considered as part of any reserved matters application.
- 14.9 Other matters



14.9.1 In terms of tree matters, there are many substantial trees on and adjacent to the site which are protected by a Tree Preservation Order and are mainly located around the perimeter of the site. The Tree Officer is satisfied that the site could accommodate 4 dwellings with access from Lymington Road without undue risk to the protected trees from either construction works or longer term pressure from occupiers. However, the full details of the layout and updated tree report will need to form part of the Reserved Matters Application.

14.9.2 Concerns have been expressed that there are restrictive covenants on the land, however, this is not a planning matter. Concerns have been expressed that the red line boundary is not correct in terms of land ownership. However the applicant in response has confirmed that the red line boundary is correct. Matters of boundary disputes and ownership are not planning matters.

14.9.3 In relation to affordable housing contributions, on 19 May 2016 the Government issued planning guidance setting out the specific circumstances in which contributions for affordable housing and tariff style planning obligations (section 106 agreements) should not be sought from small scale and self-build development. This guidance has been reissued following the order of the Court of Appeal dated 13<sup>th</sup> May 2016 (*West Berkshire District Council and Another v The Secretary of State for Communities and Local Government*). The planning guidance specifies the circumstances in which contributions should not be sought as follows:

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

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

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

This national guidance is at odds with Policy CS15 of the Council’s Core Strategy. The presumption in favour of the development plan remains, in that the decision should be taken in accordance with the plan unless material considerations indicate otherwise. The new guidance is a material consideration which post-dates the application. However, the Secretary of State, through his Inspectors can be anticipated to give greater weight to the Government’s national guidance unless there are reasons to make an exception

14.9.4 While the need for affordable housing in this District is pressing, this in itself is unlikely to be considered by the Secretary of State as sufficient reason for the Council to apply its own development plan policy rather than applying national policy. Therefore it is recommended that no affordable housing or tariff style contributions are sought from this development, in accordance with National Planning Practice Guidance, contrary to the provisions of Policy CS15 of the Core Strategy

## 14.10 Conclusion

- 14.10.1 In conclusion, the proposal to develop part of the site for four dwellings would enable the remainder of the site, which equates to 0.4 hectares in size to be used as an area of informal open space to be used as SANGS. The illustrative layout shows how the site could be developed in this context together with a useable area of open space which connects Lymington Road with the existing public footpath at Farm Lane North. While concerns have been expressed from the Highway Authority that part of the visibility splays would be located on unregistered land, this is a matter for the applicant to resolve and to ensure that the proposed development can achieve acceptable visibility splays.
- 14.10.2 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

## 15. **RECOMMENDATION**

### **Grant Subject to Conditions**

#### **Proposed Conditions:**

1. Approval of the details of the layout, scale, appearance, and landscaping ("the reserved matters") shall be obtained from the Local Planning Authority before any of the development is commenced. The development shall only be carried out in accordance with the details which have been approved.  
  
Reason: To comply with Section 92 of the Town and Country Planning Act 1990.
2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.  
  
Reason: To comply with Section 92 of the Town and Country Planning Act 1990.
3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the 'reserved matters' to be approved.  
  
Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

4. The development permitted shall be carried out in accordance with the following approved plans: 8324/100 Rev F.

Reason: To ensure satisfactory provision of the development.

5. The details submitted in accordance with Conditions 1) and 2) shall reflect the design concepts and principles contained in the illustrative site layout plan drawing number 8324/100 Rev F.

Reason: To ensure that any pursuant reserved matters applications follow the key design principles and concepts which are set out in the illustrative drawings which is important achieve a high quality development for the site in accordance with Policies CS2 and CS10 of the Core Strategy for the New Forest District outside the National Park.

6. Visibility splays, in accordance with the details shown on Anders Roberts & Associates Ltd Drawing 8324/100 Rev. F, at the junction of the proposed new vehicular access with Lymington Road (A337) shall be provided and these splays shall be kept free from any obstruction greater than 600mm above the adjacent carriageway at all times.

Reason: In the interest of highway safety and to comply with Policies CS1 & CS10 of the New Forest District 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.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any re-enactment of that Order) no extension (or alterations) otherwise approved by Classes A, B or C of Part 1 of Schedule 2 to the Order, garage or other outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order 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).
9. Notwithstanding the Ecosa Ecological Assessment dated October 2016, and prior to the commencement of development, a detailed mitigation, compensation and enhancement strategy shall be submitted to, and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the details and recommendations as approved in the strategy with any amendments agreed in writing. Thereafter, unless otherwise agreed in writing by the Local Planning Authority, the mitigation measures shall be permanently maintained and retained in accordance with the approved details.
- Reason: To safeguard protected species in accordance with Policy CS3 of the Local Plan for the New Forest District outside of the National Park (Core Strategy) and Policy DM2 of the Local Plan for the New Forest District outside the National Park (Part 2: Sites and Development Management).
10. In any submitted reserved matters application, there shall be no residential uses or development sited in the land hatched and set as open area/ SANGS land as shown under drawing No 8324/100
- Reason: Policy NM12 states that the site in question is proposed as a new public open space to be managed as Suitable Alternative Natural Green Space (SANGS). The policy seeks to mitigate the impact of recreational impacts from residential development on the European Nature Conservation designations and to secure long term public access to this area. However, in order for this area of open space to be implemented, the Council may consider a very limited amount of 'enabling development' on the site provided a minimum of 0.3 hectares of accessible public open space in the form of natural green space is provided. A reduction in the extent of public open space/ SANGS would be contrary to policy NM12 of the Local Plan for the New Forest District outside the National Park (Part 2 : Sites and Development
11. 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.

**Notes for inclusion on certificate:**

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

In this case the concerns have now been raised following discussions with the applicants agent and legal.

2. This decision relates to amended plans received by the Local Planning Authority on the 15th December 2016.
3. 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)



**New Forest**  
DISTRICT COUNCIL

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

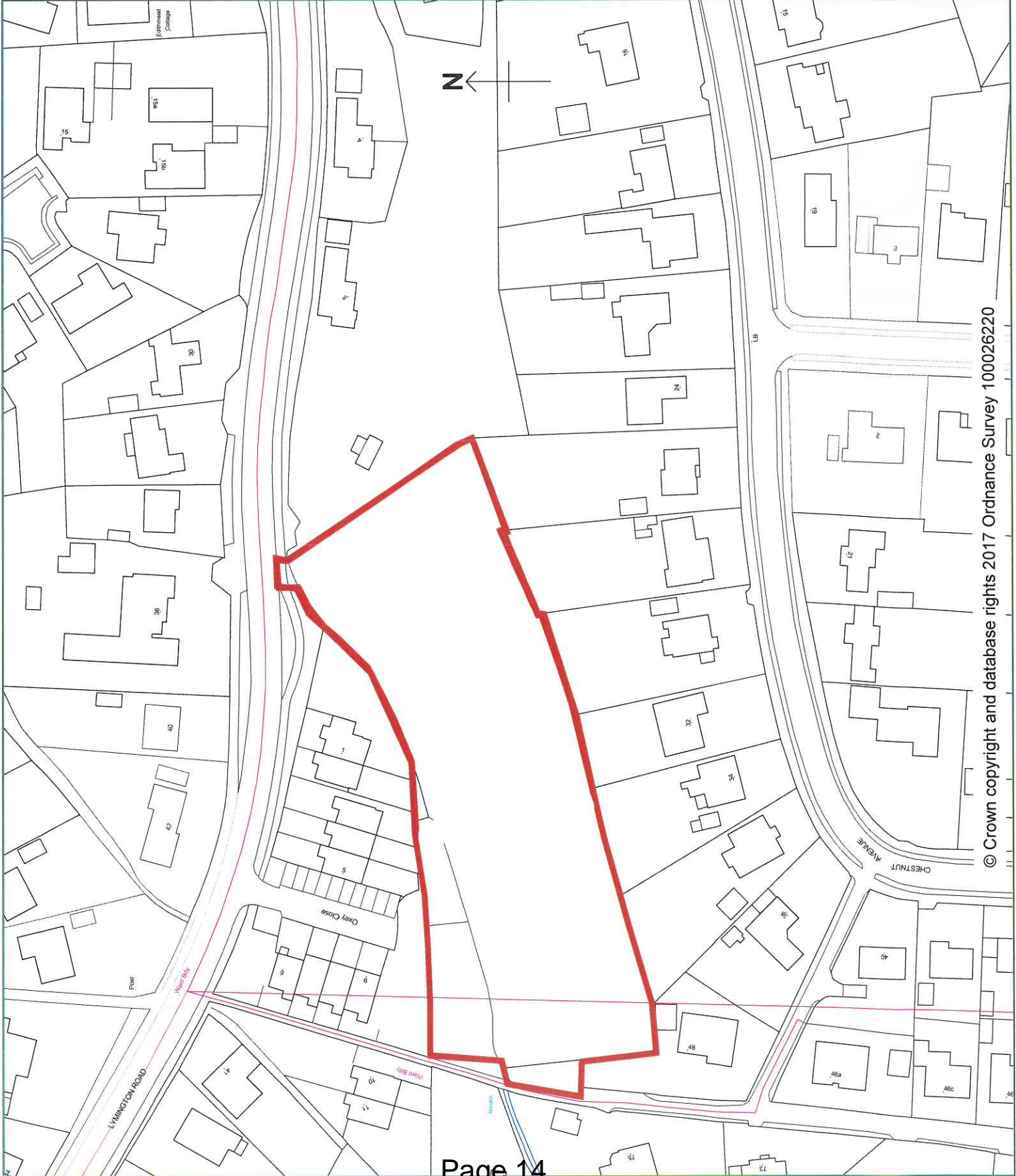
David Groom  
Service Manager  
Planning and Building Control  
New Forest District Council  
Appletree Court  
Lynnhurst  
SO43 7PA

**Planning Development  
Control Committee**  
February 2017

**Item No: 3a**  
Land South of  
Lymington Road  
New Milton  
13/11276  
SZ2494

Scale 1:1250

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



**Application Number:** 16/10861 Full Planning Permission

**Site:** 68 FOREST EDGE, FAWLEY SO45 1FN

**Development:** Single-storey extension

**Applicant:** Mr Peters

**Target Date:** 06/02/2017

**Extension Date:** 10/02/2017

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**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Parish Council view

**2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Constraints**

Tree Preservation Order: 63/03

**Plan Policy Designations**

Built-up Area

**National Planning Policy Framework**

Section 7

**Core Strategy**

CS2: Design quality

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

None relevant

**Supplementary Planning Guidance And Documents**

None relevant

**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
05/86280 Rear conservatory; detached double garage	09/12/2005	Granted Subject to Conditions	Decided
80/NFDC/16044 Alterations and extension to kitchen, addition of dining room and extension to bedroom with addition of 1 bedroom over.	09/04/1980	Granted	Decided

#### 5 COUNCILLOR COMMENTS

No comments received

#### 6 PARISH / TOWN COUNCIL COMMENTS

Fawley Parish Council: recommend permission

#### 7 CONSULTEE COMMENTS

Tree Officer: object on tree grounds.

Comments in full are available on website.

#### 8 REPRESENTATIONS RECEIVED

No comments received

#### 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.

No pre application advice was sought prior to the proposal being submitted. Concerns were raised at the initial briefing stage and an objection was raised by the Tree Officer in his representations. Although these concerns were published



on the Council's website, no response has been made and, due to the level of harm that would result from the proposed development, a refusal is considered justifiable in this instance.

## 12 ASSESSMENT

- 12.1 The application property is an end of terrace house in the built up area of Fawley. To the west of the property is a block of 4 detached garages. The proposal seeks to extend one of the garages to attach to the side of the dwelling
- 12.2 Due to the relationship with the neighbouring property the proposal would not to have an adverse impact on that neighbouring property's amenities.
- 12.3 With regards to the street scene, the garage would extend in line with the front wall of the property and would be attached to the host dwelling. The proposal would, by reason of its prominent siting and scale, be an incongruous and disproportionately large addition. Furthermore, it would, for this reason, detract from the character and appearance of the existing dwelling and the terrace of which it is part. It would also be visually imposing in the street scene. It would therefore be harmful to the character and local distinctiveness of the area.
- 12.4 The eaves of the proposed garage would appear to overhang the neighbouring garage. However, the applicant has served the required notice on that neighbour and provided evidence to that effect.
- 12.5 There are 2 protected birch trees in close proximity to the site. No details have provided as to how these trees would be safeguarded should the proposal get approval. As such the tree officer has raised objection. In his report the Tree Officer states that "I am doubtful that this proposal would be feasible to construct without significantly damaging the protected trees, even with specialist foundations and non-dig construction methods. These birch trees contribute to the amenity of the housing estate and their loss would be detrimental to the area."
- 12.6 Due to the significance of the trees within this location and the absence of sufficient information to properly assess the impact upon them, the Authority is not convinced that the development can be carried out without harm to public amenity. The application is therefore recommended for refusal.
- 12.7 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

## 13. RECOMMENDATION

### Refuse

#### Reason(s) for Refusal:

1. By reason of its siting and scale, the proposed extension would be an incongruous and disproportionately large addition that would detract from the character and appearance of the existing dwelling and the terrace of which it forms part and be visually intrusive in the street scene to the detriment of the character and appearance of the area. The proposal is therefore contrary to policy CS2 of the Core Strategy for the New Forest District outside the National Park and Chap 7 of the National Planning Policy Framework.
2. In the absence of sufficient supporting information to demonstrate that the proposed development can be carried out without adversely impacting upon protected trees, the Authority is not convinced that the proposal would not result in the loss of trees which would be harmful to public amenity and the character and appearance of the area. For this reason the proposed development is contrary to policy CS2 of the Core Strategy for the New Forest District outside the National Park and Chap 7 of the National Planning Policy Framework.

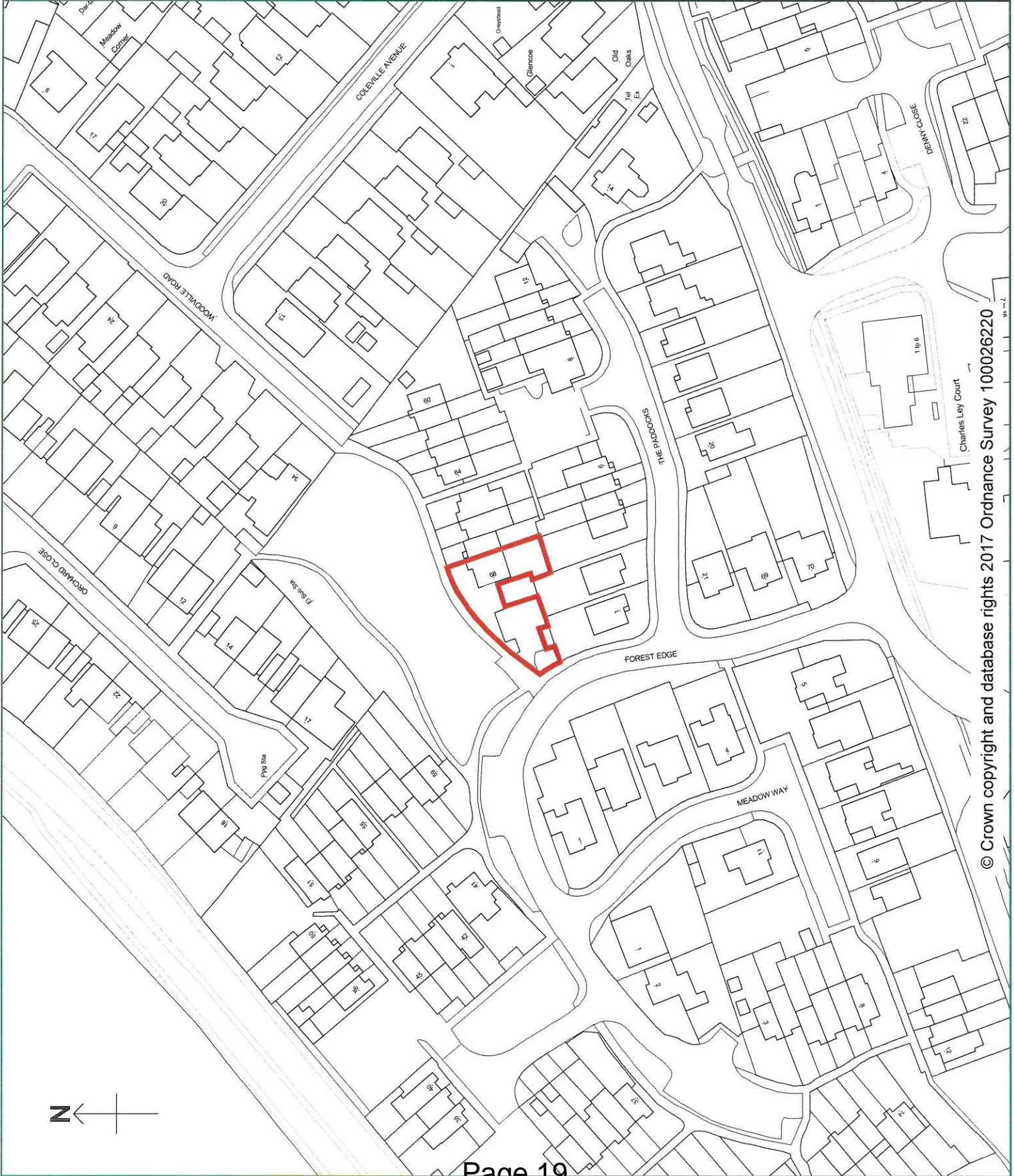
#### Notes for inclusion on certificate:

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

No pre application advice was sought prior to the proposal being submitted. Concerns were raised at the initial briefing stage and an objection was raised by the Tree Officer in his representations. Although these concerns were published on the Council's website, no response has been made and, due to the level of harm that would result from the proposed development, a refusal was justifiable in this instance.

#### Further Information:

Householder Team  
Telephone: 023 8028 5345 (Option 1)



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**Application Number:** 16/11116 Full Planning Permission

**Site:** SHOREFIELD COUNTRY PARK, SHOREFIELD ROAD,  
DOWNTON, MILFORD-ON-SEA SO41 0LH

**Development:** Alterations and extension to access road; gates; bund

**Applicant:** Shorefield Holidays Ltd.

**Target Date:** 23/01/2017

**Extension Date:** 10/02/2017

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## 1 REASON FOR COMMITTEE CONSIDERATION

Recommendation contrary to Parish Council view and a departure from Green Belt policy.

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Green Belt

Tree Preservation Order: No:107/03

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Local Plan Part 1 (Core Strategy) 2012:

CS2: Design quality

CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)

CS10: The spatial strategy

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

DM2: Nature conservation, biodiversity and geodiversity

MoS2.1: Cycle route

National Planning Policy Framework .

Chapter 9 - Protecting Green Belt Land

## 4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

**5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

Village and Town Design Statement; Milford-on-Sea

**6 RELEVANT PLANNING HISTORY**

There is an extensive planning history for the site and its environs related to holiday park development and pitches, but nothing of direct relevance to the current application.

**7 PARISH / TOWN COUNCIL COMMENTS**

Milford on Sea Parish Council - recommend refusal. The Parish Council was concerned about the creation of a new road in Greenbelt land which would be inappropriate and set a precedent for future development.

**8 COUNCILLOR COMMENTS**

None

**9 CONSULTEE COMMENTS**

9.1 Hampshire County Council Highway Engineer: the proposals are for the construction of a new internal access road which would allow large caravan transporter vehicles to enter and leave the site via the existing vehicular access onto the A337 which currently serves the Downton Manor Farm Quarry site. Approximately 163 caravan transporters per annum are currently required to access the site via Downton Lane which is narrow and considered unsuitable to accommodate such vehicles. The existing quarry access onto the A337 would be considered to benefit from better visibility and geometry from that which exists at the junction with Downton Lane, it is therefore the Highway Authority's view that the transference of large vehicular movements away from Downton Lane onto the quarry access would result in a net improvement to highway safety. No objections.

9.2 Southern Gas Networks: give informative on proximity of their apparatus to the site.

**10 REPRESENTATIONS RECEIVED**

One letter that strongly supports this proposal on safety and environmental grounds. It would have minimal impact on the existing environment and result in significant benefit on safety grounds by removing large vehicles from Downton Lane.

**11 CRIME & DISORDER IMPLICATIONS**

None

**12 LOCAL FINANCE CONSIDERATIONS**

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

## 13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

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

## 14 ASSESSMENT

- 14.1 The proposal relates to land adjoining the eastern boundary of Shorefield Country Park, on land within the domain of quarrying operations at Downton Manor Farm. The site is within countryside defined as Green Belt. It is proposed to make alterations and to extend an access road from the main access into Downton Quarry, linking into Shorefield Country Park, to provide a safer and more convenient point of access for delivering and removing static caravans from the holiday park. It offers an alternative to delivery through the main access to the site from Downton Lane, a narrow country lane. The operations proposed would include remodelling an existing bund, resurfacing the existing track with compacted stone from the quarry, extension of the track into the holiday park finished in compacted stone, provision of an unloading and turning area and installation of gates.
- 14.2 Consideration must be given to the visual impact of the proposal, the implications for highway safety and amenity impacts. 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. 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?

In respect of points i) to v) above:

- i) The extended track would not be an urban feature being finished with compacted stone from the nearby quarry, however it would be a new feature within the Green Belt, extending some 170m from the line of the existing track. While the formation of the remodelled bund is considered to be an engineering operation, which may be considered appropriate within Green Belt, the forging of the new track and loading/unloading area are considered inappropriate development within the Green Belt, for which the applicant must demonstrate very special circumstances.
- ii) The proposal largely relies upon existing access arrangements to Downton Quarry, although a new length of track of approximately 170m in length will need to be formed to the eastern boundary of Shorefield Park. This would be a ground level engineering operation and screened by a line of existing trees to the south. While an existing bund will need to be remodelled and a hardstanding provided for the loading/unloading of caravans, these operations are consistent with the character of the locality, which is characterised by mineral operations, bunds and tracks associated with Downton Quarry to the north and north east. It is not considered that the new track, loading area and remodelled bund would have any significant adverse impact upon visual amenity or openness of the Green Belt, as no development would be visible above ground level, it would be screened by trees to the south and would be finished in locally sourced compacted stone. This would be subject to a condition to prevent long term storage of caravans or vehicles on the hardstanding, to ensure the openness of the Green Belt is protected.
- iii) Given the isolated nature of the site and the relatively low intensity of use (163 two-way movements a year) there would be no impact on residential amenity by way of noise and disturbance or visual impact. The absence of operational development, other than ground level track and hardstanding and formation of a grass bunding, where similar bunding is already in situ, dictate that there would be no significant harm to local visual amenity or landscape quality. No harm would result to highway safety. Consequently, no other non-Green Belt harm is identified.



- iv) The purpose of the proposal is to provide an alternative form of access for HGVs involved with the transportation of static caravans to and from Shorefield Caravan Park. The Highway Authority raise no objections to the proposal, considering that the transference of large vehicular movements away from Downton Lane onto the quarry access from the A337 would result in a net improvement to highway safety. The identified highway safety benefits weigh heavily in favour of the proposal.
  - v) The highway safety benefits of the proposal clearly outweigh the very limited adverse affects of the proposal on the Green Belt, landscape quality and local amenity.
- 14.3 While the proposed new track and loading area is inappropriate development within the Green Belt, the application has demonstrated it would have no significant impact upon the openness of the Green Belt and that there are very special circumstances warrant a departure from Green Belt Policy. The proposal would not significantly harm the character of the area, highway safety or neighbouring amenity and is accordingly recommended for approval.
- 14.4 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

## 15. RECOMMENDATION

### Grant 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 drawing nos. 1:7500 Location Plan, 001 Rev A, 002 Rev A, 003 and 004  
  
Reason: To ensure satisfactory provision of the development.

3. The existing and proposed tracks and unloading area shall be surfaced with compacted stone, as specified in the application.

Reason: To ensure an acceptable appearance of the development in accordance with policies CS2 and CS3 of the Local Plan for the New Forest District outside the National Park Core Strategy.

4. No caravans, vehicles or machinery shall be stored on the proposed loading area identified on drawing no. 004 for longer than 24 hours without the express planning permission of the Local Planning Authority.

Reason: In the interests of the amenities of the locality and to protect the 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).

