

NOTICE OF MEETING

Meeting: PLANNING DEVELOPMENT CONTROL COMMITTEE

Date and Time: WEDNESDAY, 10 MAY 2017, AT 9.00 AM*

Place: THE COUNCIL CHAMBER, APPLETREE COURT,
LYNDHURST

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

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

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Chief Executive

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

AGENDA

Apologies

1. MINUTES

To confirm the minutes of the meeting held on 10 May 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) **St Johns Car Park, St Johns Street, Hythe (Application 16/11638) (Pages 1 - 18)**

Lidl foodstore (Use Class A1); parking; associated landscaping; access works; demolition of existing

RECOMMENDED:

Service Manager Planning and Building Control authorised to grant permission subject to S106 agreement and appropriate conditions.

- (b) **2 South Street, Hythe (Application 16/11639) (Pages 19 - 38)**

1 block of 36 sheltered apartments; communal facilities; access; parking and landscaping

RECOMMENDED:

Planning consent subject to conditions

- (c) **Druces Acres, Salisbury Road, Ellingham, Harbridge & Ibsley (Application 16/11717) (Pages 39 - 46)**

7 field shelters (retrospective)

RECOMMENDED:

Service Manager Planning and Building Control authorised to grant planning permission subject to no further substantive comments being received by 15 May 2017 and conditions.

- (d) **Phoenix Youth Centre, Culver Road, New Milton (Application 17/10160) (Pages 47 - 60)**

Use of existing building as school; two-storey teaching and admin block; landscaping; parking

RECOMMENDED:

Planning consent subject to conditions.

- (e) **Burleigh Court, 4 Southern Lane, Barton-on-Sea, New Milton (Application 17/10241) (Pages 61 - 68)**

Create 1 flat; roof alterations including alter pitch; 2 dormers; 5 rooflights; exterior alterations; remove cladding; window alterations; garage block; parking

RECOMMENDED:

Planning consent subject to conditions.

- (f) **86 Queens Katherine Road, Lymington (Application 17/10244) (Pages 69 - 74)**
Two-storey side and rear extensions; single-storey rear extension
RECOMMENDED:
Refuse
- (g) **Valley Cottage, Little Brook, Lymore Lane, Milford-on-Sea (Application 17/10258) (Pages 75 - 80)**
Variation of Condition 3 of Planning Permission 03/78794 to extend occupancy from 4 weeks to 11 months of the year
RECOMMENDED:
Refuse the variation of condition
- (h) **Courtwood Farm, Court Hill, Damerham (Application 17/10273) (Pages 81 - 90)**
Use as 2 bungalows; single-storey extension; alterations
RECOMMENDED:
Planning consent subject to conditions
- (i) **Nonsuch, Mockbeggar Lane, Ellingham, Harbridge & Ibsley (Application 17/10346) (Pages 91 - 96)**
Removal of Condition 4 of Planning Permission 16/10786 to allow Permitted Development Rights
RECOMMENDED:
Refuse the variation of condition
- (j) **Communications Site, Stallards Lane, Ringwood (Application 17/10514) (Pages 97 - 102)**
Installation of 1 17.5m high telecoms monopole; equipment cabinet; remove existing (Prior Approval Application)
RECOMMENDED:
Service Manager Planning and Building Control authorised to not require any further details subject to the receipt of no new material objections to the submitted applications on the 13 May 2017.

4. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

To:

Councillors:

Mrs D E Andrews (Chairman)
P J Armstrong
Mrs S M Bennison
Mrs F Carpenter
Ms K V Crisell
A H G Davis
L E Harris
D Harrison
Mrs A J Hoare
Mrs M D Holding

Councillors:

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

STATUTORY TESTS

Introduction

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

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

The Development Plan

The Development Plan Section 38

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

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

Listed Buildings

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

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

Conservation Areas

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

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

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

Areas of Outstanding Natural Beauty (AONB's)

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

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

Trees

Section 197. Trees Town and Country Planning Act 1990

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

Biodiversity

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

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

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

Conservation of Habitats and Species Regulations 2010

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

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

Equality

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

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

Financial Considerations in Planning

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

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

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Application Number: 16/11638 Full Planning Permission

Site: St JOHNS CAR PARK, ST JOHNS STREET, HYTHE SO45 6DA

Development: Lidl foodstore (Use Class A1); parking; associated landscaping; access works; demolition of existing

Applicant: Lidl UK

Target Date: 05/04/2017

Extension Date: 12/05/2017

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council View.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up area
Site bounded by Hythe Conservation Area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
2. Climate change and environmental sustainability
4. Economy
6. Towns, villages and built environment quality

Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS4: Energy and resource use
- CS6: Flood risk
- CS10: The spatial strategy
- CS17: Employment and economic development
- CS20: Town, district, village and local centres
- CS24: Transport considerations

Local Plan Part 2 Sites and Development Management Development Plan Document

- DM1: Heritage and Conservation
- DM16: Within town centres, outside Primary Shopping Areas and Secondary Shopping Frontages
- HYD4: Hythe town centre opportunity sites
- HYD5: Car park extensions

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 66: General duty as respects listed buildings in exercise of planning functions:

- (1) 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 of special architectural or historic interest which it possesses.
- (2) Without prejudice to section 72, in the exercise of the powers of appropriation, disposal and development (including redevelopment) conferred by the provisions of sections 232, 233 and 235(1) of the principal Act, a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, listed buildings.
- (3) The reference in subsection (2) to a local authority includes a reference to a joint planning board
- (4) Nothing in this section applies in relation to neighbourhood development orders.

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

In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of 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.

The provisions referred to in subsection (1) are the planning Acts and Part I of the Historic Buildings and Ancient Monuments Act 1953 and sections 70 and 73 of the Leasehold Reform, Housing and Urban Development Act 1993.

In subsection (2), references to provisions of the Leasehold Reform, Housing and Urban Development Act 1993 include references to those provisions as they have effect by virtue of section 118(1) of the Housing Act 1996.

Nothing in this section applies in relation to neighbourhood development orders.

