

NOTICE OF MEETING

Meeting: PLANNING DEVELOPMENT CONTROL COMMITTEE

Date and Time: WEDNESDAY, 12 APRIL 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

PUBLIC PARTICIPATION:

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

Bob Jackson
Chief Executive

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

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

AGENDA

Apologies

1. MINUTES

To confirm the minutes of the meeting held on 8 March 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) **Old Forge, Salisbury Road, Breamore (Application 16/10602) (Pages 1 - 8)**

Use as 1 holiday let; retention of 1st floor side window (additional information and amended description)

RECOMMENDED:

Planning consent subject to conditions

- (b) **Martin Club, Martin Road, Martin (Application 16/11097) (Pages 9 - 22)**

House and garage; clubhouse; parking; landscaping; bin stores; demolition of existing club house and flat

RECOMMENDED:

Planning consent subject to conditions

- (c) **Shorefield Country Park, Shorefield Road, Downton, Milford-on-Sea (Application 16/11116) (Pages 23 - 32)**

Alterations and extension to access road; gates; bund

RECOMMENDED:

Planning consent subject to conditions

- (d) **Land South of Old Ferry House, Undershore Road, Boldre (Application 16/11137) (Pages 33 - 44)**

Access road to Haven Marine Park and Island Point Flats

RECOMMENDED:

Planning consent subject to conditions

- (e) **30 Newbridge Way, Pennington, Lymington (Application 17/10018) (Pages 45 - 50)**

Raising roof height and roof lights in association with new first floor; Juliet balcony; side and rear extensions; oak front porch; flue

RECOMMENDED:

Planning consent subject to conditions

- (f) **Field Rear of Paddock Close, Dark Lane, Hinton St Michael, Bransgore (Application 17/10036) (Pages 51 - 58)**
Agricultural storage barn
RECOMMENDED:
Planning consent subject to conditions
- (g) **47 Stanley Road, Lymington (Application 17/10037) (Pages 59 - 66)**
Two-storey and single-storey rear extension; single-storey side extension; fenestration alterations
RECOMMENDED:
Refuse
- (h) **3 The Close, Whitsbury (Application 17/10063) (Pages 67 - 74)**
Two-storey extension, retaining wall/steps; landscaping
RECOMMENDED:
Refuse
- (i) **3 The Close, Whitsbury (Application 17/10064) (Pages 75 - 82)**
Two-storey extension; stud wall to create wc; remove stud wall; fireplace alterations; create door and ensuite; stud wall to create cupboard; create door into extension (Application for Listed Building Consent)
RECOMMENDED:
Refuse Listed Building Consent
- (j) **38 Oakwood Avenue, Ashley, New Milton (Application 17/10217) (Pages 83 - 88)**
Single-storey rear extension; front porch; fenestration alterations
RECOMMENDED:
Planning consent subject to conditions
- (k) **Limewood, Lime Walk, Dibden Purlieu, Hythe (Application 17/10108) (Pages 89 - 94)**
Single-storey side and rear extension; rooflights
RECOMMENDED:
Planning consent subject to conditions

(l) **Langstone, Lime Walk, Dibden Purlieu, Hythe (Application 17/10198)
(Pages 95 - 100)**

Raise ridge height; two-storey rear extension; front porch; chimney;
fenestration alterations

RECOMMENDED:

Planning consent subject to conditions

4. HOUSING WHITE PAPER (Pages 101 - 106)

To brief Members on the Government's Consultation White Paper.

5. HIGHWAY AUTHORITY CONSULTATION

To receive an oral update on new standing advice regarding consultations with Hampshire County Council as the Local Highway Authority.

6. 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.

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Application Number: 16/10602 Full Planning Permission

Site: OLD FORGE, SALISBURY ROAD, BREAMORE SP6 2EA

Development: Use as 1 holiday let; retention of 1st floor side window

Applicant: Miss Blake

Target Date: 06/07/2016

Extension Date: 12/04/2017

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Parish Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside outside the New Forest
Conservation Area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

CS1: Sustainable development principles

CS2: Design quality

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

CS19: Tourism

CS21: Rural economy

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

DM1: Heritage and Conservation

DM3: Mitigation of impacts on European nature conservation sites

DM13: Tourism and visitor facilities

DM24: Loss of rural employment sites, shops, public houses and community facilities

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

Achieving Sustainable Development
NPPF Ch. 7 - Requiring good design
NPPF Ch. 12 - Conserving and enhancing the historic environment
Section 72 General duty as respects conservation areas in exercise of planning functions
Planning (Listed Buildings and Conservation Areas) Act 1990
Section 66 General duty as respects listed buildings in exercise of planning functions.
Planning (Listed Buildings and Conservation Areas) Act 1990

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPG - Breamore Village Design Statement

6 RELEVANT PLANNING HISTORY

- 6.1 11/97691 - use as holiday let, wrought iron fence. Refused 15.11.12
- 6.2 10/95978 - use as professional/financial services. Refused 13.10.10
- 6.3 08/92335 - continued use of building for mixed purposes comprising retail/display/office/residential. Refused 9.7.08
- 6.4 06/87931 - use as retail/display and dwelling. Refused 3.8.06, appeal dismissed
- 6.5 05/85801 - use as dwelling. Refused 20.10.05
- 6.6 03/78910 - use for offices and retail. Granted 24.9.03

7 PARISH / TOWN COUNCIL COMMENTS

Breamore Parish Council - object most strongly - recent documentation contains information which is not correct, there is interest in the property.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

- 9.1 Land Drainage - no comment
- 9.2 Ministry of Defence - no safeguarding objections
- 9.3 Conservation Officer - support subject to condition
- 9.4 Estates and Valuations - the property has been adequately exposed to the market

10 REPRESENTATIONS RECEIVED

Two objections have been received from local residents concerned with:

- property not marketed properly, the DV should assess
- noise and disturbance through use of courtyard
- drainage problems
- no justification to move away from policy requirements
- marketing undertaken is inadequate
- the side window should be fixed shut as it overlooks

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.

Clarification of the type of holiday let was sought from the applicant in addition to requesting further details in respect of the marketing of the property.

14 ASSESSMENT

14.1 The site lies within the countryside outside the New Forest in the Breamore Conservation Area. It is listed Grade II and has been vacant for several years following several attempts to provide an alternative use to the last lawful use as lawnmower repair/sales. The proposal entails the provision of a holiday let and follows a series of applications for a change of use for the premises. The last application for holiday use was refused by Members in 2012.

- 14.2 As can be seen from above, the property has a lengthy planning history although there have been few approvals in terms of the use of the premises. The application for A2 office use was refused partly for the resultant loss of a retail use. At the time that application was considered, it was understood that there was significant local interest in using the property as a shop following the closure, due to retirement, of the previous village store. However, at the time of its consideration, the planning department had not received any enquiries from anyone in respect of this suggestion. The marketing information supplied for this application confirms some interest in the reuse of the property but none which would be specifically A1 use, rather a mix of studio or workshop/residential use which would require planning permission. The Parish Council suggests some of this information is incorrect but do not provide any further details.
- 14.3 With regard to residential amenity, the proposed use is unlikely to give rise to unacceptable impacts. The property has a small terrace to the rear which would be used by guests. This would be sandwiched between two gardens and could have less of an impact on residential amenity than some potential commercial uses where open storage or the moving around of crates could cause amenity issues. However, interest expressed in the recent marketing campaign suggests quieter commercial uses are more likely in this property e.g. art dealers.
- 14.4 The side window at first floor level is an existing window and listed building consent has been granted for its retention. While approval was granted for a replacement window some time ago, it was not implemented in accordance with the approved details and is not fixed shut as required by condition. However, the window is obscure glazed and has an opening top light. Views from the small opening section allow limited visibility across the adjacent neighbouring garage towards the garden but this is restricted in view of the angle and the rear dormer window offers more 'overlooking' of the neighbours garden. The proposal is not considered to adversely affect residential amenity.
- 14.5 In principle, a holiday let could be acceptable in this location as the property is suitable for conversion without significant alteration. While the proposed use is not commercial, it does provide some economic benefits and would secure the future of the listed building. It should be noted that there are permitted development rights for the conversion of retail (A1) premises to C3 (residential). These rights do not apply here by virtue of the property's listed status and its location within a Conservation Area. However, in terms of the principle of the loss of the commercial use, it would be difficult to resist given these rights which are only removed due to the heritage interest of the building
- 14.6 There are no concerns in respect of the change of use from a conservation or listed building point of view. It is considered that the property would make a better holiday let than permanent residential dwelling by virtue of the limited amenity space and lack of a full wall between the two upper rooms. The frontage is in need of refurbishment and a condition is suggested in order to improve the appearance of the site as a whole. The Conservation Officer supports this proposal which would bring this building into beneficial use which is currently suffering from damp due to many years of no use.

- 14.7 Bearing this in mind, the fact that the proposed use is supported by part (d) of policy CS19 of the Core Strategy, it would have a limited impact on the residential amenities of the adjoining residential properties and it would bring an empty listed building back into use, the proposal is considered to be acceptable in policy terms.
- 14.8 The site is able to accommodate a car and being sited within a layby, there is adequate parking for holiday occupants.
- 14.9 As the property would be a holiday let, CIL is not applicable. However, in accordance with the Habitat Regulations 2010 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard.
- 14.10 In conclusion, it is considered that the proposed use would be appropriate in this location and would achieve significant benefits by bringing the listed building back into use.
- 14.11 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

15. RECOMMENDATION

Grant 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, 03016 1, supporting letters.

Reason: To ensure satisfactory provision of the development.

3. The building hereby approved shall only be used for the purpose of self-catering holiday accommodation and shall not be occupied by the same person or persons for more than one month in any one calendar year, and shall at no time be used as a dwellinghouse falling within Class C3 of the Use Classes Order 1987 (as amended and revised).

Reason: Permission is granted in this case in order to support sustainable rural tourism, in an area in which housing would normally be resisted in accordance with Policies CS19 of the New Forest District Council Core Strategy and having regard to the objectives of the NPPF.

4. Before the occupation of the holiday let hereby permitted, a scheme of landscaping of the front 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 comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

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

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

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

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

Notes for inclusion on certificate:

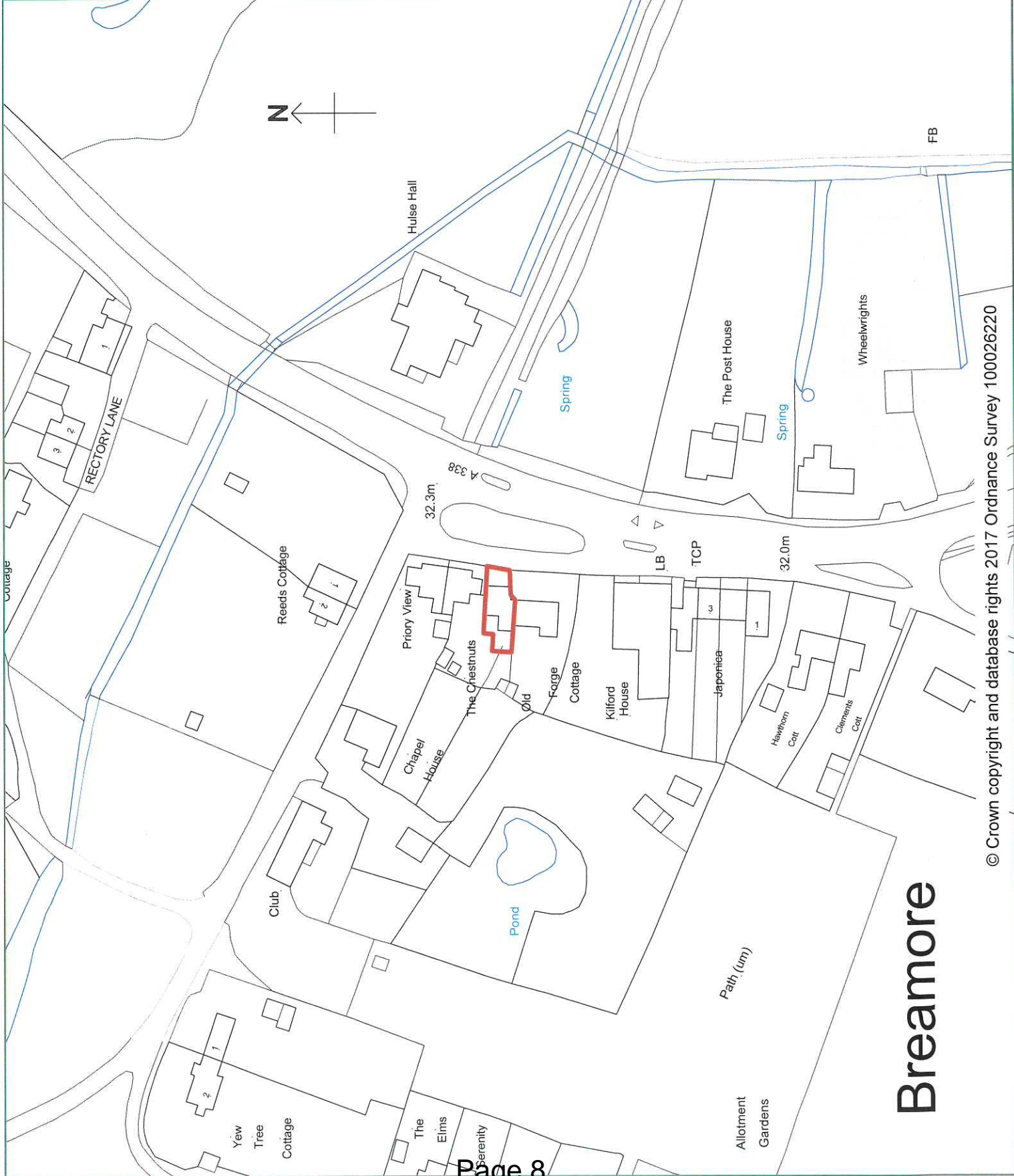
1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising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

Clarification of the type of holiday let was sought from the applicant in addition to requesting further details in respect of the marketing of the property.

2. In discharging condition No. 5 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/>

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)



Application Number: 16/11097 Full Planning Permission

Site: MARTIN CLUB, MARTIN ROAD, MARTIN SP6 3LR

Development: House and garage; clubhouse; parking; landscaping; bin stores;
demolition of existing club house and flat

Applicant: Martin Club LTD

Target Date: 11/10/2016

Extension Date: 14/04/2017

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Policy

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Area of Outstanding Natural Beauty
Countryside outside the New Forest

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

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
- CS24: Transport considerations

Local Plan Part 2 Sites and Development Management Development Plan Document

- DM20: Residential development in the countryside
- DM23: Shops, services and community facilities in rural areas
- DM24: Loss of rural employment sites, shops, public houses and community facilities

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

6 RELEVANT PLANNING HISTORY

There have been many applications in the past for extensions and additions to the club. The two most relevant previous applications are:

6.1 Single storey extension and conversion of part of building to create two holiday let flats (10177) Granted with conditions on the 9th May 2014.

6.2 Ground floor addition to club and staff accommodation and extension to car park (61810) Granted with conditions on the 10th September 1997

7 PARISH / TOWN COUNCIL COMMENTS

Martin Parish Council: support.

Once built, the house should be restricted to 3 bed. A planning condition will need to be imposed to ensure that the first floor of the club is implemented in accordance with the approved plans. A planning condition will need to be implemented to ensure that the club house is built and made available prior to occupation of the dwelling.

8 COUNCILLOR COMMENTS

Cllr E Heron: withdraws previous objection to this application in the light of comments made by the Council's Valuer and the important role that Martin Club plays in the community. Suggests a condition to prevent occupation of the dwelling before the clubhouse is complete and available for community uses.

9 CONSULTEE COMMENTS

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

9.2 Estates and Valuation: The information submitted is acceptable in setting out the financial issues, namely the cost to build the new club house and the sale price/ valuation of part of the land for a dwelling.

9.3 Southern Gas: Our records show that we have no gas mains in the area

9.4 Cranborne Chase Area of Outstanding Natural Beauty: These comments relate to the initial submission and no further comments have been received in relation to the amendments. The proposal appears to be a logical way for the community to sustain its club in a changing social and economic environment. Nevertheless in an Area of Outstanding Natural Beauty conserving and enhancing that natural Beauty has to be taken into account. Consideration should be given to landscaping and whether

adequate car parking is provided. Moreover whether there are sufficient safeguards to ensure that the club would remain as a community facility rather than a completely private venture that might draw additional traffic from outside of the community and hence lead to a loss of night time tranquility over an extended area.

10 REPRESENTATIONS RECEIVED

- 10.1 14 letters of support. The club is no longer viable on a day to day basis and is expensive to maintain. The smaller club house proposed would serve the needs of the village which are not met by the larger buildings of the village and church. The building is an eyesore and dated. The proposed design is appropriate and in keeping. Club membership has dropped and the proposal will give hope for the future. Comments are made that the proposed house is too big and 2 smaller houses would be preferred. Also two previous objections are withdrawn.
- 10.2 3 letters of objections concerned that the proposal is contrary to policy. Concern over the loss of a community asset. The proposed smaller club building would not fulfil all the needs that the current club building does, in particular the large separate function room. The proposed club house is too small. There are no other venues in the village which can accommodate the current number of people. No evidence has been presented in the application of lack of demand for this area for other uses such as conversion to holiday let use. Concerns with the proposal to replace a small flat with a large 5 bedroom dwelling, which is contrary to policy. The proposed dwelling is too large and out of keeping and should be replaced with possibly two smaller dwellings. Concerns that the budget may run out and new clubhouse not completed, loss of club assets and lack of a business model.
- 10.3 One letter has been received commenting that this original objection is withdrawn, concerned at loss of available function room, two semi-detached affordable homes would be preferable.

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 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 £12,326.16.

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

13 WORKING WITH THE APPLICANT/AGENT

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

The application as originally submitted was not acceptable and negotiations have taken place between the applicant agent and officers to resolve the design and layout issues. Amended plans have now been received and address the issues and the layout and design is more appropriate in this sensitive rural location.