#### **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.

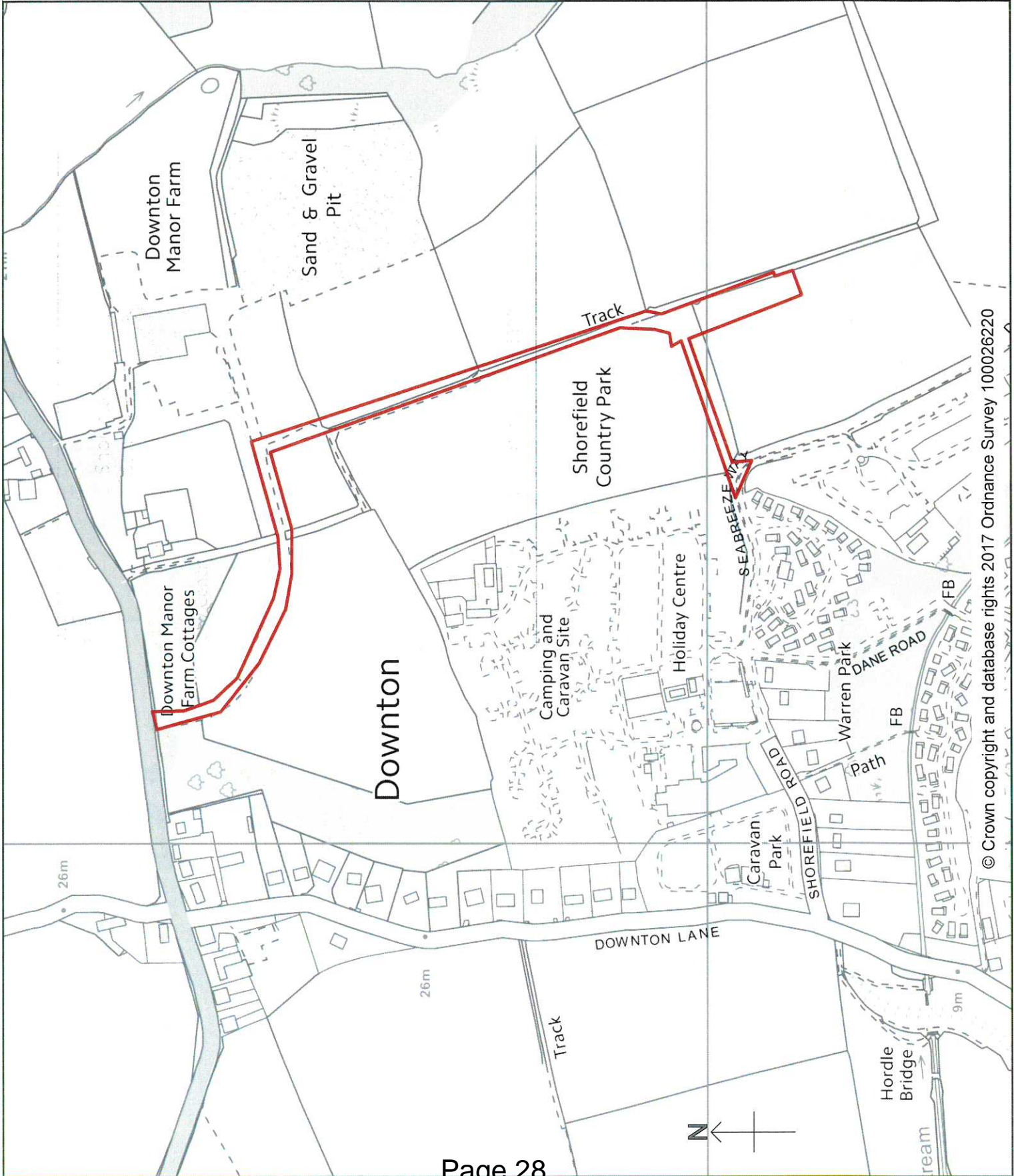
Safe digging practices, in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this 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.

**Further Information:**

Major Team

Telephone: 023 8028 5345 (Option 1)



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**Application Number:** 16/11255 Full Planning Permission

**Site:** 6 BARTON COMMON ROAD, BARTON-ON-SEA,  
NEW MILTON, BH25 5PR

**Development:** One block of 8 flats; parking; bin and cycle storage

**Applicant:** A.J. Developments Ltd

**Target Date:** 02/11/2016

**Extension Date:** 10/02/2017

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## 1 REASON FOR COMMITTEE CONSIDERATION

Recommendation contrary to Town Council view.

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up area

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

CS1: Sustainable development principles

CS2: Design quality

CS10: The spatial strategy

CS15: Affordable housing contribution requirements from developments

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 Document

SPD - Housing Design, Density and Character

## **6 RELEVANT PLANNING HISTORY**

- 6.1 16/10880 – One block of 8 flats and parking – withdrawn August 2016, due to concerns raised over design, scale, tree impacts and parking provision
- 6.2 The applicant sought the Planning Authority's pre-application view on re-development of this site for 6 no. flats or 4 no. dwellings. The outcome of that enquiry was that some form of flatted development, which replicated the scale of existing buildings in the locality may be acceptable, subject to maintaining the openness of the curtilage and making appropriate arrangements to diminish the visual impact of parked cars.

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

New Milton town council -object:

- 1) Overbearing and intensification of the site is out of character
- 2) Impact to trees and wildlife
- 3) Highways safety concerns, regarding lack of adequate access point width or width of access road as detailed by Hampshire Highways consultation response. N.B. The land directly adjacent to the south is in town council ownership. Any use of the land or change to the existing access point (including width change) must be expressly permitted by town council as a whole. Land use requests are in the remit of the Amenities Committee in the first instance.

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

- 9.1 Environmental Design (Urban Design) - the amended proposals are now acceptable. The landscape design has not advanced very much, however provided that we have a detailed condition on landscape design and implementation which we can agree before occupation, then I see no further design objection.
- 9.2 Tree Officer – a Tree Preservation Order protects 4 Holm Oaks on the northern boundary of the property. The proposed new building footprint does not encroach any further to the north than the existing building and remains an appropriate distance away. However the associated landscaping and proposed parking bays will be in close proximity to protected trees. An Arboricultural Impact Assessment, Method Statement and Tree Protection Plan (ref GH1662) has been provided to support the application and demonstrate how the development will be carried out. A suitable construction system has been suggested in this location and if the method statement detailed within the report is adhered to, development in this location will not have any impact on trees. Section

11 of the Arboricultural Assessment details the timing of supervision on site during key stages of the development. No objections, subject to a condition to ensure trees and hedges are protected during development.

9.3 Hampshire County Council Highway Engineer - no objections, subject to conditions to ensure car and cycle parking, passing places and the bin store are provided as indicated on the submitted plans.

9.4 Southern Gas Networks – give informatives on proximity of site to their apparatus.

## **10 REPRESENTATIONS RECEIVED**

15 letters of representation have been received to the proposal raising concerns over the following:

- Loss of privacy
- Inappropriate and overbearing design, out of character with the area
- Barton Common Road is designated as an Area of Special Character where flats would be inappropriate.
- Increased vehicle and occupant noise
- The site is unsustainably located
- Overdevelopment of site, by proposed building, outbuildings, parking and access arrangements
- No affordable housing will be provided
- Potential harm to trees and landscaping
- Departure from existing building line
- Detriment to highway safety
- Lack of off-street parking provision
- The lights from these flats will impact on other properties.
- How are refuse collections going to be made?
- Will they only be using Barton Common Road for access and building?
- Harm to wildlife
- There is a restrictive covenant on the site which prevents the construction of more than one dwelling here

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission the Council will receive New Homes Bonus (net increase in dwellings  $7 \times £1224 = £8,568$  in each of the following four years, subject to the following conditions being met:

- a) The dwellings the subject of this permission are completed, and
- b) The total number of dwellings completed in the relevant year exceeds 0.4% of the total number of existing dwellings in the District

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 £58,937.12. Tables setting out all contributions are at the end of this report.

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

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

This is achieved by

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

In this case the applicant sought the Council's pre-application advice on re-development of the site for residential purposes. While the pre-application submission was not supported, the Council did indicate that some form of redevelopment may be appropriate, subject to the submission of acceptable plans. Following concerns raised by officers and notified parties, the applicant was requested to amend their submission, in order to address highway concerns, mitigate tree impacts and to enhance the appearance of the development and the space about it. Appropriately amended plans were received, which satisfied the concerns of officers.



## 14 ASSESSMENT

- 14.1 The proposal site, in common with many other residential curtilages in the area, is occupied by a large detached house situated on a large plot located within the built up area of New Milton opposite Barton Common. The dwelling is accessed via a long drive to the front of the dwelling from Barton Common Road. The development would be accessed solely via this route. The dwelling is set well back into the site from the frontage with Barton Common Road, following the established building line of the area. Trees protected by Tree Preservation Order 1207 occupy part of the rear garden area.
- 14.2 The proposal is for the demolition of the existing dwelling and the erection of 8 no. flats, accessed from the existing point of access to the site from Barton Common Road, with communal parking to the rear of the site, close to the line of Maple Close. The design of the proposal is more conventional than the scheme for 8 no. flats withdrawn earlier this year, although the applicant has made amendments to their submission, in order to address highway concerns, mitigate tree impacts and to enhance the appearance of the development and the space about it.
- 14.3 The New Milton Local Distinctiveness Document and Policy CS2 of the Core Strategy stipulate that new development will be required to be well designed to respect the character, identity and context of the area's towns and countryside. The existing dwelling on the site is of relatively recent construction and its demolition could not be resisted, provided a scheme of acceptable quality is proposed in its place. It is pertinent to point out that this area of Barton on Sea is no longer a designated Area of Special Character, following the removal of that designation from the adopted Local Plan. Nevertheless, any replacement building on this site will need to respond appropriately to the identified key characteristics of the locality, which is defined by the New Milton Local Distinctiveness Document, Character Area 7; the Becton Bunny Valley. It specifically mentions the large dwellings along this stretch of Barton Common Road, as 'villas in extensive plots built to enjoy the views across Barton Common and the Golf Course to the Needles Rocks across the Solent'. In this respect the proposal retains a very spacious plot, particularly to the front, with the proposed building being set well back into the site to preserve views over the coastline. The submitted street scene elevation demonstrates that the proposal would be of a scale commensurate with the dwellings around it and would maintain gaps between buildings. Vegetation and protected trees within the site would be retained and bolstered by planting, the specific details of which would be subject to a landscaping condition. The amended design has articulated the roof structure to reduce the visual impact of flat roofing required in order to accommodate habitable space within the roof space, as well as reduce the massing of the new structure. The Urban Design Officer confirms the amended proposal is acceptable in terms of its design and appearance, subject to formalising landscaping arrangements by condition.
- 14.4 The amended proposal would provide parking and turning arrangements for 16 cars in addition to secure cycle parking. The access, parking, turning and bin store arrangements are considered to be acceptable in terms of their impact upon the character of the area. In terms of fitness for purpose, the Highway Authority required some alterations to the access and turning arrangements, which are indicated on the amended plans, including the bin store location. Consequently, the proposal

provides adequate access, parking and turning arrangements and subject to conditions to ensure the development is implemented in accordance with the amended plans, the Highway Engineer raises no objection to the proposal.

- 14.5 Trees protected by Tree Preservation Order 1207 occupy part of the rear garden area and part of the parking area encroaches upon these trees. The Tree Officer does not consider that protected trees on the site would be harmed by the proposal, provided important specimens are protected during the course of construction. The parking arrangements to the rear of the site have been amended to ensure the vegetation between the site and Maple Close is retained. Its protection would be ensured by the measures required under condition number 6 below.
- 14.6 The impact of the proposal upon the amenity of neighbouring residential properties needs to be assessed under the provisions of Policy CS2. The proposal does not significantly impact upon adjoining residential amenity in terms of overbearing impact or outlook as the building would be appropriately sited and separated from adjoining properties. The proposal would not introduce any unacceptable loss of privacy to adjoining dwellings, due to the degree of separation. The development would be in excess of 27m away from the windows of properties in Maple Close, where the established rule of thumb is 21m. Balconies and windows to the front of the development would offer oblique views across the front curtilage of dwellings to the east and west, but this is in common with existing dwellings in the locality. Importantly, their rear curtilages are unaffected and it is not considered that any significant loss of privacy would result. While the proposal would result in additional vehicle movements and other activity on the site, the likely intensity of use would not be such to cause any significant loss of amenity in terms of noise nuisance or disturbance. The proposal complies with the amenity related provisions of Policy CS2
- 14.7 As a development proposal for a net gain of seven dwellings, contributions towards CIL and habitat mitigation are sought. 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. On 28th November 2014 the Government issued planning guidance setting out the specific circumstances in which contributions for affordable housing and tariff style planning obligations (section 106 agreements) should not be sought from small scale and self-build development. This guidance has been reissued following the order of the Court of Appeal dated 13th May 2016 (*West Berkshire District Council and Another v The Secretary of State for Communities and Local Government*). The planning guidance specifies the circumstances in which contributions should not be sought as follows:

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

- 14.8 Affordable housing and tariff style contributions should not be sought from any development consisting only of the construction of a residential annex or extension to an existing house” This national guidance is at odds with Policy CS15 of the Council’s Core Strategy. In these circumstances, the law gives no priority to either the Council’s Core Strategy or to the Government’s national guidance. It is for the decision maker to assess both policies as “material considerations” and to decide which should have greater weight in the determination of a planning application. However, the Secretary of State, through his Inspectors can be anticipated to give greater weight to the Government’s national guidance unless there are exceptional circumstances which indicate otherwise. 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.
- 14.9 With regard to the comments of notified parties not addressed above, the site is within the defined Built-up area for New Milton and while there are no public transport services on Barton Common Road, there is a bus stop within 300m of the site on Becton Lane. The site is also within ready walking and cycling distance of other services within the Built-up area and a reason for refusal based on the sustainability of the location cannot be substantiated. It would not be reasonable for the Local Planning Authority to place outdoor lighting controls on future occupiers of the development. It will be a matter for future occupiers to determine the level of lighting required, as is the case with all existing residential properties in the locality. With regard to the presence of a restrictive covenant on the site which prevents the construction of more than one dwelling, this is not a planning consideration, rather a legal matter for resolution by the parties involved. It is not anticipated that the proposal would have any directly harmful impact upon wildlife, although it would be prudent to attach a condition requiring the landscaping scheme to incorporate plants will assist biodiversity.
- 14.10 In light of the form of development proposed there would be no significant harm the character of the area. The proposal would have no harmful impact upon highway safety, trees or neighbouring amenity, subject to conditions, in accordance with policies of the development plan and is accordingly recommended for approval.
- 14.11 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

## 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>Habitats Mitigation</b>			
Financial Contribution	£26,800 or £4,400 if CIL paid in full	£26,800 or £4,400 if CIL paid in full	0

## Cil Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	991.14	321.4	669.74	669.74	£80/sqm	£58,937.12 *

Subtotal:	£58,937.12
Relief:	£0.00
Total Payable:	£58,937.12

\* 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:

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

Where:

*A* = the net area of floor space chargeable in square metres after deducting any existing floor space and any demolitions, where appropriate.

*R* = the levy rate as set in the Charging Schedule

*I* = All-in tender price index of construction costs in the year planning permission was granted, divided by the All-in tender price index for the year the Charging Schedule took effect. For 2017 this value is 1.1

## 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, including provision of car and cycle parking, passing places and bin store shall be carried out in accordance with the following drawing numbers: 200 Rev D, 201 Rev C, 202 Rev C, 203 Rev C and 204 Rev A

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 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) (including the replacement Cypress Tree and native plant species to enhance local biodiversity);
- (c) any changes to the hard and soft landscaping for the site, including areas for hard surfacing and the materials to be used;
- (d) other means of enclosure, including any alterations to the type and size of gates and to internal boundary treatments;
- (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 to comply with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

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

Reason: To ensure the achievement and long term retention of an appropriate quality of development.

6. The trees/hedges on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan (ref GH16652) and in accordance with the recommendations as set out in BS5837:2012.
- Reason: To safeguard trees and natural features which are important to the visual amenities of the area., in accordance with Policy CS3 of the New Forest District Core Strategy.
7. 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.
8. No development shall be carried out until proposals for the mitigation of the impact of the development on the New Forest and Solent Coast European Nature Conservation Sites have been submitted to and approved in writing by the local planning authority, and the local planning authority has confirmed in writing that the provision of the proposed mitigation has been secured. Such proposals must:
- (a) Provide for mitigation in accordance with the New Forest District Council Mitigation Strategy for European Sites SPD, adopted in June 2014 (or any amendment to or replacement for this document in force at the time), or for mitigation to at least an equivalent effect;
  - (b) Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing maintenance and monitoring of any Suitable Alternative Natural Green Spaces which form part of the proposed mitigation measures together with arrangements for permanent public access thereto.

- (c) The development shall be carried out in accordance with and subject to the approved proposals.

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

**Notes for inclusion on certificate:**

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

In this case the applicant sought the Council's pre-application advice on re-development of the site for residential purposes. While the pre-application submission was not supported, the Council did indicate that some form of redevelopment may be appropriate, subject to the submission of acceptable plans. Following concerns raised by officers and notified parties, the applicant was requested to amend their submission, in order to address highway concerns, mitigate tree impacts and to enhance the appearance of the development and the space about it. Appropriately amended plans were received, which satisfied the concerns of officers.

2. New Forest District Council has adopted a Community Infrastructure Levy (CIL) charging schedule and any application now decided, including those granted at appeal, will be CIL Liable. CIL is applicable to all applications over 100sqm and those that create a new dwelling. Under Regulation 42A developments within the curtilage of the principal residence are likely to be exempt from CIL so CIL may not be payable provided the applicant submits the required exemption form prior to commencement of the development.
3. In discharging condition No. 8 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/>

4. 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.

5. With regard to condition no. 6, the applicant's attention is drawn to the requirement of a New Forest National Park Authority Tree Officer to attend key stages of the development as detailed within the Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan (ref GH1662) (Page 22) Stage 1 of the Schedule of Supervision and a pre-commencement site meeting to inspect Tree Protection Measures as detailed in the Arb Impact Assessment (Page 22) Stage 2 of the Schedule.
6. New Milton Town Council advise that the land directly adjacent to the south is in town council ownership. Any use of the land or change to the existing access point (including width change) must be expressly permitted by the Town Council as a whole. Land use requests are in the remit of the Amenities Committee in the first instance.

**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  
Lynchhurst  
SO43 7PA

**Planning Development  
Control Committee  
February 2017**

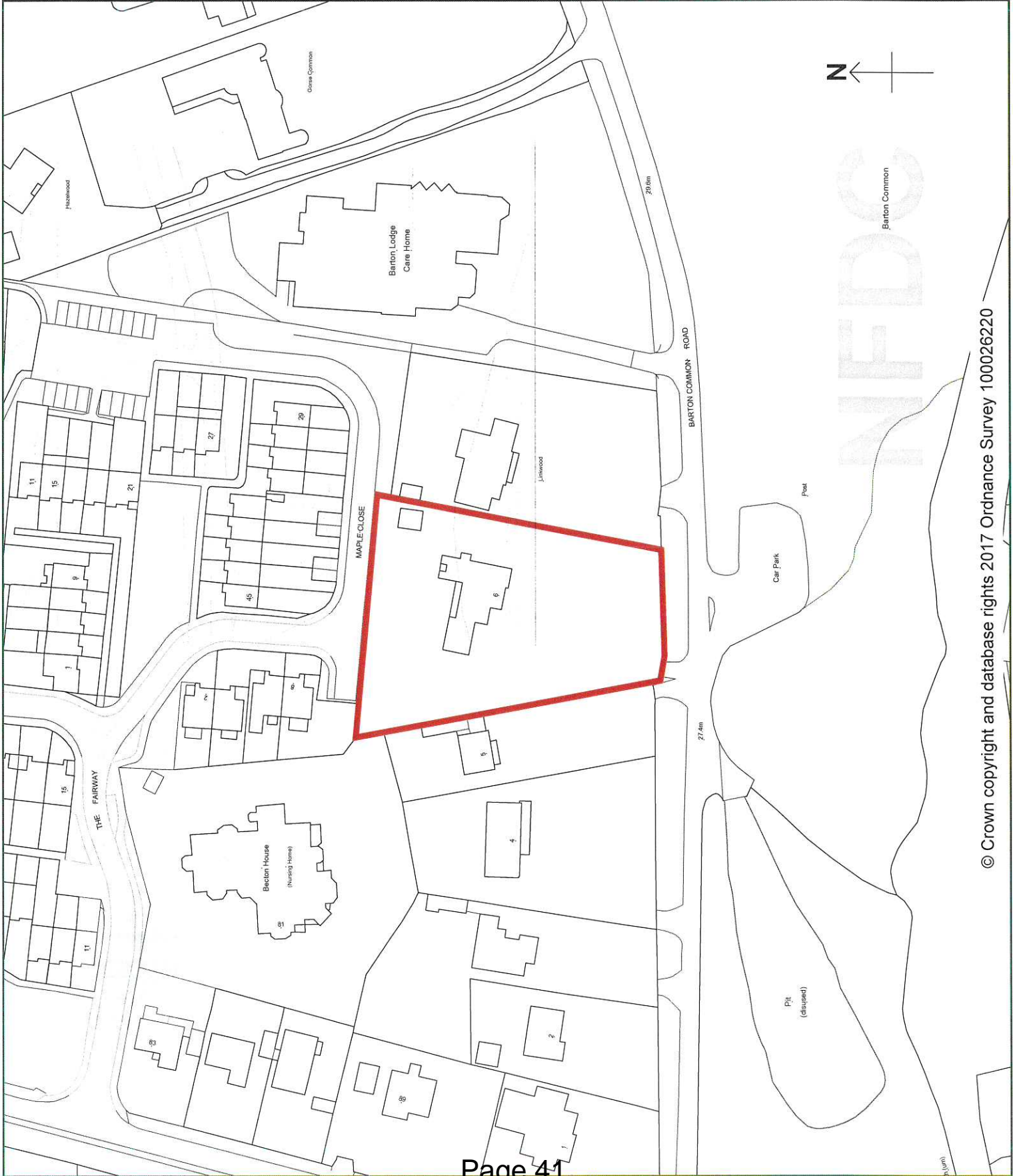
**Item No: 3d**

6

Barton Common Road  
Baron on Sea  
16/11255  
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:** 16/11315 Full Planning Permission

**Site:** SHOREFIELD COUNTRY PARK, SHOREFIELD ROAD,  
DOWNTON, MILFORD ON SEA SO41 0LH

**Development:** Bund bordering 3 The Bucklers (Retrospective)

**Applicant:** Shorefield Holidays Ltd.

**Target Date:** 16/11/2016

**Extension Date:** 10/02/2017

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## 1 REASON FOR COMMITTEE CONSIDERATION

Recommendation contrary to Parish Council view.

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside  
SINC  
Green Belt  
Local Nature Reserve

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

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

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

DM2: Nature conservation, biodiversity and geodiversity

DM5: Contaminated land

### National Planning Policy Framework

Chapter 9 - Protecting Green Belt Land

## 4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

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

Village and Town Design Statement; Milford-on-Sea

## **6 RELEVANT PLANNING HISTORY**

There is an extensive planning history for the site and its environs related to holiday park related development and pitches, but the most relevant applications are outlined below:

14/10146 - Change of use of land from open storage to use for 30 holiday lodge caravans - refused May 2014, subsequently dismissed at appeal

07/89582 Continued use of land for storage of materials in connection with Shorefield Holiday Parks (Lawful use certificate for retaining an existing use) - was lawful June 2007

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

Milford on Sea Parish Council: recommend refusal. The Parish Council is concerned about the amount of construction undertaken for this project on Greenbelt land. In addition, it has concerns about some of the plant species proposed in the planting scheme which will grow too tall and could be invasive. The Parish Council was also very concerned about the content of the compost dressing on the top of the bund, which contains a high level of domestic refuse which is detrimentally affecting the neighbouring property and the Studland Common SINC and requests this be removed and replaced with higher quality compost without refuse.

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

9.1 Ecologist: no objection. The removal of Tamarix addresses earlier comments and the planting scheme appears to complement the local wildlife interests. The proposals would be in accordance with policy CS3 and DM2.

9.2 Natural England: no objections

9.3 Environmental Design Team (Landscape): the revised drawing 2065/1A Landscape Proposals is an appropriate treatment for the planting of the existing bund, and will represent a positive addition to the biodiversity of this area of Shorefields. No Objections

9.4 Environmental Health (Contaminated Land): Environmental Protection have visited the owners of 3 The Bucklers concerning the containment of rubbish within the top 20 cm of the compost on top of the bund and found pieces of plastic and shredded bits of plastic bags. Although this is not an ideal surface covering, there is no impact on human health. During the proposed planting of the bund it would be desirable for the applicant to further pick out any refuse material. It is also recommended that the Environment Agency are consulted as they regulate/enforce large deposits of waste greater in size than 20m<sup>3</sup>.