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPG - Hythe - A Conservation Area Appraisal

SPD - Parking Standards

6 RELEVANT PLANNING HISTORY

None

7 PARISH / TOWN COUNCIL COMMENTS

Hythe & Dibden Parish Council: recommend refusal - object to the loss of the St John's Street Car park as the loss of car parking spaces would have a significant effect on the economic wellbeing of Hythe; Object to the design - consider the size and design of the building is not suitable on this important site that is surrounded by the Conservation Area and directly adjacent to a Grade 2 Listed Church; consider the design to be in conflict with the Council's adopted Conservation Area appraisal; the design would not respond to local distinctiveness; concerns about the current infrastructure's ability to cope with delivery lorries accessing the site; conflict between delivery lorries and pedestrians; concerns about future advertising; concerns about noise levels generated by plant, machinery and delivery lorries; concerns about lighting; concerns about antisocial behaviour in the car park; loss of raised wall and trees would not be appropriate.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer: no objection subject to conditions on parking, and construction management and subject to securing transportation contributions and green travel plan requirements through a Section 106 legal agreement.
- 9.2 Natural England: no objection
- 9.3 Southern Gas Networks: advise of site's proximity to gas main
- 9.4 Conservation Officer: recommends refusal - the proposal would have a negative and harmful impact on adjacent heritage assets.
- 9.5 Urban Design Officer: objects - the design is inappropriate and unsympathetic to its setting in terms of scale, layout, appearance, and in its relationship to adjoining buildings and landscape features; the development is visually intrusive and harmful to the character and appearance of the area.
- 9.6 Tree Officer: objects - the proposal would result in the loss of important amenity trees, in particular the Pine and Horse Chestnut at the New Road entrance to the car park.
- 9.7 Environmental Health (air quality): no objection subject to condition
- 9.8 Environmental Health (noise): further information is requested - noise management plan should be submitted to look at all noise and to consider what mitigation can be used.
- 9.9 Environmental Health (contaminated land): no objection subject to conditions
- 9.10 Ecologist: no objection subject to conditions.
- 9.11 Hampshire County Council (Surface water drainage): final views awaited.

10 REPRESENTATIONS RECEIVED

- 10.1 61 letters of objection/ concern from local residents:- adverse impact on neighbours' privacy from overlooking windows and CCTV cameras; development will have an overbearing impact on neighbours and will result in a loss of light and outlook; noise intrusion arising from HGV and traffic movements and general activities associated with the proposed use; increased litter nuisance; odour nuisance from cigarettes; increased risk to security of adjacent properties; disruption during construction; light pollution; increased traffic and HGV movements to detriment of highway safety; loss of public car park / inadequate on-site parking to meet demand, which would be to the detriment of highway safety; poor and contextually inappropriate design; scale would be out of keeping; adverse visual impact; adverse impact on Conservation Area; adverse impact on setting of adjacent Listed church; store will adversely affect unique character of Hythe; design quality has been significantly reduced from the design that was promoted at a public consultation; adverse impact on other businesses; potential increases in antisocial behaviour due to late night opening hours; increased pressure on inadequate drainage infrastructure; adverse impact on blue badge holders and visitors to adjacent cancer centre; loss of trees; lack of need; proposal would be contrary to Council's own policies including its own Conservation Area Appraisal.
- 10.2 1 letter of objection from Parochial Church Council: objection similar to those raised above with particular concerns about the design of the development and its impact on the setting of St John the Baptist's church.
- 10.3 6 letters of support from local residents: proposal will provide more retail choice that will be of benefit to local residents.
- 10.4 1 petition with 28 signatories expressing concerns that development could lead to additional parking pressures in Mousehole Lane

11 CRIME & DISORDER IMPLICATIONS

See Assessment below

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, there were lengthy pre-application discussions with the applicant. Unfortunately, the submitted application does not respond positively to that pre-application advice, but nonetheless, as set out in the report below, it is felt, on balance, that the scheme is acceptable. On receipt of the application it was noted that the submitted drawings did not reflect the advice and in fact showed a wholly unacceptable approach based on adding discordant elements to an otherwise "standard" Lidl store. Officers suggested that if the bespoke approach was no longer an option, that the application be amended to show a "standard" store.

14 ASSESSMENT

Introduction

- 14.1 This application relates to the St John's Street public car park in the centre of Hythe. The application site also encompasses an enclosed storage yard, forming part of the PC Builders site, on which there is an unsightly existing pitched roofed storage building. The existing public car park has a frontage onto both St John's Street to the east and New Street to the west. The car park lies immediately to the south of the St John the Baptist's Church, which is a Grade II Listed Building. To the south-west of the application site are a number of residential dwellings at Court House Close, whilst to the south-east the site is bounded by other land occupied by PC Builders. The site is outside of the Hythe Conservation Area, but is bounded by the Hythe Conservation Area on its northern, eastern and south-western sides. 13-17 St John's Street, which are set close to the northern corner of the site, are also Grade II Listed. On the site itself, there are a number of mature trees, particularly adjacent to the site's northern boundary and adjacent to New Street. There are also a number of younger, recently planted trees along the site's frontage with St John's Street.
- 14.2 The submitted application seeks to redevelop the site with a new Lidl retail foodstore. The new store would have a gross internal floorspace of 2178 square metres and a sales area of 1377 square metres. The application also proposes a reconfiguration and widening of the existing site access onto New Street. 104 car parking spaces are proposed in association with the proposed development.

Site Specific and Town Centre Policy considerations

- 14.3 The site is, in part, affected by Policy HYD4.1 of the Local Plan Part 2, which identifies land in the vicinity of St John's Street Car Park as a Town Centre Opportunity site where development should be primarily for retail purposes. The retail development that is proposed is therefore supported by this policy.
- 14.4 Part of the application site (the land occupied by PC Builders) is also subject to Policy HYD5 of the Local Plan Part 2. This policy, which also extends to adjacent land to the south, identifies this land for a possible public car park extension. The submitted application would not meet this policy aspiration. However, the policy is expressed only as an aspiration (that is not now likely to be pursued) rather than as a firm allocation, and in these circumstances, it is not felt the proposed development would conflict unacceptably with this policy.
- 14.5 As the whole of the application site is inside the Hythe Town Centre boundary, Policy DM16 of the Local Plan is also relevant to this proposal. This policy allows for retail development in town centre locations. The proposal is therefore in accordance this policy.
- 14.6 The proposal would result in the loss of one employment use on the site (PC Builders) and it's replacement with a new employment use. PC Builders have been granted planning permission (ref 16/11637) to develop a new building at Hardley Industrial Estate, which would enable this business to continue to operate.