14 ASSESSMENT

14.1 The site and location

- 14.1.1 The site comprises an existing low rise single storey building, known as Martin Club, which is located at the far end of the village of Martin, within the Area of Outstanding Natural Beauty. The site lies just outside the Conservation Area. The building is used as a social club for the village of Martin, predominately for private members and is listed as an Asset of Community Value. Part of the building also contains a one bedroom residential flat. The internal layout of the building comprises a number of separate rooms including function room, pool and snooker room, bar, with the rest of the building used for ancillary purposes such as kitchen, offices and store rooms.
- 14.1.2 Some of the events that take place at Martin Club include dances, bingo, quizzes, weddings, wakes, local groups, children's parties and seasonal parties. The building is set back from the road and there is a large area of hard standing to the front of the building and an area of car parking to the side with grassed areas beyond.
- 14.1.3 Martin Club is a simple brick building under a pitched roof which runs parallel to the road. There are a number of unfortunate extensions added to the building to the side and rear which do not positively

contribute to the character of the existing building or character of the area. Equally the large areas of hard surfacing to the front and side of the building have a negative impact on the street.

14.1.4 The context of the surrounding area is rural with open fields to the south and west. The site occupies an important and prominent position in the street being one of the first buildings when arriving from the north. Immediately adjacent to the building is a dwelling house known as 'Honey Pound'. To the north is an agricultural enterprise with some farm buildings.

14.2 The proposal

14.2.1 This planning application proposes to demolish all existing buildings on the site and to replace them with a clubhouse and detached dwelling with garage set within their own curtilages. Essentially, the proposal seeks to replace the existing residential flat with a detached 3 bedroom dwelling and to replace the existing club house with a new club building with a smaller footprint. The proposed dwelling would be sited to the east, adjacent to the residential property known as 'Honey Pound' and the proposed club house would be sited to the west. The proposed site would be subdivided evenly with the private club receiving an equal plot size. Visually the proposed dwelling has been designed as a traditional cottage with its ridge line running parallel to the road including chimneys porches and traditional window fenestration. The proposed private club has been designed as a traditional barn building constructed from timber cladding with first floor accommodation provided within the roofspace.

14.2.2 The applicants claim that the proposed club house would be on a scale that is more appropriate for today's needs, in order to sustain its long term future. The funding for the build of the new clubhouse would effectively be through the sale of part of the plot for the new dwelling. It is proposed that the programme of work be phased to ensure availability of club facilities throughout the process. Phase 1 would involve demolition of the north end of the club whilst retaining the lounge bar and facilities, followed by construction of the new club building. Phase 2, once the new club building is in use, involves the clearance of the remainder of the site and construction of the dwelling for sale. The purpose of this phasing is to ensure that the community facility remains in use throughout the building process. The application has been accompanied by a viability appraisal which sets out the build cost and land values to demonstrate that a dwelling of this size is justified in policy terms and this matter is assessed in greater detail below.

14.2.3 The supporting statement accompanying the application states that the private members club (which can also be used by the public) provides a venue for regular events such as quizzes and bingo and the club offers its facilities for hire for weddings, wakes, local groups, societies and children's parties. It is a very large space and is capable of seating 150 people but the internal layout of the building is arranged into a number of rooms. Since the closure of the Coote Arms some 18 years ago it is Martins only licenced premises. It is claimed that the bar is well used, but the function room and the snooker room are not used frequently.

14.2.4 It is claimed that the club is in financial difficulty, and the membership has fallen in the last year from just short of 200 to approximately 120. The financial situation of the club makes it sensitive to any capital costs for repairing and maintaining its existing building. The existing residential flat does contribute to the income of the club, which equates to around £500 per month. The bar is for the most part staffed voluntarily as there are no funds to pay staff full time. Martin Club Committee has been reviewing ideas to improve the clubs income including a successful musical festival, clay pigeon shoots, theme parties and other events, which have helped the club to a degree but have not managed to accumulate funds to carry out any capital repairs. The major asset of the club is the building and grounds. However, Martin Club have come to the view that the best option would be to move the club into a smaller new purpose built building with a smaller floor area which will be more energy efficient with no major repairs for the foreseeable future. The size of the proposed building is designed to accommodate parties of up to 75 people which can cover 97% of the activities held presently at the club.

14.3 Policy

14.3.1 The starting position is to consider policy. There are several policies that are applicable in this case. In addition, the site lies within the Area of Outstanding Natural Beauty and countryside where there is additional restraint where it is important to preserve the landscape qualities of the area.

14.3.2 Starting with the issue of the potential loss of the existing community facility, Core Strategy Policy CS8 relates to community facilities and the general objective of the policy is to seek to support community uses. There is also a presumption against the loss of community facilities. The policy seeks to resist the loss of community facilities unless alternative equivalent provision is secured as part of the development proposal, and the proposed development use would provide greater community benefits for which there is a recognised local need. Local Plan Policy DM24 also relates to the loss of rural community facilities except where alternative equivalent provision is secured as part of the development proposal; or the proposed development use would provide greater community benefits, for which there is a recognised local need.

14.3.3 Martin Club is listed as an Asset of Community Value made pursuant to the Community Right to Bid, arising out of the Localism Act 2011 ("the Act"). Under the Act it states that the current and main use of the property furthers the social well-being or cultural, recreational or sporting interests of the local community and that it is likely to continue to do so in the future. Club facilities are available for use by members and anyone living within the village is eligible to become a member. For the purposes of planning, an Asset of Community Value is a material planning consideration.

14.3.4 The proposal would not result in the loss of a community facility, but it would result in a building which would have a smaller floor area. The internal floor area of the existing club (not including existing flat) equates to approximately 440 square metres and the new building would equate to approximately 237 square metres. However, it should be noted that the proposed building comprises a single large open

plan room on the ground floor with only a bar, kitchen and toilets, whereas the existing building has a number of separate rooms including storerooms, corridors and offices. Basically, the actual existing floor area of the public function and bar rooms is much less and can arguably be considered around 350 square metres which is not significantly more than what the proposed building would provide.

- 14.3.5 In assessing the proposal against policy and the potential loss of a community asset, it is considered that the proposed new club house would provide a reasonably sized internal layout that will allow space for seating and on the upper floor, there would be space available for meetings and a snooker room. The proposed open plan layout of the building would offer an attractive space for functions and activities that currently take place within the existing building, but could be carried out in a more efficient manner. There is an additional benefit in this current proposal with the provision of a large rear garden area and space for outside seating with views onto Martin Down which people can use and enjoy. There is also space for the building to be enlarged or expanded in the future. Overall it is considered that the proposal would not result in the loss of a community facility and the proposal would provide a more modern, updated and attractive facility for the community.
- 14.3.6 In relation to the second policy issue, which is whether it is acceptable to replace a residential flat with a two storey dwelling, Local Plan Part 2 Policy DM20 is relevant. The policy relates to residential development in the countryside and states that residential development in the countryside will only be permitted where it is the replacement of an existing dwelling, affordable housing, or an agricultural workers dwelling. In all cases, development should be of an appropriate design, scale and appearance in keeping with the rural character of the area. Replacement dwellings should not normally provide for an increase in floor space of more than 30%.
- 14.3.7 The proposal to replace the existing flat with a dwelling would effectively be akin to a replacement dwelling, however, it would result in a dwelling which is more than twice the size of the existing flat and set within its own residential curtilage. The existing residential flat has a floor area measuring some 78 square metres whereas the dwelling would measure 180 square metres. Accordingly the proposal would create a dwelling materially larger than the existing flat. Such a proposal is clearly contrary to policy, which seeks to limit the size and scale of replacement dwellings so as to avoid erosion and harmful visual impact on the countryside's character.
- 14.3.8 The main issue is whether there are any material considerations which would justify an exception in this case. One consideration is whether the proposed development would provide visual, landscape and environmental benefits. The second consideration is whether the case made on viability grounds justifies a dwelling of this size in order to fund a new club house.
- 14.3.9 Visually, it is considered that the proposal would be an improvement. Due weight should also be given to the fact that the proposed club house building would have a smaller footprint and the overall coverage of new buildings on the site would be less than existing. While the proposed buildings would be taller, there would be considerably more open space to the side and rear of the site creating a more spacious

setting for the buildings. A new hedgerow would be provided to the front of the site which would be a positive feature. Moreover, the proposed club house is designed to appear as a traditional barn and the dwelling has the appearance of a traditional cottage which would be complimentary and contextually appropriate in Martin. Overall the proposal would provide significant environmental and landscape benefits.

- 14.3.10 In terms of the submitted viability appraisal, this essentially sets out the build costs and the sale price of the plot of land for the dwelling, and proceeds would go towards building the new clubhouse. The information that supports the application states that the cost of building the new club house is approximately £222,000. An independent valuation was also carried out for the sale price of the plot of land for the dwelling which equates to approximately £225,000. This would effectively mean that the sale price for the dwelling plot would cover the cost of building the new club house.
- 14.3.11 The Council's Valuer has assessed this issue and confirms the information is acceptable and gives an acceptable steer on the likely proceeds from the sale of the single building plot at a sum in the region of £225,000. In addition, the information in relation to the construction costs for the new club house is acceptable, which total £222,000. The Council's Valuer concludes that in financial terms, the two elements of the proposal are now in balance, and that neither part will be implemented without the other.
- 14.3.12 Accordingly, in balancing out the issues, the proposal would not only provide environmental, visual and landscape improvements to the site, but the financial information justifies a dwelling and garage of the size proposed.

14.4 Other matters

- 14.4.1 In relation to other matters, the proposed development would not impact upon residential amenity. The proposed dwelling is situated a sufficient distance away from the adjacent dwelling at Honey Pound and there is a gap of at least 14 metres between the two properties. Moreover no windows are proposed in the side elevation facing Honey Pound. The proposed use of the club building could generate noise and disturbance that would be unneighbourly. However consideration should be given to the fact that there is an existing club house on the site and the proposal is to create a smaller building. Nevertheless the proposed building has been designed so that the main windows and openings are facing the side elevation and onto the car park.
- 14.4.2 In terms of public highway safety matters Martin Lane is classified as a C road and has a speed limit of 30 mph in the vicinity of the site. The proposed layout will provide sufficient on site car parking for the proposed club house and dwelling and turning facilities to enable vehicles to leave the site in a forward gear. As a result, no highway concerns are raised.
- 14.4.3 Comments have been made that two smaller affordable housing units would be more beneficial to the area, than a large single dwelling. However, the proposal submitted is for a single dwelling which is supported by a viability appraisal and an assessment cannot be made on other alternative schemes.

14.5 Conclusion

14.5.1 In conclusion and in balancing out all the issues, it is considered that there are clear visual, landscape and environmental benefits in favour of permitting the proposed development against the local plan policies that seek to restrict size of replacement dwellings in the countryside. The proposed development would result in a very positive visual and environmental benefit as well as retaining a community facility on the site. There are no amenity, highway or other issues that would arise from the development and overall there are considerable benefits. A planning condition will need to be imposed to ensure that the first floor of the club house is implemented in accordance with the approved plans. In addition a planning condition will need to be imposed which ensures that the club house is built and made available for use prior to the occupation of the dwelling.

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

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	187.94	47.87	140.07	140.07	£80/sqm	£12,326.16 *
Subtotal:	£12,326.16					
Relief:	£0.00					
Total Payable:	£12,326.16					

* 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 shall be carried out in accordance with the following approved plans: MC07 -Garage elevations/floor plan, MC03C- Site layout plan, MC03A Clubhouse elevations/floor plan, MC03A -Dwelling elevations/floor plan

Reason: To ensure satisfactory provision of the development.

3. Before development commences, the following details shall be submitted to and approved by the Local Planning Authority:
 - 1) the external facing materials for the dwelling, garage and club house
 - 2) the details of windows, glazing and doors to be installed in the dwelling and club house
The development shall only be implemented in accordance with the approved details.

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

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

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

5. The development hereby permitted shall not be occupied until the spaces shown on plan MC03 Rev C for the parking and garaging of motor vehicles have been provided. The spaces shown on plan MC03 Rev C 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. 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: 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).

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. 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 within this sensitive rural location to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

9. All external works (hard and soft landscape) as approved in condition 8 shall be carried out in accordance with the approved plans and details within one year of commencement of development and maintained thereafter as built and subject to changes or additions (including signage) only if and as agreed in writing with the Local Planning Authority.

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

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

Reason: 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).

11. No activity shall take place within the building identified as 'new club house' hereby approved in connection with the approved uses other than between the hours of 9:00am and 11:30pm Mondays to Saturdays and between the hours of 9:00am and 9:00pm on Sundays.

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

12. The club house building hereby approved shall be implemented and made available for community use in its entirety as shown under Drawing No MCO3 Rev A prior to the occupation of the dwelling hereby approved.

Reason: The site comprises an asset of Community Value where there is a presumption against the loss of community facilities and accordingly, it will be reasonable to ensure that the community building is built and made available prior to the occupation of the dwelling in accordance with Policy CS8 of the Local Plan for the New Forest outside of the National Park (Core Strategy) and Policy DM24 of the Local Plan Part 2 and the New Forest District.

Notes for inclusion on certificate:

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

The application originally submitted were not acceptable and negotiations have taken place between the applicant agent and officers to resolve the design and layout issues. Amended plans have now been received and address the issues and the layout and design is more appropriate in this sensitive rural location.

2. This decision relates to amended / additional plans received by the Local Planning Authority on the 16th December 2016 and the 28th February 2017.

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



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

1 REASON FOR COMMITTEE CONSIDERATION

Deferred at the meeting on 8 February 2017

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

Hampshire Minerals and Waste Plan

Policy 16: Safeguarding - minerals infrastructure

Policy 26: Safeguarding - waste infrastructure

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.
- 9.3 Environmental Design Team (Landscape) - Shorefields Holiday Park and Downton Manor Farm Quarry are located within the landscape character area of Barton and Milford Coastal Plain, with a landscape character type of Coastal Plain estates. Whilst it is accepted that the proposal will probably not give rise to long term adverse impacts to visual amenity, on the basis that the landscape is well enclosed by vegetation that closely follows the unique topography and lack of public access, the impacts to landscape character has not been adequately assessed. The proposal relies entirely on infrastructure provided for the sole use of the mineral workings at Downton Farm: the haul roads and bunds. However the Mineral Workings are subject to a restoration plan that requires the removal of the temporary bunds (the bunds are really temporary soil storage heaps) as various phases are worked. The final restoration plan sees the complete removal of infrastructure and a return to agriculture in the same arrangement of fields and boundaries that are typical of the landscape character. In relying on the bunds to alleviate potential visual impacts, they are in fact, imposing a landscape feature that is non

responsive to the baseline conditions, on a permanent basis. In addition, there is a lack of information about how the access into Shorefields is to be created, it would appear that this boundary is well vegetated with a hedge and significant trees, and therefore it should be assumed that the proposal will create a break in this boundary, potentially allowing views into and of the caravans to impinge. The Transport statement provides a specification of the track, indicating locally won gravels will be used to dress the surface of the proposed track, but given its permanent nature, there are no indications of edgings for example. In order that this proposal overcomes the above concerns, it would be appropriate to limit its life to coincide with the minerals restoration plan of this phase of workings, ie a temporary permission subject to conditions to establish what trees/vegetation will be removed/retained and a landscape scheme, requiring full construction details of the proposed track and any proposed mitigation for the loss of vegetation.

- 9.4 HCC Minerals Authority - The site is within the boundary of a safeguarded minerals extraction site, as identified in the Hampshire Minerals and Waste Plan (2013) (HMWP). The proposed development lies within the Minerals and Waste Consultation Area (MWCA) - Sites section. The service road proposed in application 16/11116 lies within the boundary of the safeguarded site Downton Manor Farm Quarry operated by New Milton Sand and Ballast. It could have a negative impact upon this site and it's current planning permission 16/10641 issued by HCC in 2016. Of particular note is its potential impact to the permission's conditions, its temporary nature and the restoration of the site. Consequently the proposed development needs to demonstrate that it is compatible with the permitted minerals extraction operation on the site. The above requirements could be addressed by conditions requiring any permission granted does not amend or change planning permission 16/10641, its conditions and restoration or any subsequent permissions, for the minerals operation at the safeguarded Downton Manor Farm Quarry site.
- 9.5 Tree Officer - Shorefield Country Park is subject to multiple Tree Preservations Orders which are situated throughout the site. A dense linear group of Monterey Pines are situated in close proximity to the proposal (107/03) and runs alongside Sea breeze Way; however the location of the access as shown on drawing (IMA-16-075) is just outside of this TPO group. To facilitate the new access a small group of these trees will need to be removed. The exact number of trees to be removed should be specified and suitable tree planting should be carried out to mitigate any loss and should be in accordance with BS8545: 2014. The trees that will be retained within the TPO and directly adjacent to the development will be vulnerable to root severance and soil compaction as a result of excavation and installation of hard surfaces. The Root Protection Areas of these trees should be illustrated and if the development encroaches into this area, appropriate specialist surfacing and engineering solutions should be used and detailed within an Arboricultural Method Statement and potential impacts identified as part of an Arboricultural Impact Assessment. No objection subject to arboricultural condition.

10 REPRESENTATIONS RECEIVED

Twelve letters have been received in support of 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

Introduction

This application was deferred by this Committee at its meeting on 8 February 2017 to allow issues in respect of landscaping impacts, minerals safe guarding, tree impacts and discrepancies in the submitted plans to be resolved. The discrepancies in the plans have been remedied by amended plans and the issues relating to impacts on trees, landscape and minerals are covered in paragraph 14.2 (iii) below. Otherwise, the report remains as considered at the February meeting with conditions revised as appropriate.

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 County Mineral Authority have raised concerns regarding the safeguarding of the mineral site, conditions of its approval and its eventual restoration, which are posed by the proposal. It is considered that these concerns could adequately be addressed by granting a temporary permission for the proposal, linked to the minerals permission and through an informative applied to the notice. 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. However, the site forms part of a wider minerals extraction area and while it is accepted that the proposal will probably not give rise to long term adverse impacts to visual amenity, this is on the basis that the proposal relies on infrastructure provided for use of the mineral workings, ie the haul roads and bunds. The mineral workings are subject to a restoration plan that require removal of the temporary bunds, which would present the proposal in a very different context. In order that this proposal overcomes the concerns regarding its relationship with the mineral workings, it would be appropriate to limit its life to coincide with the minerals restoration plan, ie a temporary permission, which is consistent with the comments of the Landscape Team and County Mineral Authority. The Landscape Team and Tree Officer have raised some concerns with regard to the removal of trees and vegetation and to the final details of the access track, but are satisfied that these may be addressed by condition. The Highway Authority has already confirmed that no harm would result to highway safety. Consequently, subject to conditions identified above and set out below, 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, safeguarded minerals, 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 approved shall be removed within 5 years of the date of this permission or at the end of the mineral extraction at Downton Manor Farm Quarry (whichever is the sooner) and the land restored to a condition which has first been agreed by the Local Planning Authority.