9.5 Environment Agency - no comments received

9.6 Southern Gas Networks - give informatives

## **10 REPRESENTATIONS RECEIVED**

10.1 Correspondence has been received from the adjoining occupiers (no. 3 The Bucklers) raising concerns over:

- the fire risk posed by planting gorse,
- there is no stipulation of an unobstructed margin to allow maintenance of the boundary fence,
- the choice of Silver Poplar is queried as this is an invasive species with a massive root system that can spread up to 30 metres and therefore has the potential to encroach into our garden through the bund,
- no comment is made about how it is intend to remove rubbish from the compost layer prior to planting.

## **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.
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- Updating applicants/agents of issues that arise in the processing of their applications through the availability of comments received on the web or by direct contact when relevant.
- Working together with applicants/agents to closely manage the planning application process to allow an opportunity to negotiate and accept amendments on applications (particularly those that best support the Core Strategy Objectives) when this can be done without compromising government performance requirements.

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

In this case following clarification from the applicant over the specific plant species mix and litter picking from the site, the application was acceptable as amended and no specific further actions were required.

## 14 ASSESSMENT

- 14.1 The proposal relates to a portion of Shorefield Country Park at its southern extent, close to dwellings on West Road and The Bucklers and adjoining another part of the holiday park known as Amberwood to the north east. The site is within countryside defined as Green Belt and adjoins the Site of Importance for Nature Conservation and Local Nature Reserve at Studland Common. An area to the north of the application site is currently used for the storage of building materials associated with the day to day operations of the holiday park and appears to have been subject to levels changes over some years.
- 14.2 Save for the bunding, the subject of this retrospective planning application, the southern portion of the site is largely unaffected by storage or levels changes and is greenfield. The new bunding is approximately 7.6m wide, 2.1 m high and 61m long and has been established along the northern boundary of no. 3 The Bucklers. No planting has been implemented, but it is the applicant's intention to plant the bund in accordance with a landscaping scheme, which has now been submitted. The bund and planting seek to define the southern boundary of the site, which until recently was formed by a line of coniferous trees, which were blown over some 2 to 3 years ago.
- 14.3 The appropriateness of the development must 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. Consideration must also be given to the impact of the proposal upon adjoining occupiers, the visual impacts of the proposal and its ecological impacts, in light of the guidance offered by Policies CS2, CS3 and DM1, as the bund directly adjoins the Studland Common Local Nature Reserve.
- 14.4 It must be considered whether the development is appropriate within the Green Belt by definition and 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? In these respects the proposal extends the higher landform immediately adjoining no. 3 The Bucklers, in the form of a bund, which has yet to be planted with native species. The land form would not appear as an urban feature or incongruous within the local landscape or impact harmfully upon the openness of the Green Belt, particularly when planted, which will assist with integrating the bund into the landscape. The Landscape Section raises no concerns that the bund and proposed planting would be unacceptable within the local landscape or harmfully impact upon the openness of the Green Belt. These

operations are consistent with the character of the locality and it is not considered that they would have any significant adverse impact upon visual amenity or openness of the Green Belt, subject to a condition to ensure the submitted landscaping scheme is implemented in the interests of protecting local visual amenity and the Green Belt. The formation of the extended bund is considered to be an engineering operation, which would not conflict with any of the purposes of the Green Belt and which is considered to be appropriate development in the Green Belt.

- 14.5 The bund does have a very close relationship to the residential curtilage of no. 3 The Bucklers. The occupiers of no.3 have raised concerns over the proposed planting mix, lack of service margin and quality of planting medium. In respect of these issues, the Landscape Architect has never known gorse to spontaneously combust due to lack of management, although the dead brash of any species may be a fire hazard in hot dry weather. In planning terms there is no requirement to maintain a 1.5m maintenance strip against the neighbouring boundary. The Landscape Architect considers *Populus Alba* to be an acceptable tree in this location, given that the proposed planting position is about 18m and lower in level than the nearest built structure, the likelihood of damage is very limited. The quality of the planting medium can be enhanced by litter picking before planting, as pointed out in the letter from Farwells on behalf of the applicant. The Contaminated Land Team confirm the proposal poses no risk to human health, subject to clearing litter from the planting medium prior to planting, which may be ensured by condition. It is concluded that there would be no impact on residential amenity by way of noise and disturbance, visual impact, inappropriate planting mix or contamination. Consequently, the impact of the proposal upon adjoining amenity is considered to be acceptable and in accordance with Policy CS2.
- 14.6 The purpose of the proposal is to provide an appropriately landscaped boundary between the applicant's site and no. 3 The Bucklers, where a line of mature conifers previously stood. These conifers were blown down 2 or 3 years ago. The Landscape Section and Ecologist both consider the revised landscaping arrangement will enhance biodiversity. No concerns are raised that the bund and proposed planting would be unacceptable within the local landscape. The identified ecological and landscape benefits of the scheme weigh in favour of the proposal, which complies with the provisions of Policies CS2, CS3 and DM2.
- 14.7 In light of the above, the proposal would not conflict with any of the purposes of the Green Belt and is considered to be appropriate development in the Green Belt. Subject to conditions, the proposal would deliver landscape and ecological benefits without affecting neighbouring amenity. Accordingly it is recommended for approval.
- 14.8 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

## 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 drawing nos. 1:1250, Location Plan, 1:1250 Location Plan and 2065/1A  
  
Reason: To ensure satisfactory provision of the development.
  
3. All planting shall be carried out in accordance with approved plan no. 2065/1A within two months of the date of this permission. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.  
  
Reason: To ensure the achievement and long term retention of an appropriate quality of development and to comply with Policies CS2, CS3 and CS10 of the Local Plan for the New Forest District outside the National Park (Core Strategy).
  
4. Before the scheme of planting hereby permitted commences, all litter shall be hand picked from the bund's top dressing of compost.  
  
Reason: To ensure that the site is clear of contaminated materials and in the interests of visual amenity, to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM5 of the Local Plan Part 2 Sites and Development Management Development Plan 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 following clarification from the applicant over the specific plant species mix and litter picking from the site, the application was acceptable as amended and no specific further actions were required.

**Further Information:**

Major Team

Telephone: 023 8028 5345 (Option 1)

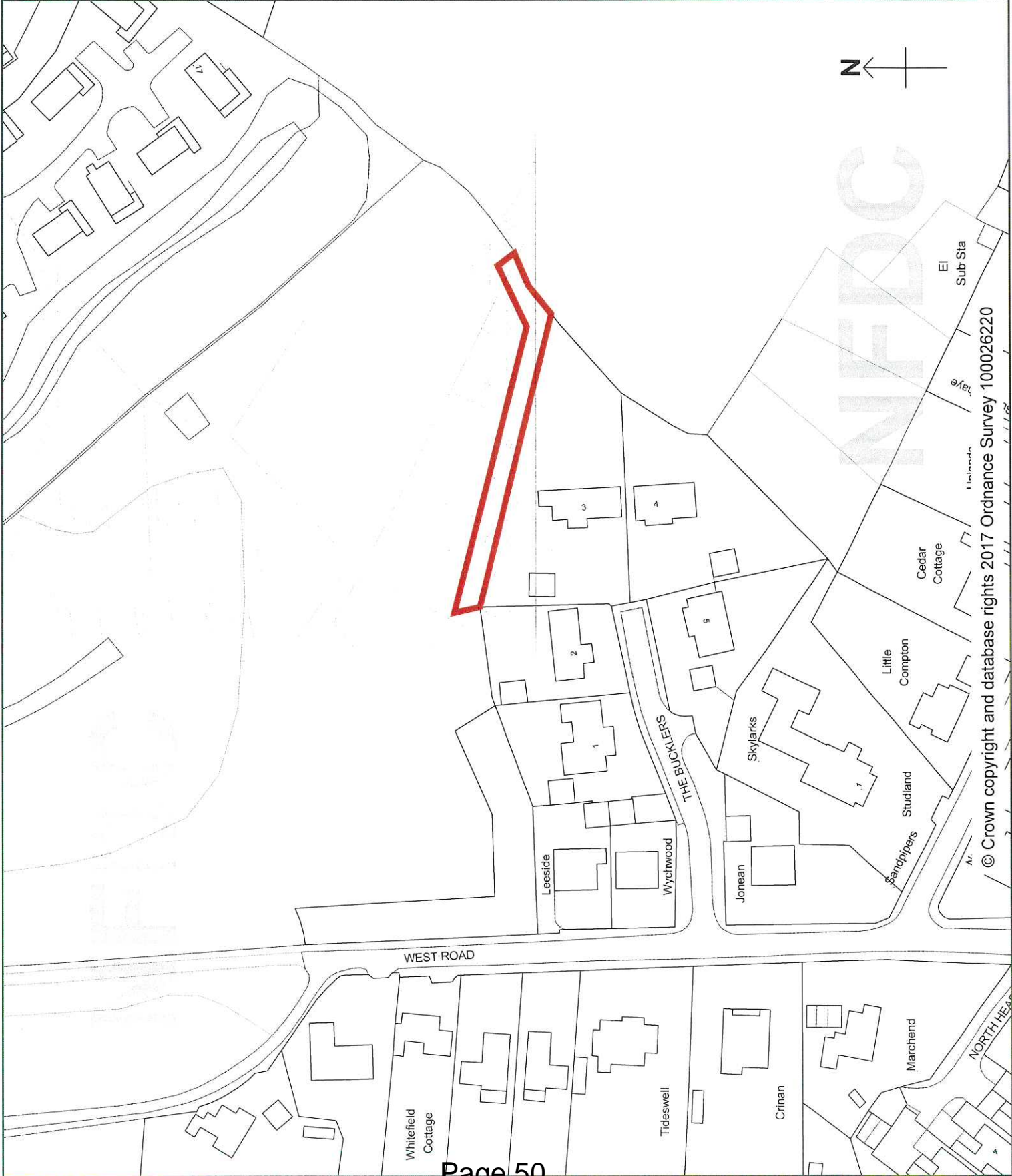


**Item No:3e**

Shorefield Country Park  
Shorefield Road  
Downton Milford on Sea  
16/11315  
SZ2792

Scale 1:1250

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



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**Application Number:** 16/11382 Full Planning Permission

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

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

**Applicant:** Mr & Mrs A Cutmore

**Target Date:** 02/12/2016

**Extension Date:** 10/02/2017

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## 1 REASON FOR COMMITTEE CONSIDERATION

Previous application determined by Committee

## 2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Constraints

Aerodrome Safeguarding Zone  
Plan Area  
Flood Zone

### 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
16/10556 Raise roof height; dormers and rooflights in association with new first floor; two-storey rear extension; single-storey side and rear extension; front porch; decking	14/07/2016	Refused	Decided

#### 5 COUNCILLOR COMMENTS

No Comments Received

#### 6 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: acceptable (non-delegated)

#### 7 CONSULTEE COMMENTS

7.1 Natural England: no comment

Comments in full are available on website.

#### 8 REPRESENTATIONS RECEIVED

Total number of representations received: 3

2 objections on grounds of: (summary)

- Character and appearance of the area; roof line change inappropriate in this line of bungalows, turning into a house and will set a precedent
- Impact on ground water table
- Loss of light, outlook and privacy (residents at No 29)

1 in support on grounds of: (summary)

- Diversity of design and adaptability to accommodate different generations of occupiers contributes to the 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.

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

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

## 11 WORKING WITH THE APPLICANT/AGENT

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

In this case all the above apply and further to amendments and the submission of further information the application was considered acceptable.

## 12 ASSESSMENT

- 12.1 This is a detached bungalow within the built up area of Barton-on-Sea. Neighbouring properties are on both sides of the site and to the rear, on the opposite side of a watercourse. Given the undulation of surrounding land the property is recessed in relation to its adjacent neighbours and set back relative to the street frontage. The site is within flood risk zones 2 & 3
- 12.2 This proposal seeks to extend the property to create additional ground floor and new first floor accommodation, in conjunction with the addition of a replacement attached garage and raised decking area. Alterations to the existing property would see an increase in the roof height which has been confirmed through submission of a measured survey as 2.057m above that existing. The hipped roof form of the front elevation would be maintained, punctuated by a single hipped dormer window, with a full gable at the rear above the rear extension. Windows would be provided in the front and rear roof slopes, with roof lights and dormers on both side. The replacement garage would be accommodated on the north side of the property with a linked single storey extension. A new porch canopy would also be provided on the front elevation.
- 12.3 This application follows a previously refused application under planning application 16/10556. This was refused for the following reasons;
- 'The proposed roof design by reason of its increased height and mass and its gable end form, would be unsympathetic to the prevailing roof form in this established group. This would result in a visually conspicuous, alien and intrusive development and this adverse impact would be exacerbated by the large areas of glazing on the front gable apex. As such the proposals would result in harm to the appearance of the street scene character and would not respond positively to its local distinctiveness contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park, the National Planning Policy Framework Chapter 7 and the New Milton Local Distinctiveness Supplementary Planning Document'.*
- 12.4 The comparative design changes see the front roof slope proposed in a hipped form with dormer projection and symmetrical dormers on both sides of the property. The rear extension has also been increased in length by 0.5m and the ridge height of the property has seen a marginal increase in comparison with the former plans. The front porch has also been reduced in size and would be accommodated through a continuation of the front roof slope. An obscure glazed screen is also proposed on the southern side of the rear decking area.

- 12.5 The previous application was refused for reason of the combination of the proposed increase in roof height, mass and change in roof form. Of particular concern was the proposed front gable which would have been conspicuous and inconsistent with the hipped roof forms that provide character to the group of properties on this side of the road. The design of the proposal has been altered such that it now maintains the hipped roof form relative to the road and responds more positively to the established roof form styles as viewed in the street scene. Although a full gable roof form is still proposed for the rear elevation this would not be inconsistent with other modified properties nearby, of note No 33 and No 31 which have a rear full gable and cropped gable respectively.
- 12.6 It is noted that the proposal would still see a significant increase in the height of the property however this needs to be considered in context. Against the varying height relationships between properties on this side of the road this would not appear wholly unexpected. Furthermore the recessive position of the property relative to the street scene and retention of a hipped front roof form would reduce the visual impacts of this change. The increase in the length of the rear extension would see a further increase in the bulk of the extension at the rear of the property however it is not considered this would result in disproportionate scale of development. This would also not be dissimilar to the extent of projection permitted at No 33 and No 31.
- 12.7 Although it is recognised that this proposal would see an appreciable change to the appearance of the property, it is considered that the design would respond appropriately to local distinctiveness and reflect the form of more recent development that has been permitted. As such, subject to agreement of final finished cladding materials it is considered the appearance of the street scene would not be harmed and the impacts on visual amenity would be acceptable.
- 12.8 The increase in the mass of the building would impact on the outlook of adjacent neighbouring residents and lead to some additional degree of overshadowing in respect of the property to the north. Objection has been received from these occupiers raising concerns over the potential loss of light and outlook. It is recognised that there would be some additional degree of overshadowing on this side, affecting their southern aspect windows and side of the garden area. However as a result of the relative separation and height of the proposed development it is not considered this would be to such extent that would result in material harm.
- 12.9 New first floor windows are proposed on the side and rear of the property which would enable views towards adjacent neighbouring sites. However those to the sides serving the dormers are proposed as fixed light and obscure glazed windows which would maintain the privacy of these adjacent occupiers. The rooflights proposed would serve as secondary or high level windows and the restricted glazing of these in the event they are of such height that would enable harmful views out, can be addressed through condition. Views from rear windows would be to the rear of the property and, given the oblique or distant views towards neighbouring sites, it is not considered this would result in material harm. It is noted that an obscure glazed screen is proposed to the side of the decking area which would screen views towards the neighbouring property to the south and maintain the privacy of these neighbouring occupiers. On this basis, subject to the installation and retention of obscure glazed windows and the privacy screen, the proposal would not result in material harm to the privacy of neighbouring occupier.

12.10 The applicant has confirmed that the development would meet with the Environment Agency's Flood Risk Standing Advice and as such would appropriately address future flood risk from the perspective of this application. Matters concerning the foundation design would be considered under Building Regulations.

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 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.

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
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Self Build (CIL Exempt)	263.45	115.23	148.22	148.22	£80/sqm	£13,043.36 *
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Subtotal:	£13,043.36
Relief:	£13,043.36
Total Payable:	£0.00

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

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

Where:

*A = the net area of floor space chargeable in square metres after deducting any existing floor space and any demolitions, where appropriate.*

*R = the levy rate as set in the Charging Schedule*

*I = All-in tender price index of construction costs in the year planning permission was granted, divided by the All-in tender price index for the year the Charging Schedule took effect. For 2017 this value is 1.1*

### 13. RECOMMENDATION

**Grant Subject to Conditions**

### **Proposed Conditions:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
  
2. The development permitted shall be carried out in accordance with the following approved plans: 971/1; Proposed Front Elevation Levels; PLOT 1. 16 - 306;  
  
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. The first floor dormer windows on the south and north side elevations of the approved development shall at all times be glazed with obscure glass and fixed shut and the first floor rooflights on the south and north side elevations obscurely glazed and fixed shut at all times unless the parts that can be opened are more than 1.7m above the floor.  
  
Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).
  
5. The decking at the rear of the property shall not be first brought into use until the obscured glazed screen has been installed as detailed on approved drawing No 971/1 and this shall be retained and maintained as such thereafter.  
  
Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

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

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



In this case all the above apply and further to amendments and the submission of further information the application was considered acceptable.

2. This decision relates to amended/additional plans received by the Local Planning Authority on 04/01/2017; 05/01/2017.

**Further Information:**

Householder Team

Telephone: 023 8028 5345 (Option 1)



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**Application Number:** 16/11466 Full Planning Permission

**Site:** OAKHAVEN HOSPICE, LOWER PENNINGTON LANE,  
PENNINGTON, LYMINGTON SO41 8ZZ

**Development:** Additional parking

**Applicant:** OAKHAVEN HOSPICE TRUST

**Target Date:** 23/01/2017

**Extension Date:** 10/02/2017

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**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Policy / Policy Interpretation

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Green Belt, Countryside

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Core Strategy**

Objectives

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

Policies

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

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

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**

Additional Parking (16/10703) - withdrawn 17/8/16

**7 PARISH / TOWN COUNCIL COMMENTS**

Lymington & Pennington Town Council:- Recommend permission

**8 COUNCILLOR COMMENTS**

None

**9 CONSULTEE COMMENTS**

9.1 Hampshire County Council Highway Engineer: no objection

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

9.3 Southern Water: no objection - advice given

9.4 New Forest National Park Authority: no objection subject to consideration of tree issues

9.5 Tree Officer: no objection subject to condition

**10 REPRESENTATIONS RECEIVED**

None

**11 CRIME & DISORDER IMPLICATIONS**

No relevant considerations

**12 LOCAL FINANCE CONSIDERATIONS**

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

**13 WORKING WITH THE APPLICANT/AGENT**

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

This is achieved by

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

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

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

## **14 ASSESSMENT**

- 14.1 Oakhaven Hospice is set within its own extensive grounds in a rural location on the eastern side of Lower Pennington Lane. The site has seen a significant amount of additional development over the past few years. An application has now been submitted to extend the existing northern car park. Specifically, it is proposed to extend this car park southwards into an area of mature shrubbery and trees that is located between the hospice buildings and Lower Pennington Lane. Some additional parking bays are also proposed adjacent to the main northern access drive into the hospice. The car park as a whole would be reorganised to provide an improved parking facility for ambulances, as well as a new dedicated transport collection point. The extended car parking area would provide parking for 30 cars. This would increase the parking capacity for cars by 4 spaces, although as some of the existing spaces are quite awkward, the increase in capacity might in reality be slightly greater than this.
- 14.2 Oakhaven Hospice is within the Green Belt and therefore it is firstly necessary to consider the proposal in the light of Green Belt policies. The National Planning Policy Framework (NPPF) sets out the forms of development which are not inappropriate in the Green Belt. This would not include a material extension to an existing car park. Therefore, by definition, it is considered that the proposed car park extension is inappropriate development in the Green Belt. The NPPF advises that such inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances.
- 14.3 The application submissions do not expressly address Green Belt policy issues. However, the submissions do state that the existing parking provision is inadequate and of a poor quality for the current occupancy of the site, as well as failing to adequately cater for visitors during fund raising events. Therefore, it is indicated that the additional parking will be beneficial by providing improved accessibility and parking capacity for staff, residents and visitors.

- 14.4 Undoubtedly, because of a number of recent developments at Oakhaven Hospice, there has been an increase in the use of the site over recent years, with an associated increase in the demand for car parking spaces. The evidence from recent Case Officer site visits is that the existing car park is at full capacity, and is probably unable to adequately meet parking requirements for all vehicles at peak times. It is not considered desirable for parked vehicles to overspill onto Lower Pennington Lane. Therefore, there is felt to be a clear justification for a modest increase in the site's car parking capacity. Because Oakhaven Hospice is such an important and valued facility for the local community, it is felt that the need for a more efficient and larger car park to meet the functional needs of the hospice is something that should weigh heavily in favour of this proposal.
- 14.5 It should be noted that the Council does not have any parking standards for a hospice use, and therefore the parking requirement associated with a hospice use must be considered on an individual basis. The Highway Authority have raised no objection to the increased car parking provision.
- 14.6 The proposed development would result in a very slight reduction in the openness of the Green Belt, but as a car park has by its very nature a relatively open character, the impact on openness would be marginal.
- 14.7 The proposed car park would necessitate the clearance of an area of dense shrubbery and low grade trees (of limited ecological value) that form part of a Woodland Tree Preservation Order. In total 7 C grade trees and 3 B grade trees would need to be removed to accommodate the proposed car park extension. The affected tree species would include Hornbeam, Sycamore, Field Maple, Bay and Laurel. The loss of this tree/shrub group would erode the site's rural character, but not to a significant or materially harmful degree because, critically, the larger and more prominent tree specimens within the woodland TPO area would be retained. These retained trees would continue to provide a strong buffer between the hospice grounds and Lower Pennington Lane, and would ensure that the locally distinctive character of this area is not compromised. Nonetheless, it is felt that this existing buffer would need to be reinforced with new tree and shrub planting if the car park extension is to have an acceptable visual impact in this rural setting. Furthermore, new planting is deemed necessary to provide appropriate mitigation for the trees that would be lost. The submitted plans do actually propose new planting between the new car park and Lower Pennington Lane, although a landscape condition would be necessary to secure an adequate planting scheme in this location. It should be noted that the Council's tree officer has raised no objection to the loss of the specific trees that would be removed, although conditions will be needed to ensure construction takes place in a way that does not adversely affect the root system of more significant retained trees. Overall, with appropriate tree protection and landscape conditions, it is considered that the development's impact on the rural character and appearance of the area would be acceptable.
- 14.8 In summary, the development would not cause material harm to the rural character and appearance of the area, and it would only have limited impact on the openness of the Green Belt. Most significantly (in terms of Green Belt tests) the car park would meet the reasonable need of an important community facility, enabling it to operate in a safer and more efficient manner, which would be of material benefit to the local

community. As such, taking into account all of these factors, there are considered to be very special circumstances to permit what must be deemed to be inappropriate development in the Green Belt. Accordingly, this application is recommended for permission subject to appropriate conditions.

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

## 15. RECOMMENDATION

### Grant Subject to Conditions

#### Proposed Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development permitted shall be carried out in accordance with the following approved plans: 7753 102, 7753 101 rev A, 7753 100, 15228-BT2.  
  
Reason: To ensure satisfactory provision of the development.
3. 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) 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).

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

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

5. No development, demolition or site clearance shall take place until the following information has been submitted to and approved in writing by the Local Planning Authority.
  - a) An amended Tree Protection Plan illustrating the location of the specialist cellular confinement based system to be used within the root protection areas of trees marked as T13 and T14 within the submitted Tree Protection Plan (15228-BT2);
  - b) An amended Construction Method Statement detailing the method of installation and exact products to be used for the specialist cellular confinement based system within the root protection areas of trees marked as T13 and T14 within the submitted tree protection plan (15228-BT2);
  - c) The full Construction Method Statement as detailed within section 12. Heads of Terms of the Arboricultural Assessment & Method Statement (15228-AA-DC).

Development shall only take place in accordance with these approved details.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area in accordance with Policy CS2 of the Core Strategy for New Forest District outside of the National Park.