Retail Impact & Economic Considerations

- 14.7 In considering any new retail store, it is necessary to have regard to the advice of the National Planning Policy Framework (NPPF) and National Planning Policy Guidance. The NPPF expects Local Planning Authorities to apply a sequential test to planning applications for main town centre uses that are not in an existing centre and not in accordance with an up-to-date Local Plan. Thus, Local Planning Authorities should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered.
- 14.8 In this case, the application site is a Town Centre site as defined by the Council's own Local Plan, although it is not within a Primary Shopping Area or a defined Shopping Frontage. The applicants have submitted a detailed retail assessment which suggests the site should be viewed as an edge of centre site, and where any consideration of Sequentially Preferable alternative sites should be focused on the Primary Shopping Area. They have been unable to locate any areas within the Primary Shopping Area that would be suitable to accommodate the scale of development proposed, and looking at other sites within Hythe Town Centre, they have concluded that there are no alternative suitable and available sequentially preferable sites to accommodate the proposed development. The applicant's conclusions on this matter are accepted, and, as such, it is considered that sequential test requirements are satisfied.
- 14.9 The National Planning Policy Framework also requires the submission of a retail impact assessment for retail development outside of town centres where the development is over thresholds specified in Local Plans. The

Council's Local Plan seeks the submission of a retail impact assessment for retail developments of over 1000 square metres that are outside of town centre boundaries. As previously indicated the site is inside a town centre boundary, so based on the Council's own definition of a town centre, a retail impact assessment is not required. However, the applicants have applied a tighter definition of a town centre as defined in the NPPF and have carried out a retail impact assessment. This report concludes that levels of trade diversion will be modest and all resulting impacts will be minor. There is considered no reason to disagree with the conclusions of the applicant's retail impact assessment. In essence, it is not felt that the proposal would be likely to have a significant adverse impact on town centre vitality and viability and therefore the retail impact of this proposed development is considered to be in accordance with both national and local policy.

- 14.10 Core Strategy Policy CS20 identifies a need for 350 square metres of additional convenience retail floorspace in Hythe between 2012 and 2018. However, the more recent New Forest Retail Study Update from 2010 concluded that "Within Totton, New Milton and Hythe, there could be reasonable scope for reasonable sized foodstores (over 1000 square metres net)". Indeed, the study identifies £10.45 million of convenience goods expenditure capacity in Hythe at 2018 based on the area's existing market share, which is significantly higher than the expected turnover of the proposed Lidl. Furthermore, an assessment commissioned by the Council in 2015 has concluded that a new discount foodstore in the village "will have a positive rather than negative impact on Hythe" and that "an increase in convenience goods turnover should benefit the majority of retail and service businesses within the town centre". The report concludes that "a discount foodstore will strengthen rather than harm the vitality and viability of Hythe Town Centre as a whole". Having regard to these various assessments, it is clear that the development that this application proposes will meet a clear and justified need for additional convenience retail floorspace in the centre of Hythe that will result in significant benefits to the vitality of Hythe town centre, as well as bringing significant economic benefits through the provision of significant new employment opportunities.

Highway & Transportation Considerations

- 14.11 The Highway Authority have confirmed that the widened access onto New Road would be acceptable from a highway safety perspective. Initially, they had raised concerns about the impact of widening the access on pedestrians. However, following the submission of additional information that shows that the widened access will include tactile crossings, and that there will be formal pedestrian crossings within the site, the Highway Authority are satisfied that the New Road access arrangements will not be to the detriment of pedestrians. The St John's Street access would be an entrance only, with no access permissible onto this street. The Highway Authority are therefore satisfied that this access would also be appropriate.
- 14.12 The applicants have submitted a detailed Traffic Impact Assessment. This data indicates that there is typically spare capacity at both the St John's Street car park and the nearby New Road car park. A parking accumulation exercise has demonstrated that the typical number of vehicles currently parking at St John's Street could be satisfactorily accommodated within the nearby New Road car park. As such, the Highway Authority have confirmed that the loss of the St John's Street car park as a public car park would not be detrimental to highway safety. Furthermore, the Highway Authority are satisfied that the redistribution of car parking within Hythe is unlikely to

significantly impact on the capacity, safety, or operation of the local highway network.

- 14.13 The Council's Parking Standards Supplementary Planning Document recommends that 98 car parking spaces should be provided on the site on the basis of the total sales area. The 104 car parking spaces that this development proposes would therefore be marginally in excess of the Council's recommended guidelines which is considered to be acceptable. The Highway Authority has also confirmed that the development makes adequate disabled parking provision, as well as providing adequate parking areas for cyclists.
- 14.14 The Highway Authority has confirmed that the applicants have provided adequate information by way of swept path analyses to show that large articulated vehicles making deliveries to the site can enter and leave the site in a safe manner.
- 14.15 The applicants have submitted a Travel Plan. The Highway Authority has confirmed that this is generally of very good standard, but that there are a few areas that need to be reviewed before the Travel Plan can be approved as fit for purpose. It is felt that the outstanding Travel Plan requirements could reasonably be resolved through either a condition or a Section 106 legal agreement.
- 14.16 The Highway Authority advise that the applicant needs to provide a financial contribution towards highway improvements in Hythe in order to mitigate the impacts of the development. Based on the fact that the development would be expected to generate in excess of 330 additional daily pedestrian and cycle movements together with 1299 additional daily vehicle movements, the Highway Authority advise that the contribution should be £140,000, and they have duly identified schemes to which this contribution would be put. This requirement is considered to be reasonable and one that should be secured through a Section 106 legal agreement.
- 14.17 Overall, having regard to the Highway Authority's detailed assessment of the applicant's proposals, it can be reasonably concluded that the proposed development would not have an adverse impact on highway safety.

Design & Heritage Considerations

- 14.18 The building would be neither a traditionally responsive building nor a well-designed contemporary proposal. Moreover, the design of the building and in particular the glazed north- west elevation, the main entrance and the trolley park would be commercially assertive and insensitive in such close proximity to a place of community worship. The grounds of the church are culturally associated with a pattern of reflective remembrance and the building would be strikingly at odds with and detract from the significance of the grade 2 listed church and its setting.

In respect of the setting of Nos 13 and 17 St Johns Street, when viewed from the street the fronts of these listed dwellings are seen in the context of the church and its grounds and the public car park. The car park currently has a neutral impact on the setting of the dwellings. The proposed retail building situated within the car park will intrude into this view to some extent and would thereby have a small but negative impact on the setting of these listed buildings.

The desirability of preserving or enhancing the character or appearance of the adjoining conservation area and its setting is also a material consideration, and great weight should be given to the area's conservation. In this respect, the public car park, the existing builder's yard building and the dwellings at 1-3 Court House Close have a negative impact on the conservation area. The openness of the car park allows for views into and across the conservation area, providing a visual link between the church and the buildings of St Johns Street which tells the story of the village and its development. The proposed building pays no regard to this context and would harmfully detract from the setting of the conservation area due to its poor quality design.