Reason: Having regard to the implications that this proposal may have on this minerals site in accordance with Policies 16 and 26 of the Hampshire Minerals and Waste Plan.

2. The development permitted shall be carried out in accordance with the following drawing nos. 1:7500 Location Plan, 002 Rev B, 003 and 004 Rev A

Reason: To ensure satisfactory provision of the development.

3. No caravans, vehicles or machinery shall be stored on the proposed loading area identified on drawing no. 004 Rev A 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).

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) a specification for new planting (species, size, spacing and location) to mitigate for any loss of vegetation;
- (b) full construction details of the proposed track, including edging details, drainage and the surface materials to be used;

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

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

5. All external works and landscaping agreed under condition no. 4 shall be carried out in accordance with the approved plans and details within one year of commencement of development and maintained thereafter as built and subject to changes or additions (including signage) only if and as agreed in writing with the Local Planning Authority.

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

6. No development or site clearance shall take place until a plan and/or details showing:

- Arboricultural Impact Assessment in accordance with 855837: 2012;
- Arboricultural Method Statement in accordance with 855837: 2012;
- Tree Protection Plan in accordance with 855837: 2012;
- Tree Planting Schedule (planting to be in accordance with 858545: 2014)

are submitted to and approved in writing by the Local Planning Authority. Thereafter development shall only take place in accordance with these approved details.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area, in accordance with Policy CS3 of the 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.

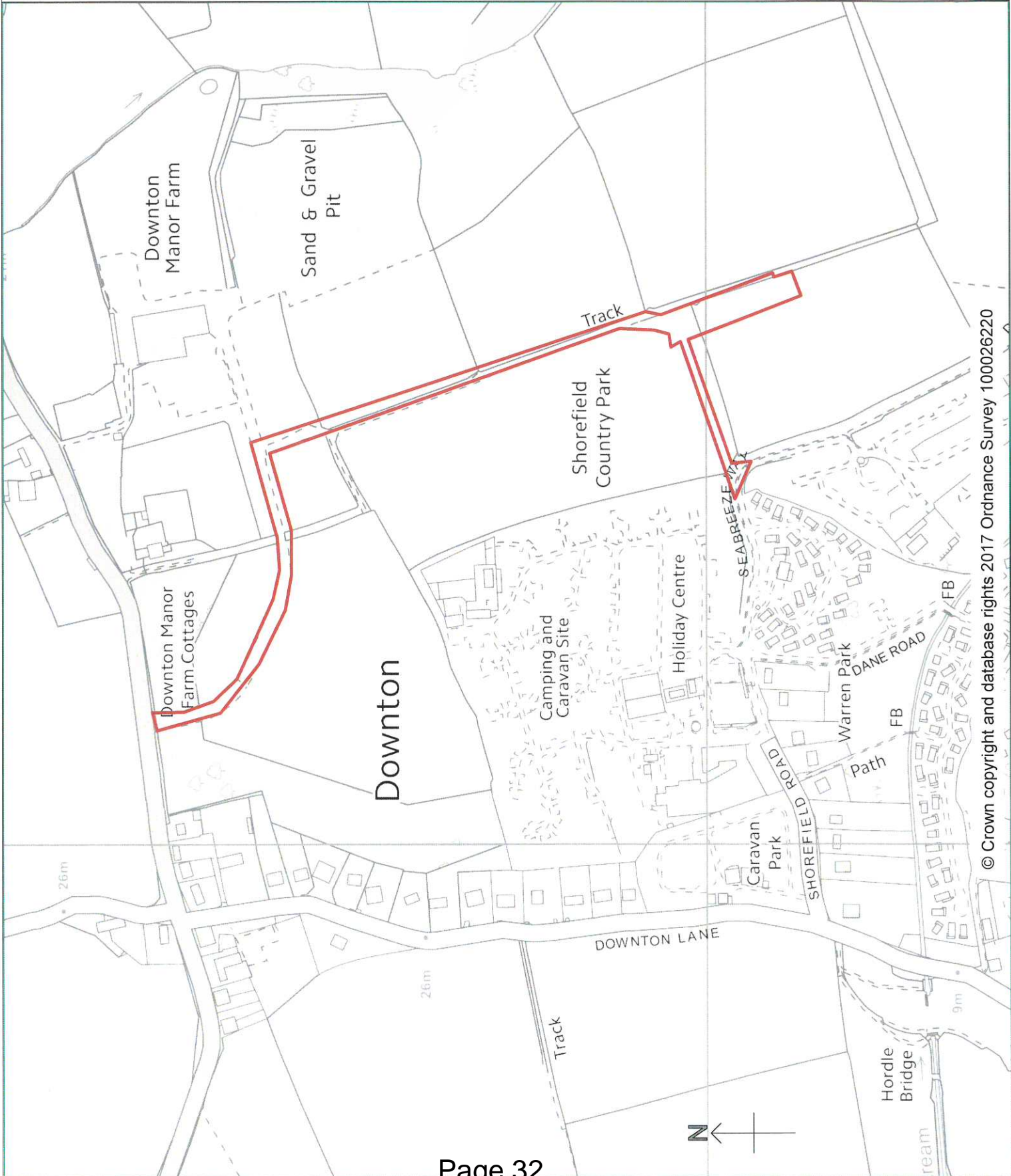
Safe digging practices, in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this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

3. The applicant's attention is drawn to the need to ensure that conditions attached to the planning permission (ref: 16/10641) for mineral extraction and subsequent restoration at the site are complied with when carrying out this development and in the use of the proposed access.

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)



Application Number: 16/11137 Full Planning Permission

Site: Land south of OLD FERRY HOUSE, UNDERSHORE ROAD,
BOLDRE SO41 5SA

Development: Access road to Haven Marine Park & Island Point Flats

Applicant: Lymington Yacht Haven Ltd

Target Date: 06/10/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Green Belt
Countryside outside the New Forest
Adjacent New Forest National Park Authority
SINC
Flood Zone 2/3
Conservation Area (adjacent)

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

Core Strategy

- CS1: Sustainable development principles
- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS6: Flood risk
- CS10: The spatial strategy
- CS17: Employment and economic development
- CS24: Transport considerations

Local Plan Part 2 Sites and Development Management Development Plan Document

- DM2: Nature conservation, biodiversity and geodiversity
- DM22: Employment development in the countryside

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

None

6 RELEVANT PLANNING HISTORY

6.1 Access road to Haven Marine Park and Island Point Flats (10197) Refused on the 11th May 2016

6.2 14 industrial units in 2 linked blocks with covered boardwalk; access road; parking; landscaping; demolition of existing; (Use Class B1) including marine based use (17/10121) Recently registered, Pending decision.

7 PARISH / TOWN COUNCIL COMMENTS

Boldre Parish Council: Recommend refusal. Boldre Parish Council sees no reason to change its previous comments. (Application 16/10197 and 16/11137) Object to this application, as we feel the applicant has not demonstrated why there is a requirement for a new entrance. We consider the proposed entrance to be less safe than the existing entrance in view of its proximity to a bend in the road, a garage and ferry terminal. It would also be opposite an existing lane and there is a hazardous road junction close by. We also consider this proposal to be detrimental to the SINC.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

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

9.2 New Forest National Park Authority: objection. Despite the revisions, those concerns which were raised previously over the scheme remain. Principally that a suburban feature will be introduced into the landscape contrary to this distinctive area, the verdant hedgerow is still to be partially removed and opened up, and an area of hard surface will be created across the area of open space which contributes to the setting of the National Park and the Conservation area.

9.3 Environment Agency: no objection subject to condition. The proposed development will only meet the requirements of the National Planning Policy Framework if the measures as detailed in the Flood Risk Assessment (July 2016) submitted with this application are implemented and secured by way of a planning condition.

9.4 Natural England advises that if the proposal is undertaken in strict accordance with the details submitted, it is not likely to have a significant effect on the interest features for which Solent and Southampton Water Ramsar and SPA, Solent and Isle of Wight Lagoons SAC and Solent

Maritime SAC have been classified. Natural England therefore advises that the Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the sites Conservation objectives. In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which Lymington River Reedbeds and Hurst Castle and Lymington River Estuary SSSIs have been notified.

- 9.5 Ecologist: no objection subject to condition. Given the scale and nature of the proposal, the recent degradation of the locally designated conservation site and the possibility for the provision of compensation, the impact of the development is such that it is not considered there are grounds for in principle objection. It would however be important to obtain final details of biodiversity compensation/enhancement measures, whilst these are generally suitable it would be important to ascertain some further details.
- 9.6 Southern Gas: the proposed development lies close to a low/ medium/ intermediate pressure gas system and there should be no mechanical excavations taking place above or within 0.5 metres of a low /medium system or above or within 3 metre of an intermediate pressure system.
- 9.7 Conservation Officer: comments on the amended plans will be updated at the meeting.

10 REPRESENTATIONS RECEIVED

10.1 4 letters of support:

The current access is inadequate for both Island Point residents and the marine industrial units and the proposed new access track will be a significant improvement. Recent works on the site involving the replacement of the sluice gates and reinstatement of the filed ditches and culverts have reduced the frequency of tidal flooding around Island Point. It is important that the field lands south of Old Ferry House are allowed the free passage of any flood waters regressing through the boat yard sea wall across the existing gravel track to the river estuary via a culvert and sluice gate positioned under the railway embankment. There are several legal rights including a right to re-positioning the access track to Island Point, a right of access to the fields and a right of free passage of running water to drain the Old Ferry House. These are fundamental to allow the fields adjacent to Old Ferry House to act as a flood plain and the re-positioning of the access and raising the road height will facilitate the design and provision of appropriate flood drainage.

10.2 1 letter of objection:

Concerned with the new access across the SINC will be damaging to the local environment.

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.

Revised plans have been submitted to address the concerns raised by Officers in relation to the extent of road and the type of surface treatment and detailing to the access and entrance to Undershore Road.

14 ASSESSMENT

- 14.1 The site consists of open pasture land with a few scattered trees lying within a very sensitive location in which there are many constraints. In recent years the site has been subjected to drainage measures to protect adjoining properties from flooding, resulting in the land level being raised by the introduction of imported material. The site is intersected by several deep drainage ditches which are protected from tidal inundation with sea water by sluice gates. There is an existing track running from Undershore Road along the north western edge of the site which provides vehicle access to the Haven Marine Park and the flats at Island Point.
- 14.2 The site lies outside the built up area within the designated Green Belt and Site of Importance for Nature Conservation. The New Forest National Park and a Conservation Area lie on the northern side of Undershore Road. The site lies within Flood Zone 3 and is located on the eastern side of the Lymington Estuary and is physically distinct from the town of Lymington.

- 14.3 Contextually the site is located in a rural location with scattered houses along Undershore Road with a large detached dwelling to the north known as 'The Old Ferry House'. To the west of the site is a small industrial type yard known as Haven Marine Park and a residential block of ten flats known as Island Point which are all currently accessed from a gravel track from Undershore Road.
- 14.4 This application has been submitted by Lymington Yacht Haven and proposes a new private access road and footpath from Undershore Road to serve Haven Marine Park and Island Point flats. The existing access road across the land would be abandoned with new grassed areas to replace the track, although a short part of the access would remain to serve the residential property known as The Old Ferry House. The proposed access road would cut through an existing hedgerow adjacent to Undershore Road and would run across an area of open pasture land and its width would range from 3.8 metres to 6.6 metres wide by 75 metres long and be constructed from tarmac and resin bonded gravel, together with new soft landscaping. A separate gravel footpath would run adjacent to the proposed access road.
- 14.5 In support of the application, the applicants state that the current access onto Undershore Road is not suitable in the long term for the business at Haven Marine Park, which is used for boat building works. It has been stated that boats cannot be transported off site without the co-operation of the adjacent land owner (Old Ferry House) and the removal of a section of fence every time a large boat is moved off site. The current unmade track is not sufficient for vehicles to pass and the current restrictive access is affecting the economic viability of the business. Moreover it has been stated that a significant number of benefits would be provided which include improved access into Haven Marine Park and Island Point flats, a separated pedestrian and vehicular access, improved road surfacing, safer in the event of an emergency and greater width to enable vehicles to pass by.
- 14.6 It should be noted that a current separate planning application (17/10121) has been submitted for Haven Marine Park which proposes to demolish the existing industrial units on the site and the construction of two buildings containing 14 new units with offices at first floor level and storage at ground floor level. That application also proposes new parking areas and associated soft and hard landscaping. The application is pending a decision. It should be noted that this current application for a new access is a stand alone application despite the fact that a separate application has been submitted at Haven Marine Park to redevelop the site.
- 14.7 The current proposal for a new access and footpath follows a refusal of planning permission for a new access and footpath on this site (16/10197). Indeed Members may recall considering the application at the meeting on the 11th May 2016.
- 14.8 The previous application was refused for two reasons, the first of which raised concerns on character grounds. It was previously considered that by virtue of its siting across open pasture, the significant loss of hedgerow, its length and width and the harsh nature of surfacing to be used, the proposed development would have been inappropriate development that would impact on the openness of the Green Belt and would be visually intrusive in its setting that would have an adverse

impact on the wider landscape and rural character of the area which lies within a Site of Importance for Nature Conservation and is close to the New Forest National Park. The second reason for refusal was on ecological grounds, as it had not been adequately demonstrated that the proposed development could be implemented without adversely affecting protected species, biodiversity interests, and the ecological interest of adjacent land that is designated as a Site of Importance for Nature Conservation. This was because of the absence of an appropriate biodiversity survey/ ecological assessment.

- 14.9 This application follows pre application advice when officers strongly encouraged the applicant to utilise, upgrade and widen the existing access track, rather than to create a new access through the land. However, the applicants made it very clear that this option has been explored but was not practical or feasible because of ownership issues in order to achieve the desired access onto Undershore Road. Accordingly, the current application proposes to position the access in the same position as previously submitted, but to make a number of other changes and improvements which are set out below.
- 14.10 These changes include the proposed footpath being separated from the main access road reducing the overall extent of hardsurfacing and reducing the width and size of the access track. The overall loss of hedgerow immediately adjacent to Undershore Road has been reduced. A length of approximately 10 metres would be lost, whereas the previous application had shown an opening of around 20 metres. New hedgerows are also proposed along the first section of the new access. The width of the proposed access road has been narrowed from 7.5 metres to 3.8 metres, although where margins are provided the overall width of the access increases.
- 14.11 Further changes have been made to the quality and detailing of the surface treatment of the access onto Undershore Road which are shown with a combination of flush edging's and conservation blocks. The side banking has been shown to be largely removed and it is now proposed that the land on either side of the road comprises mixed grass seed and wild flowers. The application includes further justification for the need for the access. The application has also been accompanied by an Ecological Report setting out some biodiversity enhancements.
- 14.12 In assessing this current proposal, it is necessary to start with the Green Belt test, in which the fundamental aim is to prevent urban sprawl by keeping land permanently open and seeks to assist in safeguarding the countryside from encroachment. Green Belt policy makes it clear that inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 89 states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. In this case, the proposal is not for a new building. Paragraph 90 is relevant and states that certain forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These include engineering operations, such as the proposed road.
- 14.13 The main issue in this case is whether the proposed road preserves the openness of the Green belt and does not conflict with the purposes of designation. One of those purposes is to assist in safeguarding the countryside from encroachment.

- 14.14 The existing low lying land, which is predominantly open with only a few scattered trees set behind a hedgerow contributes significantly to the openness of the Green Belt and rural character of the area. The existing track which runs through the site and measures approximately 4.2 metres by 55 metres has some impact on the openness of the Green Belt and the submitted plans show the track would be replaced with grass. The proposed access would be greater in length, however, the majority of the access track will be narrower measuring only 3.8 metres. In comparing the actual size of the proposed access road with the existing, there is not a considerable difference in size. The most notable difference is the proposed location which will essentially be across the middle of the paddock. Overall it is considered that the proposed access road, subject to the existing track being landscaped with grass, will not result in a significant encroachment and impact on the preservation or openness of the Green Belt and accords with Paragraph 90 of the NPPF.
- 14.15 Visually, considerable improvements have been made to the design and size of the access track and its overall impact on the landscape and the adjacent New Forest National Park and conservation area. Reducing the width of the access road across the field and its entrance onto Undershore Road, the provision of new grass and wild flower throughout the site and the incorporation of smaller access margins would minimise the visual and landscape impact of the road. Equally, the removal and replacement of the existing gravel access track demonstrates that new landscaping will be provided to reduce the impact. The quality of the surface materials to be used at the entrance to Undershore Road would create a high quality finish and more sympathetic appearance adjacent to the National Park and conservation area.
- 14.16 The proposal would also accord with local and national policies. In terms of other national planning policies, Paragraph 28 of the National Planning Policy Framework urges support and expansion of all types of business and enterprise in rural areas. Local Plan Policy CS21 relates to the rural economy and seeks to keep existing employment sites, and encourage improvements and redevelopment that will help maintain and enhance the environment, and contribute to local distinctiveness. Local Plan Part 2 Policy DM22 is also applicable and relates to employment development in the countryside and gives general support for existing rural development but should not be harmful to the rural character of the area by reason of visual impact, traffic and other activity generated or other impacts.
- 14.17 Having regard to the ground level nature of the track and access, the character of the area, the purpose of the track and the fact that the proposal would replace an existing track it is considered that the proposed development would not adversely affect the openness of the area or the character and appearance of the National Park or the adjacent conservation area.
- 14.18 In terms of the ecological matters, the Ecologist states that the ecological statement does, in part, provide information on protected species and the condition of the habitat, which does make a contribution to resolving previous reasons for objection. The report confirms that the area was of nature conservation importance in the past, with some remnants of vegetation characteristic of wetlands remaining in places. It also identifies that common reptile species are likely to be present but

has not undertaken appropriate surveys to establish the level of impact as an approach of habitat manipulation is proposed to address legal protection. However given the scale and nature of the proposal, the recent degradation of the locally designated nature conservation site and the possibility for the provision of compensation, the impact of the development is such that the Ecologist does not consider there are grounds for in-principle objection.