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

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

In this case, 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 Committee 08 February 2017 Item 3 h

**Application Number:** 16/11482 Full Planning Permission

**Site:** 2 QUAY STREET, LYMINGTON SO41 3AS

**Development:** Use of rear ground floor as residential

**Applicant:** Mr & Mrs Deighton

**Target Date:** 02/01/2017

**Extension Date:** 08/02/2017

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## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary to policy

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area  
Lymington Conservation Area  
Grade II Listed Building

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

#### Objectives

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

#### Policies

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

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

#### Document

NPPF1: National Planning Policy Framework – Presumption in favour of sustainable development  
DM1: Heritage and Conservation

## 4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan  
Planning and Compulsory Purchase Act 2004  
National Planning Policy Framework  
Achieving Sustainable Development  
NPPF Ch.2 - Ensuring the vitality of town centres  
NPPF Ch. 6 - Delivering a wide choice of high quality homes  
NPPF Ch. 7 - Requiring good design

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

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

## **6 RELEVANT PLANNING HISTORY**

- 6.1 94/NFDC/54538 - change of use of ground floor to hairdressing salon.  
Granted 13.7.94
- 6.2 16/11483 - remove hairdressing fittings and install kitchen units on  
ground floor, remove kitchen units and install bathroom fittings on first  
floor (Application for Listed Building Consent) Granted 4.1.17

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

Lymington and Pennington Town Council - recommend permission and would  
not accept a delegated refusal

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

Conservation Officer - no objection subject to condition

## **10 REPRESENTATIONS RECEIVED**

None

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

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

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

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

This is achieved by

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

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

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

## 14 ASSESSMENT

- 14.1 The site lies within the built up area of Lymington in the Primary shopping area of the Quay. It is Grade II listed and situated within the Conservation Area. At present, the property is laid out with retail at ground floor level with residential on the floors above. The ground floor is separated into two units, one to the front and one to the rear. It is the rear section, accessed only from the rear, which is proposed to be converted into part of the single dwelling forming the upper floors.
- 14.2 Although the proposal would result in the loss of an A1 unit in the primary shopping area, it is not a large unit and also shares its only access with the residential property above. In view of the retirement of the hairdresser, retention of the shop would be impractical. Further, the frontage unit would remain as existing and there would be no loss of vitality as a result.
- 14.3 Although the Conservation Officer has made comment in respect of obscure glazing to the bathroom window and additional security for the ground floor doorway, the proposal does not involve any physical alterations to the external appearance of the building and the Conservation Area would not be harmed. The suggested condition relating to the provision of flues, vents, etc. is a requirement due to the property being listed and the associated listed building application would deal with this matter (see paragraph 6.2 above).
- 14.4 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

## 15. RECOMMENDATION

### Grant 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: supporting statement, 105A, 103, 02, 01.

Reason: To ensure satisfactory provision of the development.

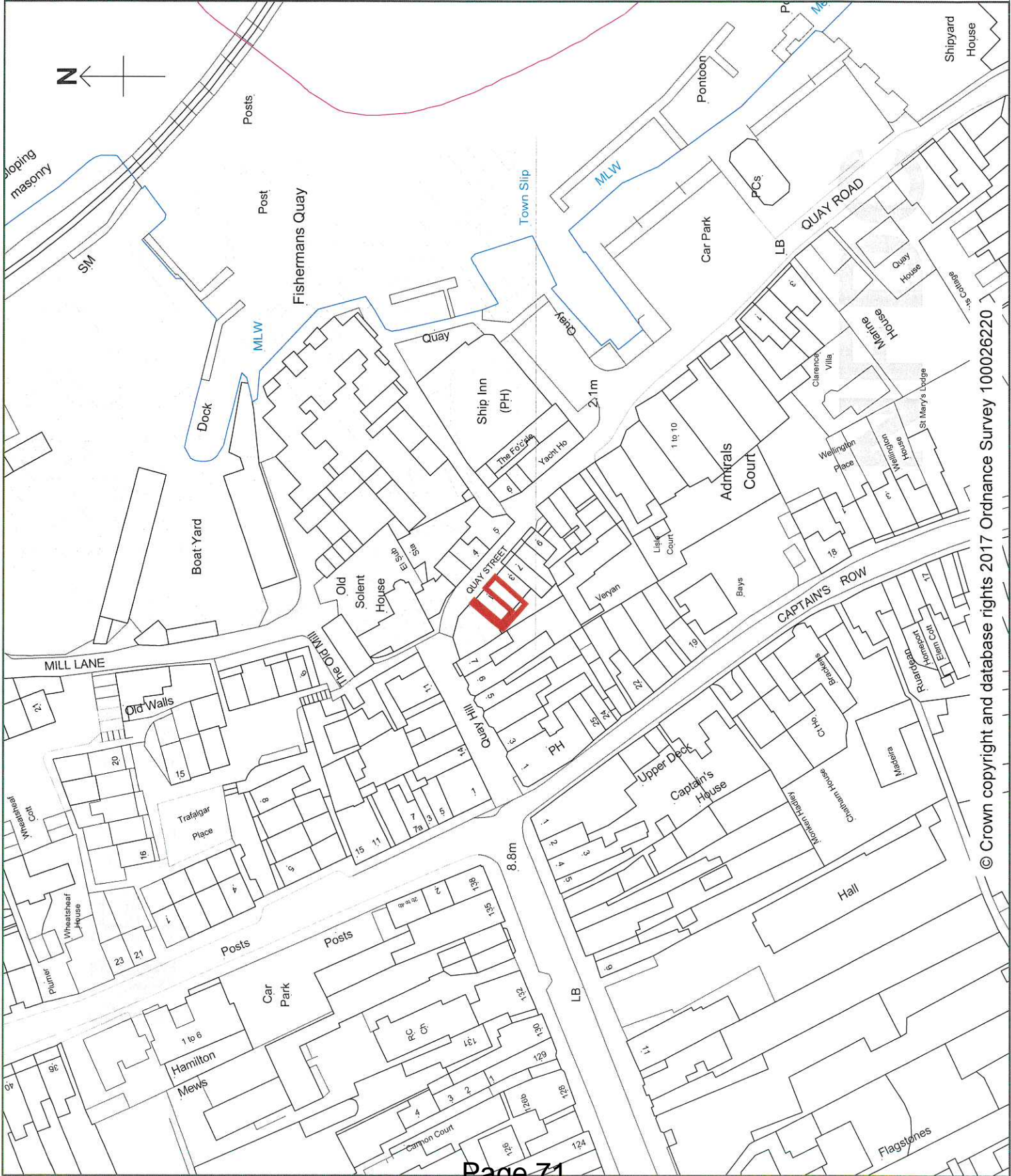
#### Notes for inclusion on certificate:

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

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

#### Further Information:

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

**Extension Date:** 10/02/2017

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## **1 REASON FOR COMMITTEE CONSIDERATION**

Previous Committee Consideration (Item 3h January 2017); 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

### Introduction

14.1 This application was considered at the January 2017 meeting of the Planning Development Control Committee. That report is set out in the following paragraphs 14.1.1 to 14.1.6.

### January Committee Report

- 14.1.1 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.
- 14.1.2 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.
- 14.1.3 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 should be obscure glazed.
- 14.1.4 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.

- 14.1.5 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.
- 14.1.6 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.

#### Post January Committee Update

- 14.2 In considering the application in January. Members decided to defer the application to enable officers to go back to the applicant so that some specific questions could be answered. Specifically, members wanted more information about wheelchair access into and out of the building, as well as details about fire exits. In addition, members wanted to know what vegetation would need to be removed to accommodate the proposed extension, and they also wanted greater clarity on the purpose of the proposed extension.
- 14.3 The applicant's agent has now confirmed that wheelchair access to and from the building will not be affected by the proposed development. The applicant's agent advises that the main front entrance into the building also forms the primary wheelchair access into the building. Wheelchair access from the building into the rear garden courtyard is achieved via the main front doors and a level pathway around the perimeter of the building. The applicant's agent advises that the existing double doors affected by this application are always bolted for security purposes, and therefore it is reasonable to assume they are not available to access the rear garden amenity space. Furthermore, as the doors are bolted, they do not constitute a fire exit. There are actually 3 existing ground floor fire exits at other points in the building, one of which the main front door. Of the 2 other fire doors, one has a level threshold and the other has a stepped threshold. Both doors are apparently available for general use.
- 14.4 The applicant's agent advises that the extension is intended mainly for office use by the resident manager for the administration of the building and the storage of documents, noting that the manager currently has to use her first floor flat for these purposes, which is not felt to be a satisfactory arrangement. The secondary purpose of the extension is to provide additional seating to the communal room during social events, which would be achieved by simply opening the proposed double doors.
- 14.5 The applicant's agent has submitted a revised drawing showing that a 1.2 metre section of hedge would need to be removed to accommodate the proposed development.

- 14.6 In summary, the proposed extension would not affect a fire exit and nor would it adversely affect wheelchair access into the building or into the rear courtyard garden area. The loss of vegetation would be minimal and would not be visually harmful or detrimental to the amenities of the adjacent flat. The need for the extension is entirely legitimate. In the light of the additional information that has been submitted, there is considered no need to amend the original officer recommendation.

## 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 C, 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).

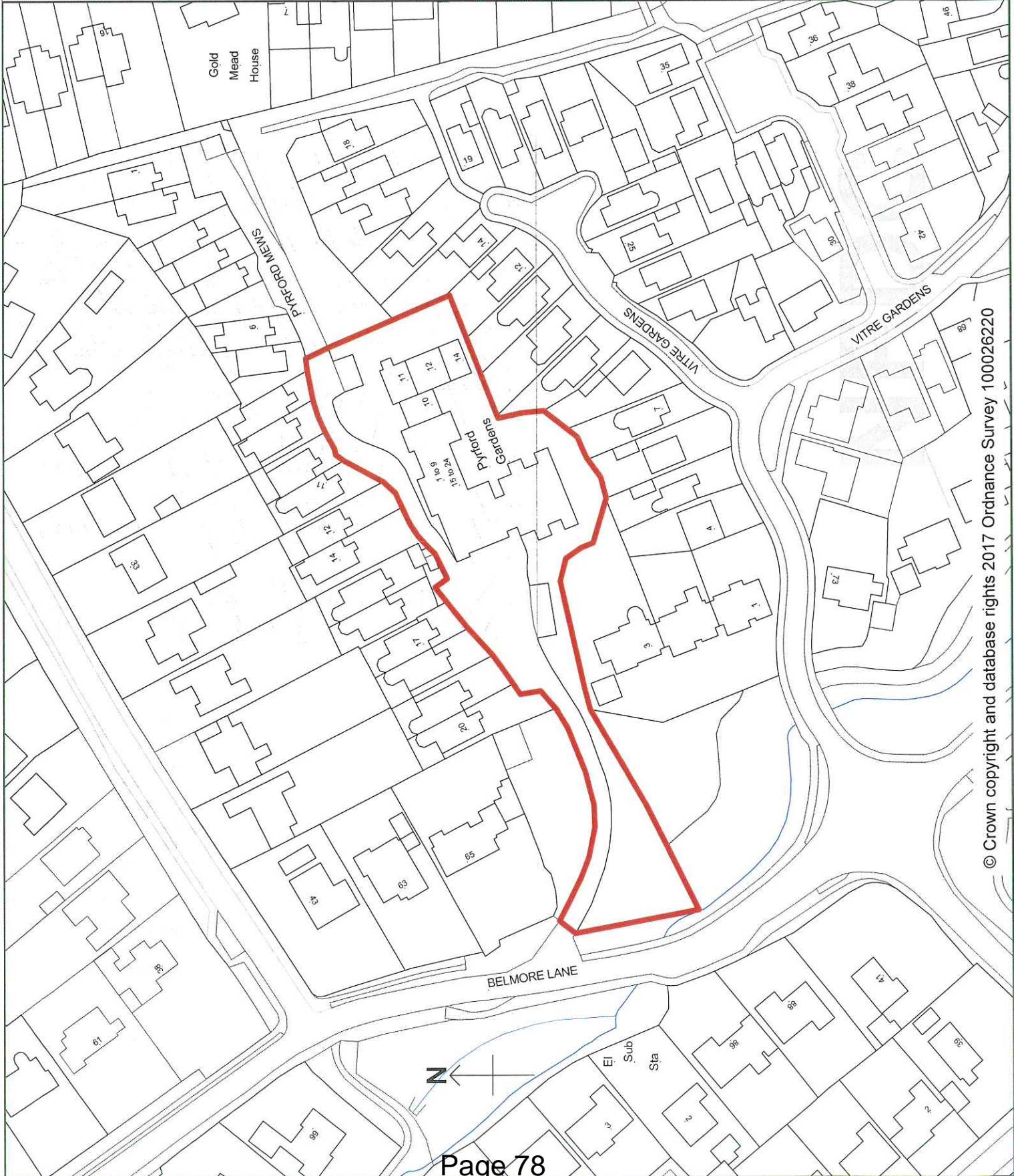
#### Notes for inclusion on certificate:

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)



Planning Development Control Committee 08 February 2017 Item 3 j

**Application Number:** 16/11553 Full Planning Permission

**Site:** 6 HIGHFIELD AVENUE, RINGWOOD BH24 1RH

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

**Applicant:** Mr & Mrs Khan

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

## 1 REASON FOR COMMITTEE CONSIDERATION

At the request of a member of the Committee

## 2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Constraints

Aerodrome Safeguarding Zone  
Plan Area

### Plan Policy Designations

Built-up Area

### National Planning Policy Framework

Section 7

### Core Strategy

CS2: Design quality

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

None relevant

### Supplementary Planning Guidance And Documents

SPD - Ringwood Local Distinctiveness

## 3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

## 4 RELEVANT SITE HISTORY

Proposal	Decision Date	Decision Description	Status
16/10360 Raise ridge height in association with new first floor; two-storey front and rear extensions; solar panels	08/06/2016	Refused	Decided

12/98477 Single-storey rear extension; roof alterations; dormers & rooflights in association with new first floor	28/05/2012	Refused	Decided
11/97043 Single-storey rear extension; roof alterations, dormers and rooflights in association with new first floor	06/06/2011	Refused	Decided
XX/RFR/03277 Bungalow with access.	17/10/1955	Granted Subject to Conditions	Decided

**5 COUNCILLOR COMMENTS**

Cllr Thierry requests that the application be determined by the Planning Development Control Committee.

**6 PARISH / TOWN COUNCIL COMMENTS**

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

**7 CONSULTEE COMMENTS**

No comments received

**8 REPRESENTATIONS RECEIVED**

Total Number of Representations Received: 3

1 objection on grounds of: (summary)

- inappropriate design and out of character

2 in support on grounds of: (summary)

- appropriate design and reflects other development permitted in the vicinity
- the development would enable the creation of a modern family home

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.

In this case the applicants sought pre-application advice from the Council, following the previous refusal. Aspects of this advice are reflected in this submission however it does not fully address the concerns raised at pre-application stage and as such the application does not overcome the previous reason for refusal and cannot be supported.

## 12 ASSESSMENT

12.1 The site is located within an established residential area of Ringwood. This is a detached bungalow externally clad in render under a plain tiled roof. It has a flat roofed garage projection on its southern side and a small glazed lean-to extension at the rear. Neighbouring properties are on both sides of the site and to the rear along Highfield Drive.

12.2 This application proposes to extend the property at the front and rear, and to replace the existing roof to encompass these additions under a simplified structure while providing first floor accommodation. This would see a change in roof form and increase in height of approximately 0.8m. Solar panels are also proposed.

12.3 This application follows a previously refused application under reference 16/10360 which was refused for the following reasons:

*The proposed alterations, as a result of the roof design with its overly wide span and full gable design, would relate poorly to the established appearance of development which has hipped roof forms, and the spatial characteristics of the built development in this row. This would result in a visually conspicuous form of development, harmful to visual amenity and the appearance of the street scene. As such this would be contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park, Section 7 of the National Planning Policy Framework (2012) and guidance within the Ringwood Local Distinctiveness SPD (2013).*

12.4 The comparative design changes made have seen a narrowing of the principle gable width by 1.2m, reduction in the maximum height of the building, a cropped gable roof form on the front elevation and reduction in the number of first floor front elevation windows

12.5 Concerns over the previously refused application centred on the increased span of the property and full gable roof form, which was considered to relate poorly to the established form and spatial characteristics of built development in this row. With reference to the streetscene along this stretch of Highfield Avenue it was noted that where some of the original bungalow style properties have seen roof alterations these have retained the property's original span. This has maintained the spatial relationships in the relative proportions of space to built form, reinforcing a rhythm to the appearance of the street scene and

established the spatial characteristic of its development. Furthermore this style of design in these cases provides a sense of related cohesion to the appearance of this group.

- 12.6 It is recognised that the design changes made by the inclusion of a cropped roof form, fenestration reduction and more limited increase in the span of the property offer improvements over the previously refused scheme. However it is also noted that the span of the property would still be increased by 1.7m. Although this is not such an extent of increase as originally proposed, nonetheless this would be significant in context. As demonstrated in the illustrative street scene submitted by the applicant, the resulting width of the property and shallow roof pitch would appear disproportionate and the resulting gable front appear overly large in context with other related development in this group. The increased principle span of the property would be a defining and influential feature of the proposed design, such that design adjustments to the roof form and fenestration do not overcome this fundamental issue with the proposed developments appearance.
- 12.7 It is noted that the applicants sought pre-application advice from the Council, following the previous refusal. Aspects of this advice, in the retention of a lower eaves height, reduction to a single front gable window and cropping of the front roof form are reflected in this submission. However, it was advised that with the proposed 1.2m reduction in the span of the proposed gable it would still be overly wide. This has not been further reduced as part of this current application submission.
- 12.8 The applicant has submitted a supporting statement which includes examples of development in the vicinity of the site. However in these cases the streetscene context differs such that direct comparison cannot be drawn to this case.
- 12.9 On the basis of the above it is considered that as a result of its increase in width the proposed development in its roof form would again appear overly large and conspicuous. This would relate poorly to the established appearance of development and spatial characteristics of the built development in this row, leading to a visually intrusive development that would not promote or reinforce local distinctiveness.
- 12.10 The proposal would lead to some additional overshadowing of adjacent neighbouring premises and the presence of existing side windows in these properties is noted. However, given the proposed roof design and relative scale of the proposals, it is not considered that this would lead to demonstrable harm through loss of light.
- 12.11 New first floor side window openings would face towards neighbouring premises. However, a condition restricting glazing could be used to mitigated any potential loss of privacy. The rear elevation full height glazed opening would direct views to the rear of the site and views towards neighbouring premises would be oblique or distant. Given the limited aspect of these views it is not considered that they would lead to any harmful loss of privacy and would be reflective of relationships that could reasonably be expected in such established residential areas.

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

### **13. RECOMMENDATION**

#### **Refuse**

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

1. The proposed alterations as a result of the roof design in its span would appear overly wide and disproportionate, relating poorly to the appearance and established spatial characteristics of development in this row. This would introduce a visually intrusive form of development that would be detrimental to the appearance of the street scene and would not promote or reinforce local distinctiveness, in conflict with Policy CS2 of the Core Strategy for the New Forest District outside the National Park, Section 7 of the National Planning Policy Framework (2012) and guidance within the Ringwood Local Distinctiveness SPD (2013).

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

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

In this case the applicants sought pre-application advice from the Council, following the previous refusal. Aspects of this advice are reflected in this submission however it does not fully address the concerns raised at pre-application stage and as such the application does not overcome the previous reason for refusal and could not be supported.

#### **Further Information:**

Householder Team  
Telephone: 023 8028 5345 (Option 1)



**Application Number:** 16/11581 Full Planning Permission

**Site:** Land of 29 PEAR TREE CLOSE, BRANSGORE BH23 8NH

**Development:** Attached house; detached garage; dropped kerb

**Applicant:** Mrs Burridge

**Target Date:** 12/01/2017

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**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Parish Council View

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Built up area

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Core Strategy**

Objectives

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

Policies

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

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

DM3: Mitigation of impacts on European nature conservation sites

**4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

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

**5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

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

**6 RELEVANT PLANNING HISTORY**

None

**7 PARISH / TOWN COUNCIL COMMENTS**

Bransgore Parish Council: recommend permission. The design of the proposed extension is in character with the area.

**8 COUNCILLOR COMMENTS**

None

**9 CONSULTEE COMMENTS**

9.1 Hampshire County Council Highway Engineer: no objection subject to condition

9.2 Tree Officer: no objection

**10 REPRESENTATIONS RECEIVED**

10.1 1 letter raising no objection

10.2 1 letter of objection concerned that the plans do not show the old Oak tree situated in front of No 27A which is protected. In addition, the head of the cul de sac is frequently used by both residents and visitors to the properties at this end of Pear Tree Close for parking. If the garage were to be approved it would result in the loss of parking and the additional unit would bring a requirement for more parking for residents and visitors.

**11 CRIME & DISORDER IMPLICATIONS**

No relevant considerations

**12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission, the dwellings are completed and the overall number of dwellings completed in the relevant year exceeds 0.4% of the total number of existing dwellings in the District, the Council will, in general terms, receive New Homes Bonus (net increase in dwellings x £1224 = £1224) in each of the following four years.

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

Based on the information provided at the time of this report this development has a CIL liability of £9,305.12

However at this stage the applicants have been provided a relief from CIL and provided that the applicant meet certain specified criteria, the CIL figure will change.

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

## 13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

No pre application advice was sought and there are concerns in principle with the proposed development which would not be overcome through revised plans.

## 14 ASSESSMENT

- 14.1 The application site forms the side garden area to a detached dwelling situated at the end of a residential cul de sac known as Pear Tree Close. The existing dwelling is set back from the road with a well landscaped front and side garden with car parking spaces to the front. The side garden is enclosed by an existing tall evergreen hedge with the rear garden area backing onto the recreation ground. The site is effectively the last property in the Close, with the end of the road forming a turning area. The site backs onto the recreation ground where there is a belt of mature trees, planting and openness in the background.
- 14.2 This planning application proposes an attached two storey dwelling on part of the existing garden area. A detached garage is proposed to the rear with a single car parking space to the front of the site. Visually the proposed dwelling would reflect the scale and design of the existing dwelling.

- 14.3 The main issues in this case are the effect on the character and appearance of the area, the effect on the living conditions of the neighbouring properties and public highway safety matters.
- 14.4 Pear Tree Close is a short residential street comprising detached and semi detached dwellings. Buildings are very uniform in design and form with ridge lines running parallel to the road with the front defined by car parking spaces and front lawns. Some properties have hedgerows, planting and greenery to the front, whereas other properties are completely laid out with hardsurfacing. The application site is one of the more spacious plots, but one which has a pleasant green frontage, which enables the dwelling to sit comfortably in the plot and positively contributes to the character of the area.
- 14.5 In assessing the effect on the character and appearance of the area, it is considered that the proposed development would have a negative impact on the street and the special qualities of the site and surrounding area would be diminished in a number of ways.
- 14.6 In particular, the proposed dwelling would appear unacceptably cramped and somewhat squeezed into the plot with a very narrow frontage compared to the majority of other dwellings in the Close. The proposed dwelling would unacceptably encroach into this open part of the site resulting in the loss of greenery and vegetation, the loss of which would reduce the spaciousness, diminishing the positive features that contribute to the character of the area. Although the submitted plans indicate that the majority of the existing hedgerow will be retained, part of the hedgerow has been shown to be reduced in height and because of the close proximity of the proposed dwelling to the highway, it is likely that the remaining part of the hedgerow would be removed.
- 14.7 The cramped and inappropriate form of development is also due to the provision of the detached garage in the rear garden which reduces the level of garden space and adds to the overall level of built development on the site. It is clear that the overall plot size is compromised by the highway which cuts through the corner of the site and this has led to the proposed dwelling being sited right up to the road frontage. Because of the close proximity of the proposed dwelling to the highway, its scale, and the austere design of the side elevation, the building would appear incongruous and visually imposing in its setting and this is further justification that the proposed development would have a negative impact on the character of the area.
- 14.8 With regard to residential amenity, the proposed dwelling would bound the existing highway and would not be sited close to nearby residential properties. Accordingly given the distances involved and the fact that the proposed dwelling would face the highway, the proposal would not have any adverse impact on the living conditions of the adjoining neighbouring properties.
- 14.9 Comments have been made that there is a large Projected Oak tree adjacent to the site which has not been shown on the submitted plans. While the plans do not show the Oak tree, on the basis that the tree is separated by the road and the distances involved, it is not considered that this tree would be adversely affected.



- 14.10 Concerning public highway safety matters, the Highway Authority does not raise any objections to the proposal. The level of car parking accords with the recommended guidance and it is considered that the addition of a dwelling would not put pressure on the street car parking.
- 14.11 In accordance with the Habitat Regulations 2010 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard.
- 14.12 On 28th November 2014 the Government issued planning guidance setting out the specific circumstances in which contributions for affordable housing and tariff style planning obligations (section 106 agreements) should not be sought from small scale and self-build development. This guidance has been reissued following the order of the Court of Appeal dated 13th May 2016 (*West Berkshire District Council and Another v The Secretary of State for Communities and Local Government*). The planning guidance specifies the circumstances in which contributions should not be sought as follows:

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

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

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

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

- 14.13 Overall it is considered that the proposed dwelling would lead to the erosion of this open area and loss of the 'green view' at the end of this pocket of housing which contributes to its distinctive character and accordingly, the proposed development would be detrimental to the

character and appearance of the area and this significantly and demonstrably outweighs the benefit of providing one additional dwelling.