- 14.19 Overall, it is recognised that the development is quite an intensive development, and the depth of building, in particular, means that the development is somewhat at odds with the surrounding context. While the conclusion reached by the Council's Conservation Officer is understood, it is felt that, in identifying harm, insufficient weight has been given to the harmful impact of the existing buildings. When one considers the design of the proposed development in relation to the status quo, it is felt that there will be significant visual improvements that weigh strongly in the development's favour. It is accepted that because elements of the development's design are not entirely comfortable there would be less than substantial harm to adjacent heritage assets, albeit that the harm would be at the low end of the harmful spectrum. However, with the significant visual improvements that are proposed, and with the significant public (social and economic) benefits that would arise from the provision of much needed additional sheltered accommodation for the elderly, it is considered that the benefits of the development would materially outweigh the limited harm. In this respect, the proposal would accord with Paragraph 134 of the National Planning Policy Framework.
- 14.20 The development's adverse visual impact would be compounded by its rather austere car park setting. The car park should be a good space in its own right, but instead it would be largely a functional space for motor vehicles that would suffer from a lack of greenery. The loss of 2 mature trees to accommodate the widened New Road access would be particularly unfortunate. Overall, the proposed external spaces would have an unsympathetic appearance that would add to the development's visual harm.
- 14.21 It is clear that the design of the development as whole is poor. Its standard design format seeks to meet the needs of customers within the store, but fails to respond positively to the public realm into which the store would be inserted. The proposal would be detrimental to local distinctiveness and the character and appearance of the area, and in this respect the proposal would therefore be contrary to Local and National Planning policies. The proposal would also be harmful to adjacent Heritage assets. On balance, and considering the proposal in the light of the National Planning Policy Framework, it is felt that the harm would be less than substantial rather than substantial. Having reached this conclusion, planning permission should not be granted for this proposal unless the public benefits of the proposal outweigh the harm.

Neighbour Amenity Considerations

- 14.22 The long south-west side elevation of the building would be set in close proximity to the side of 1 and 4 Court House Close. The building would be materially higher than the existing buildings within the PC builders yard that would be demolished. The building would also have a longer and more unbroken roof form. As such, the proposed building would appear as quite a dominant and intrusive feature from both of these adjacent properties. Due to its height and mass, it is felt the building would have an adverse impact on the outlook on both of these nearest adjacent dwellings, contrary to Policy CS2 of the Council's Core Strategy. From a privacy perspective, however, the development would not be harmful as there are no main windows or openings on the side elevation facing Court House Close.
- 14.23 The application is accompanied by a Noise Impact Assessment. This confirms that noise from deliveries will have a significant adverse impact on the proposed dwellings to the south-east (that are the subject of planning application 16/11639). However, the report suggests that this significant adverse impact will only be an occasional impact limited to 2 deliveries a day between 7am and 11 pm. The Noise Impact Assessment also suggests that the impact could be mitigated if a good (acoustic) window design is installed on the adjacent proposed residential dwellings. The Council's environmental health officer has considered the applicant's noise assessment and feels that they should be doing more to look at ways in which significant adverse impacts can be avoided, potentially through a noise management plan. The applicants have recently submitted additional information in an attempt to address the concerns of the Council's environmental health officer, and the consideration of this additional information will need to be the subject of a further update.

Arboricultural Considerations

- 14.24 As indicated above, a number of trees would be removed to accommodate the proposed development. This includes a mature Austrian Pine and a mature Horse Chestnut tree adjacent to the site's New Road entrance. The Council's tree officer has objected to the loss of these 2 trees. It is accepted that these 2 trees make a positive contribution to the area and their loss would be harmful to the visual amenities of the area. Furthermore, it is felt that the new landscape planting proposed by the applicant would not adequately mitigate for the loss of these 2 trees.

Ecological Considerations

- 14.25 The submitted application is accompanied by an ecological assessment, which highlights that there are some low bat potential features affected and lost through the proposal. The applicant's ecologist has recently provided further information which has enabled the ecologist to support the application subject to condition.

Flood Risk & Drainage Considerations

- 14.26 A small part of the application site is within Flood Zone 2, and a tiny slither of the site adjacent to St John's Street is within Flood Zone 3. Importantly, the whole of the proposed building is outside of these Flood Zones. Therefore, the proposed building is not one that is likely to flood, and nor should it increase flood risk elsewhere. A small part of the car park may flood in a flood risk event, but this is no different to at present. The

applicants have submitted a Flood Risk Assessment which concludes that the development would be acceptable from a Flood Risk perspective and there is considered no reason to disagree with this conclusion.

- 14.27 The applicant's Flood Risk Assessment also considers surface water drainage. Because the application would result in an increase in impermeable area, Sustainable Drainage Measures (SUDs) are proposed to ensure that surface water is managed effectively and thereby ensure that there is no additional impact on the existing drainage regime. The principles that are suggested within the applicant's Surface Water Strategy appear to be acceptable, although through consultation with Hampshire County Council, there is a need to ensure that the detail is acceptable as well. This matter needs to be the subject of further update as feedback from Hampshire County Council's drainage team is still awaited.

Sustainability Considerations

- 14.28 To accord with Policy CS4 of the Council's Core Strategy, the development (as a commercial building of over 1000 square metres) is one that is required to meet a BREEAM 'excellent' standard. The applicant's Design and Access Statement indicates that various sustainable measures will be incorporated into the development but is silent on BREEAM. However, there does not seem to be any reason why a BREEAM 'excellent' rating would be unachievable, and it is felt this requirement can reasonably be secured through a condition of any planning permission.

Balancing the different considerations & Conclusions

- 14.29 It is clear from the above that there are significant points in the development's favour, particularly in terms of the improved retail provision that this development will bring to Hythe, together with the associated economic benefits which will be good for town centre vitality. However, weighed up against these positives, there are also some significant negatives. The development would have a poor and contextually inappropriate design that would be harmful to local distinctiveness, the character and appearance of the adjacent Hythe Conservation Area, and the setting of the Grade II Listed Building to the north and north-east of the site. The development would also cause some harm to the amenities of the immediately adjacent dwellings in Court House Close, while the relationship of the proposed service yard to the proposed flats to the south would be far from ideal. In addition, there would be an adverse impact on trees. For these reasons, the proposal would be contrary to policies CS2 and CS3 of the Council's Core Strategy, Policy DM1 of the Local Plan Part 2 and indeed Paragraph 64 of the National Planning Policy Framework that suggests that poor designs should be refused planning permission.
- 14.30 Given the scheme's contrasting positive and negative impacts, this is ultimately a very finely balanced decision. However, on balance, it is considered that the public (economic and social) benefits of the proposed development outweigh the environmental harm. For this reason, it is considered that the less than substantial harm to adjacent heritage assets that has been identified is a justifiable harm in the context of Paragraph 134 of the National Planning Policy Framework.
- 14.31 On balance, therefore, this application is recommended for permission subject to first securing transportation contributions and green travel plan requirements through a completed Section 106 legal agreement. This

recommendation for permission is made on the basis that some of the more technical issues raised by consultees are ultimately capable of being satisfactorily mitigated by condition. There will be a need for a number of detailed conditions to ensure that the development is of a high a quality as it reasonably can be and to ensure adequate compliance with policy.