- 14.19 It would however be important to obtain final details of biodiversity compensation/enhancement measures, while these are generally suitable it would be important to seek some further details such as the enhancement being delivered via natural regeneration or use of local provenance seed, and this can be dealt with by a planning condition.
- 14.20 In relation to public highway safety matters, Undershore Road has the status of a classified road and the Highway Authority does not raise any objections to the proposal. The existing access to the north which currently also serves Old Ferry House would be altered / stopped up within the site so that it would provide access solely to this property on completion of the new access. Given the width of the proposed road and visibility splays, together with the footpath, the proposal would be acceptable to the Highway Authority. It should be noted that the Highway Authority did not raise any objections to the previous application.
- 14.21 In relation to other matters, the proposed development would not have any adverse impact on residential amenity. While the access road would be nearer to Island Point Flats, this relationship is acceptable
- 14.22 Concerning flooding matters, the site lies within Flood Zone 2/3 and the application has been accompanied by a Flood Risk Assessment. There is an existing network of drainage ditches within the site which connect with the river. The proposed road crosses three of these drainage ditches so culverts would be used under the road and, to maintain the flow of water in all existing locations. The camber of the road would ensure surface water from the road is discharged onto the open fields either side over the length of the road. No additional discharge would be created by the construction or directed towards adjacent buildings. The Environment Agency does not raise any objections to the proposal.
- 14.23 In conclusion, while these proposed changes still need to be balanced against the unfortunate opening of a new entrance onto Undershore Road, and a new access road that would be more obvious compared to the existing gravel track, subject to quality detailing along the entrance to Undershore Road and landscaping, the proposal is supported and the concerns previously raised have been addressed.
- 14.24 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: 372/4B, 372/6B, 372/8C

Reason: To ensure satisfactory provision of the development.

3. Prior to the use of the access hereby approved, the existing access track shall be permanently stopped up and effectively closed as shown on Drawing No 372/6B and in accordance with details that are submitted to and approved by the Local Planning Authority, so that vehicles using Haven Marine Park and Island Point flats can only enter and leave the highway via the access hereby approved.

Reason: In the interest of highway safety and in accordance with Policy CS2 and CS24 of the Local Plan for the New Forest District outside of the National Park (Core Strategy).

4. Prior to the use of the access hereby approved, visibility splays of 2.4 x 90 metres in both directions at the junction of the approved vehicular access with Undershore Road shall be provided and these splays shall be kept free from any obstruction greater than 600mm high at all times.

Reason: In the interest of highway safety and in accordance with Policy CS2 and CS24 of the Local Plan for the New Forest District outside of the National Park (Core Strategy).

5. Notwithstanding the submitted strategic landscape details under Drawing No 372/6B and the landscaping specification, the following additional details shall be submitted to and approved in writing by the Local Planning Authority:

- (a) the existing trees and shrubs which have been agreed to be retained;

- (b) a specification for new planting to include trees and hedgerows (species, size, spacing and location);
- (c) areas for hard surfacing, block paving, edging 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 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 completion of the development or first use of the access hereby approved whichever is the sooner. Any trees or plants which within a period of 10 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 a similar size or species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the development takes place in an appropriate way and to prevent inappropriate within this sensitive countryside location lying within a SINC and adjacent to the New Forest National Park and conservation area to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

6. Prior to the commencement of development, and in accordance with the submitted New Forest Ecological Consultants Report dated 8th August 2016 a detailed biodiversity, mitigation and enhancement and compensation 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.

7. The development hereby approved shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (July 2016) unless otherwise agreed by the Local Planning Authority.

Reason: To manage the risk of flooding in accordance with Policy CS6 of the Core Strategy for the New Forest District outside the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

Notes for inclusion on certificate:

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

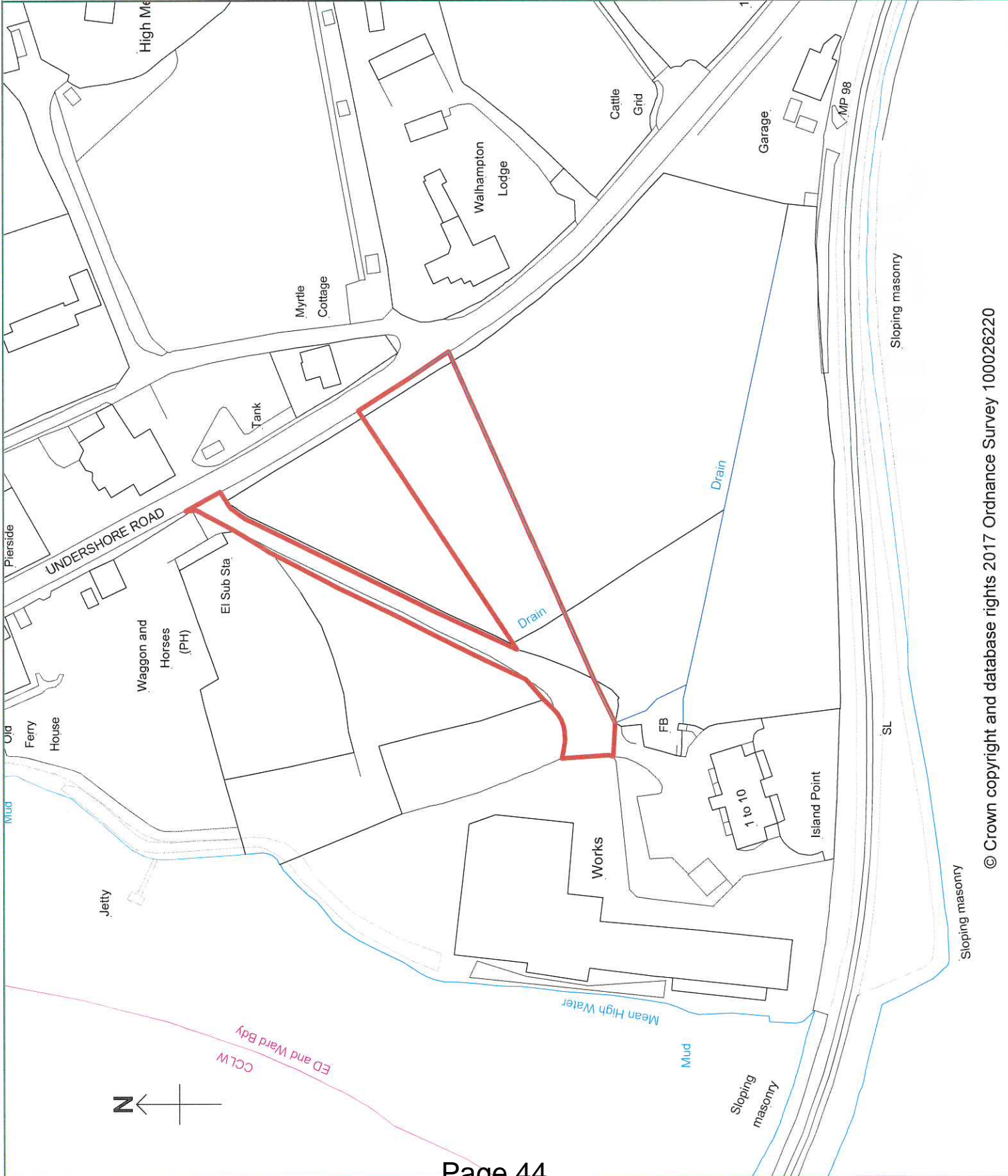
Revised plans have been submitted to address the concerns raised by Officers in relation to the extent of road and the type of surface treatment and detailing to the access and entrance to Undershore Road.

2. This decision relates to amended / additional plans received by the Local Planning Authority on the 22nd February 2017.

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



Application Number: 17/10018 Full Planning Permission

Site: 30 NEWBRIDGE WAY, PENNINGTON, LYMINGTON SO41 8BH

Development: Raising roof height and roof lights in association with new first floor; Juliet balcony; side and rear extensions; oak front porch; flue

Applicant: SIMPSON HILDER ASSOCIATES

Target Date: 21/03/2017

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Aerodrome Safeguarding Zone
Plan Area
Flood Zone

Plan Policy Designations

Built-up Area

National Planning Policy Framework

Section 7

Core Strategy

CS2: Design quality
CS6: Flood risk

Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

Supplementary Planning Guidance And Documents

SPD - Lymington Local Distinctiveness

3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

4 RELEVANT SITE HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
16/10336 Raise roof height, dormers and rooflight in association with new first floor; Juliet balcony; side and rear extensions; porch; flue	04/05/2016	Refused	Decided	
15/11805 Rooflights in association with new first floor; side and rear extensions; rear Juliet balcony; front porch canopy; flue	15/02/2016	Refused	Decided	

5 COUNCILLOR COMMENTS

No comments received

6 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council: recommend refusal.
Over dominance to neighbouring property.

7 CONSULTEE COMMENTS

Natural England: no comments

8 REPRESENTATIONS RECEIVED

Total Number of Representations Received: 2

Comment(s): In Favour: 0 Against: 2

- increase built form along the boundary with no 28 Newbridge Way
- would overhang boundary
- out of keeping with the street scene and character of neighbouring bungalows
- proposed extensions excessive for plot
- overly dominant to neighbour

Correspondence from agent:

- Use of inverted gutter would result in no guttering overhanging neighbour
- current submission reflects pre application advice
- any issues over boundaries would be a civil issue.

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.

The applicant's have taken advantage of pre-application advice and in this case all the above apply and the application was acceptable as submitted. Notwithstanding this, an amended plan was submitted to provide details of the gutter. This was provided in support of comments from the agent in response to concerns that the extension would overhang the boundary with the neighbour.

12 ASSESSMENT

- 12.1 This current application has been submitted following two refusals in 2015 and 2016. The applicants have taken advantage of the pre application enquiry service following the second refusal and have followed the advice given.
- 12.2 The current proposal would still be increasing the overall height of the dwelling by approximately 1 metre, but this would be lower than previously refused, and would be a comparative height to the previously extended neighbouring property to the south, no 32 (which was approved in 2011). The design has also been improved, respecting the existing width of the front gable and reflecting the existing form of the dwelling. Furthermore, the ridge line would not be extended to the rear, and the existing eaves height would be retained. The porch and roof detail on the front elevation would be appropriate to the overall design .
- 12.3 Notwithstanding that the existing dwelling does form part of a group of bungalows, the wider street scene reflects a more varied character and as already referred to the immediate neighbouring property to the south, no 32 Newbridge Way has already been extended involving a significant remodelling and increase in ridge height. Taking into account that the mass of the extensions have been reduced and the more appropriate design, the proposed extensions would not detract from the street scene or adversely impact upon the character of the area.
- 12.4 The application site has a reasonable sized plot, and the proposed extensions would not result in overdevelopment of the site.
- 12.5 Even though the two previous applications were refused, adverse impact on neighbour amenity did not form part of the reasons for refusal.

As per the two previous applications, the proposed development would include single storey development adjacent to the boundary with 28 Newbridge Way, which in part would replace existing structures. This element of the proposal would be more dominant than the existing single storey garage by virtue of it projecting further forward. Nevertheless,

there would be compensations as the built form would be reduced along the boundary to the rear of no 28.

- 12.6 The block plan shows that no 28 Newbridge Way has a staggered front elevation and is angled towards the application site. The proposed attached garage would project forward approximately 1.5m from the nearest point of the neighbouring dwelling, and even though there is a large window in the front elevation on this part of the neighbouring dwelling, due to the low eaves and shallow roof of the proposal, it is not considered that it would have a significant adverse impact on this neighbour's amenities. By reason of the single storey nature of the part of the extension closest to the neighbour at no 28, and the overall form of the extensions this would not result in an overbearing form of development in relation to the neighbouring property.
- 12.7 The proposed plans indicate that the extensions would be within the boundary lines of the application site, nevertheless this has been challenged by the neighbour who states that it would overhang the boundary. The agent has stated that an inverted gutter is proposed which would ensure no overhanging. If there is an issue of the exact alignment of the boundary between the two properties, this would be a civil issue and as such outside the remit of this planning application.
- 12.8 Rooflights are proposed on both side elevations, but these are shown as being obscure glazed. By reason of the siting of the most rearmost rooflights serving the rear bedroom, views could be achievable from these rooflights over the rear amenity spaces of both 28 and 32 Newbridge Way. To ensure that the privacy of these neighbouring properties is maintained it would be justifiable to condition these two rooflights to be obscure glazed and fixed shut. As they are secondary windows to the bedroom, the application of such a condition would be reasonable in this instance.
- 12.9 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

13. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: 100 B, 102 C, 101 A

Reason: To ensure satisfactory provision of the development.

3. The rear most rooflights on the north and south elevation serving the rear bedroom shall at all times be glazed with obscure glass and fixed shut.

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).

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

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

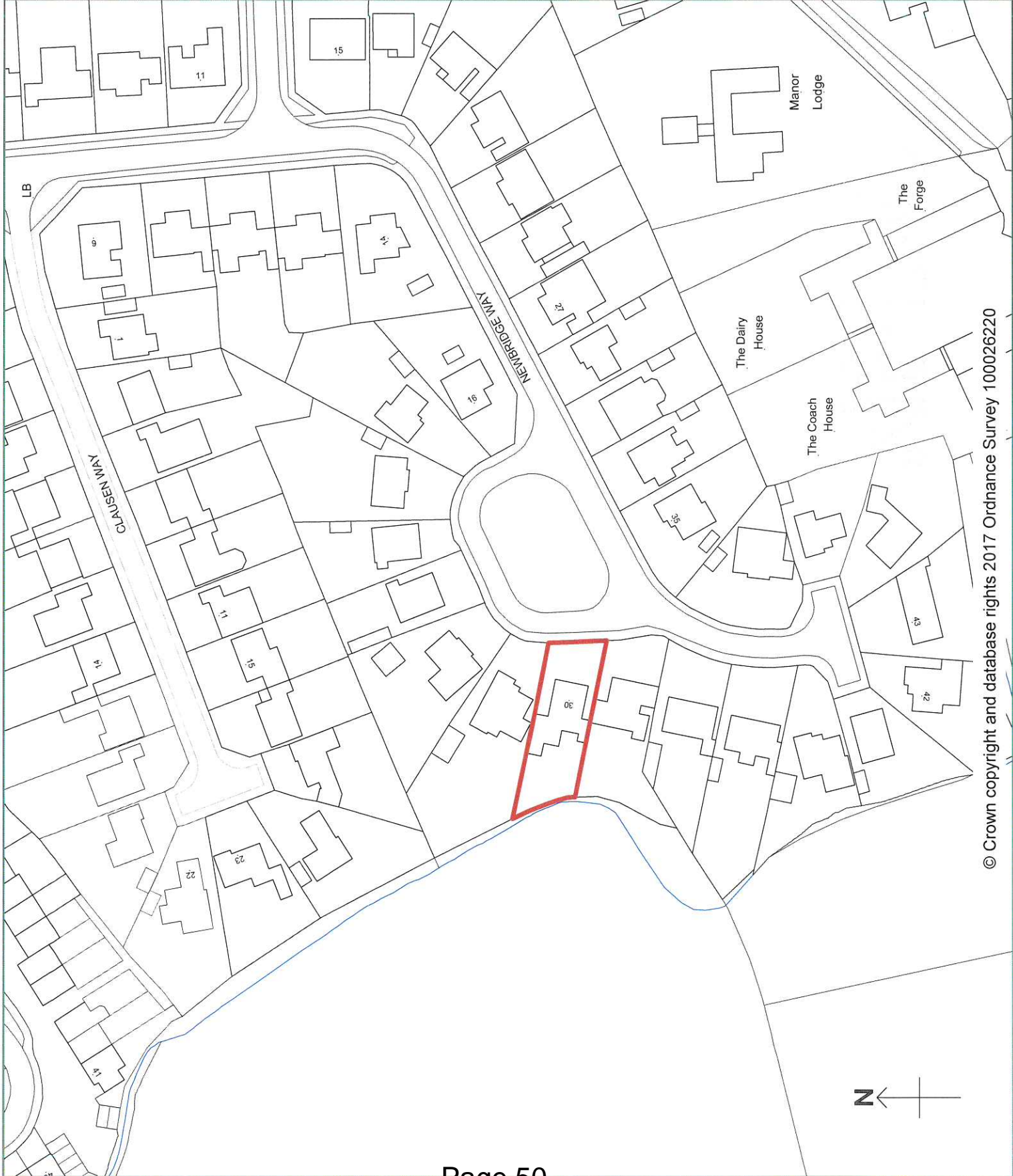
Notes for inclusion on certificate:

1. This decision also relates to an amended plan received by the Local Planning Authority on 21 March 2017
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 applicant's have taken advantage of pre-application advice and in this case all the above apply and the application was acceptable as submitted. Notwithstanding this, an amended plan was submitted to provide details of the gutter. This was provided in support of comments from the agent in response to concerns that the extension would overhang the boundary with the neighbour.

Further Information:

Householder Team
Telephone: 023 8028 5345 (Option 1)



Application Number: 17/10036 Full Planning Permission

Site: FIELD REAR OF PADDOCK CLOSE, DARK LANE,
HINTON ST MICHAEL, BRANSGORE

Development: Agricultural storage barn

Applicant: Mr Harrod-Evans

Target Date: 20/03/2017

Extension Date: 14/04/2017

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Parish Council view and objection from Local Ward Councillor

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Plan Area
Aerodrome Safeguarding Zone

Plan Policy Designations

Green Belt
Countryside

National Planning Policy Framework

- Section 3: Supporting a prosperous rural economy
- Section 7: Requiring good design
- Section 9: Protecting Green Belt Land
- Section 11: Conserving and enhancing the natural environment

Core Strategy

CS1: Sustainable development principles
CS2: Design quality
CS10: The spatial strategy
CS21: Rural economy

Local Plan Part 2 Sites and Development Management Development Plan Document

DM22: Employment development in the countryside

3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

- Section 3: Supporting a prosperous rural economy
- Section 7: Requiring good design
- Section 9: Protecting Green Belt Land
- Section 11: Conserving and enhancing the natural environment

4 RELEVANT SITE HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
15/11774 Animal shelter	17/02/2016	Refused	Appeal Decided	Appeal Dismissed
13/11422 Field shelter	06/01/2014	Granted Subject to Conditions	Decided	

5 COUNCILLOR COMMENTS

Councillor Richard Frampton objects to the application for the following reasons; There is already a building here without permission which was lost on appeal and this additional barn would compound the loss of amenities to both residential properties, by way of visual intrusion.

I would not object to the building being placed along the hedge line to the North West of the current proposed location as it would not be visually intrusive and would blend in more with the surroundings.