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

### Cil Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	105.74	0	105.74	105.74	£80/sqm	£9,305.12 *

Subtotal:	£0
Relief:	£0.00
Total Payable:	£0

\* 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:

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

Where:

A = the net area of floor space chargeable in square metres after deducting any existing floor space and any demolitions, where appropriate.

R = the levy rate as set in the Charging Schedule

I = All-in tender price index of construction costs in the year planning permission was granted, divided by the All-in tender price index for the year the Charging Schedule took effect. For 2017 this value is 1.1

## 15. RECOMMENDATION

**Refuse**

**Reason(s) for Refusal:**

1. By virtue of its openness, greenery and vegetation, the application site positively contributes to the street scene and spatial character and appearance of the area. It is considered that by virtue of its siting, scale and positioning on the site, the proposed development would have a cramped layout that would unacceptably encroach into this open part of the site that would result in the loss of greenery, openness and vegetation diminishing the spacious positive features that contribute to the character of the area. In addition, by virtue of its siting close to the road frontage, scale and austere design, the proposed dwelling would appear incongruous and visually imposing in its setting to the detriment of the character and appearance of the area. For this reason, the proposed development is contrary to policy CS2 of the Core Strategy for the New Forest District outside the National Park.

**Notes for inclusion on certificate:**

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.  
  
No pre application advice was sought and there are principle concerns with the proposed development which would not be overcome through revised plans.
2. This decision relates to amended plan received by the Local Planning Authority on the 7th December 2016.

**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  
Lynchhurst  
SO43 7PA

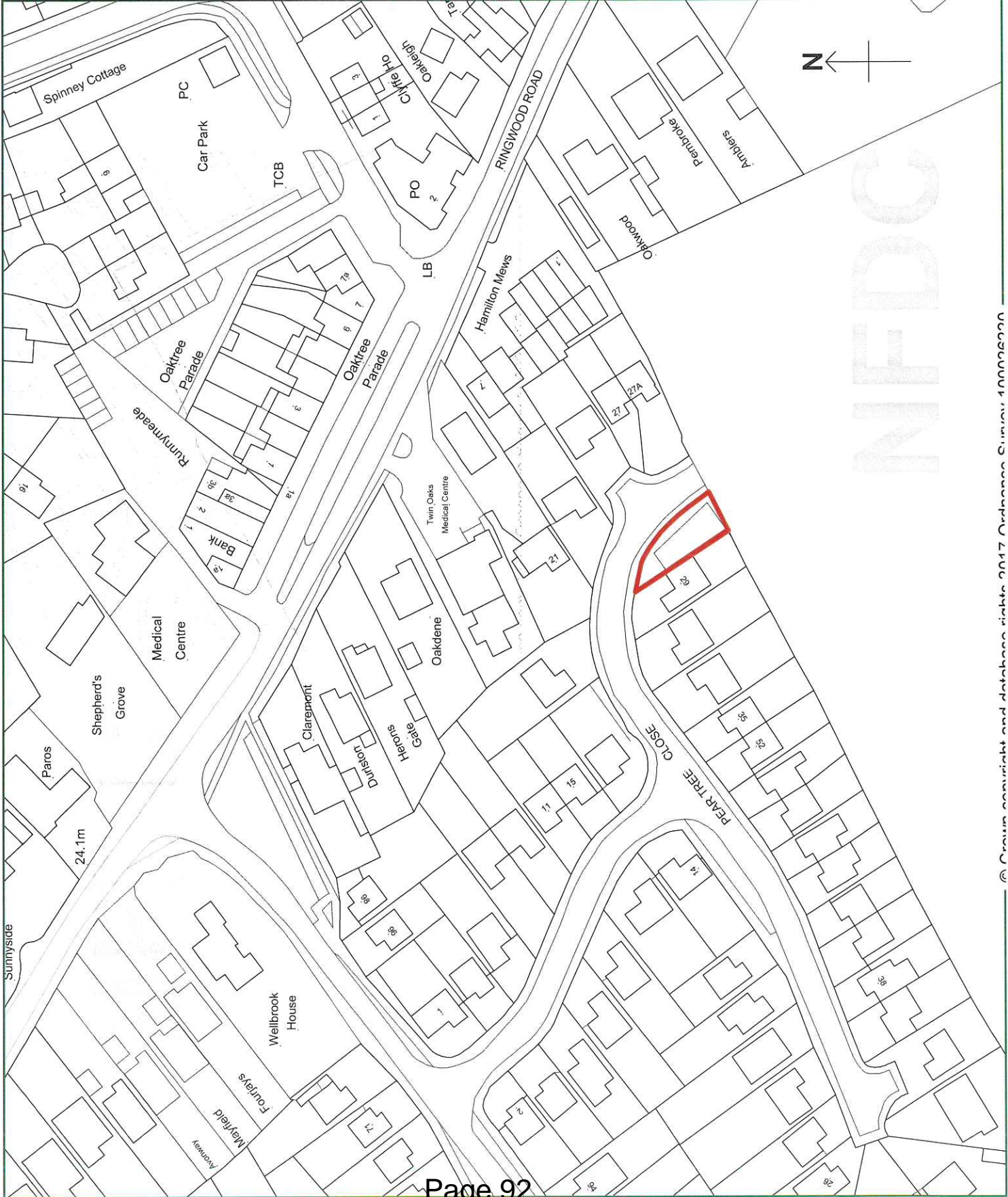
**Planning Development  
Control Committee  
February 2017**

**Item No: 3k**

Land of 29  
Pear Tree Close  
Bransgore  
16/11581  
SZ1897

Scale 1:1250

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



NEWDC

**Application Number:** 16/11602 Full Planning Permission

**Site:** HARBRIDGE SCHOOL, HARBRIDGE, ELLINGHAM,  
HARBRIDGE & IBSLEY BH24 3PW

**Development:** Use as one dwelling; rooflights; demolition of single-storey flat  
roofed extension; alterations to windows

**Applicant:** Somerley Estate

**Target Date:** 06/02/2017

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## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Policy

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside

Listed building

Conservation Area

Adjacent to Public Right of Way

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

#### Objectives

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

#### Policies

### Core Strategy

CS1: Sustainable development principles

CS2: Design quality

CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)

CS8: Community services and infrastructure

CS10: The spatial strategy

CS15: Affordable housing contribution requirements from developments

CS24: Transport considerations

CS25: Developers contributions

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

DM1: Heritage and Conservation

DM2: Nature conservation, biodiversity and geodiversity

DM3: Mitigation of impacts on European nature conservation sites

DM20: Residential development in the countryside

### **4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

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

SPD - Parking Standards

SPD - Mitigation Strategy for European Sites

### **6 RELEVANT PLANNING HISTORY**

6.1 Use as 1 dwelling (Lawful Development Certificate for retaining an existing use) 10148. Was not lawful on the 1st April 2016

6.2 Associated application for Listed Building Consent 16/11603: Item 3m on this Agenda

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

Ellingham and Harbridge Parish Council: recommend permission but would accept a decision reached under delegated power.

The Parish Council feel that the property was already used as a residential dwelling by the headmaster and thus if an imaginary 30% increase in habitable floor space or permitted development were to be added to the residential part of the property, then it would cover a significant area of the school. Thus the Parish Council are happy for this property to be wholly residential. Furthermore, provided none of the existing external walls and features are to be replaced and maintained then the property as a whole would look better as one property rather than one that has been subdivided.

Incorporating the school house into one dwelling with the Headmaster's quarters will result in the habitable floor space being increased dramatically. To protect the dwelling from being extended further in the future, the Parish Council request it should be conditioned as if the 30% increase in habitable floor space rule has been used. Additionally the mezzanine floor should be conditioned to remain as it is, and not be extended to create further habitable floor space.

Definition of the domestic curtilage should be clarified, as there is no site plan. A before and after site plan would be beneficial, to understand what the site will look like and to establish the treatment of the outbuildings.

The Parish Council feel strongly about light pollution and request that all external lighting is subject to a condition that they should work with PIRs and all roof lights should be fitted with blinds to minimise any additional light pollution.

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

9.1 Conservation Officer: no objection subject to condition

9.2 Ecologist: comments awaited

9.3 Hampshire County Council Highway Engineer: no objection

## **10 REPRESENTATIONS RECEIVED**

10.1 2 letters of support. Repairs are needed urgently to building

## **11 CRIME & DISORDER IMPLICATIONS**

No relevant considerations

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission the Council will receive the New Homes Bonus, which in this case will be £1224 in each of the following four years, subject to the following conditions being met:

- a) The dwellings the subject of this permission are completed, and
- b) The total number of dwellings completed in the relevant year exceeds 0.4% of the total number of existing dwellings in the District

Based on the information provided at the time of this report this development has a CIL liability of £10,236.30

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 known as Harbridge School comprises a Grade II Listed building located in the hamlet of Turner on the Somerley Estate, which lies within the countryside and Conservation Area. Harbridge School is an attractive red brick 19th Century building, built as a school with adjoining masters' accommodation. The building sits on an open setting situated off a private gravel track which also serves a collection of farm buildings and residential properties within a rural setting.
- 14.2 Harbridge School was originally divided between the masters dwelling to the right and the school to the left which comprised a main school hall, a smaller classroom and cloakrooms. The use of part of the building as a school ceased many years ago.
- 14.3 This planning application proposes the use of all the building as one dwelling and use of surrounding land as residential curtilage. The application also proposes internal and external alterations and the demolition of the existing single storey addition. Although it is claimed that the whole of the building was converted to a single residential use in the 1960s and has been continuously used as such until last year, this was not proved following the refusal of a Lawful Development Certificate (existing) on 1 April 2016.
- 14.4 In assessing this proposal, the starting position would be local and national policy. For the purposes of local planning policy, the site is located outside the built up area. Local Plan Part 2 Policy DM20 is applicable and relates to residential development in the countryside. The policy states that residential development in the countryside will only be permitted where it is either a limited extension to an existing dwelling; or the replacement of an existing dwelling, or affordable housing to meet a local need, in accordance with Core Strategy Policy CS22; or an agricultural workers or forestry workers dwelling in accordance with Policy DM21.
- 14.5 In assessing this policy, there is nothing which especially relates to the conversion of existing buildings into residential uses. Policy DM20 does not include the conversion of buildings to residential uses and on this basis, there are no supportive local plan policies for the conversion of existing buildings to residential uses in the countryside other than for



affordable housing and agricultural workers dwellings. The submitted proposal has made no reference to the residential uses being for affordable housing or for an agricultural workers dwelling. The main factor that can be given weight is the fact that half of the existing building is lawfully used as a dwelling and accordingly the proposal would effectively utilise the remainder of the building to form a single dwelling.

- 14.6 Local Plan Policy DM1 is also applicable and relates to heritage assets and Conservation. The general objective of the policy is to ensure development proposals conserve and enhance the historic environment and heritage assets with regard to local character and setting, however, the policy also states that where appropriate and necessary to secure the long term future of a heritage asset, in particular where it is in a poor condition or at risk, an exception may be made to other local plan policies.
- 14.7 In this case, while the proposed use would secure the long term retention of the building and provide some much needed investment to facilitate the general repair and maintenance work to the building, the building is not at risk. It is considered that a residential use or a holiday let use is likely to be a more appropriate use compared to employment uses such as office or community use which could result in substantial internal changes and the need for large car parking areas which would have a negative impact. The Conservation Officer is fully supportive of the proposed change of use to residential. Moreover while part of the building was used a school, it would not be reasonable to argue that a school or other community use should be retained given the length of time since it was last used for those purposes.
- 14.8 In terms of central government guidance, it is clear that there is a general steer towards the conversion of vacant and disused buildings into residential development. Paragraph 55 of the National Planning Policy Framework is applicable and seeks to promote sustainable development in rural areas, and housing should be located where it will enhance or maintain the vitality of rural communities. The guidance states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.
- 14.9 A further consideration is the change to government legislation as set out in the Town and County Planning (General Permitted Development) Order 2013, which permits the change of use of a building from offices, storage, retail and agricultural to residential (Class C3) without requiring planning permission, but would need to be subject of a Prior Approval Application. In this case, the change of use does require planning permission because the building is listed and falls outside these uses classes. However, it does highlight the governments intention to permit the change of use of buildings from a number of different uses to residential.
- 14.10 In assessing both local and national planning policies, it is clear that local plan policies are less supportive of residential uses in the countryside in comparison to national policies. However, given that there is support from the Conservation Officer and that a residential use is considered to be the most appropriate use for the building in the long term and within this sensitive rural location, an exception to local plan policy should be

made in this case. Accordingly, while the proposal would result in a new dwelling in the countryside, this type of use is likely to have a much less impact on the character of the area and highway safety matters compared to other uses.

- 14.11 In terms of the impact on the character and appearance of the listed building and wider Conservation Area, the Conservation Officer does not raise any objections. The proposal should preserve and enhance the Conservation Area and protect the setting of listed fabric both here and nearby. The removal of a modern extension to the building would be an improvement and the other external works mainly involve repair and replacement of materials and windows, which are all acceptable in principle.
- 14.12 The proposed residential curtilage forms a square area of land around the building, which is currently used in part as a garden, access and car parking. The residential curtilage would be appropriate for the size of the dwelling and it is not proposed to extend the residential curtilage into the open countryside. A condition will need to be imposed to secure full details of landscaping and boundary treatment to ensure that the works are appropriate in this rural setting.
- 14.13 With regard to residential amenity, the proposed change of use would not have any adverse impact on the nearby residential properties given the distances to the nearest neighbouring residential properties.
- 14.14 While concerns have been raised about light pollution and a request has been made that all external lighting is subject to a condition and all roof lights should be fitted with blinds to minimise any additional light pollution, this would not be reasonable for a building that is already in use.
- 14.15 In terms of car parking and access requirements, the site benefits from sufficient areas to serve the dwelling. Other uses such as offices or community uses are likely to put greater pressure on car parking and accordingly, it is not anticipated that the proposal would lead to a public highway safety concern.
- 14.16 In relation to the affordable housing requirements, on 19th May 2016 the Government issued planning guidance setting out the specific circumstances in which contributions for affordable housing and tariff style planning obligations (section 106 agreements) should not be sought from small scale and self-build development. This guidance has been reissued following the order of the Court of Appeal dated 13th May 2016 (West Berkshire District Council and Another v The Secretary of State for Communities and Local Government). The planning guidance specifies the circumstances in which contributions should not be sought as follows:
- "Contributions should not be sought from developments of 10 units or less and which have a maximum combined gross floor space of no more than 1,000 sqm; In designated rural areas, local planning authorities may choose to apply a lower threshold of 5 units or less...; Affordable housing and tariff style contributions should not be sought from any development consisting only of the construction of a residential annex or extension to an existing house"

- 14.17 With this latest application, the only matter that needs to be considered is whether the previously secured affordable housing obligation should now be discharged in the light of this recent change to national guidance. This national guidance is at odds with Policy CS15 of the Council's Core Strategy. In these circumstances, the law gives no priority to either the Council's Core Strategy or to the Government's national guidance. It is for the decision maker to assess both policies as "material considerations" and to decide which should have greater weight in the determination of a planning application. However, the Secretary of State, through his Inspectors can be anticipated to give greater weight to the Government's national guidance unless there are exceptional circumstances which indicate otherwise. While the need for affordable housing in this District is pressing, this in itself does not give rise to the sort of circumstances that can be considered exceptional.
- 14.18 In conclusion it is considered that the change of use of this listed building to a residential unit would be acceptable and would have little impact on the character of the Conservation Area and the character of the listed building. On the basis that part of the building has been used as a dwelling, and the proposal would not increase the number of dwellings, habitat mitigation is not required.
- 14.19 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

### Section 106 Contributions Summary Table

<b>Proposal:</b>			
<b>Type of Contribution</b>	<b>NFDC Policy Requirement</b>	<b>Developer Proposed Provision</b>	<b>Difference</b>
Financial Contribution			
<b>Habitats Mitigation</b>			
Financial Contribution			

### Cil Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	250.89	128.13	122.76	122.76	£80/sqm	£10,236.30

Subtotal:	£10,236.30
Relief:	£0
Total Payable:	£10,236.30

\* 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)*

Where:

*A = the net area of floor space chargeable in square metres after deducting any existing floor space and any demolitions, where appropriate.*

*R = the levy rate as set in the Charging Schedule*

*I = All-in tender price index of construction costs in the year planning permission was granted, divided by the All-in tender price index for the year the Charging Schedule took effect. For 2017 this value is 1.1*

## 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: PA15-150:06 Rev E, PA15-150:01, PA15-150:02, PA15-150:07 Rev E, PA15-150:08 .  
  
Reason: To ensure satisfactory provision of the development.
  
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any re-enactment of that Order) no extension (or alterations) otherwise approved by Classes A, B or C of Part 1 of Schedule 2 to the Order, garage or other outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order, or means of enclosure otherwise approved by Class A of Part 2 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.  
  
Reason: To ensure the dwelling remains of a size which is appropriate to its location within the countryside and to comply with Policy DM20 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

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

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

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

**Notes for inclusion on certificate:**

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

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

**Further Information:**

Major Team  
Telephone: 023 8028 5345 (Option 1)



**Application Number:** 16/11603 Listed Building Alteration

**Site:** HARBRIDGE SCHOOL, HARBRIDGE, ELLINGHAM,  
HARBRIDGE & IBSLEY BH24 3PW

**Development:** First floor mezzanine extension; rooflights; demolition of single-storey flat roofed extension and reinstate brickwork detailing; repair roof; repoint chimney; rainwater goods; stone vent; repair tower; reinstate glazed door pane; repair doors and windows; remove polycarbonate outbuilding canopy; remove main hall flat ceiling; make good original vaulted ceiling; stud walls; first floor internal end studwall with glazing; repair floor; insert staircase; remove window shutters; open fireplaces; insert hammerbeam (Application for Listed Building Consent)

**Applicant:** Somerley Estate

**Target Date:** 06/02/2017

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## 1 REASON FOR COMMITTEE CONSIDERATION

To be considered alongside application 16/11602 (Item 3l on this Agenda).

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside  
Listed building  
Conservation Area  
Adjacent to Public Right of Way

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

#### Objectives

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

#### Policies

## **Core Strategy**

CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)

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

DM1: Heritage and Conservation

### **4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

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

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

None

### **6 RELEVANT PLANNING HISTORY**

- 6.1 Use as 1 dwelling (Lawful Development Certificate for retaining an existing use) 10148. Was not lawful on the 1st April 2016
- 6.2 Use as one dwelling; rooflights; demolition of single storey flat roofed extension; alterations to windows (16/11602) Item 3l on this Agenda.

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

Ellingham and Harbridge Parish Council: recommend permission but would accept a decision reached under delegated power.

### **8 COUNCILLOR COMMENTS**

None

### **9 CONSULTEE COMMENTS**

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

### **10 REPRESENTATIONS RECEIVED**

- 10.1 2 letters of support

### **11 CRIME & DISORDER IMPLICATIONS**

No relevant considerations

### **12 LOCAL FINANCE CONSIDERATIONS**

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



## 13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

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

## 14 ASSESSMENT

- 14.1 The site known as Harbridge School comprises a Grade II Listed building located in the hamlet of Turmer on the Somerley Estate, which lies within the countryside and Conservation Area. Harbridge School is an attractive red brick 19th Century building, built as a school with adjoining masters' accommodation. The building sits on an open setting situated off a private gravel track which also serves a collection of farm buildings and residential properties within a rural setting.
- 14.2 Harbridge School was originally divided between the masters dwelling to the right and the school to the left which comprised a main school hall, a smaller classroom and cloakrooms. The use of part of the building as a school ceased many years ago and it has been claimed that the whole of the building was converted to a single residential use in the 1960s and has been continuously used as such. This is covered under the current pending planning application under reference 16/11602 (Item 31 on this Agenda)..

- 14.3 This listed building application proposes the use of all the building as one dwelling and use of surrounding land as residential curtilage. It is also proposed to make a number of external and internal alterations to the building including the demolition of the existing single storey addition. It should also be noted that some unauthorised works have been carried out to the building which include the removal of the staircase and the internal wall which previously separated the classrooms from headmaster's accommodation. This application seeks to rectify this with a new staircase and new internal walls and doors.
- 14.4 The Conservation Officer considers that the proposed changes, in the main are positive and the proposal would protect the character and fabric of the listed building. The reinstatement of a carefully referenced period staircase is supported and the former separation between the school house and the former masters house is important to the significance of the building. The wall is proposed for careful restoration and reinstatement with the insertion of two small doorways. Moreover, the removal of a modern extension to the building would be an improvement and the other external works mainly involve repair and replacement of materials and windows, which are all acceptable in principle and would also be appropriate to the curtilage of this Listed Building.
- 14.5 Accordingly, it is considered that the proposed use and works to the building would be acceptable and would not have an adverse impact on the character, fabric and integrity of the listed building and this application is recommend for permission subject to conditions.
- 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 LISTED BUILDING CONSENT**

#### **Proposed Conditions:**

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

Reason: To comply with Section 18 of the Town & Country Planning (Listed Buildings & Conservation Areas) 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: PA15-150:08 Rev B, PA15-150:06, PA15-150:07 Rev E, PA15-150:02, PA15-150:01.

Reason: To ensure satisfactory provision of the development.

3. Before development commences, the following details shall be submitted to, and approved in writing by the Local Planning Authority.
  - a) The details of all new internal and external doors,
  - b) The details of new and replacement single glazed windows details
  - c) The details of boarding and new partitions
  - d) The details of columns for inserted bedroom and kitchen area
  - e) The details of the lead roof
  - f) The details of the Conservation rooflights
  - g) The details of pipework and plumbing for kitchen
  - h) The details and methodology of opening up of the fireplace in proposed snug area

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

4. Before development commences, a sample panel of brickwork showing the brick, bond, mortar and joint details of the reinstated internal wall and external pointing for making good and the wide bead edged boarding shall be made available on site for the inspection and approval by the Local Planning Authority. Development shall only take place in accordance with those details that have been approved.

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

**Notes for inclusion on certificate:**

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

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

2. This decision relates to amended / additional plans received by the Local Planning Authority on the 20th January 2017.

**Further Information:**

Major Team  
Telephone: 023 8028 5345 (Option 1)



**Application Number:** 16/11633 Full Planning Permission

**Site:** 25 SEA ROAD, MILFORD-ON-SEA SO41 0PH

**Development:** 2 detached houses; associated parking; landscaping; demolition of existing

**Applicant:** AA Jupe Developments Ltd

**Target Date:** 25/01/2017

**Extension Date:** 08/02/2017

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## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary Parish Council view

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

#### Objectives

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

SPG - Milford-on-Sea Village Design Statement

## **6 RELEVANT PLANNING HISTORY**

16/11022 - 1 detached house, 1 detached chalet bungalow, detached single garage, associated parking, landscaping, decking, demolition of existing.  
Refused 13.10.16

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

Milford on Sea parish council - recommend refusal and would not accept a delegated approval. Over-development, too bulky, harm to residential amenity, loss of existing house, impact on character of the area/street scene.

## **8 COUNCILLOR COMMENTS**

None

## **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 to conditions

## **10 REPRESENTATIONS RECEIVED**

One letter from the joint owner of no.23 Sea Road stating that the access drive is owned by no.23 and that no.25 has a right of way over part of it. No works can be undertaken to the drive (e.g. resurfacing) without the consent of the landowners.

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission, the dwellings are completed and the overall number of dwellings completed in the relevant year exceeds 0.4% of the total number of existing dwellings in the District, the Council will receive a New Homes Bonus (£1224) in each of the following four years.

Based on the information provided at the time of this report this development has a CIL liability of £9,613.12.

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

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

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

This is achieved by

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

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

## **14 ASSESSMENT**

- 14.1 The site lies within the built up area of Milford on Sea to the east side of Sea Road. It contains a vacant property of some character, set back from and at an angle to the road. There is a substantial hedge and other vegetation to the front boundary, some of which has been removed in recent months in order to provide a vehicular access to the south of the site where further vegetation clearance has also occurred. To the north of the site is a shared access owned by the adjoining property to the rear of the site and which provides vehicular access to the existing dwelling.
- 14.2 The proposal follows the refusal of a similar scheme in 2016 and entails the demolition of the existing property and associated garage and their replacement with two 2-storey houses comprising large open plan kitchen/dining/living space, study,WC, utility room and either an integral garage or en suite bedroom at ground floor level. The dwelling with the integral garage would have 4 bedrooms (two en suite) and a family bathroom at first floor level and the other one would have three bedrooms and a family bathroom at first floor level. The main bedroom would have two en suites with a further en suite to bedroom 2. This house would also have an attached garage.
- 14.3 The previous application was refused on the grounds that it would have been at odds with the character of the area through the size, depth and massing of the two properties. In trying to address this concern, the design of the dwellings has been amended so the main roof forms are both fully hipped. The depth of the footprint has been reduced by 5.2m in

the case of plot 2 and 2.4m for plot 1 and, combined with a reduction in the width of each property, the bulk and massing is considered to be significantly reduced from the refused scheme.