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

Section 106 Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
Transportation Improvements	£140,000	£140,000	0

15. RECOMMENDATION

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

- i) the prior completion of a Section 106 legal agreement to secure a Travel Plan and associated set-up and monitoring fees and bond; and a financial contribution of £140,000 towards identified transportation schemes;
- ii) the imposition of the conditions set out below:

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: 3341 12 M, 3341 18 N, 3341 11 A, 3341 06 A, PR-011 rev G, PR-012, PR-013, PR-014, 3341 01 F, 3341 13 A, 3341 07 L, 3341 05 AB, 3341 03 G.

Reason: To ensure satisfactory provision of the development.

3. Written documentary evidence demonstrating that the development hereby approved has achieved as a minimum a rating of EXCELLENT against the BREEAM standard shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of this aspect of the development, unless an otherwise agreed time frame is agreed in writing by the Local Planning Authority. The evidence shall take the form of a post construction certificate as issued by a qualified BREEAM certification body.

Reason: In the interests of resource use and energy consumption in accordance with policy CS4 of the Core Strategy for the New Forest District outside the National Park.

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

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

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

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

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

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

7. Full details of the vehicle cleaning measures proposed to prevent mud and spoil from vehicles leaving the site shall be submitted in writing to the Local Planning Authority for written approval prior to the commencement of the development. The approved measures shall be implemented before the development commences. Once the development has been commenced, these measures shall be used by all vehicles leaving the site and maintained in good working order for the duration of the development.

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

8. The development hereby permitted shall not be brought into use until all of the spaces shown on the approved plans for the parking and turning of motor vehicles and the parking of cycles have been provided. These spaces and areas shall thereafter be retained and kept available for their intended purpose at all times.

Reason: To ensure adequate parking provision is made for both cars and cycles, in the interest of highway safety, and to comply with Policies CS2 and CS24 of the Local Plan for the New Forest outside of the National Park (Core Strategy).

9. Prior to the commencement of development (including any demolition) a written Dust Management Plan (DMP) shall be submitted to and approved by the Local Planning Authority. The approved DMP shall consider all aspects of the works being undertaken on site, and include mitigation measures which follow good practice and are site specific. The approved DMP shall be adhered to at all times thereafter until the demolition and construction phases have been completed.

Reason: To safeguard the amenities of nearby residents and businesses and to comply with Policies CS2 and CS5 of the Core Strategy for New Forest District outside of the National Park.

10. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions relating to contamination no 11 to 12 have been complied with.

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 13 relating to the reporting of unexpected contamination has been complied with in relation to that contamination.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM5 of the Local Plan For the New Forest District outside the National Park. (Part 2: Sites and Development Management).

11. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site

management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM5 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM5 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

13. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. Where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 11, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 12.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM5 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

14. The works hereby approved shall be undertaken in full accordance with the provisions set out within the RPS Arboricultural Impact Assessment and Method Statement reference JSL2663_780B dated 13th April 2017 or as may otherwise be agreed in writing with the Local Planning Authority.
- Reason: To ensure the retention of existing trees and natural features and avoidance of damage during the construction phase in accordance with Policy CS2 of the Local Plan for the New Forest District outside of the National Park (Core Strategy).
15. The proposed slab levels of the development shall be strictly in accordance with the level details indicated on the approved drawings unless an alternative slab level detail has first been submitted to and approved in writing by the Local Planning Authority in which case the 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).
16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any subsequent re-enactment thereof, no additional floor space by way of the creation of a mezzanine floor shall be formed within the building hereby approved, other than that shown on the approved plans.
- Reason: To safeguard the amenities of the area, in the interests of highway safety and to comply with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).
17. Before the commencement of development, a precise specification of the biodiversity mitigation and enhancement measures that are to be incorporated into the development, as outlined in the RPS Preliminary Ecological Appraisal dated November 2016 (Ref JSL2663_871b), shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved details.
- Reason: To safeguard ecological interests in accordance with Policies CS3 of the Core Strategy for New Forest District outside of the National Park and Policy DM2 of the Local Plan Part 2: Sites and Development Management.
18. Other conditions as may be deemed necessary in the light of outstanding consultation responses in respect of noise and drainage.

Notes for inclusion on certificate:

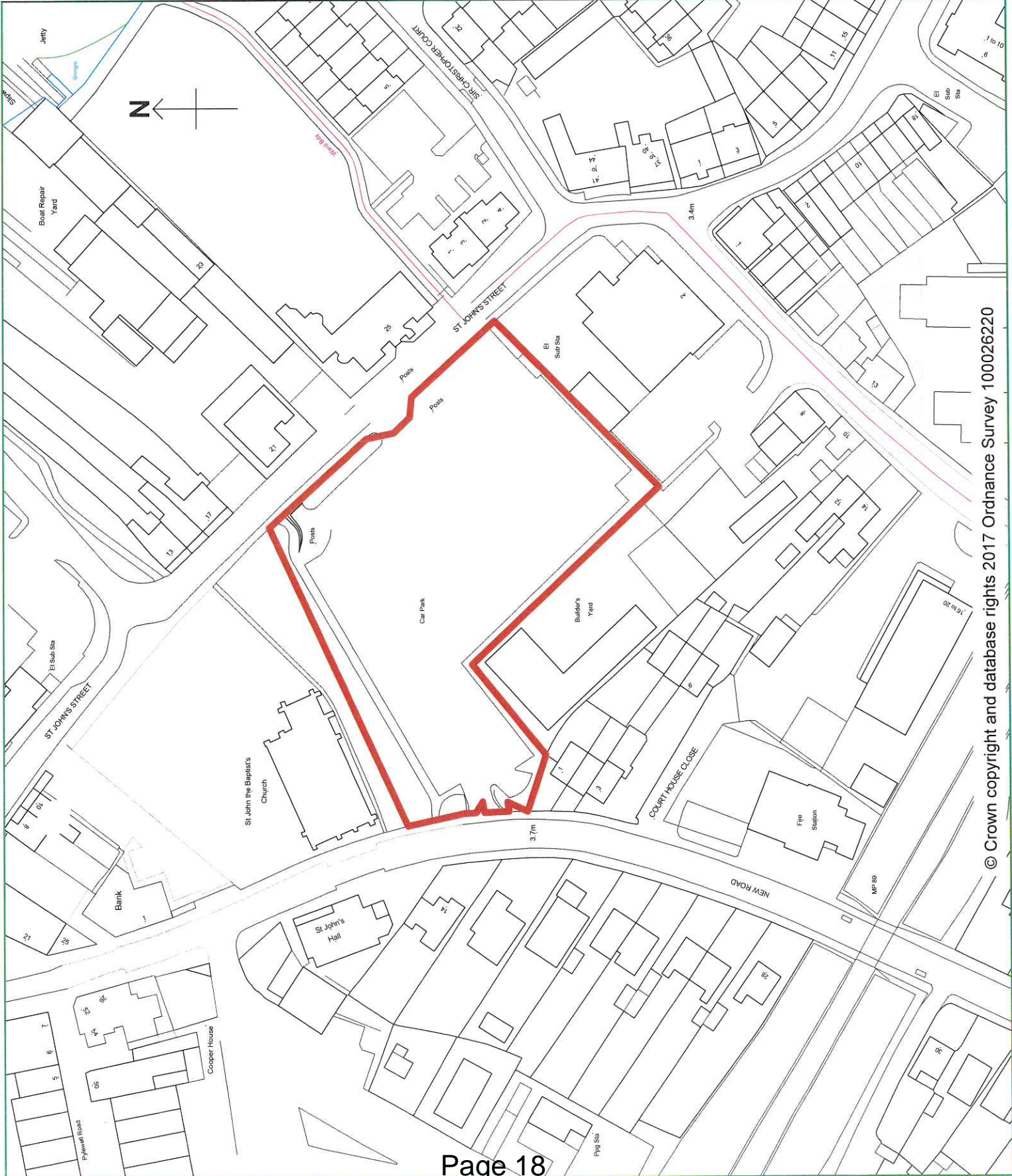
1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising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

In this case, there were lengthy pre-application discussions with the applicant. Unfortunately, the submitted application does not respond positively to that pre-application advice, but nonetheless, as set out in the case officer assessment report, it is felt, on balance, that the scheme is acceptable.

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



Application Number: 16/11639 Full Planning Permission

Site: 2 SOUTH STREET, HYTHE SO45 6EB

Development: 1 block of 36 sheltered apartments; communal facilities; access; parking and landscaping

Applicant: Churchill Retirement Living Limited

Target Date: 17/03/2017

Extension Date: 12/05/2017

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council View; Contrary to Consultee View

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up area, Town Centre, Conservation Area (in part)

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS6: Flood risk
- CS10: The spatial strategy
- CS13: Housing types, sizes and tenure
- CS15: Affordable housing contribution requirements from developments
- CS20: Town, district, village and local centres
- CS24: Transport considerations
- CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

- DM1: Heritage and Conservation
- DM3: Mitigation of impacts on European nature conservation sites
- DM10: Residential accommodation for older people
- DM16: Within town centres, outside Primary Shopping Areas and Secondary Shopping Frontages
- HYD4: Hythe town centre opportunity sites
- HYD5: Car park extensions

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 66: General duty as respects listed buildings in exercise of planning functions:

- (1) 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 of special architectural or historic interest which it possesses.
- (2) Without prejudice to section 72, in the exercise of the powers of appropriation, disposal and development (including redevelopment) conferred by the provisions of sections 232, 233 and 235(1) of the principal Act, a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, listed buildings.
- (3) The reference in subsection (2) to a local authority includes a reference to a joint planning board
- (4) Nothing in this section applies in relation to neighbourhood development orders.

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

In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of 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.

The provisions referred to in subsection (1) are the planning Acts and Part I of the Historic Buildings and Ancient Monuments Act 1953 and sections 70 and 73 of the Leasehold Reform, Housing and Urban Development Act 1993.

In subsection (2), references to provisions of the Leasehold Reform, Housing and Urban Development Act 1993 include references to those provisions as they have effect by virtue of section 118(1) of the Housing Act 1996.

Nothing in this section applies in relation to neighbourhood development orders.

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPG - Hythe - A Conservation Area Appraisal

SPD - Mitigation Strategy for European Sites

SPD - Parking Standards

6 RELEVANT PLANNING HISTORY

None

7 PARISH / TOWN COUNCIL COMMENTS

Hythe & Dibden Parish Council:- Recommend refusal - parking provision is insufficient for residents and visitors; proposal would result in significant overlooking of neighbouring properties to the detriment of their privacy and quality of life; concern about the 3-storey aspects; railings and perimeter wall would impact on the judgement of traffic coming round the bend; pavement would be made too narrow; BT junction boxes will block pavement when being maintained.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer: no objection subject to conditions
- 9.2 Environment Agency: no objection; Local Planning Authority must consider if Sequential Test needs to be applied.
- 9.3 Natural England: no objection
- 9.4 Southern Gas Networks: advise of site's proximity to gas main
- 9.5 Scottish & Southern Electricity: advise that caution will need to be taken as there are high voltage cables around the boundary of the site
- 9.6 Southern Water: no objection subject to condition / informative
- 9.7 Hampshire County Council (Surface Water Drainage): require further information: advice on this further information is still awaited
- 9.8 Environmental Health (contaminated land): no objection subject to standard contaminated land conditions
- 9.9 Ecologist: no objection subject to condition
- 9.10 Conservation Officer: recommends refusal - the scheme causes less than substantial harm to the setting of Listed Buildings and the character and appearance of the Hythe Conservation Area; there is little in the proposed scheme to balance or mitigate this harm through positive design; the scheme fails to respond to context and local distinctiveness and has a damaging effect on local attributes.
- 9.11 District Valuer Services: advises that an affordable housing contribution would make the proposed development unviable.

10 REPRESENTATIONS RECEIVED

- 10.1 13 letters of objection from local residents:- inadequate on-site parking, placing additional parking pressures on local roads, to the detriment of highway safety; lack of need for additional retirement homes; increased pressures on local infrastructure; concerns that development could impact negatively on sight lines and safety of adjacent junction; concerns about window detailing and boundary treatments to the 2 main street frontages.