I suspect , as with the previous stable application, it will be built here anyway and lead to enforcement action.

6 PARISH / TOWN COUNCIL COMMENTS

Bransgore Parish Council: refusal. The siting of an additional building as proposed would add to the loss of visual amenity of the nearby properties. The building could be sited where the effect on the character of the area would be less obtrusive.

7 CONSULTEE COMMENTS

7.1 **Southern Gas Networks (previously National Grid Transco):** no objection

7.2 **Land Drainage:** recommend approval

8 REPRESENTATIONS RECEIVED

Total Number of Representations Received: 3

Comment(s): In Favour: 0 Against: 3

Raising objection on the following grounds;

- Refer to the similarities between the previously refused building, that now proposed and works which have taken place on site without planning consent
- Question the clarity of the development being applied for in the description of development proposed and whether this would in fact be seeking retrospective consent or consent to modify the current building.
- A building closer to the house would offer a better solution for any security problems

- The use of any conditions to restrict the use of the building for livestock could prove ineffective given the applicant and Councils actions in respect of unauthorised development on this site to date
- Residential amenity, the barn would attract vermin which would be close to Little Hinton.
- Visual impact, would be seen from rear of Little Hinton
- There are alternative sites which would avoid any visual and amenity intrusion to third parties
- Any drainage provision should be contained within the applicant's land

Comments in full are available on website.

9 CRIME & DISORDER IMPLICATIONS

None Relevant

10 LOCAL FINANCE CONSIDERATIONS

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

11 WORKING WITH THE APPLICANT/AGENT

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

In this case further information was sought from the applicants to clarify matters raised during the application's consideration.

12 ASSESSMENT

- 12.1 The site is located in the countryside within the Green Belt. The site comprises a field which occupies land to the rear of residential properties along Dark Lane and the B3055 Bashley Road. The land is generally flat with existing boundary hedgerows and trees affording a reasonable degree of screening from the road, neighbouring land and wider rural landscape.
- 12.2 The land is currently used as grazing for Alpacas. Along the southern boundary of the field there is an existing shelter (granted under PA 13/11422) with other temporary structures which provide storage for hay / straw and machinery / equipment associated with this agricultural business.
- 12.3 There are neighbouring residential premises adjacent to the site along Dark Lane. That to the south, Little Hinton, is in closest proximity, with screening from the site afforded by some modest height hedgerow trees and a timber panel fence.

- 12.4 The application seeks consent for the erection of a new barn that would be used for agricultural storage, of stock feed, bedding and equipment. It would be located on an existing concrete slab laid in 2016 which is in part occupied by a timber shelter. For the purposes of this application the applicants have confirmed that the proposal is for a completely new agricultural building and the application is being treated as such. The application also includes the retention of the slab, this being indicated on the submitted drawings.
- 12.5 In respect of the existing timber shelter this is subject to separate investigation by the Council whereby it has to be determined whether, as a result of its size, permanency and attachment, this constitutes an unauthorised building. The applicants who claim that the shelter is a mobile unit and not a building, advising in further supporting information the intention is to move this to other locations around the field.
- As the proposed new shelter would be sited on the base currently occupied by the unauthorised building the Council will consider the expediency of any actions in relation to this building following further consultations with the owner.
- 12.6 Pertinent to this case is the planning history for this site. A previous application (reference 15/11774) for an animal shelter in this location of the same size and external materials as the building now proposed was refused and subsequently dismissed on appeal in 2016. This appeal was dismissed on the grounds of the developments potential impacts on the living conditions of neighbouring occupiers. The Inspector considered that the storage of hay and other items would unlikely generate a great deal of disturbance. However, they considered that the potential noise generation from distressed animals within the building, as a consequence of its proposed use for livestock requiring isolation, would result in material harm to the living conditions of occupiers at a neighbouring property Little Hinton. As part of this decision it is also noted the Inspector considered the development being for the purposes of agriculture, to be appropriate within the green belt and that the effect on the character and appearance of the area would be acceptable.
- 12.7 The proposed development would again be for the purposes of agriculture and although having some differences in nature and design of openings on the north and east elevation, would be of the same siting, size and external materials as the building formerly proposed. As such the context of the development in its relationship to the surrounding landscape would remain unchanged and with reference to the appeal decision, it is again considered the development would be acceptable in its effect on the character and appearance of the area and represent appropriate development within the green belt. It is however noted that the application drawings have not specified the final external finished colour for the cladding materials but this can be appropriately addressed by condition.
- 12.8 The building would be close to the boundary with a neighbouring residential property 'Little Hinton' to the south of the site, however intervening screening is provided by existing hedgerow trees, albeit rather sparse and more significantly by a timber panel fencing in the neighbouring garden area. Considering the scale of the building, relative separation, and orientation it is not considered that this development would lead to any harmful impacts as a result of visual intrusion or loss

of light. Furthermore given the nature of the development it is also considered that this would not result in any harm to the privacy of neighbouring occupiers.

- 12.9 Given the nature of the building's intended use this would not result in a level of activity generation that would result in harm through disturbance to neighbouring occupiers, as was recognised in the previous appeal decision. However, the potential future use of the building for livestock accommodation would have the potential to result in harmful impacts. This matter can be addressed by condition which would ensure that the building is not used at any time for the accommodation of livestock. The secured nature of the building and separation from neighbouring properties does not give rise to any significant concerns over potential vermin infestations.
- 12.10 The application proposes to discharge surface water from the new building into an existing more recently installed drainage system. The plans submitted detail that this directs water to the west of the site through the applicants land and Council's Land Drainage Team consider this to be acceptable.
- 12.11 In response to other matters raised by representation it is recognised that the building could be placed elsewhere on the applicants land. However as with any submitted application, the development falls to be considered on the basis of the proposals put forward. In respect of any future failure to comply with conditions attached to any lawfully implemented consent these would be investigated by the Council at that time and the appropriate action taken.
- 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 there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

13. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: Location Plan; 1; 2.

Reason: To ensure satisfactory provision of the development.

3. Before development commences, samples or exact details of the facing and roofing materials in their final finished colour 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 building hereby permitted shall only be used for agricultural storage purposes and shall at no time be used by or for the accommodation of any animals.

Reason: In the interests of ensuring that activity generation from the building does not result in harm to the living conditions of neighbours in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park.

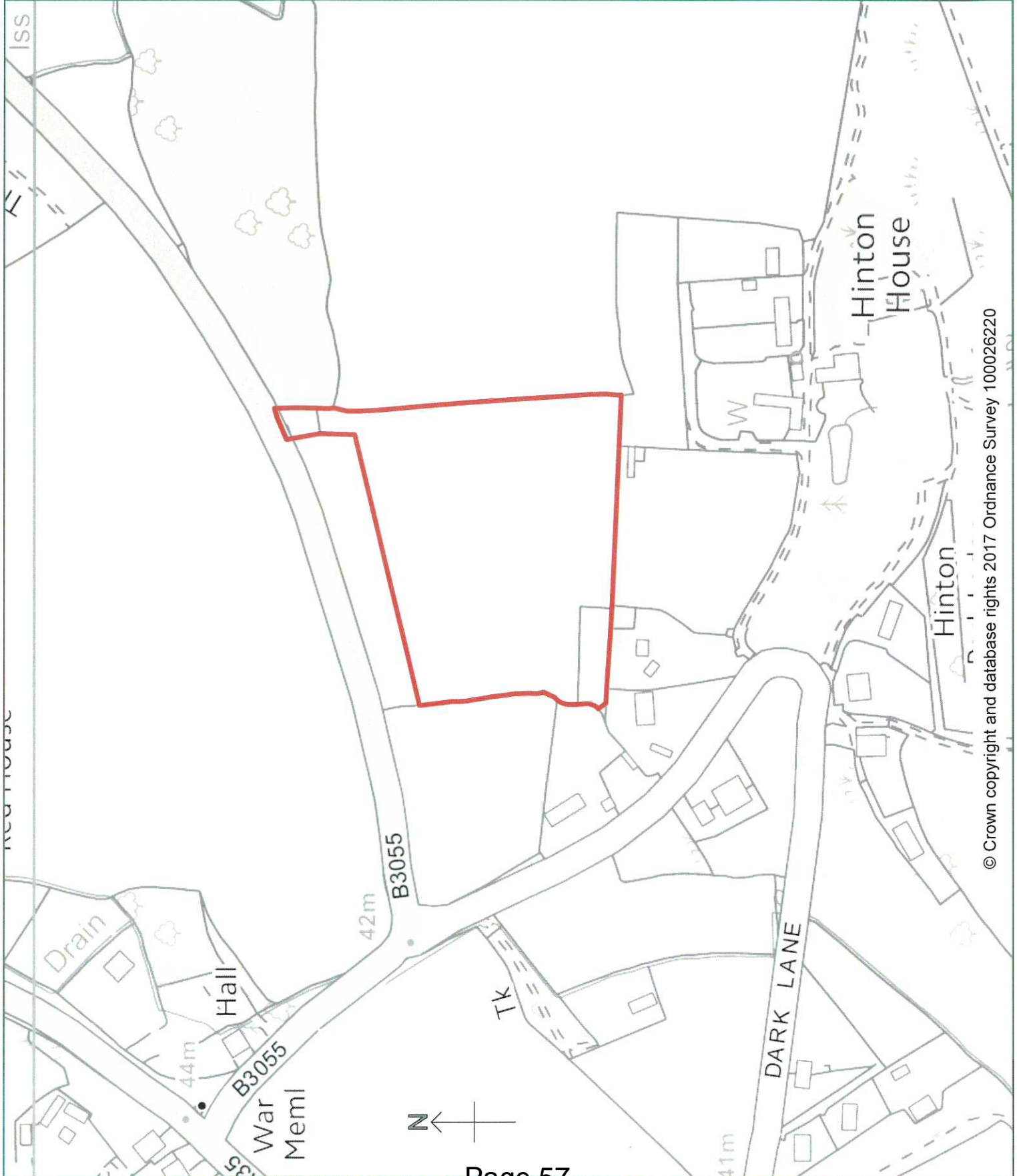
Notes for inclusion on certificate:

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

In this case further information was sought from the applicants to clarify matters raised during the application's consideration.

Further Information:

Householder Team
Telephone: 023 8028 5345 (Option 1)



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Application Number: 17/10037 Full Planning Permission

Site: 47 STANLEY ROAD, LYMINGTON SO41 3SL

Development: Two-storey and single-storey rear extension; single-storey side extension; fenestration alterations;

Applicant: Mr & Mrs Pinkney

Target Date: 09/03/2017

Extension Date: 21/04/2017

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council views in part

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Aerodrome Safeguarding Zone
Plan Area
Flood Zone

Conservation Area: Kings Saltern Conservation Area

Plan Policy Designations

Built-up Area

National Planning Policy Framework

NPPF Ch. 7 - Requiring good design
NPPF Ch. 12 - Conserving and enhancing the historic environment

Core Strategy

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

Local Plan Part 2 Sites and Development Management Development Plan Document

DM1: Heritage and Conservation

Supplementary Planning Guidance And Documents

SPD - Lymington Local Distinctiveness

3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

4 RELEVANT SITE HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
08/92611 Single-storey side extension	22/08/2008	Granted Subject to Conditions	Decided	
07/90473 Single-storey side & rear extensions	30/08/2007	Granted Subject to Conditions	Decided	

5 COUNCILLOR COMMENTS

No comments received

6 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council: recommend refusal.
In support of Conservation Officer and neighbour concerns.

7 CONSULTEE COMMENTS

7.1 **Natural England:** comment only

7.2 **Conservation:** objection- proposals would dominate the rear of the building leaving the history and character of the building greatly diminished and be harmful to the character and appearance of the Kings Saltern Conservation Area.

8 REPRESENTATIONS RECEIVED

Total Number of Representations Received: 8

Comment(s): In Favour: 0 Against: 7

Objections

- Rear extension visible from road, and will be overpowering and unsightly
- Not comparable to similar development outside the Conservation Area
- Substantial adverse impact on light and privacy of neighbouring properties
- Out of keeping with adjacent cottages in this section of the Conservation Area of Stanley Road
- Previous development refused on neighbouring property, 11/98082
- -Extensions at 36 Stanley Road did not have same impact on neighbour amenity

- Adversely impacts upon light, privacy, dominance and enjoyment of surrounding neighbours
- Will be overdominant in relation to no 49 Stanley Road

Representations received from agent

- disputes comments from Conservation Officer, most notably size of original dwelling with reference to various OS Maps , erosion of green backdrop due to loss of view of trees to rear, use of velux conservation rooflights
- concerns from neighbours in relation to amenity not justified
- request that item is deferred to allow for members of planning committee to visit the site personally

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.

The agent has specifically stated in correspondence that he does not credit the pre application advice offered by this Council as being worthy of pursuing. The agent has submitted amendments in response to comments made in the initial briefing and some of these were an improvement especially the removal of the proposed render finish to the building and the reversion to a sash window on the end elevation.

Nevertheless these amendments were accepted without prejudice to the outcome of the application, but are not sufficient to overcome the fundamental concerns with the proposal.

12 ASSESSMENT

- 12.1 Amended plans were received on 15 February 2017. These were not invited, but submitted in response to initial comments made on the application. Due to the nature of the amendments these did not require re advertising and therefore were accepted without prejudice to the formal outcome of the application.

The amendments were as follows:

- omitted render, existing brickwork to be painted (as per existing finish)
 - real slates rather than cement
 - window tax feature to north east elevation
 - rear casement changed to sliding sash to match existing windows
- 12.2 The replacement windows on the front would match existing in materials and appearance, and therefore this aspect of the proposal would be acceptable.
- 12.3 The existing dwelling is situated within the Kings Saltern Conservation Area and is situated at the eastern end of Stanley Road. By reason of the siting of the neighbouring property, 49 Stanley Road, views of the side elevation of the property are visible within the street scene. The property consists of a two storey dwelling with subservient 2 storey element to the rear and an unsympathetic single storey flat roofed extension on the end. The proposal is to extend at first floor level over the existing single storey element, with a single storey extension alongside this extended two storey element with a further single storey extension on the end of the extensions, spanning the width of both the two storey and single storey elements.
- 12.4 Regardless of whether the two storey dwelling was built as original or in two stages, the rear 2 storey element is subservient in both height and length to the forward part of the building, which by its form and height is the dominant part of the structure.
- 12.5 The proposed first floor extension over the existing flat roofed element, (which is an obvious modern addition), is in itself quite a modest extension. Nevertheless, it would increase the linear length of this subservient element, to a degree that would compete with the more dominant element of the dwelling, and would result in a disproportionate form of development that would be harmful to the overall appearance of this dwelling. The addition of the window tax feature, which was not requested by officers, is not sufficient to ameliorate the adverse impact of the first floor extension. Furthermore, the addition of the single storey rear extension would further extend the linear length of the dwelling which would add to the cumulative harm of these extensions. The introduction of a hipped end to the first floor extension and full gable on the single storey extension would further exacerbate the harm of these extensions resulting in a mixture of styles.
- 12.6 The single storey side extension in itself does not appear harmful, but combined with the single storey rear extension results in swamping the original plan form of the dwelling, and the fenestration detailing on the single storey elements are also unsympathetic to the main dwelling.

- 12.7 As stated in the Planning (Listed Buildings and Conservation Areas) Act 1990 Section 69, it is a duty to enhance or preserve, but the proposed development would not achieve this and thereby would be detrimental to the character and appearance of the Conservation Area. Furthermore, views are achievable of the side elevation from public vantage points over the frontage of 49 Stanley Road, and the extended length of the subservient two storey element coupled with the single storey addition on the end would also adversely impact on the street scene.
- 12.8 Views of trees to the rear of the site are visible by virtue of the gap with 49 Stanley Road, and these provide an attractive green backdrop which contributes to the character of the area. By increasing the length of the dwelling to the rear this would erode to a degree views of this backdrop, but would not be to such an extent as to justify a refusal on these grounds.
- 12.9 Impact on neighbour amenity has been raised in third party comments and supported in the Town Council comments.
- 12.10 With regard to the impact on 49 Stanley Road, the main two storey element of this dwelling is to the north east of the site by approximately 7 metres at its closest point, and is set away from the boundary with the application site. Furthermore, it has the benefit of a larger than average plot. Due to the relationship of this property with the application site, the proposed first floor and rear extension would not result in an overbearing form of development to this neighbour. There are no first floor windows proposed on the side elevation, so there would not be an issue of overlooking.
- 12.11 No.43 and No.45 Stanley Road are to the south west of the application site and have comparative sized plots to the application site. The proposed first floor addition would be set away from the common boundary with no 45 by approximately 5.2 metres which is a reasonable distance away so as not to create an overbearing form of development. Furthermore, the other extensions by reason of their single storey form would also not adversely impact upon neighbour amenity. The first floor window on the rear elevation would only achieve oblique views over neighbouring properties, so would not create an unacceptable level of overlooking. The proposed rooflights in the single storey side extension, by reason of their size and siting also would not lead to an unacceptable level of overlooking to no 45.
- 12.12 The agent has compared previously approved extensions at 36 Stanley Road as presumably justification for the approval of the current application. This dwelling though of a similar design to the existing dwelling and located within the road is not sited within the Kings Saltern Conservation Area, and furthermore, as shown on the historic maps submitted by the agent was built at a later date. Every application has to be judged on its individual merits and this is not seen as creating a precedent for the current proposal.
- 12.13 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones

and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

13. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposed first floor extension, together with the subservient two storey rear element of the existing building would result in an excessively long two storey projection which would adversely compete for dominance with the main front part of the existing dwelling, thereby detracting from the proportions of the building. This would be further exacerbated by the additional single storey rear extension which would extend the linear footprint of the building. Together, the proposed extensions would be unsympathetic to the existing dwelling and be harmful to its appearance, and the street scene and as such would be harmful to the character and appearance of the Kings Saltern Conservation Area. For this reason, the proposed development is contrary to Policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park, Policy DM1 of the Local Plan Part 2 Sites and Development Management Development Plan and Chap 12 of the National Planning Policy Framework