- 14.4 Although the existing dwelling has much character in terms of its design and, in particular, the chimneys, it is not listed nor is it in a conservation area and on this basis, it would be difficult to justify its retention. It is also unusual in its positioning in relation to the road, being set back some distance and at an angle - presumably to obtain maximum views of the sea from the upper floor - whereas other properties are more traditionally sited facing the road and with a typical set back from the road of around 8-10m. The proposed dwellings would have a set back of 9-10m although the building line would be more apparent than the front corner of the existing dwelling.
- 14.5 The site is large enough to accommodate two dwellings and the proposal could be said to be similar to that undertaken 3 doors away at no.17. The proposal would provide greater spacing between the proposed dwellings - 4.6m at the front and 3m to the rear. This enables the site to account for the different angles of the dwellings either side at 21 and 27. Plot 2 would be 2m from the southern boundary and the corner of the garage to no.27.
- 14.6 The design of the dwellings includes brick work, render and cladding, all of which are used locally. The 14/15m width of each plot is comparable to others in the area although would be slightly less than those immediately adjacent. Given the spacing and different angles to the proposed dwellings, it is not considered that they would be out of context in this location. The Parish Council have raised concerns about the bulk of the dwellings which is obviously greater than the bulk of the existing dwelling. However, the footprints are comparable to other buildings in the area and the dwellings would be only between 0.5m and 0.8m taller than the existing dwelling.
- 14.7 With regard to residential amenity, the proposed dwellings are sufficiently far enough away from the adjoining properties not to result in any loss of light. The first floor side windows relate only to bathrooms or stairs and are indicated as being obscure glazed to maintain privacy levels. The Parish Council has raised concern about the noise implications associated with the parking arrangement for plot 1. The access shared by nos.23 and 25 at present would be maintained for use by two dwellings. It is accepted that the proposed attached garage/parking spaces would be closer to no.21 than the existing garage but the distance between the first floor side windows to the adjacent house and the parking spaces would be some 15m. Given the use of the access by two dwellings at present, it is not considered that the proposal would result in harm to the amenities of the neighbouring property. To the rear, the proposed houses are sited far enough from no.23 not to result in significant overlooking (minimum of 17 metres from the rear boundary).
- 14.8 The Highway Authority has not raised any objections to the proposed additional vehicular access or the parking arrangements to the dwellings subject to the retention of the spaces and cycle parking provision.



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

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

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

- 14.10 This national guidance is at odds with Policy CS15 of the Council's Core Strategy. In these circumstances, the law gives no priority to either the Council's Core Strategy or to the Government's national guidance. It is for the decision maker to assess both policies as “material considerations” and to decide which should have greater weight in the determination of a planning application. However, the Secretary of State, through his inspectors can be anticipated to give greater weight to the Government's national guidance unless there are exceptional circumstances which indicate otherwise.
- 14.11 While the need for affordable housing in this District is pressing, this in itself does not give rise to the sort of circumstances that can be considered exceptional. Therefore it is recommended that no affordable housing or tariff style contributions are sought from this development, in accordance with National Planning Practice Guidance, contrary to the provisions of Policy CS15 of the Core Strategy.
- 14.12 In accordance with the Habitat Regulations 2010 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard.
- 14.13 The proposed scheme is not considered to be harmful to the established residential amenities of the area and while the visual impact of the proposal would be very different from the existing situation, size and design of the proposed dwellings would reflect other developments in the area and would not be seen as out of context in this locality.
- 14.14 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of

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

## Section 106 Contributions Summary Table

<b>Proposal:</b>			
<b>Type of Contribution</b>	<b>NFDC Policy Requirement</b>	<b>Developer Proposed Provision</b>	<b>Difference</b>
Financial Contribution			
<b>Habitats Mitigation</b>			
Financial Contribution			

## Cil Summary Table

Type	Proposed Floor space (sq/m)	Existing Floor space (sq/m)	Net Floor space (sq/m)	Chargeable Floor space (sq/m)	Rate	Total
Dwelling houses	390	131	259	259	£80/sqm	£22,792.00 *
<b>Subtotal:</b>	<b>£22,792.00</b>					
<b>Relief:</b>	<b>£0.00</b>					
<b>Total Payable:</b>	<b>£22,792.00</b>					

\* 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)*

Where:

*A = the net area of floor space chargeable in square metres after deducting any existing floor space and any demolitions, where appropriate.*

*R = the levy rate as set in the Charging Schedule*

*I = All-in tender price index of construction costs in the year planning permission was granted, divided by the All-in tender price index for the year the Charging Schedule took effect. For 2017 this value is 1.1*

## 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: Design and Access Statement, 1976-50A, 1976-56A, 1976-51A, 1976-52A, 1976-54A, 1976-53A, 1976-55A.

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 the occupation of the first dwelling 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, in particular along the front boundary;
- (b) a specification for new planting (species, size, spacing and location);
- (c) areas for hard surfacing and the materials to be used;
- (d) other means of enclosure;
- (e) a method and programme for its implementation and the means to provide for its future maintenance.

No occupation shall take place unless the agreed scheme has been implemented.

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

5. 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).

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

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

7. The development hereby permitted shall not be occupied until the spaces shown on plan 1976-52A for the parking and garaging of motor vehicles and cycles have been provided.

The spaces shown on plan 1976-52A for the parking and garaging of motor vehicles and cycles shall be retained and kept available for the parking and garaging of motor vehicles and cycles 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).

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

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

**Notes for inclusion on certificate:**

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

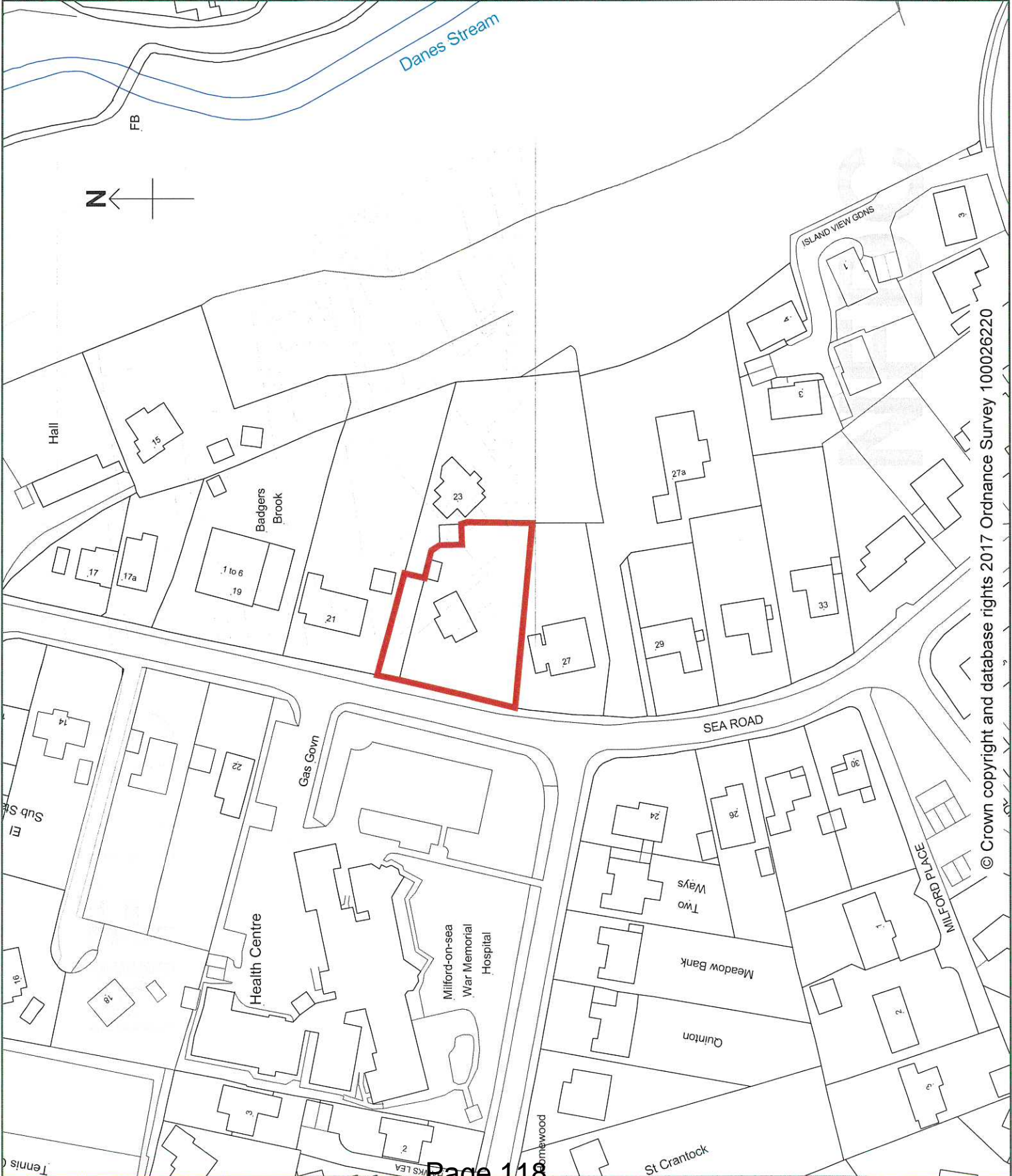
In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

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

**Further Information:**

Major Team

Telephone: 023 8028 5345 (Option 1)



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**Application Number:** 16/11644 Full Planning Permission

**Site:** 18 PRIESTLANDS ROAD, PENNINGTON, LYMINGTON SO41  
8HY

**Development:** Two-storey side and rear extensions; dormers; fenestration  
alterations; rooflights

**Applicant:** Mr & Mrs Ritter

**Target Date:** 26/01/2017

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## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary Town Council view

## 2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Constraints

Aerodrome Safeguarding Zone  
Plan Area

### Plan Policy Designations

Built-up Area

### National Planning Policy Framework

Section 7

### Core Strategy

CS2: Design quality

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

None relevant

### Supplementary Planning Guidance And Documents

SPD - Lymington Local Distinctiveness

## 3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

#### 4 RELEVANT SITE HISTORY

Proposal	Decision Date	Decision Description	Status
03/78115 Rear extension; additions to roof and dormers	04/07/2003	Granted Subject to Conditions	Decided

#### 5 COUNCILLOR COMMENTS

Cllr Michael White: if the application is to be recommended for approval under delegated powers, request that it be referred to Planning Development Committee for a decision

#### 6 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council: recommend permission.

#### 7 CONSULTEE COMMENTS

7.1 Hampshire County Council Highway Engineer: no objection

7.2 Land Drainage: Information only

Comments in full are available on website.

#### 8 REPRESENTATIONS RECEIVED

Two representations of objection have been received one from the neighbour at 16 Priestlands Road and one from the Lymington Society:

- gabled ends contrary to character of predominant hipped roofs;
- increase of property compared to original built dwelling equates to 42% increase;
- damp and drainage issues;
- side extension overbearing, being excessive in size and impact;
- proximity to no 16 would create a terraced effect;
- damage to neighbouring property's foundations;
- limited access for maintenance;
- future severance of annexe;
- loss of light and shading to no 16;
- line of boundary between application site and no 16 questioned;
- loss of light to study and bedroom;
- increase shading to south-west roof of no 16, where the intention was to position solar panels;
- loss of privacy and noise issue from proposed side door;
- compromising position of ventilation vents and flues on no 16

Two representations of support, one from the neighbour at 20 Priestlands Road and one from 5 Widbury Road

- proposals would be in keeping with street scene and enhance value

representation from agent:

- shadowing of existing window would be acceptable, and proposal would not affect the garden, greenhouse and any future solar panels at no 16

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.

No pre application advice was sought prior to the application being submitted. The initial briefing identified that consideration would need to be given to the impact of the building on both the street scene and the character of the area, as well as potential impact on the neighbouring property, no 16. Representations have been received by both the neighbour and the agent relating to the level of impact on the amenities of no 16. On careful consideration and taking all received representations into account, the level of harm to the neighbouring property is not justifiable as a reason for refusal. Nevertheless, the adverse impact on the street scene and general character of the area would be significant and on these grounds refusal is recommended.

## **12 ASSESSMENT**

12.1 The proposed side extension would reflect the form of the existing dwelling, and would be slightly lower than the ridge on the host property. It would replace an existing detached garage and be further off the boundary at the front (2.3 metres), though it would extend further back and due to the angle of the boundary line with the neighbouring property, no 16, would be sited within 300mm of this boundary at the rear. This would provide a distance of approximately 3.5 metres between the side of the proposed side extension and the side wall of no.16 at the front and approximately 1.3 metres at the rear.

12.2 By reason of its position, design and dimensions, the proposed side extension would be more visible than the existing development in situ, in relation to no 16. No 16 Priestlands Road is to the east of the application site and has recently been extended to create a two storey dwelling. There are windows on the side elevation at both ground and first floor level that would be facing the proposed side extension. Of the two ground floor windows at no 16 facing the site, the rearmost window is the sole window serving a modest room which is to be utilised as a study/guest bedroom. This room is already compromised to a degree by the existing

boundary wall and garage serving no.18. Arguments have been put forward for and against with regard to the degree of increased loss of light that the proposed extension would create.

- 12.3 On balance even though it is accepted that due to the proximity and height of the extension it would have a greater impact on this window than the existing arrangement, the side boundary wall and garage affects the light available to and outlook from this room. Furthermore, the existing dwelling already creates a level of overshadowing to this room later in the day. Therefore, the additional level of light loss and overshadowing to this room would not be to such a degree that would justify a reason for refusal.
- 12.4 The other ground floor window is a secondary window to the living room, and the first floor rooflights are serving an ensuite and a secondary window to the bedroom respectively. By reason of the relationship of these other windows to the proposed extension, these would not create a significant level of harm to the amenities of these respective rooms.
- Similarly, the level of overshadowing to the rear garden of no 16 from both the proposed rear and side extensions would not be such to justify a refusal.
- 12.5 Concerns about potential damage or adverse impact from any proposed building work at the application site, would be dealt with under civil legislation namely the Party Wall Act. Furthermore, building regulations should ensure that the building works meet all the necessary requirements in relation to drainage and foundations design.
- 12.6 The proposed annexe would form part of the residential unit. If in the future it was proposed to be severed, this would require a separate planning application.
- 12.7 The proposed side door would access the garage, but taking into account the part of the dwelling it would be serving and that this is not the only door serving this area, the concerns raised relating to nuisance are not justified. With regard to the positioning of external flues and vents, it is not reasonable to rely on the neighbouring property for adequate ventilation zones
- 12.8 The neighbour at no.16 has raised concerns that the proposed development would impact upon the future siting of solar panels on the south western elevation of that property. However, the solar panels are not in situ currently and therefore the potential impact on these cannot be taken into consideration.
- 12.9 The repositioning of the rear dormer would result in it being in a more exposed position on the rear elevation and bring it closer to the common boundary with 2 Whitaker Crescent. In relation to this neighbour, the dormers would only achieve oblique views over their rear garden area. The proposed extensions should not adversely impact upon the amenities of other adjoining neighbours.
- 12.10 The extensions would result in the dwelling being increased to a 5 bedroom property. Parking standards require the provision of 3 parking spaces within the curtilage and these can be accommodated in the large driveway to the front of the property.

12.11 Priestlands Road has a varied character. Nevertheless, there is a sense of spaciousness to this section of the road, extending to the junction with Whittaker Crescent, which is further contributed to by the openness of the school site opposite. The proposed extensions would result in two storey development spanning virtually the entire width of this plot, eroding the spatial gap with no 16, and detracting from the spatial characteristics of the existing dwelling. Furthermore, the resulting development would create a cramped appearance which would be harmful to both the street scene and the character of the area, and the level of harm would be significant enough to justify a refusal in this instance.

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

### **13. RECOMMENDATION**

#### **Refuse**

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

1. By reason of its siting, width and height, the proposed side extension would result in the loss of the existing gap with the neighbouring property, no 16 Priestlands Road, detracting from the spatial characteristics of the dwelling in its setting and create a cramped form of development that would be harmful to the appearance of the street scene and local distinctiveness of the area. For this reason, the proposed development is contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

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

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

No pre application advice was sought prior to the application being submitted. The initial briefing identified that consideration would need to be given to the impact of the building on both the street scene and the character of the area, as well as potential impact on the neighbouring property, no 16. Representations have been received by both the neighbour and the agent relating to the level of impact on the amenities of no 16. On careful consideration and taking all received representations into account, the level of harm to the neighbouring property is not justifiable as a reason for refusal. Nevertheless, the adverse impact on the street scene and general character of the area would be significant and on these grounds refusal is recommended.

**Further Information:**

Householder Team

Telephone: 023 8028 5345 (Option 1)



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**Application Number:** 16/11701 Full Planning Permission

**Site:** 4 SOUTH STREET, PENNINGTON, LYMINGTON SO41 8ED

**Development:** Use of ground floor as 1 flat

**Applicant:** DMG Retirement Trust

**Target Date:** 08/02/2017

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**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Policy; 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
4. Economy
6. Towns, villages and built environment quality

Policies

- CS2: Design quality
- CS20: Town, district, village and local centres
- CS24: Transport considerations
- CS25: Developers contributions

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

- DM3: Mitigation of impacts on European nature conservation sites
- DM17: Local shopping frontages in the built-up areas of Totton, Hythe, Lymington, New Milton, Ringwood and Fordingbridge

**4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

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

**5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

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

**6 RELEVANT PLANNING HISTORY**

None

**7 PARISH / TOWN COUNCIL COMMENTS**

Lymington & Pennington Town Council: recommend permission - reluctantly approve subject to report from Highways

**8 COUNCILLOR COMMENTS**

None

**9 CONSULTEE COMMENTS**

9.1 Hampshire County Council Highway Engineer:- no objection

**10 REPRESENTATIONS RECEIVED**

None

**11 CRIME & DISORDER IMPLICATIONS**

No relevant considerations

**12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission the Council will receive New Homes Bonus (net increase in dwellings 1 x £1224 = £1224 in each of the following four years, subject to the following conditions being met:

- a) The dwellings the subject of this permission are completed, and
- b) The total number of dwellings completed in the relevant year exceeds 0.4% of the total number of existing dwellings in the District

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 £3,696.00.

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

**13 WORKING WITH THE APPLICANT/AGENT**

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

This is achieved by

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



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

In this case, the application proposals were not the subject of pre-application advice. Given the nature of the main objection outlined in the report below, it is not felt there is scope to negotiate on the application proposals to secure an acceptable outcome to this application.

## **14 ASSESSMENT**

- 14.1 This application relates to the ground floor of 4 South Street, which is a vacant commercial unit with a shopfront that is situated within the Pennington Local Shopping Frontage. The most recent use of the building was as a cafe. It is understood that this use ceased trading in December 2015.
- 14.2 The submitted planning application seeks to convert the building to a single 2-bedroom flat. The proposed residential conversion would include some minor external alterations to the side of the building, which abuts an undercroft access leading to a rear parking area. The proposal would be contrary to Policy DM17 of the Local Plan Part 2 which indicates that residential development will not be permitted at ground floor level in premises within the defined Local Shopping Frontage. As such, planning permission should not be granted for this proposed development unless there are material considerations to justify a departure from policy.
- 14.3 Many of the adjacent and nearby premises within this part of the Local Shopping Frontage, including the 2 neighbouring commercial units, have been the subject of Prior Approval Applications to convert the former shops / commercial uses to residential dwellings. The Local Planning Authority initially resisted one of these proposals, refusing a Prior Approval application at nearby Linden House on the basis that the proposal would have been harmful to the sustainability of a key shopping area. However, an appeal inspector disagreed. He noted that the units at Linden House had been vacant for some time, had been marketed without generating interest, and were in an area where there were a number of other vacant units. The appeal inspector did not feel there

was a reasonable prospect of the building being put back into active retail use. The appeal inspector concluded that a residential change of use would not have an undesirable impact on the sustainability of the shopping area in which Linden House was sited. Subsequently, other Prior Approval applications have been submitted for other adjacent units, and in the light of the appeal decision at Linden House, the Local Planning Authority has concluded that their residential conversion is acceptable based on what can legitimately be considered through the Prior Approval process, (which is much more limited than with an equivalent planning application).

- 14.4 Because the last use of 4 South Street was as a cafe, there are no permitted development rights to convert the building to a dwelling, and therefore the Prior Approval process cannot apply. Instead, full planning permission is needed for the proposed change of use. Notwithstanding this fact, because the loss of adjacent commercial units has been accepted through the Prior Approval process, it is felt there is no longer a reasonable case to resist the principle of a residential conversion. 4 South Street forms one of a group of commercial units within the Local Shopping Frontage that have been struggling to survive. Given what has already been accepted, it is not felt the loss of this small, vacant retail unit would have a materially harmful impact on the vitality of the Pennington Local Shopping Frontage.
- 14.5 While the principle of a residential conversion is considered acceptable, it is still necessary to consider a number of detailed impacts. In this case, the use and the physical alterations would not have an adverse impact on the character and appearance of the area. Nor would the proposed development have any material adverse impact on the amenities of adjacent properties. However, the proposed flat itself would have a particularly poor quality living environment. The flat would be small with no outdoor amenity space. The 2 bedrooms would have a dark and gloomy outlook onto an undercroft access, while the small combined kitchen / living room would also have side windows facing onto this undercroft access. The kitchen / living room would have an outlook directly onto the street at the front as well. Given the public nature of the flat's surroundings, the flat would enjoy limited privacy, and the flat would also be subject to relatively high levels of disturbance. These factors would all combine to result in a property where the levels of amenity afforded to future occupants would be unacceptable. It should be noted that the level of amenity afforded to future occupants is not a matter that can be considered through the Prior Approval process, and so it was not a relevant issue when determining the recent Prior Approval applications affecting adjacent premises. However, it is very much a relevant issue to consider as part of this planning application.
- 14.6 The flat would not have any allocated off-street car parking space, which would be acceptable from a highway safety perspective, having regard to the views of the Highway Authority.
- 14.7 In accordance with the Habitat Regulations 2010 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission were to be granted for

the proposed development, a condition would be required that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. The full habitat mitigation contribution that would be required in this case would be £3050.

- 14.8 Following recent changes to national planning policy, it is not considered that a contribution to affordable housing would be justified. In essence, on this particular point, national planning policy is felt to carry greater weight than the Council's Core Strategy Policy CS15.
- 14.9 Overall, it not felt there is a compelling case to resist the loss of this commercial use within the Local Shopping Frontage, taking into account recent changes / decisions affecting adjacent premises, and given the limited impact there would be on the vitality of the overall Shopping Frontage. As such, a decision contrary to Local Plan Policy DM17 would be justified. However, what would not be justified would be the creation of a dwelling with such a poor quality of amenity as that proposed. For this reason, it is felt that planning permission should be refused.
- 14.10 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

### Section 106 Contributions Summary Table

<b>Proposal:</b>			
<b>Type of Contribution</b>	<b>NFDC Policy Requirement</b>	<b>Developer Proposed Provision</b>	<b>Difference</b>
<b>Habitats Mitigation</b>			
Financial Contribution	£3050		

### Cil Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	42		42	42	£80/sqm	£3,696.00 *
<b>Subtotal:</b>	£3,696.00					
<b>Relief:</b>	£0.00					
<b>Total Payable:</b>	£3,696.00					

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

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

Where:

*A = the net area of floor space chargeable in square metres after deducting any existing floor space and any demolitions, where appropriate.*

*R = the levy rate as set in the Charging Schedule*

*I = All-in tender price index of construction costs in the year planning permission was granted, divided by the All-in tender price index for the year the Charging Schedule took effect. For 2017 this value is 1.1*

## 15. RECOMMENDATION

### Refuse

#### Reason(s) for Refusal:

1. The proposed flat would provide an unsatisfactory living environment and unacceptably poor levels of amenity and privacy for future occupants, having regard to the flat's small size, its dark and unattractive outlook onto an undercroft vehicular access, its lack of any outdoor amenity space, and due to the relatively high levels of disturbance that would arise from the flat's immediate outlook. As such, the proposal would be a poor design that would be contrary to Policy CS2 of the Core Strategy for New Forest District outside of the National Park.