10.2 2 letters of support from local residents - consider the proposal to be a good and appropriate project.

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive a New Homes Bonus, amounting to £44,964 in each of the following four years, subject to the following conditions being met:

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

Based on the information provided at the time of this report this development has a CIL liability of £190,192.64.

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

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

In this case, there have been lengthy pre-application negotiations with the applicant, which enabled a number of initial concerns to be adequately addressed, and thereby enable a positive recommendation overall to be made on this proposal.

14 ASSESSMENT

Introduction

- 14.1 The application site is a prominent corner site in the centre of Hythe that is currently occupied by the company PC Building Supplies, who are a local building, timber and plumbing merchants. The main building on site is an unsightly 2-storey building dating from the 1970s. Around this building is an area for parking, as well as an enclosed storage yard area. Overall the site is visually unappealing and determined to the qualities of this part of the centre of Hythe. The site has vehicular access onto South Street beyond which are some fairly traditional 2-storey dwellings at 8 and 10 South Street. The application site extends to the rear of these 2 dwellings onto an area of land which includes a low corrugated metal building.
- 14.2 The application site is bounded on its northern side by the St John's Street public car park, as well as a further yard area occupied by PC Building Supplies. These areas to the north of the site are the subject of a separate planning application, which seeks to redevelop this land for retail purposes. The wider area surrounding the application site is mixed in character, but includes a significant residential element, with many traditional buildings in residential use fronting onto the adjacent roads at South Street, St John's Street, and Shore Road. The site bounds the Hythe Conservation Area on its north-eastern, south-eastern and south-western sides, with a small area of the site, including the access and an area of land immediately to the rear of 10 South Street, actually being within the Conservation Area. A group of buildings opposite the corner of the site (37-44 Sir Christopher Court and 1-3 Shore Road) are Grade II Listed.
- 14.3 The submitted application seeks to redevelop the site with 36 sheltered apartments for the elderly, including communal facilities. The proposed apartments would be provided within a single building that would be part 2-storey and part 3-storey. The building would have a frontage onto both South Street and St John's Street, with vehicular access to the proposed development being from South Street. This access would serve 12 on-site car parking spaces. The application also proposes areas of soft landscaping to the main street frontages and adjacent to the main access, as well as seeking to provide a communal amenity space within a courtyard setting to the rear of the site.

Site Specific and Town Centre Policies

- 14.4 Policy HYD4.1 of the Local Plan Part 2 identifies the site as forming part of a Town Centre Opportunity site where development should be primarily for retail uses. Clearly, this proposal is not for a retail use. However, as the Town Centre Opportunity Site also includes adjacent land where there is a significant potential for a large retail development, and, moreover, as this adjacent land is the subject of a separate current planning application (16/11638) for a significant retail development, it is not felt this proposed residential development would compromise the policy aspiration to secure additional retail development in this part of Hythe.

- 14.5 A small part of the application site (where the 12 car parking spaces are proposed) is also subject to Policy HYD5 of the Local Plan Part 2. This policy, which also extends to adjacent land, identifies this land for a possible (public) car park extension. Evidently, the submitted application would not meet this policy aspiration. However, the policy is only an aspiration (that is not now likely to be pursued), rather than a firm allocation. In these circumstances, it is not felt the proposed development would conflict unacceptably with this policy.
- 14.6 As the site is within the town centre boundary, Policy DM16 is also relevant to this proposal. This policy allows for residential development in town centres provided the proposal does not result in the loss of retail, appropriate non-retail or other employment or business uses, and also provided that the proposal is not on the ground floor of a Town Centre Opportunity Site and does not prejudice identified development opportunities. The application proposal would not fully meet the requirements of this policy. However, it is to be noted that the existing business use is seeking to relocate to a larger site on the Hardley Industrial Estate and so would not be lost. Furthermore, as noted above, it is not felt the proposal would compromise retail opportunities when the site is viewed in its wider context. In these circumstances, it is felt there is an appropriate justification for a residential development in this location.

Economic & Social considerations

- 14.7 The Council's Local Plan recognises that a significant proportion of growth that is forecast to take place in the New Forest District in the Plan period will be a growth in elderly households. The Council's Core Strategy Policy CS13 seeks to provide housing that meets the needs of older people. Furthermore, the sheltered apartments that are proposed would be supported by Local Plan Part 2 Policy DM10. It is also of note that there is an unmet need for housing generally, which weighs strongly in favour of allowing residential use of the site in accordance with paragraph 4 of the NPPF.
- 14.8 The applicants have submitted a detailed case setting out the social and economic benefits of their proposed development. The development would contribute positively to the local economy in a number of ways, while also delivering significant social benefits through the provision of specialised accommodation that would meet a specific housing need. While the proposals would result in the loss of employment use from the site which attracts negative weight in the balancing exercise, this would be resolved should PC Building Supplies relocate to other premises in the District. (Planning permission has been granted to facilitate this ref: 16/11637) These benefits are considered to be important benefits that weigh strongly in favour of the proposed development.

Design & Heritage Considerations

- 14.9 The existing building on the site, and indeed the site as a whole is considered to impact negatively on the adjacent Hythe Conservation Area. The design and appearance of the existing building is felt to be unsympathetic in this historic context. As such, redevelopment of the site would be beneficial, in principle.

- 14.10 While the redevelopment of this site has the potential to deliver significant townscape improvements, it is important to recognise that such improvements will only be achieved if the redevelopment is of a scale and design that responds sympathetically to the site's historic context. That historic context is characterised by broken perimeter development built at the rear of the pavement or behind small areas of defensible space. Buildings are typically of a narrow depth and are predominantly 2-storeys high. While the grain is fairly tight, it is varied and with an attractive arrangement of building forms and massing. The architecture of the street is simple, yet well proportioned, using traditional detailing and regular window details to achieve a pleasing visual aesthetic.
- 14.11 The Council's Conservation Officer has expressed concern that the proposed building has a much deeper plan form than the prevailing built form, with some awkward roof arrangements, which makes the building dominant and lacking the proportion and articulation of the surrounding buildings. He is also concerned that the building lacks contextually important gaps. Furthermore, he is concerned that elevations are enlarged compared to those around it, lacking the verticality of the surrounding context, and with windows and other details failing to respect the site's historic and traditional context. The Council's Conservation Officer sees the development as too much of an 'off the peg' approach to elevational details, lacking the architectural variety that exists within the 2 main streets that the site fronts onto. Due to these design failings, the conclusions are that the development would cause harm to the character and appearance of the Hythe Conservation Area, and the setting of adjacent Listed Buildings. His conclusion is that the harm would be less than substantial as opposed to substantial, which nonetheless means that there is a strong presumption against planning permission being granted. Paragraph 134 of the NPPF states that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."
- 14.12 These views are an important consideration, and there is no disputing a number of the concerns raised. However, the low starting point in terms of the existing buildings and their impact has to be taken on board.. The building is indeed a much deeper building than is typical of the surrounding Conservation Area, and for this reason the building is not an entirely comfortable insertion into this historic context. However, there are also a number of significant points in the development's favour. The development addresses the adjacent streets much more positively than the existing building, and while the building is unquestionably large in this setting, it is felt that the massing is articulated adequately. This articulation is achieved through breaking up the building into a number of distinct elements. Thus, along South Street a number of 2-storey elements are proposed with recessed linking elements, while along St John's Street, the scale of the building increases, but is again broken up by recessed linking elements, changes in roof heights, and the use of a variety of different materials. While the building is ultimately a single entity, the breaking up of the building in the manner proposed is considered to enable the building to respond sufficiently well to the rhythm and form of other nearby development. Furthermore, it is felt the scale of the building adequately respects its context. Much of the proposed development reflects the prevalent 2-storey scale, and where