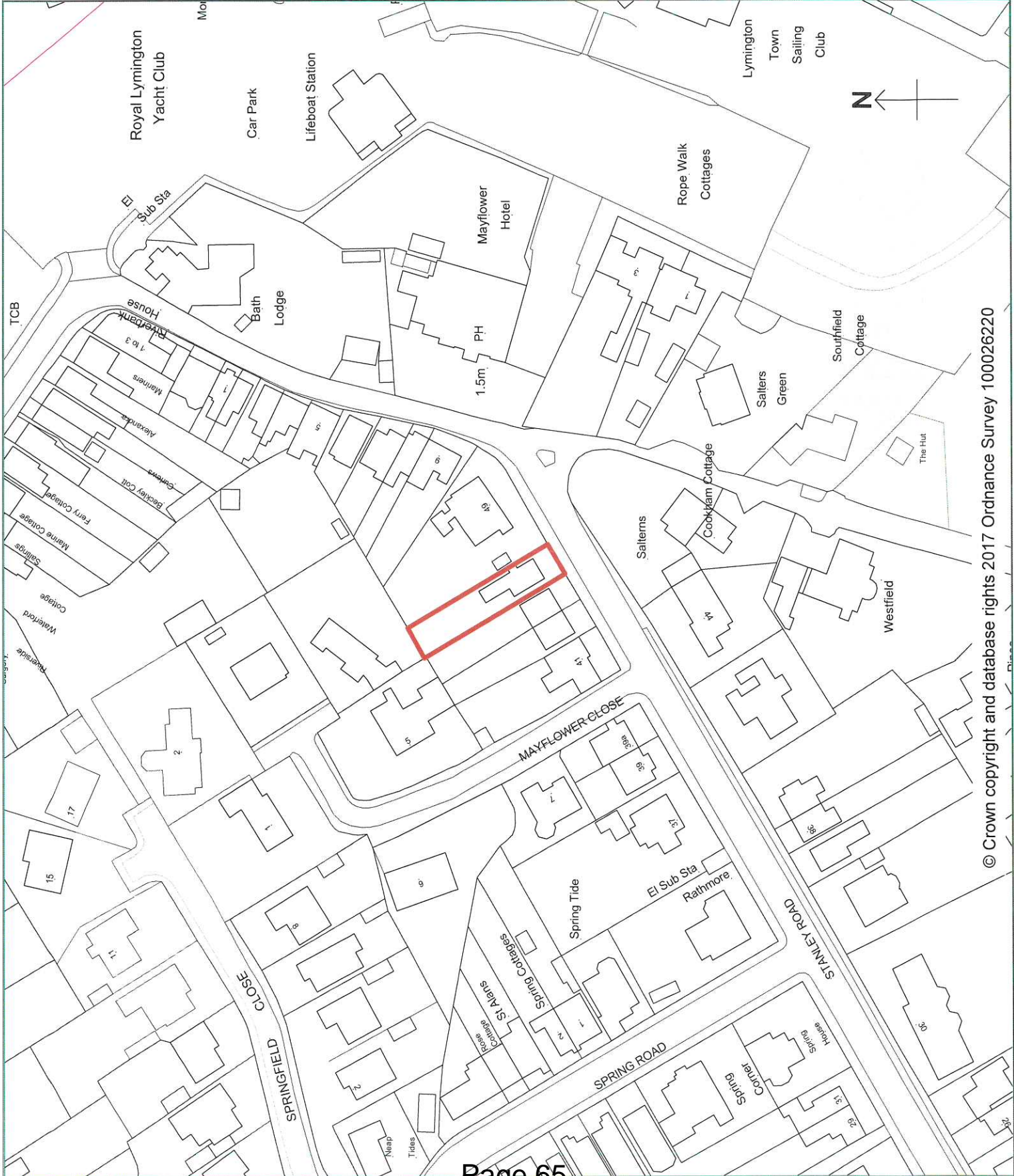
Notes for inclusion on certificate:

1. This decision relates to amended plans received by the Local Planning Authority on 15 February 2017
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 agent has specifically stated in correspondence that he does not credit the pre application advice offered by this Council as being worthy of pursuing. The agent has submitted amendments in response to initial comments made and some of these were an improvement especially the removal of the cladding and the reversion to a sash window on the end elevation. Nevertheless these amendments were accepted without prejudice to the outcome of the application, and are not sufficient in overcoming the fundamental concerns with the proposal.

Further Information:

Householder Team
Telephone: 023 8028 5345 (Option 1)



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Application Number: 17/10063 Full Planning Permission

Site: 3 THE CLOSE, WHITSBURY SP6 3QD

Development: Two-storey extension, retaining wall/steps. landscaping

Applicant: Mr O'Lone

Target Date: 22/03/2017

Extension Date: 12/04/2017

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Parish Council view

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Meteorological Safeguarding
Aerodrome Safeguarding Zone
Plan Area
Area of Outstanding Natural Beauty
Archaeological Site
Historic Land Use

Conservation Area: Whitsbury Conservation Area
Listed Building Grade: Grade II 552.34.004

Plan Policy Designations

Countryside

National Planning Policy Framework

NPPF Ch. 7 - Requiring good design
NPPF Ch. 11 - Conserving and enhancing the natural environment
NPPF Ch. 12 - Conserving and enhancing the historic environment

Core Strategy

CS2: Design quality
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
CS5: Safe and healthy communities
CS10: The spatial strategy

Local Plan Part 2 Sites and Development Management Development Plan Document

DM1: Heritage and Conservation
DM2: Nature conservation, biodiversity and geodiversity
DM5: Contaminated land
DM20: Residential development in the countryside

Supplementary Planning Guidance And Documents

SPG - Residential Design Guide for Rural Areas

3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

4 RELEVANT SITE HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
16/10344 One & two-storey rear extension to No. 1 & two-storey rear extension to No. 2	18/05/2016	Granted Subject to Conditions	Decided	
76/NFDC/06302 Removal of thatched roof and replacement with tiles.	22/12/1976	Refused	Decided	
XX/RFR/03503 Garage with access.	16/03/1956	Refused	Decided	

5 COUNCILLOR COMMENTS

No comments received

6 PARISH / TOWN COUNCIL COMMENTS

Whitsbury Parish Council: supports this application as it will restore and enhance an important village property

7 CONSULTEE COMMENTS

7.1 **Conservation Officer:** unable to support this proposal.

The scale of the new extension is fundamentally unacceptable and would diminish the small scale of the dwelling and completeness of the existing timber frame. Insufficient information has been provided to enable the assessment of the impacts of the proposed works on the buildings historic fabric or demonstrate the full extent of works required.

7.2 **Southern Gas Networks (previously National Grid Transco):** no objection

7.3 **Environmental Health Contaminated Land:** no concerns

7.4 **Tree officer:** no objection subject to condition requiring the implementation of the tree protection scheme in accordance with the submitted Tree Report.

7.5 **Archaeologist:** no archaeological concerns

7.6 **Ecologist:** no objection, subject to condition securing the recommendations of the ecology report

7.7 **Hampshire County Council Highway Engineer:** no objection

8 REPRESENTATIONS RECEIVED

Total Number of Representations Received: 2

Comment(s): In Favour: 2 Against: 0

Proposals will fit in with the area and will bring the property up to the 21st Century

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 no pre-application advice was sought from the Council. The applicant was made aware of the Council's concerns over the acceptability of the proposal during the course of its consideration and that these could not all be addressed as part of the current submission. Further information was received from the applicant which has enabled some but not all of the concerns to be addressed.

12 ASSESSMENT

12.1 The site is located in the countryside, in the village of Whitsbury, A detached Grade II Listed Cottage which sits in a group with other listed buildings in this part of the village. The site falls within the Conservation Area, Area of Outstanding Natural Beauty and also is in an area of archaeological potential. A public footpath leads to the Church following the site's southern and eastern boundaries.

12.2 The property dates from the C18 and comprises a modest timber framed and thatched roof cottage with single storey projections on its north side. The building has been subject to some C20 alterations, of note seeing the replacement of the historic roof structure in the late 1970's and internal alterations to accommodate the former post office counter. In the context of its setting within the Conservation Area the property forms a small group with No's 1 & 2 The Close with an open relationship between their respective frontages. The land rises across the site to the north east with the rear of the property set in to the adjacent higher ground comprising the rear garden area. There are some existing trees on site to the north of the property and hedgerows along the south and east boundaries.

- 12.3 The application seeks permission for a new two storey extension on the side of the property with associated garden landscaping works and also for internal alterations to the building. The extension would be positioned on the north side of the property, comprising a two storey thatched element linked internally at ground and first floor level. It would be of a staggered position relative to the property's front elevation and project beyond the rear to create an 'L' shaped plan form. In conjunction with this landscaping works would see significant excavations to create a pathway around the north side of the extension and new terrace area at the rear of the property. This new extension would see the removal of the current single storey timber framed and lean-to extensions on this side of the property. Internal alterations are being considered under the associated application for Listed Building Consent PA 17/10064.
- 12.4 In respect of any application where heritage assets are concerned, consideration needs to be given to the impacts of the development on their significance to ensure this is not harmed or lost. As noted by the Conservation Officer a key aspect of this building significance is in its diminutive form, in addition to the completeness of its timber framed construction.
- 12.5 The proposed extension would meet with the 30% floorspace increase limitation as set under policy DM20. The floorspace of the existing dwelling being 89m² and that proposed 115m² representing a 29% increase. However as a result of its size would be comparable to that of the original dwelling and as such would overwhelm its current diminutive scale, diminishing a key element of its significance. Although the extension would be recessive to the frontage and height of the original building this would not overcome the impacts of its relative scale when considering the building as a whole. In terms of its appearance and materials it is recognised the extension attempts to emulate the external appearance of the original property. However the resulting design sees some visually awkward arrangements at the junctions with the original building and also as a result of the rear roof design would diminish the definition of the main roof form and proportions.
- 12.6 Furthermore, the historic context of the site in relation to the church and its grave yard to the rear can be strongly experienced from the adjacent footpath. This footpath serves the historic pedestrian access to the church and allows good views of the site and its cottage from the west, south and east. Therefore, the contribution the cottage makes to the physical and historic experience and character of its setting and that of other heritage assets in the conservation area cannot be over emphasised.
- 12.7 As noted by the Conservation Officer this application has been submitted with limited assessment of the building's existing fabric. In the absence of such investigation works the importance of these elements of the building cannot be properly assessed, or the impacts of the proposed changes to them demonstrated. As advised in the National Planning Policy Framework (2012) para 128, the onus rests with applicants to provide a level of detail that is sufficient to enable the understanding of the potential impact of proposals on heritage asset's significance.
- 12.8 External landscaping works would see significant excavations at the rear of the building together with new retaining walls. However as a result of their nature this should not lead to any harm to the buildings setting if

carried out appropriately. There are however concerns over the implications of these works on the structural integrity of the building which are explored in the associated listed building consent application. Furthermore, in the absence of landscaping details including the design of the proposed retaining walls, these matters would need to be the subject of planning conditions requiring prior approval should permission be granted.

- 12.9 On the basis of the above it is considered that as a result of its relative size, inappropriate form and elements of its detailed design, the proposed two-storey extension would overwhelm and be unsympathetic to the current small scale and diminutive form of the existing building. This would also fail to preserve or enhance the character or appearance of the Conservation Area, setting of nearby heritage assets, and be detrimental to wider visual amenity. Although it is noted this building is in need of some renovation works the proposals would not offer any wider public benefit that would outweigh the harm cause.
- 12.10 There is a mature Beech tree on site which is protected by virtue of the area's Conservation status. Initial concerns were raised by the Tree Officer regarding the impacts on this tree, given the proposed changes in the bank profile proposed. However, further information has been received in the form of an arboricultural assessment and method statement. This demonstrates that subject to adherence with the measures outlined in the report, these works should not adversely affect the tree.
- 12.11 The submitted ecological report found negligible bat potential within the building and surrounding vegetation. However, there is opportunity for the enhancement of biodiversity through the provision of a bat tube on the extension which would meet with NPPF (2012) guidance and the Council's current adopted policies.
- 12.12 The proposals would have potential impacts on No.1 & No.2 The Close to the west of the property. However given the current open relationship with neighbouring properties and the relative separation, the proposals would not lead to any harm in respect of the living conditions of these neighbouring occupiers.
- 12.13 Although the site is within an area of archaeological potential given the scale and nature of the works these would not lead to any harmful loss of archaeological interests. Furthermore although the site is within an area where past uses may have led to the presence of contaminated land it is not considered this proposal would result in any significant risks in this respect requiring further investigation.
- 12.14 The proposal would see an increase in the number of bedrooms on site from two to three. However as there are currently no on site car parking facilities and this would only increase by one bedroom, this would be unlikely to result in a significant increase in the potential demand for on street parking. As such this should not lead to any harm to highway safety which has been confirmed by the highway authority.
- 12.15 The applicant and agent have been informed of the officers' concerns regarding the issues raised in this report, when it was advised that the application be withdrawn to allow the opportunity for negotiations to take place and further information to be provided. However, notwithstanding

the potential for an acceptable extension to be achieved in principle, the applicant requires the application to be determined in its currently submitted form. Therefore, for the reasons given in this report, the application is recommended for refusal.

- 12.16 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that 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. As a result of its relative size, inappropriate form and elements of its detailed design, the proposed two-storey extension would overwhelm and harm the small scale and simple form of the original building. This would be unsympathetic to its existing character and special interest resulting in harm, less than substantial, to the significance of this heritage asset which would not be outweighed by any public benefit. It would also fail to preserve or enhance the character or appearance of the Conservation Area, setting of nearby heritage assets, and be detrimental to wider visual amenity. As such this proposal would conflict with Policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park, Policy DM1 of the Local Plan Part 2: Sites and Development Management Plan and Sections 7 and 12 of the National Planning Policy Framework (2012).

Notes for inclusion on certificate:

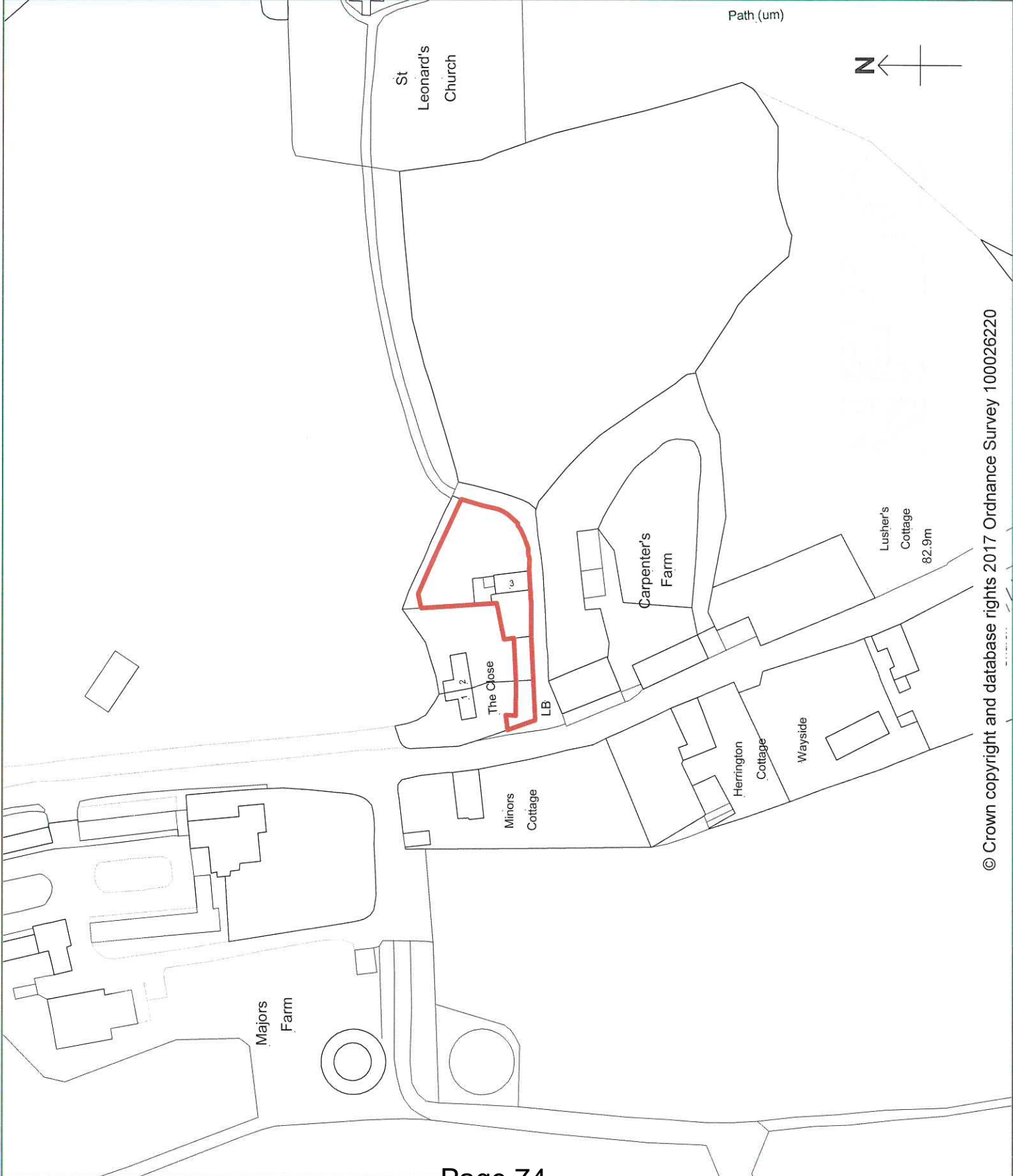
1. This decision relates to additional information received by the Local Planning Authority on the 15/03/2017.
2. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

In this case no pre-application advice was sought from the Council. The applicant was made aware of the Council's concerns over the acceptability of the proposal during the course of its consideration and that these could not all be addressed as part of the current submission. Further information was received from the applicant which has enabled some but not all of the concerns to be addressed.