#### Notes for inclusion on certificate:

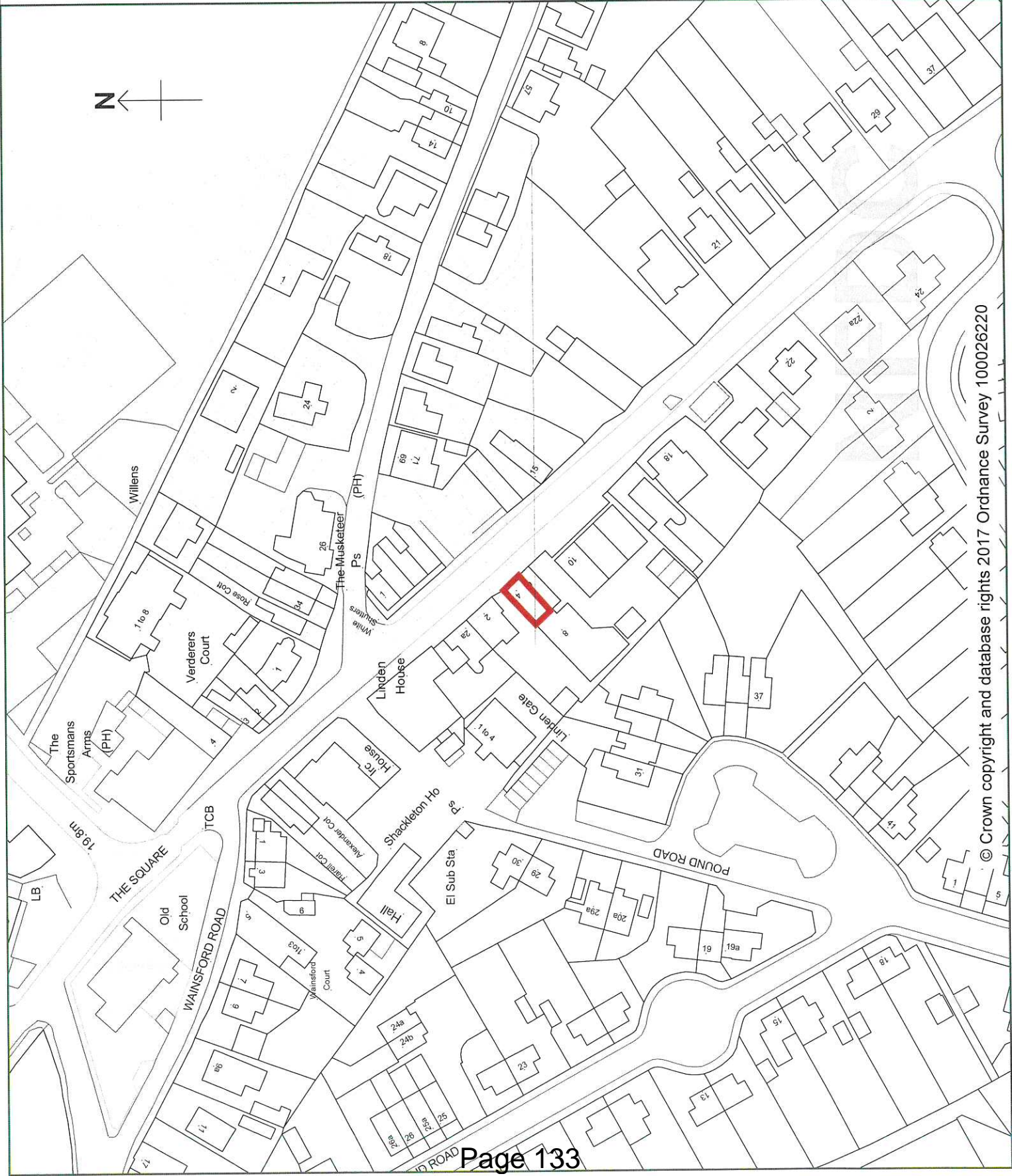
1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising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

In this case, the application proposals were not the subject of pre-application advice. Given the nature of the main objection, it is not felt there was scope to negotiate on the application proposals to secure an acceptable outcome to this application.

#### Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



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**Application Number:** 16/10764 Full Planning Permission

**Site:** Land at BUCKLAND MANOR FARM, ALEXANDRA ROAD,  
LYMINGTON SO41 8NN

**Development:** Development of 87 dwellings comprised: 21 detached houses; 5 bungalows; 26 pairs of semi-detached houses; 3 terrace of 3 houses; garages; parking; landscaping; junction access; estate roads, footpaths; SANG; open space; 10 allotments

**Applicant:** Pennyfarthing Homes Ltd

**Target Date:** 12/09/2016

**Extension Date:** 31/01/2017

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## 1 REASON FOR COMMITTEE CONSIDERATION

Previous Committee Consideration (October 2016)

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

Part of site in countryside (SANGS)

Part of site in Green Belt (SANGS)

Allocated site

Right of Way running along the eastern boundary of the site (Footpath 61)

Buckland Rings Conservation Area to the north east of the site which includes Grade II Listed Building. Situated to the north of Listed Building is Ancient Monument

Tree Preservation Orders along the east boundary of the site and a group protection Tree Preservation Order along the southern boundary of the site

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

#### Objectives

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

#### Policies

##### Core Strategy

CS1: Sustainable development principles

CS2: Design quality

CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)  
CS4: Energy and resource use  
CS7: Open spaces, sport and recreation  
CS8: Community services and infrastructure  
CS10: The spatial strategy  
CS12: Possible additional housing development to meet a local housing need  
CS13: Housing types, sizes and tenure  
CS14: Affordable housing provision  
CS15: Affordable housing contribution requirements from developments  
CS24: Transport considerations  
CS25: Developers contributions

#### Local Plan Part 2

DM1: Heritage and Conservation  
DM2: Nature conservation, biodiversity and geodiversity  
DM3: Mitigation of impacts on European nature conservation sites

#### **4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

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

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

SPD - The Delivery of Affordable Housing (on Development Sites) through the Planning Process  
SPD - Design of Waste Management Facilities in New Development  
SPD - Housing Design, Density and Character  
SPD - Lymington Local Distinctiveness  
SPD - Parking Standards  
SPD- Mitigation Strategy for European Sites

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

6.1 95 dwellings, garages, parking, 10 allotments, open space - Outline with details of means of access and layout (11427) Withdrawn on the 10th March 2015

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

Lymington and Pennington Town Council: it would not be appropriate for the Town Council to comment as there is a conflict of interest, as an adjoining landowner over whose lane the development site would be accessed should planning permission be granted.

#### **8 COUNCILLOR COMMENTS**

None

#### **9 CONSULTEE COMMENTS**

9.1 Hampshire County Council Highway Engineer: The revised Transport Statement has addressed most of the points raised within the Highway Authority's concerns with the exception of the provision of a footway link



between the western access and the promoted Bus stop in Alexandra Road to the south of the site. This footway if provided would create a useful link for pedestrians from the proposed footway at the western access to the site to the existing footway network linking with the schools in Pennington to the south. The above link might be provided on land currently within the highway and could therefore be implemented by way of a S278 agreement with the Highway Authority.

- 9.2 Tree Officer: No objection subject to condition
- 9.3 Open Space Co Ordinator: The location and size of the public open space (informal and children's play) would be acceptable. A financial contribution for off site formal public open space would be required. Maintenance contributions would also be required.
- 9.4 Urban Design Officer: In principle the proposal will be acceptable
- 9.5 Strategic Housing Officer: Does not support the proposal given the amount of affordable housing is well below the policy requirement.
- 9.6 Hampshire County Council Education Authority: The development lies in the catchment area of Lymington Infant and Junior and Priestlands Secondary Schools. The proposed development would require a financial contribution towards Infant and Junior Schools. The funding will be used to increase the places available through building alterations/ extensions to provide the additional places required to meet pupil forecast.
- 9.7 Southern Water Authority: Cannot accommodate the needs of the development without additional local infrastructure. It is advised that in order to accept the additional flows, there will be a requirement to provide additional off site sewers or improvements to existing sewers to provide sufficient capacity to service the proposed development. These upgrades can be requisitioned along with the new offsite sewers under Section 98 of the Water Industry Act. A condition is requested if development is approved.
- 9.8 Rights of Way Officer: No comment received to date
- 9.9 Natural England: Comments will updated when available
- 9.10 Ecologist: No objection subject to condition
- 9.11 Hampshire County Council Minerals and Waste: The proposed development lies within the mineral and waste consultation area (MWCA) – Minerals section. This area is informed by the mineral safeguarding area (MSA) as defined through Policy 15: Safeguarding – mineral resources of the adopted Hampshire Minerals and Waste Plan (2013) (HMWP) and indicates where viable, safeguarded mineral resources are likely to be present. The purpose of this policy is to protect potentially economically viable mineral resource deposits from needless and unnecessary sterilisation. The policy seeks to encourage the recovery, where possible, of potential viable mineral resources prior to development, this concept is known as prior-extraction. Prior-extraction offers potential opportunities to reuse recovered minerals within the development itself or upcycle them to nearby aggregate recycling facilities. This in turn has strong potential to reduce the amount of waste

generated through excavation on site as well as reducing the need for imported construction material. The County Council as the MPA take this opportunity to request further exploratory work to be undertaken on site and submitted to the MPA in the form of a minerals safeguarding report or assessment. This report should include empirical data of underlying geological stratigraphy captured by borehole or trial pit sampling, as well as recommendations on how the use of any minerals present could be maximised. This will enable the MPA to interpret the data and provide a position in relation to Policy 15 and make a recommendation for the extent of prior extraction and for suitable conditions to be incorporated if appropriate. In the absence of further information on the mineral potential of the area and/or how this mineral potential will be handled by the development, the proposal is considered to be contrary to Policy 15 of the adopted HMWP.

- 9.12 Hampshire County Council (Flood Management):- The general principles of the surface water drainage proposals are acceptable; more detail will be needed as part of a more detailed design phase to include infiltration test, and evidence that exceedance flows and run off in the excess design criteria have been considered. In addition, confirmation on general maintenance regimes of the surface water management includes SUDS features.
- 9.13 Environment Agency: No comment received to date
- 9.14 Archaeologist: Although there are no archaeological sites currently recorded at this location, the general archaeological potential of this area, close to the coast, overlooking a stream and close to Buckland Rings, could encounter archeological remains. Any detailed application should be accommodated by a Heritage Statement that considers the archaeological potential of the site or a archaeological condition attached to any outline planning permission in order to secure or indicate the need for such a statement at a future date.
- 9.15 Conservation Officer: The submitted heritage statement assess the impact and significance of the archaeology of the site. However while recognising the proximity of Buckland Manor and Buckland Conservation Area makes no assessment of the significance of these assets and the impact of the proposals on that setting and relationship with the wider agricultural setting. Without this assessment it would be premature to make any judgements on the proposal
- 9.16 Environmental Health (historic land use):No objection subject to conditions. The proposal is for a large amount of residential dwellings with gardens and provision is made for allotment use - therefore a desktop study and preliminary risk assessment of the site as a minimum is required to ensure the site is suitable for this sensitive end use. This department was contacted previously for an opinion as to whether ground gas monitoring would be required as part of the ground investigation that was being carried out. Therefore previous investigations have been undertaken at the site but not submitted with the application.

## 10 REPRESENTATIONS RECEIVED

10.1 23 letters of objection (including one from the Lymington Society) concerned with the following:

- In allocating the site the Inspector stated that 80 houses should be provided on the site and the policy also states that the site should be developed for 80 houses. The proposal for 87 is well beyond what is expected and would have a greater impact on public highway safety
- Impact on public highway safety through an increase in traffic. This includes a danger to the existing roundabout at the junction of Alexandra Road and the A337. There are also concerns over increase in traffic on Fullerton Road and surrounding residential roads. Concern over two accesses into the site and the possible 'race track' of the circular route. The accesses have poor visibility splays. Has the layout provided for sufficient car parking and spaces for visitors?
- Will there be any traffic calming in Alexandra Road/ speed restrictions
- Against development on Green Belt Land
- Lack of affordable houses
- The amenity land should be within the site not outside
- The proposed development on the eastern boundary is too crowded against the existing housing estate and public footpath
- The site is too dense and the layout should reflect the transition between countryside and town
- Are there any proposals for the land to the north of the site
- Concerns over loss of privacy/ overlooking onto the residential properties in Paddock Gardens. These houses should be replaced with bungalows. Possible noise and disturbance to these residents. A green corridor needs to be located along this eastern boundary or the allotment needs to be sited along these boundaries.
- Impact on wildlife and protected species. In particular the proposed SANGS which will have bats and badgers. In addition the land to the north of the site and to the south of Buckland Manor accommodates a lot of wildlife. This has not been reflected in the Ecological Report
- Concern over loss of water pressure from the proposed development and sufficient new infrastructure should be installed.
- The northern buffer zone needs to be much wider with significant tree and hedgerow planting
- Provision should be made to improve and upgrade footpath 61. The footpath is overgrown and needs enhancements
- There needs to be protection of trees and hedgerows along the footpath to protect the privacy of the residents in Paddock Gardens
- Impact on local infrastructure

- Concern over the proposed housing mix. The new housing mix requires Parliament to pass a revision to the Housing and Planning Bill and this application should wait until the Bill has been passed into Law. There should be more private houses located to the east of the site
- The Police stated that there should only be one exit, not two onto Alexandra Road because of policing matters. In addition, the Police are against the joining of development to footpaths
- While the proposal to open up Jimmy Bays is a benefit, there are concerns that this will be very boggy for children and potentially dangerous. There is a pond, stream and open ditches within this area which could be a hazard for children. How can safeguards be put in place
- Concerns over the allotments in relation to lighting bonfires and smoke
- This site lies within the Buckland Stream water body, designated under the Water Framework Directive. This water body is currently assessed as at "moderate" status. Any potential scheme to improve the status of the water body, as part of the development proposals, should be undertaken and at the very least no deterioration in status should occur as a result of the development and we would encourage improvements/enhancements where possible.
- No residents were consulted by the applicant
- The area of land to the east is not dense development and the D & A Statement is incorrect.
- The submitted ecological report is flawed and is not valid. In relation to the Great Crescent Newts the surveys should be carried out at the correct time of the year and the report and surveys have not assessed whether there are Newts on the site. The surveys should not be carried out at a future date. There are many protected species on and near the site including a badger sett.

## **11 CRIME & DISORDER IMPLICATIONS**

Crime Reduction Officer: no comment received to date

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission and the dwellings built, the Council will receive £100224 in each of the following six years from the dwellings' completion, and as a result, a total of £601344 in government grant under the New Homes Bonus will be received.

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

Based on the information provided at the time of this report this development has a CIL liability of £677,054.73.

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

## 13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

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

## 14 ASSESSMENT

### Introduction

This planning application was considered by the Planning Development Control Committee on 12th October 2016 and the resolution was that the Service Manager Planning and Building Control be authorised to grant planning consent subject to the completion of the requisite Section 106 Agreement by 30th January 2017. Unfortunately, the Agreement was not completed in time and it is hoped that it will be completed before this meeting. However, in order to allow some flexibility it is suggested that the resolution be extended until 30th March 2017.

In addition, there have been changes to the front elevations of plots 36 and 37 which changes the first floor windows which would now be glazed with obscure glass and the windows re-configured so that there are fewer first floor windows facing the neighbouring properties at Paddock Gardens.

## 14.1 Introduction

- 14.1.1 The site comprises an open field and part of an area of woodland (known as Jimmy Bays) extending in total to just over 6 hectares in size located to the north of the built up area of Lymington. The land is generally flat. There is a narrow strip of trees and mixed hedgerow along the southern boundary which provide a screen along Alexandra Road. Along the eastern boundary of the site there is a Public Right of Way (Footpath 61). To the north of the site are agricultural fields with various large and relatively modern farm buildings within the Buckland Rings Conservation Area. Within the group of buildings sits, Buckland Manor which is a grade 2 listed building. There is no direct vehicular access into the site, and the nearest highway is Alexandra Road. Just beyond the eastern boundary of the site, there is a modern housing development known as Paddock Gardens, which comprises predominately detached bungalows and two storey dwellings situated around a single large open area with the rest of the housing situated off small cul de sacs. A number of the dwellings within this housing estate have their rear gardens backing onto the eastern boundary of the site.
- 14.1.2 On the southern boundary of the site, there is a relatively high density housing development known as Bramble Walk and Redwood Close, which are small courtyard and cul de sac developments. Bramble Walk is a modern housing development comprising semi-detached and terraced two storey housing set out in a relatively uniform layout with extensive areas of hardstanding with limited soft landscaping and greenery, with areas mainly dominated by open car ports and car parking spaces to the front of the dwellings. In Redwood Close, the housing development is uniform with a mixture of detached and semi detached dwellings, but the layout is more spacious with the houses having well landscaped front gardens.
- 14.1.3 This full application proposes 87 houses, garages, footpaths, areas of public open space including children's play, Site of Alternative Natural Green Space (SANGS), landscaping, ten allotments and two accesses onto Alexander Road. The proposed houses would comprise 21 detached houses, 5 bungalows, 26 pairs of semi-detached houses, 3 terraces of three houses. The proposed housing mix would comprise 44 private market housing and 43 affordable housing including 17 affordable rent and 26 starter homes. The proposed housing would be a mixture of 1, 2, 3 and 4 bedroom houses.
- 14.1.4 The proposed layout entails two new access points onto Alexandra Road. The proposed layout has been designed with the residential properties located around a single 'loop road' with further houses served off smaller cul de sacs. The main informal open space would be provided along the western part of the site adjacent to the existing woodland area known as 'Jimmy Bays', with a landscaped footpath link running along the southern and northern boundary. The woodland area to the west known as 'Jimmy Bays' would form the habitat mitigation (SANGS) with footpath connections gained from the informal open space. A children's play area is proposed in the central part of the site overlooked by proposed houses. It is proposed to provide ten allotments on the north east side of the site with a small car parking area.

14.1.5 Visually the majority of the proposed dwellings would be two storeys in height with five bungalows proposed on the north west side of the site. The proposed dwellings would be designed as very simple conventional building forms including a mixture of pitched and hipped roofs.

## 14.2 Policy

14.2.1 In terms of the policy context, Policy LYM2 of the Local Plan Part 2 allocates this site for residential development to provide for local housing needs in accordance with Policies CS12 and CS15(b) of the Council's Core Strategy. The policy requires 70% of the dwellings for affordable housing. The policy sets out how the site shall be developed with a list of site -specific criteria which is set out below:

- Provision of vehicular, pedestrian and cycle access from Alexandra Road, and pedestrian links to the public footpath along the eastern boundary of the site;
- Provision of measures to mitigate the recreational impact of the development on European nature conservation sites in accordance with Policy DM3, to include the provision on or close to the site of publicly accessible land designed to provide Suitable Alternative Natural Green Space (SANGS);
- Retention and enhancement of important trees and hedgerows on site boundaries;
- Provision of a green buffer landscape feature including a recreational footpath along the northern boundary of the site connecting with woodland to the west;
- On site provision of public open space in accordance with Policy CS7, including the provision of play space(s) for both younger and older children located within the residential development; and
- Provision of suitable land for a minimum of 10 full size allotment plots within the site.

The sub text to the policy states that the development of the site will provide up to around 80 new homes and significant areas of green infrastructure, particularly along the northern boundary of the site. It highlights the need to create a substantial green infrastructure corridor linking the public footpath to the east with the woodland to the west of the site to create an additional wildlife corridor and contribute towards the mitigation of the recreational impacts of the development. The sub text goes on to state that the site layout and density of development should reflect the transition between the town and countryside within this development and make provision for publicly accessible natural green space (SANGS) which will mitigate recreation impacts of the development on European sites.

14.2.2 In assessing whether the proposal meets the policy requirements as set out under LYM2, the proposal seeks to provide 87 dwellings, which would be 7 additional houses above the expected level of housing identified in the subtext to policy LYM2. Whether the increase in the number of houses above this figure would be acceptable would be

dependant on the acceptability of the layout and design for the site which lies on the rural edge of Lymington and whether the other policy requirements that need to be achieved including the provision of SANGS, public open space, allotments, substantial landscaped areas and appropriate access/parking are included.

- 14.2.3 In assessing the individual policy requirements set out in LYM2, it is considered that the proposal has broadly fulfilled the criteria. The layout shows a reasonably wide footpath across the north boundary of the site with green areas and adequate space for soft landscaping. Accordingly, it is considered that the provision of a green buffer landscape feature including a recreational footpath along the northern boundary of the site connecting with the woodland to the west would be acceptable. The layout includes the provision of 10 allotments in the north east corner of the site with a car parking area, which would be acceptable. The proposal has also shown the provision of vehicular, pedestrian and cycle access from Alexandra Road, and pedestrian links to the public footpath along the eastern boundary of the site. The other key policy requirements are set out below.
- 14.2.4 The proposed SANGS land is located outside the built up area and within designated Green Belt. Within the proposed SANGS land, no new buildings or structures are proposed, other than a new footpath link. Paragraph 87 confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. New footpaths could be considered as inappropriate development, subject to a number of express exceptions listed in paragraph 89 of the Framework. These exceptions include the provision of appropriate facilities for outdoor sport, outdoor recreation, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. Having regard to paragraph 89, buildings proposed in connection with activities of this sort do not fall within an agricultural use category, but it is reasonable in this instance to assess the proposed SANGS as being essential facilities for outdoor recreation. As such, the proposal is not inappropriate development for the purposes of the Framework.

### 14.3 Landscape and Design Considerations

- 14.3.1 The site's location on the rural edge of Lymington with open countryside to the north would require a high quality design and layout. There are no natural features on the site to define the northern boundary but the site is well defined to the west by woodland. All of the proposed layout should form an attractive soft transition between the development and the open countryside.
- 14.3.2 The design concept of the proposed layout is acceptable. Houses would front onto a network of roads and cul de sacs with areas of public open space and footpath connections throughout the site. It is proposed to create a shared surface around most of the circular loop which can slow traffic and offer pedestrian comfort. A good degree of natural surveillance would be provided throughout the site onto the public realm from the proposed houses. The short cul de sacs would be constructed using high quality block paving and there is sufficient new tree planting throughout the site including new trees within front and rear garden areas.



- 14.3.3 The rural edge to the north links the existing footpath network with the habitat mitigation land within Jimmy Bays offering various choices as to walking routes around an area of amenity value. The northern boundary would be defined with a landscaped footpath link with rear gardens backing onto the rural edge. New trees and planting would be installed along the northern boundary, but this is not to create a dense screen, but to allow the trees to punctuate the dwellings. The trees along the southern boundary, for the most part would be retained with a footpath providing a link between the west and east of the site. The inclusion of 'Jimmy Bays' woodland area as part of the overall habitat mitigation is considered to be a significant benefit. Not only is the woodland a significant landscape feature, the layout would also provide a good opportunity to provide public access into this area for the community with new footpath connections between the open space and proposed housing areas. Overall, the open space alongside the woodland and the provision of the woodland area as mitigation land together with the inclusion of the tree belt along the south has enabled a fairly sympathetic rural edge to be created.
- 14.3.4 Plots would be reasonably sized offering front and rear garden areas with on site car parking and garages, creating space and greenery to the front of the site. This would minimise cars being visible on the road network. Some areas of slightly deeper gardens than might typically be expected in modern development, together with a central open space with opportunities for tree planting are also included in the layout allowing greenery to offer a strong presence in some parts of the scheme.
- 14.3.5 Visually, it is unfortunate that the design of the dwellings do not offer much distinctive character, and there is little sense of design quality coming through the scheme. The dwellings are however perfectly adequate simple building forms and if the houses are built using good materials and detailing, this will help create a higher quality development. The applicants have provided details of some of the materials to be used on the buildings, which although not formally agreed, does help indicate that a higher quality development will be achieved in this context.
- 14.3.6 Overall the proposed layout is acceptable in this location, however in order to ensure a high quality of streets and places is delivered, the final details of hard and soft landscaping, boundary treatments and details within the public open space and SANGS will need to be dealt with by comprehensive conditions.

#### 14.4 Habitat Mitigation Contributions

- 14.4.1 The application site is in close proximity to the Solent and Southampton Water Special Protection Area (SPA) which is a European site. The site is also listed as Solent and Southampton Water Ramsar Site and also notified at a national level as Lymington River Reed beds Site of Special Scientific Interest (SSSI). The application site is also in close proximity to the New Forest SPA/ Ramsar/ Special Area of Conservation(SAC) and SSSI.
- 14.4.2 Policy DM3 of the Local Plan Part 2 requires the recreational impacts of new developments on the New Forest European Nature Conservation Sites and the Solent Coast European Nature

Conservation Sites to be adequately mitigated. For residential development, the required suite of mitigation measures includes the provision of SANGS, access and visitor management measures and monitoring. Policy DM3 states that on sites of 50 or more dwellings, the full mitigation requirements should be met by provision of SANGS on-site or close to the site, based on a standard of 8ha of SANGS per 1,000 population. As set out in Policy LYM2 of the Local Plan Part 2, it states that provision of required measures to mitigate the recreational impact of the development on European nature conservation sites in accordance with Policy DM3, can include the provision on or close to the site of publicly accessible land designed to provide Suitable Alternative Natural Green Space (SANGS).