Further Information:

Householder Team

Telephone: 023 8028 5345 (Option 1)



Application Number: 17/10064 Listed Building Alteration

Site: 3 THE CLOSE, WHITSBURY SP6 3QD

Development: Two-storey extension; stud wall to create wc; remove stud wall; fireplace alterations; create door & ensuite; stud wall to create cupboard; create door into extension
(Application for Listed Building Consent)

Applicant: Mr O'Lone

Target Date: 22/03/2017

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Parish Council view

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Meteorological Safeguarding
Aerodrome Safeguarding Zone
Plan Area
Area of Outstanding Natural Beauty
Archaeological Site
Historic Land Use

Conservation Area: Whitsbury Conservation Area
Listed Building Grade: Grade II 552.34.004

Plan Policy Designations

Countryside

National Planning Policy Framework

NPPF Ch. 7 - Requiring good design
NPPF Ch. 12 - Conserving and enhancing the historic environment

Core Strategy

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

Local Plan Part 2 Sites and Development Management Development Plan Document

DM1: Heritage and Conservation

Supplementary Planning Guidance And Documents

SPG - Residential Design Guide for Rural Areas

3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

4 RELEVANT SITE HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
16/10344 One & two-storey rear extension to No. 1 & two-storey rear extension to No. 2	18/05/2016	Granted Subject to Conditions	Decided	
76/NFDC/06302 Removal of thatched roof and replacement with tiles.	22/12/1976	Refused	Decided	
XX/RFR/03503 Garage with access.	16/03/1956	Refused	Decided	

5 COUNCILLOR COMMENTS

No comments received

6 PARISH / TOWN COUNCIL COMMENTS

Whitsbury Parish Council: recommends approval of this application as it will restore and enhance an important village property

7 CONSULTEE COMMENTS

Conservation Officer: unable to support this proposal.

The scale of the new extension is fundamentally unacceptable and would diminish the small scale of the dwelling and completeness of the existing timber frame. Insufficient information has been provided to enable the assessment of the impacts of the proposed works on the buildings historic fabric or demonstrate the full extent of works required.

No comments received

8 REPRESENTATIONS RECEIVED

Total Number of Representations Received: 1

Comment(s): In Favour: 1 Against: 0

Good news that this important and beautiful cottage will be restored and enhanced and should be supported.

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 no pre-application advice was sought from the Council. The applicant was made aware of the Council's concerns over the acceptability of the proposal during the course of its consideration and that these could not all be addressed as part of the current submission. Further information was received from the applicant which has enabled some but not all of the concerns to be addressed.

12 ASSESSMENT

- 12.1 The site is located in the countryside, in the village of Whitsbury, A detached Grade II Listed Cottage which sits in a group with other listed buildings in this part of the village. The site falls within the Conservation Area, Area of Outstanding Natural Beauty and also is in an area of archaeological potential. A footpath leads to the Church following the site's southern and eastern boundaries.
- 12.2 The property dates from the C18 and comprises a modest timber framed and thatched roof cottage with single storey projections on its north side. The building has been subject to some C20 alterations, of note seeing the replacement of the historic roof structure in the late 1970's and internal alterations to accommodate the former post office counter. In the context of its setting within the Conservation Area the property forms a small group with No's 1 & 2 The Close with an open relationship between their respective frontages. The land rises across the site to the north east with the rear of the property set in to the adjacent higher ground comprising the rear garden area. There are some existing trees on site to the north of the property and hedgerows along the south and east boundaries.
- 12.3 The application seeks permission for a new two storey extension on the side of the property with associated garden landscaping works and also for internal alterations to the building. The extension would be positioned on the north side of the property, comprising a two storey thatched element linked internally at ground and first floor level. It would be of a staggered position relative to the property's front elevation and project beyond the rear to create an 'L' shaped plan form. In conjunction with this landscaping works would see significant excavations to create a pathway around the north side of the extension and new terrace area at the rear of the property. This new extension would see the removal of the current single storey timber framed and lean-to extensions on this side of the property.

- 12.4 Internal alterations would see the removal of partitions at ground floor level with new inserted to create a WC under the existing staircase. At first floor level the room at the north end of the existing building would be subdivided with a new partition and a new doorway inserted to link to the adjacent room at the southern end of the building. The proposals also detail the removal of the existing hearth and installation of a multi-fuel stove and associated flue, external air vent and new oak mantle shelf.
- 12.5 In respect of any application where heritage assets are concerned, consideration needs to be given to the impacts of the development on their significance to ensure this is not harmed or lost. As noted by the Conservation Officer a key aspect of this building significance is in its diminutive form, in addition to the completeness of its timber framed construction.
- 12.6 As a result of its size the extension would be comparable to that of the original dwelling and as such would overwhelm its current diminutive scale, diminishing a key element of its significance. Although the extension would be recessive to the frontage and height of the original building this would not overcome the impacts of its relative scale when considering the building as a whole. In terms of its appearance and materials it is recognised the extension attempts to emulate the external appearance of the original property. However the resulting design sees some visually awkward arrangements at the junctions with the original building and also as a result of the rear roof design would diminish the definition of the main roof form and proportions.
- 12.7 The extension would also have implication for the existing timber frame on the north-east end of the building. Limited details have been provided in this respect in terms of the junctions between the existing building and extension or how the new internal linking doorway would be accommodated. This would see potential harm to its completeness, again diminishing a key attribute of this building's significance. In terms of the loss of the existing ground floor projections although the timber framed element is of limited historical value, the curved wall of the lean to element indicates that this could be a pre-C20 addition and of more importance to this history of this building.
- 12.8 Internally it is recognised that the building has been subject to some modern alteration. Although it would appear the ground floor partitions and staircase are of modern construction, the first floor wall through which a new opening is proposed would appear to be of an older construction. Furthermore although more recent works have taken place to the existing fireplace with the insertion of a smaller chimney within the original inglenook, there is the possibility of the survival of elements of historic interest. These elements of the building are of potential importance to the significance of the building and as a result could be harmed as a result of the proposed works. In terms of the detailing of the proposed works to the chimney there are also concerns over their achievability. This is in the absence of investigation works to demonstrate the chimney can accommodate the increased heat and that no additional works to the chimney will be required.
- 12.9 As noted by the Conservation Officer this application has been submitted with limited assessment of the building's existing fabric. In the absence of such investigation works the importance of these elements of the building cannot be properly assessed, or the impacts of the proposed

changes to them demonstrated. As advised in the National Planning Policy Framework (2012) para 128, the onus rests with applicants to provide a level of detail that is sufficient to enable the understanding of the potential impact of proposals on heritage asset's significance.

- 12.10 In respect of other internal works proposed the proposed replacement of internal services and sanitary ware could reasonably be accommodated, subject to further details being provided. However the proposed ground floor WC appears disjointed in context with the existing staircase and does not sit sympathetically with the building's retained plan form.
- 12.11 External landscaping works would see significant excavations at the rear of the building. Although lowering the land at the rear of the property should address the currently undesirable situation that is resulting in damp problems within the property, the implications of its removal on the structural integrity of the building have not been demonstrated. As noted by the Conservation Officer such works could result in a need for further structural works however again, in the absence of such information again the impacts of the proposals cannot be fully understood or assessed.
- 12.12 On the basis of the above it is considered that as a result of its relative size, inappropriate form and elements of its detailed design the proposed two-storey extension would overwhelm and be unsympathetic to the current small scale and diminutive form of the existing building. Furthermore in the absence of appropriate evidence, it cannot be demonstrated the proposed extension, internal alterations and external landscaping works would not result in the harmful loss of the building's historic fabric or architectural interest. Although it is noted this building is in need of some renovation works the proposals would not offer any wider public benefit that would outweigh the harm cause.
- 12.13 The applicant and agent have been informed of the officers' concerns regarding the issues raised in this report, when it was advised that the application be withdrawn to allow the opportunity for negotiations to take place and further information to be provided. However, notwithstanding the potential for an acceptable extension to be achieved in principle, the applicant requires the application to be determined in its currently submitted form. therefore, for the reasons given in this report, the application is recommended for refusal.
- 12.14 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.

13. RECOMMENDATION

REFUSE LISTED BUILDING CONSENT

Reason(s) for Refusal:

1. As a result of its relative size, inappropriate form and elements of its detailed design the proposed two-storey extension would overwhelm and harm the small scale and simple form of the original building and completeness of its timber framed construction. This would be unsympathetic to its existing character and special interest resulting in harm, less than substantial, to the significance of this heritage asset which would not be outweighed by any public benefit. As such this proposal would conflict with Section 12 of the National Planning Policy Framework, Policy CS3 of the Core Strategy for the New Forest District outside the National Park and Policy DM1 of the Local Plan Part 2: Sites and Development Management Plan.
2. This application has been submitted with limited assessment of the building's existing historic structure or fabric. The works proposed would see a number of interventions and changes to this important fabric of the building however in the absence of sufficient information, the application fails to demonstrate the impacts of the proposed changes in this respect. As such this would result in potential harm, less than substantial, to the significance of this heritage asset which would not be outweighed by any public benefit would conflict with Section 12 of the National Planning Policy Framework, Policy CS3 of the Core Strategy for the New Forest District outside the National Park and Policy DM1 of the Local Plan Part 2: Sites and Development Management Plan.

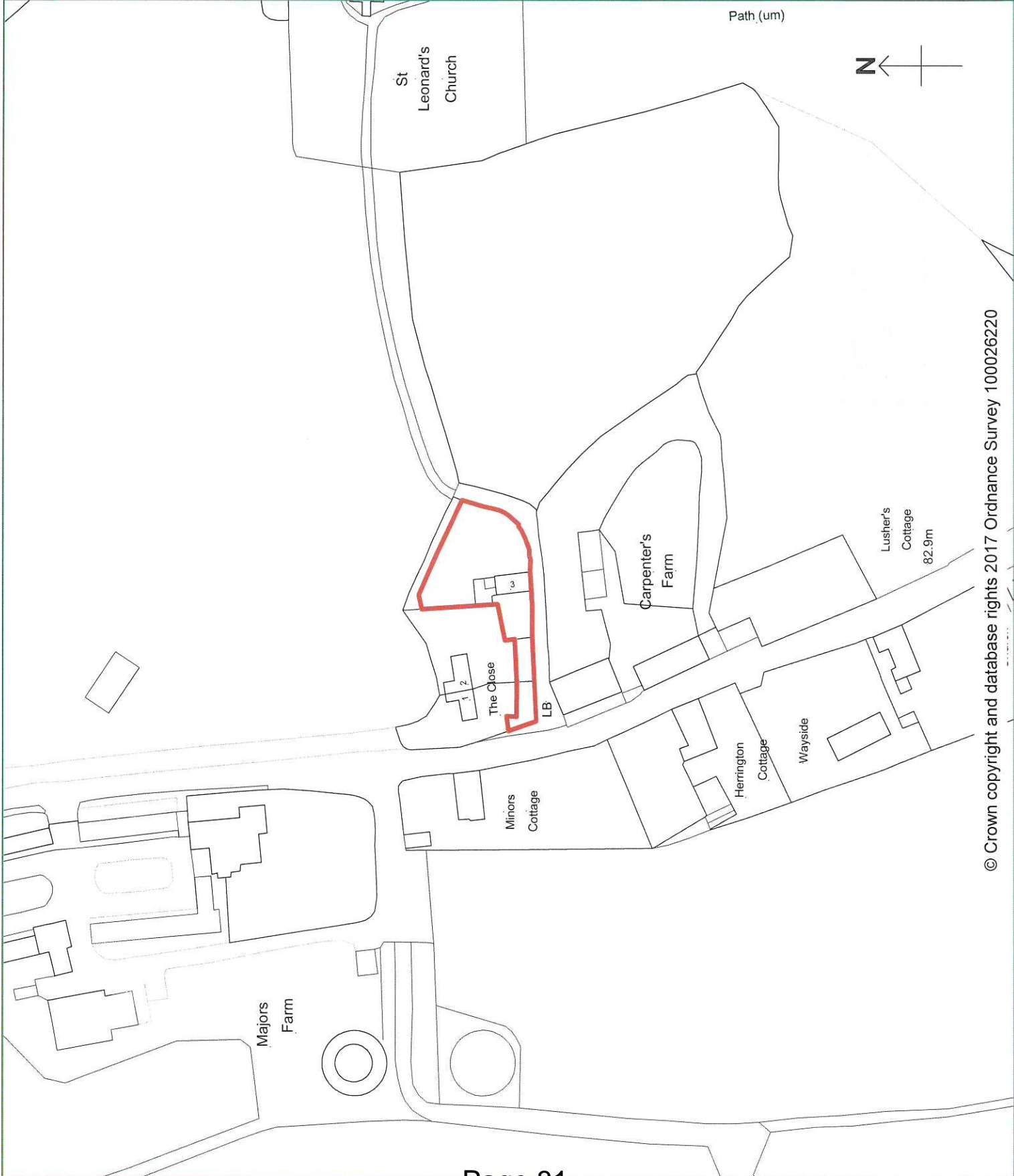
Notes for inclusion on certificate:

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

In this case no pre-application advice was sought from the Council. The applicant was made aware of the Council's concerns over the acceptability of the proposal during the course of its consideration and that these could not all be addressed as part of the current submission. Further information was received from the applicant which has enabled some but not all of the concerns to be addressed.

Further Information:

Householder Team
Telephone: 023 8028 5345 (Option 1)



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Application Number: 17/10217 Full Planning Permission

Site: 38 OAKWOOD AVENUE, ASHLEY, NEW MILTON BH25 5EA

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

Applicant: Mr Dibben

Target Date: 25/04/2017

1 REASON FOR COMMITTEE CONSIDERATION

Applicants partner is a NFDC employee

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Historic Land Use
Aerodrome Safeguarding Zone
Plan Area

Tree Preservation Order: 127/03

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

SPD - New Milton Local Distinctiveness

3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

4 RELEVANT SITE HISTORY

None relevant

5 COUNCILLOR COMMENTS

No comments received

6 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: acceptable

7 CONSULTEE COMMENTS

Environmental Health (Contaminated Land): no comment

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.

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

12 ASSESSMENT

12.1 This dwelling is situated on a hill, and as such the properties either side are at different levels to the application site. Notwithstanding this the existing bungalow is set off the boundaries with the neighbouring properties, and by reason of its single storey form and relationship with the neighbours there would be no adverse impact to neighbour amenity arising from the proposed rear extension.

- 12.2 The proposed extension would not interfere with the existing hipped roof form of the bungalow, and would be an appropriate form of development in this location
- The property has a reasonable sized rear garden, which could accommodate the rear extension.
- 12.3 The proposed porch is quite modest, and by reason of its siting and design would not impact on neighbour amenity, nor adversely impact upon the street scene or character of the area.
- 12.4 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.

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: 7819/PO2 Rev A

Reason: To ensure satisfactory provision of the development.

Notes for inclusion on certificate:

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

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

Further Information:

Householder Team

Telephone: 023 8028 5345 (Option 1)



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Application Number: 17/10108 Full Planning Permission

Site: LIMWOOD, LIME WALK, DIBDEN PURLIEU,
HYTHE SO45 4RB

Development: Single-storey side & rear extension; rooflights

Applicant: Mr & Mrs Lee

Target Date: 21/03/2017

Extension Date: 14/04/2017

1 REASON FOR COMMITTEE CONSIDERATION

Applicant is an employee of New Forest District Council

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Aerodrome Safeguarding Zone

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

None relevant

5 COUNCILLOR COMMENTS

No comments received

6 PARISH / TOWN COUNCIL COMMENTS

Hythe & Dibden Parish 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

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.

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

12 ASSESSMENT

12.1 The application site consists of a detached bungalow set back in the plot with off road parking. The access drive leads to an existing detached garage set back beyond the rear wall of the dwelling. To the rear is a large garden with well established hedging to the north east and south west boundaries.

- 12.2 The proposal is for a single storey side and rear extension. The main considerations are the impacts upon neighbouring property amenities and that of the street scene.
- 12.3 The existing detached garage would be removed to accommodate the side extension which would form a single attached garage. The proposed side extension would extend eastwards to within 0.8 of a metre from the side boundary with the adjoining property, "Wayside". "Wayside" has a side window facing the site which would be impacted upon to a degree but the proposal would not result in a significant loss of light or outlook.
- 12.4 Given that there would be a distance of approximately 3.8 metres between the proposed rear extension and the side wall of the property to the south-west, "Linden Lea" and that it would have a single storey eaves height, the proposal would not adversely impact upon the amenities of the neighbours on that side.
- 12.5 The views of the proposed development from the street scene would be limited and by reason of its sympathetic hipped roofed design would not have a negative impact on the street scene. Furthermore, in all other respects, the proposal is considered to be in keeping with the character of the host dwelling and that of the area.
- 12.6 For the reasons given above this application is therefore recommended for approval.
- 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 there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

13. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: TBD/17/1062/01 rev 0, TBD/17/1062/02 rev 0 and TBD/17/1062/03 rev 0.

Reason: To ensure satisfactory provision of the development.

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

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

Notes for inclusion on certificate:

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

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

Further Information:

Householder Team
Telephone: 023 8028 5345 (Option 1)



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**
April 2017

Item No: 3k
Limewood
Lime Walk
Dibden Purlieu
17/10108
SU4106

Scale 1:1250

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



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Application Number: 17/10198 Full Planning Permission

Site: LANGSTONE, LIME WALK, DIBDEN PURLIEU,
HYTHE SO45 4RA

Development: Raise ridge height; two-storey rear extension; front porch;
chimney; fenestration alterations

Applicant: Mr & Mrs O'Reilly

Target Date: 06/04/2017

1 REASON FOR COMMITTEE CONSIDERATION

Contrary view to Parish Council view

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Plan Area

Plan Policy Designations

Built-up Area

National Planning Policy Framework

Section 7

Core Strategy

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

No relevant documents

Supplementary Planning Guidance And Documents

No relevant documents

3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

4 RELEVANT SITE HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
88/NFDC/38193 Extend kitchen and add garage and playroom with 2 bedrooms over.	01/07/1988	Granted	Decided	

5 COUNCILLOR COMMENTS

No Comments Received

6 PARISH / TOWN COUNCIL COMMENTS

Hythe & Dibden Parish Council: recommend refusal. The Committee objects to the application because the proposed building, by its bulk and position, has an adverse affect on the quiet enjoyment of the adjacent property (Shalimar) and would also take away a significant amount of light from their windows.

7 CONSULTEE COMMENTS

No comments received

8 REPRESENTATIONS RECEIVED

Total Number of Representations Received: 1

Comment(s): In Favour: 0 Against: 1

One letter of objection from neighbour at Shalimar concerned with loss of light and that the resulting development would be overbearing because of it's position on the plot.

The agent has written a letter in support of the application explaining the reasoning behind the proposed development and how the roof has been altered to respect the adjacent property.

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

12 ASSESSMENT

- 12.1 The property is in an area which has a variety of styles and sizes of detached dwellings positioned in fairly large plots. The neighbouring properties have both been altered and extended previously. Langstone sits further forward on the plot in comparison to these neighbouring property and therefore is fairly prominent in the street scene.
- 12.2 The main consideration when assessing this proposal was the impact on the neighbouring properties and on the street scene.
- 12.3 The neighbour to the north east, Shalimar, is set back on the plot and has an attached garage built close to the shared boundary. This neighbour has objected to the proposed development in that there would be a loss of light to their side lounge window, porch and kitchen window along with shadowing to their front garden. They have also raised concern that because the property sits further forward than the houses on either side it may seem overbearing. The neighbour's window towards the front of the property is a secondary window to the lounge and with the position of this neighbour's attached garage there would still be a significant distance separating the properties. The shadow from the property would continue to fall on the neighbour's garage and driveway. The proposed extensions would create additional built form extending back on the plot but with the hipped roof form along with the distance between the properties the impact on this neighbours amenity in terms of loss of light would be acceptable.
- 12.4 The neighbour to the east, Rogie, has been altered to include a large gable close to the shared boundary. There is only one window on this side elevation facing the application site which is at ground floor and would be a secondary window to the room in which it serves. Therefore the overall visual impact on this neighbour would be acceptable.
- 12.5 The proposed first floor windows on the side elevations would serve en suites and a bathroom. Given the position of these windows in relation to the neighbouring properties and the type of rooms they serve is unlikely to be an adverse impact in terms of overlooking. However, to ensure that the privacy of adjacent properties is protected, an appropriate planning condition requiring obscure glazing and control of openings can be applied should planning permission be granted.
- 12.6 The proposed alterations would create a fairly large property which would extend the first floor and roof to the rear. This would be visible from the street but with the change in roof form to a hipped design and because the proposed built form would be extending into the plot it would not be detrimental to the spatial characteristics of the site. The increase in roof height would be comparable with neighbouring properties. There are other large properties in the local area and the resulting property would be in keeping both in scale and design and therefore there would be limited impact on the street scene.
- 12.7 Overall, the proposed development would be consistent with Core Strategy policies and objectives and as such, the application is recommended for permission.

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

13. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: TBD/16/1046/01, TBD/16/1044/02 rev 1, TBD/16/1044/03

Reason: To ensure satisfactory provision of the development.

3. The proposed first floor windows on the side elevations of the approved building shall be 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).

Notes for inclusion on certificate:

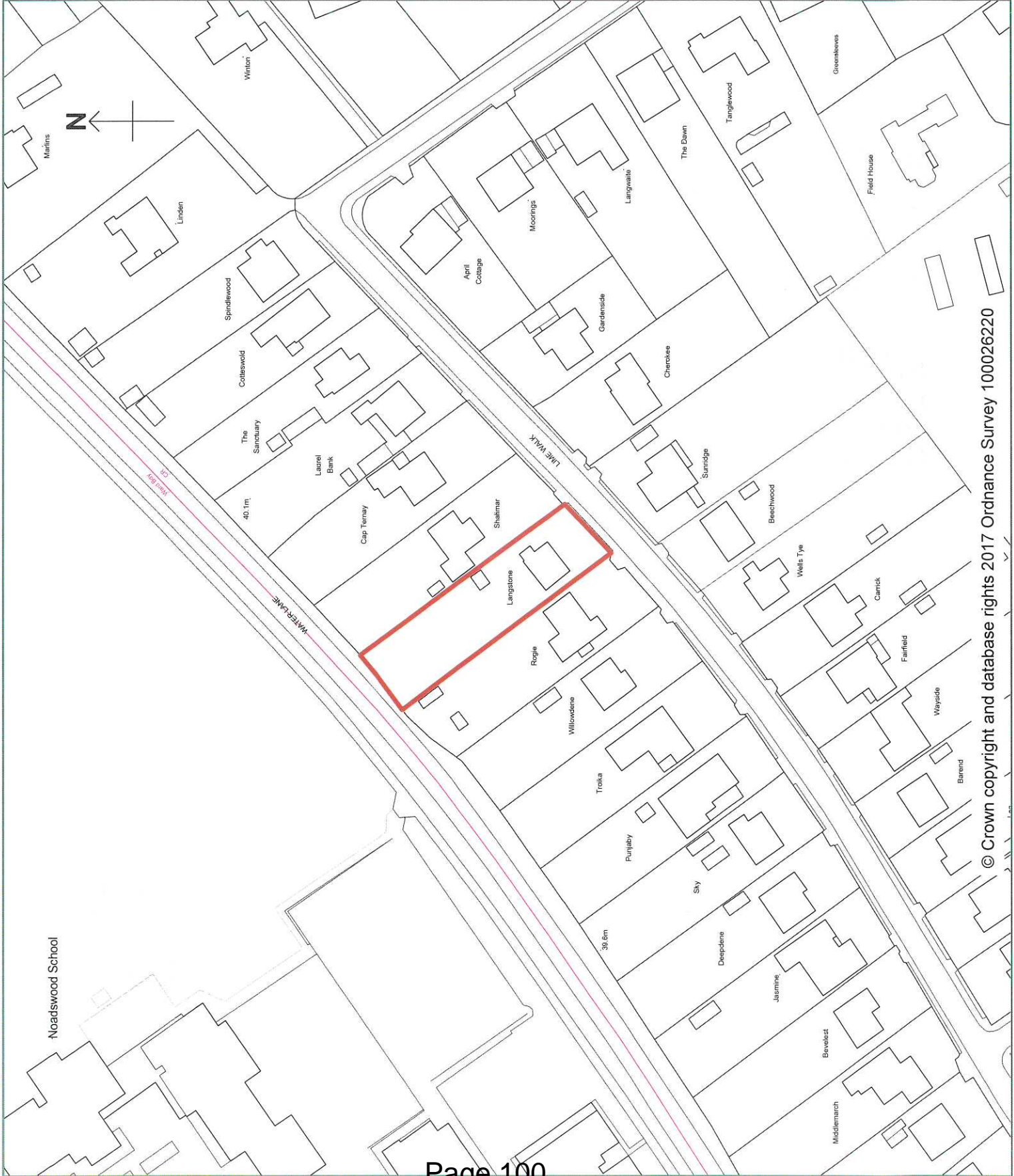
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In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

Further Information:

Householder Team

Telephone: 023 8028 5345 (Option 1)



PLANNING DEVELOPMENT CONTROL COMMITTEE – 12 APRIL 2017

THE HOUSING WHITE PAPER

1.0 INTRODUCTION

1.1 In the forward to this paper the Prime Minister says that “Our broken housing market is one of the greatest barriers to progress in Britain today. We need to build many more houses, of the type people want to live in, in the places they want to live. To do so requires a comprehensive approach that tackles failure at every point in the system”.

1.2 The paper sets out its proposals in four sections:-

- Planning for the right homes in the right places
- Building homes faster
- Diversifying the market
- Helping people now

It is a consultation document and the answers to 38 set questions are required by 2 May 2017.

1.3 This paper looks at the main issues raised which are most relevant from this Council’s perspective. It provides a commentary on those matters and may help formulate a response to the consultation in due course.

2.0 MAIN PROPOSALS

2.1 There is an introductory section to the White Paper which sets out the scale of the problem and says that the Government cannot solve it alone. It says that it is vital to have local leadership and commitment from a wide range of stakeholders including local authorities, private developers, housing associations, lenders and local communities. In particular, the Government expect local authorities to be as ambitious and innovative as possible to get homes built in their area. It talks about bespoke deals for innovative schemes, that all authorities must have up-to-date development plans and deal with planning applications promptly. It expects local authorities to hold up their end of the bargain, but if they do not the Government will intervene.

Commentary

Is this Council being innovative enough in getting new houses built in our area? We have a strategy for building, or acquiring new Council houses in our area but could we be doing more to promote housing association development or other forms of housing tenure built in our area?

3.0 PLANNING FOR THE RIGHT HOMES IN THE RIGHT PLACES

3.1 A large part of this section is about Councils getting up-to-date Local Plans approved to reflect the Government’s requirement that much more housing land is allocated for development. These plans must then be reviewed at least once every 5 years. To help with this process the Government will consult on introducing a standardised national approach to assessing the housing requirements of individual areas and this will be in place by April 2018. This will remove the option of taking different approaches to this issue which results; for example, in our consultation draft Local

Plan talking about this Council's "Objectively Assessed Need" being between 11,740 and 13,740 new houses over 20 years.

Commentary

We are currently on track to produce a new Local Plan for submission within the Government's timetable to avoid intervention and we have been fortunate, to date, in not facing appeal pressures to release land for housing outside of the Local Plan process (with one exception). If we allow the timetable to slip, or submit a plan which is substantially below our needs, this situation is likely to change very quickly. This would result in major implications for the workload of the planning department and could result in a lot of poor quality new development missing opportunities to negotiate improved infrastructure.

- 3.2 The White Paper also expects Local Plans to have clear policies for addressing the housing requirements of groups with particular needs such as older and disabled people. It also talks about making land ownership and interests more transparent by improving the Land Registry and changing contractual arrangements used to control land.
- 3.3 Priority should be given to bringing brownfield land forward for housing development, with a presumption in favour of this. There are opportunities, the White Paper says, to go further to meet needs in rural areas and to increase the supply of land to small and medium sized house builders. This is supported by the new Community Housing Fund (CHF).

Commentary

NFDC has been allocated up to nearly £1m from the CHF and separate paper will bring forward ideas for how this funding can be used.

4.0 GREEN BELT

- 4.1 The White Paper says that it continues the Government's commitment to protect the Green Belt but there is an interesting, and perhaps significant, change in the wording. It says, (my emphasis), that national policy will be amended to make clear that authorities **should** amend Green Belt boundaries **only** when they have fully examined all other reasonable options for meeting their identified development requirements including brownfield sites, underused land, optimising densities and exploring whether other authorities can help to meet unmet need in a particular area. It also says that Green Belt released in one place should be compensated by enhancement in other areas and that the detailed boundaries of a Green Belt can be set in neighbourhood plans.

Commentary

The approach we are taking to the Green Belt review in our proposals to move the Local Plan forward is consistent with this new guidance.

- 4.2 The Government has reaffirmed their commitment to Neighbourhood Planning and has said they will bring forward legislative change, more funding and new guidance to support this. They consider that such plans should contain detailed design guidance so that there is a clear basis on which future decisions can be made.

- 4.3 A section of the Paper then refers to using land more efficiently for development. This means avoiding building houses at low densities where there is a shortage of land to meet demand and looking for high density options in urban areas that are well served by public transport such as railway stations. It also talks about ensuring that the density and form of development reflects the character, accessibility and infrastructure capacity of an area.

5.0 BUILDING HOMES FASTER

- 5.1 This section starts by identifying that there is often a substantial time lag between planning permission being granted and houses being built. Two of the main reasons for this are perceived to be unnecessary delays caused by (too many) planning conditions being imposed and a skills shortage in the construction sector. The first issue will be tackled by trying to limit the number of conditions imposed by requiring developer agreement and considering options for reforming the system of developer contributions. Community Infrastructure Levy (CIL) payments are to be reviewed as they are not working as well as expected and Section 106 agreement mechanisms could be changed, particularly to deal with financial viability issues. Skill shortages in the construction industry will be tackled through more training in those areas with recruitment difficulties and developers are expected to play their full part in this.
- 5.2 A shortage of skilled resources in planning departments will be addressed by increasing planning fees by 20% in July 2017 if an authority pledges to invest the extra money in their planning department. A further 20% increase will be considered for authorities delivering the homes that their communities require.
- 5.3 The Government will target the £2.3bn Housing Infrastructure Fund in the areas of highest housing need. This will target the provision of infrastructure (including transport and utilities) where this money will unlock the provision of new homes. Bids from local authorities or groups of authorities will be welcomed. The first year of this scheme is 2017 and it will run for four years. The paper also talks about requiring local authorities to have policies to ensure that high quality digital infrastructure is provided in new homes and ensuring that utility companies do not delay development by not investing in their infrastructure in a timely way.
- 5.4 Developers will be required to make available more information about the rate at which they are building out the sites which they control and there will be a consultation on whether they might be penalised, for example by the refusal of further planning permissions to them, if they have not implemented previous permissions. There will also be a consultation on whether planning permission should be granted for two and not three years to encourage quicker implementation. Planning authorities will be given simpler powers to require the completion of developments which have started and then stopped and consulted on whether Councils should be encouraged to use their compulsory purchase powers to support the build out of stalled sites.
- 5.5 A new housing delivery test will be introduced for local authorities. The logic of this is that Councils not only have to grant planning permissions for new homes but they will also have to ensure that builders deliver them at the annual rate set out in the Local Plan. This will be enforced by requiring Councils to allocate more land for development if the annual building rate is below the Local Plan target even though they think they have allocated enough land for it to be achieved. The Government say that both Councils and housebuilders need to be held to account to ensure the building of the number of new houses which are needed.

Commentary

The issue of planning conditions needs either developers to improve the information they submit or the system to be simplified to remove some of the requirements. The review of CIL and Section 106 agreements is to be welcomed. CIL is not delivering the infrastructure which is needed.

The extra fee income is to be welcomed because planning departments will need significant additional resources to deliver the new responsibilities which they are being given and to deal with the extra workload that many new residential applications will require. New Forest District Council will face this issue later this year.

This Council needs to understand and develop its role in bidding for new infrastructure funding to ensure that this area gets access to the public resources available to support the building of many new houses.

The housing delivery test responsibilities on local authorities seems to be unreasonable. Yes, we should grant permissions in a timely way and not overburden them with conditions. But, if a developer or landowner chooses not to build, surely it is not fair for the local authority to be penalised for this. There should be a better response to dealing with unreasonable land banking by developers and landowners.

6.0 DIVERSIFYING THE MARKET

- 6.1 This section starts by setting out that the Government believe that the way in which the house building market operates constrains the supply of new homes because there is insufficient competition and innovation.
- 6.2 The new Accelerated Construction programme will help to diversify the market through partnering with small and medium sized firms as development partners and contractors. The Government will partner with local authorities to help them bring forward their own sites more quickly than they could otherwise. They will also promote custom and self-builders through the sites register and continuing exemptions from CIL payments, as well as working with lenders to make funding more readily available.
- 6.3 The Government want to attract more institutional investment in building more homes for rent. They will change the National Policy Planning Framework to make it easier for Build-to-Rent developers to offer affordable private rental homes instead of other types of affordable housing. They will also ensure that family friendly tenancies of three or more years are available.
- 6.4 Housing associations have a vital role to play if we are to build the new homes we need. The Government will encourage them to do more by setting out a rent policy after 2020 (but there will be no change to the annual 1% reduction before then), treat them as being in the private sector with changes to their regulation, urge them to do more building and to improve their efficiency.
- 6.5 Local authorities should be backed and assisted to build more houses. They should use innovative new models such as local housing companies and/or joint venture models in building mixed sites which include new market housing for sale and rent as well as affordable housing. Tailored support packages will be available to Councils who want to build on their own land at pace.

“However, we want to see tenants that local authorities place in new affordable properties offered equivalent terms to those in Council housing, including a right to buy their home.”

- 6.6 The house building industry should be made more productive. In particular it should increase innovation and make greater use of modern methods of construction including homes constructed off-site.

Commentary

The concept of private institutional developers providing affordable housing for rent, as an alternative to other forms of affordable housing, is an interesting one but which needs very careful consideration of the details when they emerge.

The encouragement of local authorities to build more and for them to use innovative new models to do so is something that this Council is already committed to looking at. It will be a disappointment to some that the Government have retained their commitment to new Council developed property having to be sold to tenants at a discount.

7.0 HELPING PEOPLE NOW

- 7.1 This section sets out in its introduction that while the Government’s main focus is on fixing the housing market in the long term’, there is also clearly a need to intervene to help those who are struggling now. The first part describes the continuation and extension of some existing measures such as saving to raise a deposit and equity loans.
- 7.2 Starter homes remain an important part of the strategy but will not be a mandatory requirement on all new larger development sites. Where they are proposed there will be a 15 year period in which some or all of the discount must be repaid and they will not be available to cash buyers. They should be provided as part of a mixed package of affordable housing and the NPPF will be amended to ensure that all new housing sites are expected to deliver a minimum of 10% affordable home ownership units. It will be clarified that starter homes, with appropriate local connection tests, will be acceptable on rural exception sites.
- 7.3 The paper confirms that the pilots allowing housing association tenants to buy their homes will continue to be rolled out with right to buy discounts. Extra money has been allocated to the affordable housing programme and this has been expanded to include Rent to Buy homes and affordable rent products.
- 7.4 Measures are set out to remove the worst landlords from operating, making tenancies more family friendly and tackling unfair and unreasonable abuses of leasehold. The paper then refers to the Community Housing Fund which is supporting communities taking the lead in building homes particularly in areas affected by second homes. Returning to the planning side, the Government will be introducing a new statutory duty on Councils to ensure that their Local Plans meet the needs of older and disabled people.
- 7.5 The final part of this section is entitled preventing homelessness. Legislation will be introduced placing a duty on local authorities to take steps to prevent eligible people from being made homeless when they are threatened by this possibility

Commentary

We should welcome the dropping of the requirement to insist on 20% of starter homes on all large sites as this allows for a wider range of affordable options to be considered. Nevertheless, I think that they should still be a significant part of the District Council's affordable housing policy moving forward, along with affordable rent and shared ownership options. The Council will need to make important decisions soon about the balance it will be seeking to achieve.

It will be disappointing to some that the Government is still pursuing the sale of housing association properties to tenants if this is still linked with the Council having to sell its higher value assets when they become available.

While there is no detail of how the new duty to prevent eligible people being made homeless this could be a very onerous requirement on our housing needs team. We are struggling to deal with our existing duties to deal with people made homeless and so it is difficult to see how this new duty will operate if no more homes are available.

8.0 THE CONSULTATION PROCESS

- 8.1 The Annex to the White Paper sets out a total of 38 questions to which the Government invite responses by 2 May 2017. This Council's response will be through a joint portfolio holder decision by the Housing and Communities and the Planning and Transportation Portfolio Holders. There will be matters of interest to Environment, Communities and possibly the Corporate Overview Panels, as well as the Planning Development Control Committee, in this White Paper.

9.0 CRIME AND DISORDER, EQUALITY AND DIVERSITY, ENVIRONMENTAL AND FINANCIAL IMPLICATIONS

- 9.1 None arising directly from this report.

10. RECOMMENDATIONS

That Committee considers the contents of the White Paper and offer comments to the portfolio holders which can help inform their response to the consultation process.

FOR FURTHER INFORMATION PLEASE CONTACT

Chris Elliott,
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BACKGROUND PAPERS:

Published Documents