14.4.3 Based on proposed population numbers, a minimum of 1.8 hectares of habitat mitigation land would be required. Areas of informal public open space required by Policy CS7 can be accepted as part of the mitigation contribution where it can be demonstrated as contributing towards SANGS requirements. The proposed development includes an area of 1.89 hectares of habitat mitigation (SANGS) land, which comprises the woodland area to the west of the proposed housing known as 'Jimmy Bays'. This area of land is appropriately sited immediately adjacent to the public open space and proposed housing which would accord with the policy requirements set out in Policy DM3 and LYM2.

14.4.4 It is considered that the proposed layout of the SANGS would provide an attractive natural green space including a recreational walking route which would connect to the proposed areas of public open space and housing. The area of land comprises dense trees, pond and open green areas and although the final details of landscaping will need to be resolved to create the mitigation site, the submitted mitigation scheme and management plan for this area provides an overall strategy that is acceptable in principle and these final details can be dealt with as part of a Section 106 Agreement.

14.4.6 As such, subject to the completion of a Section 106 legal agreement to secure the onsite SANG, it is considered that the potential recreational impacts of the proposed development on designated European sites would be adequately mitigated. Such an obligation will also need to ensure that the SANGS is laid out and ready for use in accordance with the approved scheme prior to the occupation of the first dwelling and then the land subsequently transferred to the District Council for ownership and management of this area. There is a policy requirement for new residential development to secure SANGS maintenance contributions (based on a rate of £56,000 per hectare of SANGS land) and a SANGS monitoring sum (based on a rate of £50 per dwelling). The applicants are agreeable to entering into such a legal agreement in respect of these matters, although at the time of writing the legal agreement remains to be completed.

#### 14.5 Open space

14.5.1 In accordance with Policy LYM2, on site provision of public open space shall be provided in accordance with Policy CS7, including the provision of play space(s) for both younger and older children located within the residential development. Policy CS7 of the Core Strategy sets out the requirements for public open space with a minimum of 3.5

hectares per 1000 population and this would be either on site or off site through a financial contribution.

14.5.2 Based upon the proposed population an area of 0.46 hectares of informal open space and 0.045 hectares of children's play is required and the proposed layout would meet the minimum policy requirement. The proposed layout would include a large area of informal open space to the west of the site adjacent to Jimmy Bays' and an area on the central part of the site which would also be used for children's play. Areas of recreational footpaths provided through the site would count towards the public open space. All public open space areas would be overlooked by the proposed housing

14.5.3 It is considered that the proposed location and quantity of the public open space would be acceptable, although the final details of the design, type of equipment, and landscaping will need to be resolved and this can be secured within the Section 106 Agreement. The proposed public open space and contributions towards its future maintenance will need to be secured through a Section 106 legal agreement. The applicants are agreeable to entering into such a legal agreement in respect of these matters, although at the time of writing the legal agreement remains to be completed.

#### 14.6 Affordable Housing provision

14.6.1 Policy LYM2 allocates the site for residential development specifically to provide for local housing needs in accordance with Policies CS12 and CS15(b) of the Core Strategy. The policy indicates that on sites that are deemed acceptable under Core Strategy Policy CS12, the 70% affordable housing element should be comprised of a minimum of 40% social rented housing and 30% intermediate affordable housing. The remainder of the site (i.e. the non-affordable housing element) should be developed for low cost market housing, which could include starter homes, self-build units and extra-care housing. The proposal will provide 44 private market houses (50%) and 26 starter homes (30%) and 17 affordable rent (20%). This would constitute a significant shortfall of affordable housing that would not meet the aims and objectives of policy. However, Policy CS15 does state that where it can be demonstrated that provision of the target level of social rented and/or intermediate affordable housing is not economically viable, the Council will; first, seek to maximise the potential for affordable housing contributions from that development by allowing a higher proportion of intermediate housing to be provided to meet the overall housing target; secondly seek to negotiate a percentage of affordable housing as close as possible to the target level set in this policy, have regard to a site specific economic viability assessment.

14.6.2 The applicant's reason for reducing the proportion of affordable housing units is because they feel that the scheme would not be financially viable if it were required to secure a greater proportion of affordable housing than the 50% level of provision that is now proposed. The application also seeks to provide an element of Starter Homes within the affordable housing mix embracing the Government initiative to provide Starter Homes. Essentially the purpose of the viability report and appraisal is to test the ability of the site to accommodate affordable housing and to establish a quota that enables deliverability as close as possible to the planning policy requirement.

- 14.6.3 In considering the applicant's arguments on viability, it is first important to recognise changes in Central Government Planning advice since the Council's Core Strategy was adopted in October 2009. In particular, the National Planning Policy Framework (NPPF), which was adopted in 2012, makes it clear that Plans should be deliverable. Therefore Paragraph 173 of the NPPF makes it clear that *"the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to the development, such as requirements for affordable housing ... should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable."*
- 14.6.4 Alongside the NPPF, the Planning Practice Guidance gives further information about how viability should be considered in the decision making process and reintegrates the NPPF in requiring landowners to receive competitive returns and to be incentivised to bring sites forward for development, in comparison with other options available.
- 14.6.5 Even though the site was only allocated for residential development (and brought into the built-up area) on the basis that it would secure 70% affordable housing, it is clear from recent national planning policy advice that it is not reasonable to apply Core Strategy Policies CS12 and CS15 in a rigid and inflexible manner. These policies must be applied with an appropriate degree of flexibility, having regard to the particular viability considerations being put forward by the applicant.
- 14.6.6 The Council requested the District Valuer to give detailed consideration to the viability report and appraisal. Having regard to all relevant costs, the District Valuer considers that a scheme that secures 70% affordable housing would not be viable and therefore considers that a reduction in the affordable housing contribution would be justified. If the proportion of affordable housing is reduced to 50% of units, including a significant element of Starter Homes then the development land value and the Threshold Site Value will be approximately in balance, and accordingly the District Valuer considers that a reduction in the proportion of affordable housing units to 50% of units is reasonable. Accordingly, Officers consider that based upon the submitted viability assessment and the response from the District Valuer, a proposal that provides a reduction in the number of affordable housing would be acceptable.
- 14.6.7 Furthermore, while it is very unfortunate that the level of affordable housing will be significantly less than that required by policy, the proposal would provide a significant number of starter homes as part of the affordable housing mix. The main reason for the change of approach is to accommodate the Government's new initiative to promote the provision of Starter Homes. The Government see Starter Homes as a means to provide low cost homes for qualifying first time buyers and the Government's main objective is for at least 20% of dwellings on major sites to be built as Starter Homes. Starter Homes are a new form of Affordable Housing, and will be offered for sale to qualifying first time buyers between the ages of 23 and 40 at no more than 80% of open market value, capped at £250,000.

- 14.6.8 The Housing and Planning Act 2016 was enacted on 12 May 2016, which is now law. The secondary legislation (meaning Regulations) are needed to bring into force the provisions of the Act. The first set of Regulations came out on 25 May 2016 (The Housing and Planning Act 2016 (Commencement No.1) Regulations 2016) and the second set of Regulations came out on 11 July 2016 (The Housing and Planning Act 2016 (Commencement No.2, Transitional Provisions and Savings) Regulations 2016).
- 14.6.9 The Part of the Act that defines Starter Homes as affordable housing (section 159) has not yet come into force, and accordingly, the Government's current definition of affordable housing does not include Starter Homes. It is the intention that Starter Homes will fall within the definition of Affordable Housing and therefore Starter Homes will count 'as' or 'towards' the overall affordable housing provision. Moreover, under the terms of section 4 of the Act, there is a general duty for Councils to promote the supply of Starter Homes and that will come into force on 1 October 2016 as a result of the second set of commencement regulations. Accordingly, the Government's stance on Starter Homes should be given significant weight.
- 14.6.10 For this reason it is considered that New Forest District Council should support the provision of a substantial proportion of Starter Homes on this site. Whilst technically this does not accord with our adopted Core Strategy policy CS15, which does not include Starter Homes, it will become a duty of all Councils to promote this form of development in October 2016. This is therefore an ideal opportunity for this Council to welcome the new Government initiative. A proportion of rented homes are still retained under this new approach.
- 14.7 Nature Conservation and ecology
- 14.7.1 The character and nature of the site and the use of the woodland area to the west and a belt of trees along the southern boundary of the site gives a high potential for protected species to be on the site. An ecological report that accompanies the application confirms the site was found to support a low population of slow worm and common lizard and adjacent habitats, in particular in Jimmy Bays woodland a badger sett was recorded. Bat activity surveys identified fairly constant levels of activity on the site including Jimmy Bays woodland.
- 14.7.2 The Ecologist states that in relation to the great crested newt it would be likely that sufficient mitigation could be provided to ensure harm was avoided and therefore the development would still be feasible, subject to measures being in place. In addition the habitat suitability index for the closest waterbody provides evidence that it is not likely to be of high potential for the species.
- 14.7.3 The Ecologist has assessed the ecological report and concludes that this is acceptable and a number of potential impacts on protected species are identified and appropriate mitigation measures are proposed. The Ecologist raises no objection subject to planning conditions.

## 14.8 Highway and Transportation Issue

- 14.8.1 The proposal is to create two access points into the site from Alexandra Road, one to the west and the other to the east. The western access is proposed in the form of a bellmouth with right turn lane and is positioned near the corner of Alexandra Road. The eastern access is proposed in the form of a simple priority junction. The supporting transport statement explains that the western access arrangement would fit within the highway and site boundary. No footways are proposed at this junction, however, internal footpaths are proposed to support pedestrian desire lines and connect to a crossing point onto the existing Alexandra Road footway to the south. The provision of the new entrance points would result in the loss of some trees and a verge. The application has been accompanied by a Transport Impact Assessment. Policy LYM2 states that vehicular, pedestrian and cycle access into the site should be from Alexandra Road. There are no other road networks nearby to serve the proposed development and accordingly, the creation of an access onto Alexandra Road would be acceptable. Two access points are proposed and there is nothing in the policy that prohibits the creation of two access points onto Alexandra Road.
- 14.8.2 Alexandra Road is a local distributor road with a 30 mph speed limit. There is a footway on the south boundary and the road benefits from street lighting. Visibility splays have been shown to be provided which demonstrate adequate visibility in accordance with the recorded speed surveys. A tracking investigation demonstrates that refuse vehicles servicing the site will not effect the safe operation of the highway network.
- 14.8.3 In terms of car parking, the level of car parking throughout the site accords with the Councils adopted car parking standards supplementary planning document. The majority of the private dwellings provide in excess of the recommended provision and the level of parking for the affordable housing including starter homes would accord with the recommended guidance. There are also some car parking spaces provided on the street for visitors.
- 14.8.4 The Highway Authority have stated that the provision of a new footpath is needed at the western access to the site to the existing footpath network linking with the schools in Pennington to the south. This link may be provided on land currently within the highway and could therefore be implemented by way of a Section 278 agreement with the Highway Authority.

## 14.9 Heritage Considerations

- 14.9.1 The north-eastern boundary of the allocation is close to the south western corner of the Buckland Conservation Area. The Conservation Area has a rural character, centred on the Buckland Rings hillfort, which is a Scheduled Monument. The southern boundary of the Conservation Area already abuts an existing housing estate. The proposed development will be visible in views into and out of the Buckland Conservation Area and there will be views towards and away from Buckland Manor, which is a Grade II listed building.

14.9.2 In accordance with the National Planning Policy Framework applicants are required to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

14.9.3 The application has been submitted with a Heritage Assessment which assesses the impact and significance of the archaeology of the site. However while recognising the proximity of Buckland Manor and Buckland Conservation Area makes no assessment of the significance of these assets and the impact of the proposals on that setting and relationship with the wider agricultural setting. The applicants will be updating their Heritage Assessment based upon these concerns and the assessment and comments will be updated accordingly.

#### 14.10 Other Issues

14.10.1 With regard to residential amenity, such a large development as that proposed would evidently have some impact on the amenities of neighbouring properties. The proposed dwellings identified on plots 36-39 and plots 35 and 40 would face the properties in Paddock Gardens, namely No's 31, 32 and 39. The distance from the front and side elevations of the dwellings to the side and rear boundaries to the dwellings in Paddock Gardens measures approximately 15 metres. It is considered that this is an acceptable distance so as not to result in an adverse impact.

14.10.2 In relation to tree matters, situated on the sites southern boundary adjacent to Alexandra Road is a linear group of mature, Monterey Pine trees, some of which are protected by a Tree Preservation Order. Adjacent to the sites eastern boundary, there are a number of mature and early mature Oak trees protected by a Tree Preservation order. Along the western part of the site is a woodland, known as Jimmy Bays, which would be used as the habitat mitigation land and tree works would be required which could include new tree planting and natural restoration.

14.10.3 Several trees would need to be removed to accommodate the 2 new entrances and alterations to the existing highway, however, the loss of the trees marked for removal would be acceptable. Moreover, the proposed accesses have been positioned in an area where there will be minimal tree removal. This would leave the remaining belt of trees intact and it would continue to provide an important screen along Alexandra Road between the existing and proposed housing. The tree officer does not raise any objections and considers that the proposed layout and distances from the trees will not cause any concerns in relation to potential pressures to prune or remove trees in the future.

14.10.4 There is an existing Public Right of Way along the eastern boundary of the site which would run parallel with the proposed development. A long stretch of the existing footpath would be overlooked by the proposed housing (identified as 36-39 which would provide good natural surveillance onto the footpath. While part of the Right of Way would be bounded by the proposed allotments, taking into consideration the existing footpath is currently not overlooked, the proposed development would be a significant improvement.

- 14.10.5 In relation to flooding matters and surface water drainage, the site is not located in a high risk Flood Zone and is not an area considered to have 'substantial potential flood risk'. There has also been no evidence of historical flooding across the site. The application is supported with a Flood Risk Assessment and the overall strategy to deal with surface water on the site is by infiltration drainage features in the form of geocellular storage which would principally be located beneath the non adopted roads to the west of the site. Additional treatment could be provided by utilising permeable surfacing for private drives and water butts. Hampshire County Council (Flood Management) states that further details of the proposals is required and this is a matter that can be dealt with by condition.
- 14.10.6 Concerning foul drainage, Southern Water Authority consider that there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. It is advised that in order to accept the additional flows, there will be a requirement to provide additional off site sewers or improvements to existing sewers to provide sufficient capacity to service the proposed development. In addition, there will be a requirement to provide an offline relief sewer. The applicants engineers have discussed this matter with Southern Water Authority prior to the submission of the application and explain that these upgrades can be requisitioned along with the new offsite sewers under Section 98 of the Water Industry Act 1991. Southern Water Authority do not raise an objection but have advised that should planning permission be granted a condition would be required to seek the full details of foul drainage.
- 14.10.7 The County Council Education department have requested a significant education contribution. However, they have not been able to clearly demonstrate where and how the requested money would be spent and how this would be related to the impact of the development. On this basis, it is not felt that there would be an adequate justification to require the applicants to make an education contribution.
- 14.10.8 Comments have been received from Hampshire County Council (HCC) Minerals and Waste Department, which state that the site is within a mineral safeguarding area and that there are potentially viable mineral deposits. HCC have recommended conditions so that minerals that can be viably recovered during the development operations and brought to use and a method statement required to record the quantity of recovered mineral. However, in response to the HCC request for a condition, it would now be unreasonable to seek such a condition when this matter was not set out in the Core Strategy Policy and there is no mechanism or thresholds in place.
- 14.10.9 The representations that have been made that the Crime Reduction Officer (Police) do not support the provision of the two access points onto Alexandra Road and the layout of the site in where houses would be linked onto footpaths is not correct. The Crime Reduction Officer has not commented on the application. Moreover, the correct planning approach is to ensure proposed housing is linked to footpaths for permeability. An objection that the provision of two accesses onto Alexandra Road would increase the potential for crime related matters is not a reason to refuse planning permission.



## 14.11 Conclusion

- 14.11.1 In summary it is considered that the proposed development broadly meets with policy LYM2. The proposed layout and design would create an acceptable development that would pick up the transition between the built up area and countryside. The proposed development is not considered to adversely impact on residential amenity, trees, flooding or ecology. The proposed development would provide sufficient habitat mitigation land that meets with the policy requirements.
- 14.11.2 The submitted viability appraisal has been accepted by the District Valuer and while this would result in a significant reduction in the number of affordable houses, the proposal does reflect the Governments general direction of travel on Starter Homes, it is recommended that this Committee agree to officers position on the proposed affordable housing mix. The proposed development will need to secure a number of elements through a Section 106 Agreement, which the applicants are willing to complete.
- 14.11.3 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>	70%	50%	20%
No. of Affordable dwellings	61	43	-18
Financial Contribution	0	0	0
<b>Habitats Mitigation</b>	1.8	1.8	0
Financial Contribution	56,000 per ha £50 per dwelling	56,000 per ha £50 per dwelling	0 0

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	8119.66		8119.66	8119.66	£80/sqm	£677,054.73 *

Subtotal:	£677,054.73
Relief:	£0.00
Total Payable:	£677,054.73

\* 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

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

- i) the completion, by the 30th March 2017, of a planning obligation entered into by way of an Agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure the affordable housing, allotments land, on site public open space and maintenance contributions, on site SANGS land and maintenance and access management contributions and the provision of a footpath between the western access and the existing footpath in Alexandra Road.
- ii) the imposition of the conditions set out below.

BUT, in the event that the Agreement is not completed by 30th March 2017, the Service Manager Planning and Building Control be **AUTHORISED TO REFUSE PERMISSION** for the reasons set out below.

### Conditions to be attached to any consent:

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

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

2. Notwithstanding the details submitted under plan 5457-PL005 F, and before development commences, the 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.

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

5457-PL-003a Rev F, 5457-PL-501, 5457-PL-502 Rev B, 5457-PL-132 Rev A, 5457-PL-300 Rev A, 5457-PL-001 Rev B, 5457-PL-111 Rev A, 5457-PL-120, 5457-PL-104-Rev A, 457-PL-110 Rev B, 5457-PL-121, 5457-PL-122, 5457-PL-124, 5457-PL-130, 5457-PL-131, 5457-PL-200 Rev A, 5457-PL-210, 5457-PL-100 Rev A, 5457-PL-101 Rev A, 5457-PL-102 Rev A, 5457-PL-103 Rev A, 5457-PL-105, 5457-PL-106, 5457-PL-107, 5457-PL-109, 5457-PL-108, 5457-PL-201, 5457-PL-202, 5457-PL-203, 5457-PL-301, 5457-PL-400

Reason: To ensure satisfactory provision of the development.

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

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

5. The development hereby permitted shall not be occupied until the spaces shown on plan 5457-PL-005 F for the parking and garaging of motor vehicles have been provided. The spaces shown on plan 5457-PL-005 F for the parking and garaging of motor vehicles shall be retained and kept available for the parking and garaging of motor vehicles for the dwellings hereby approved at all times.

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

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

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

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

- (a) the existing trees and shrubs which have been agreed to be retained;
- (b) a specification for new planting (species, size, spacing and location) for the whole site including individual dwellings;
- (c) the detailed design of all areas of public open space and SANGS to include details of the play equipment
- (d) the details of a landscape management and maintenance plan
- (e) a method and programme for its implementation and the means to provide for its future maintenance.
- (f) the detailed specification design and details of the swale and landscaped bund
- (g) the details of the enclosure to the allotment

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 Core Strategy for the New Forest District outside the National Park.

8. All planting, seeding or turfing comprised in the approved details of landscaping as set out in condition 7 shall be carried out in the first planting and seeding seasons following the occupation of the 60th dwelling or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.

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

9. Before the construction progresses above slab level, and notwithstanding the submitted elevational plans, the precise window design details to include details of window heads, cills and reveals shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development.

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

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

10. Prior to the commencement of works (including site clearance and any other preparatory works) the scheme for the protection of trees, in accordance with the submitted Barrell Tree Consultancy Arboricultural Impact Appraisal and Method Statement ref 14021-AA3-DC and Plan Ref: 14021-BT6 dated 02/09/16, shall be implemented, and at least 3 working days notice shall be given to the Local Planning Authority that the approved tree protection measures have been installed before any other works are carried out.

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

11. Prior to the commencement of development, and in accordance with the submitted Lindsay Carrington Ecological Services REport dated October 2014 and updated January 2016, a detailed biodiversity, mitigation and enhancement strategy shall be submitted to, and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the details and recommendations as approved in the strategy with any amendments agreed in writing. Thereafter, unless otherwise agreed in writing by the Local Planning Authority, the mitigation measures shall be permanently maintained and retained in accordance with the approved details.

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

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

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

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

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

13. Notwithstanding the submitted Peterbrett Flood Risk Assessment and prior to commencement of development (excluding the demolition of the existing buildings) details of the means of disposal of surface water from the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the following:

- Infiltration tests to BRE365 need to be completed to confirm the infiltration rates used.
- Provide details that exceedance flows and runoff in excess of design criteria have been considered, to include calculations and plans to show where above ground flooding might occur and where this would pool and flow.

- Provide confirmation on general maintenance regimes of the surface water management train including SuDS features, and who is going to be undertaking it

Development shall only take place in accordance with the approved details.

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

14. No development hereby permitted shall commence until a Construction Traffic Management Plan, to include details on the on site provision for contractor's parking, construction traffic access, the turning of delivery vehicles, lorry routing, provisions for removing mud from vehicles, and a programme of works has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development hereby permitted is commenced and retained throughout the duration of construction.

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

15. No development shall start on site until the following details have been submitted to and approved in writing by the Planning Authority.

(a) a specification of the type of construction for the roads and footpaths, including all relevant horizontal cross sections and longitudinal sections showing the existing and proposed levels together with details of street lighting and the method of disposing surface water;

(b) a programme for making up the roads and footpath.

The development shall be carried out in accordance with the approved details before any part of the development is occupied unless otherwise first agreed in writing by the Planning Authority.

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

16. Before the commencement of development, full details of the external lighting that is to be provided in association with the approved development shall be submitted to and approved in writing by the Local Planning Authority. Development shall only be implemented in accordance with the approved details, and no external lighting shall be installed thereafter, outside of the residential curtilages of the approved dwellings, unless details have been first submitted to and approved in writing by the Local Planning Authority.

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

17. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions relating to contamination no 18 to 20 have been complied with.

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 21 relating to the reporting of unexpected contamination has been complied with in relation to that contamination.

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

18. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

i) a survey of the extent, scale and nature of contamination;

ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

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

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

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

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

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



21. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 17, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 18, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 19.

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

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

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

23. The first floor windows on the side [west] elevation of the approved dwelling identified as plot 31, the first floor windows on the side (south) elevation to plots 79 and 80 and the first floor windows on the side elevation (north west) of the approved dwelling identified as plot 28 shall at all times be glazed with obscure glass.

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

24. Notwithstanding the provisions of the Town & Country Planning General Development Order nothing over 600mm in height shall be placed or permitted to remain within the visibility splays indicated on the plans.
- Reason: In the interest of highway safety and in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).
25. No development shall start on site until plans and particulars showing details of the provision of bin/cycle storage within the site have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before the use of the development is commenced and shall be retained thereafter.
- Reason: To ensure adequate cycle parking and bin storage facilities are provided and to promote sustainable travel in accordance with Policies CS2 and CS24 of the Core Strategy for the New Forest District outside the National Park.
26. The first floor windows on the front (north -east) elevation of the approved dwellings identified as plots 36 and 37 shall at all times be glazed with obscure glass
- Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

**Reason(s) for Refusal:**

1. The proposed development would fail to make any contribution toward addressing the substantial need for affordable housing in the District. The proposal would therefore conflict with an objective of the Core Strategy for the New Forest District outside the National Park 2009 and with the terms of Policies CS15 and CS25 of the Core Strategy.
2. The proposed development would fail to make any contribution toward addressing the substantial need for affordable housing in the District. The proposal would therefore conflict with an objective of the Core Strategy for the New Forest District outside the National Park 2009 and with the terms of Policies CS15 and CS25 of the Core Strategy.
3. The recreational impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area, the New Forest Ramsar site, the Solent and Southampton Water Special Protection Area, the Solent and Southampton Water Ramsar site, and the Solent Maritime Special Area of Conservation would not be adequately mitigated and the proposed development would therefore be likely to unacceptably increase recreational pressures on these sensitive European nature conservation sites, contrary to Policy DM3 of the New Forest District Local Plan Part 2: Sites and Development Management.

**Notes for inclusion on certificate:**

1. This decision relates to amended / additional plans received by the Local Planning Authority on the 8th September 2016.
2. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

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

**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**  
February 2017

**Item No: 3q**

Land at Buckland Manor Farm  
Alexandra Road  
Lymington  
16/10764  
SZ3096

Scale 1:2500

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



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