taller development is proposed it is felt that this would be reasonably justified to help add variety and to give a stronger presence to the development where it abuts the more open areas to the north side of the site.

- 14.13 It is accepted that the architecture does not have the elegance or proportions of the Listed Buildings opposite the site. However, it is felt that some of the criticisms of the Council's Conservation Officer are a little overstated and on balance, it is considered that the elevations are sufficiently well proportioned, with an appropriate variety of detailing. Materials will be very important, and it is accepted that some of the suggested materials would need to be improved upon, but this is a matter that could reasonably be conditioned if the design is considered acceptable in all other respects. Landscaping will also be important, and in this respect the proposal suggests an appropriate wall and railing boundary frontage to both streets, broken up by piers, with relatively narrow areas for soft landscaping behind, which would be a considerable improvement on the existing enclosures (or lack of it), which currently detracts from the visual appearance of the 2 main frontage streets.
- 14.14 It should be made clear that in primary legislation, preserving the setting of conservation areas is not a statutory duty but as a matter of national policy (NPPF) the setting of a conservation area can contribute to its significance and needs to be taken into account as a material consideration. In addition the statutory tests for listed buildings are set out in paragraph 4 above. The relevant matters are expanded upon in the preceding paragraphs and the following paragraph.
- 14.15 Overall, it is recognised that the development is quite intensive and the depth of building, in particular, means that it is somewhat at odds with the surrounding context. While the conclusion reached by the Council's Conservation Officer is understood, it is felt that, in identifying harm, insufficient weight has been given to the harmful impact of the existing buildings. When one considers the design of the proposed development in relation to the status quo, it is felt that there would be significant visual improvements that weigh strongly in the development's favour. It is accepted that because elements of the development's design are not entirely comfortable there would be "less than substantial harm" to adjacent heritage assets, with the harm at the low end of the harmful spectrum. However, with the significant visual improvements that are proposed, and with the significant public (social and economic) benefits that would arise from the provision of much needed additional sheltered accommodation for the elderly, it is considered that the benefits of the development would materially outweigh the limited harm. In this respect, the proposal would accord with Paragraph 134 of the National Planning Policy Framework.

Neighbour Amenity Considerations

- 14.16 The development would result in a change to the outlook of a number of dwellings. However, the development is not of such a scale as to cause material harm to the light and outlook of adjacent dwellings. Furthermore, any overlooking of neighbouring properties would be across streets and the public realm, and would therefore be acceptable taking into account the site's town centre location. Given the levels of activity associated with the existing commercial use, it is felt that the impact of the access and parking areas on the amenities of 8 and 10 South Street would also be

acceptable. Overall, it is not considered the proposed development would cause any material harm to the amenities of neighbouring properties.

- 14.17 A number of the proposed units would be set in fairly close proximity to the proposed Lidl service yard (that forms part of planning application 16/11638). These units could be subject to a degree of noise disturbance, but with appropriate acoustic insulation, (and controls on the Lidl operational hours) it is felt that these units would still enjoy an appropriate level of residential amenity.

Highway & Transportation considerations

- 14.18 The submitted application is accompanied by a Transport Statement. This Statement advises that there will be a reduction in the number of vehicular movements to the site compared to the existing use, a conclusion which is accepted by the Highway Authority. The proposal does not therefore give rise to any concerns in terms of traffic generation. The Highway Authority have also confirmed that the proposed access arrangements are acceptable from a highway safety perspective, and they have also raised no concerns with the proposed pedestrian arrangements.
- 14.19 The 12 car parking spaces that are proposed result in a parking provision of 0.33 spaces per unit. While this level of provision is somewhat less than the Council's recommended standards, the applicants have provided evidence of parking demand at a number of other similar developments where the average parking demand is only 0.26 spaces per apartment. Having regard to this evidence and the site's sustainable town centre location, it is concluded that the proposed level of on-site parking would be acceptable and would not lead to undue parking on local roads to the detriment of highway safety.

Flood Risk & Drainage Considerations

- 14.20 The northernmost corner of the site is within an Area at Risk of Flooding. However, this affects only a very small strip of frontage land, and all of the proposed units appear to fall outside the defined Area at Risk of Flooding. In these circumstances, it is not felt any of the development would be at undue risk of flooding. Nor is it felt that there is a need to apply the Sequential Test.
- 14.21 The applicants have submitted a detailed Drainage Strategy Report to address some initial concerns raised. The views of relevant consultees on this report are still awaited. However, the drainage strategy appears to address drainage matters in an appropriate manner and in line with policy guidance. It is felt that drainage matters can ultimately be addressed through a condition of any planning permission.

Habitat Mitigation

- 14.22 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. It should be noted that the full habitat mitigation contribution requirement in this case would be £85,800

Affordable Housing Considerations

14.23 In accordance with Core Strategy Policy CS15, the development is one that should secure on-site affordable housing provision. Specifically, the development should secure 14.4 affordable units. The applicants have submitted a detailed viability assessment that argues that any affordable housing provision, either in the form of on-site provision or in the form of contributions towards affordable housing off the site would make the scheme unviable. This assessment has been considered by the District Valuer. His initial report (the final version of which is still awaited) concludes that it will not be viable for the developer to make any contribution to affordable housing in this instance. There is no sound reason to dispute the District Valuer's conclusions on this matter, and accordingly, it would be acceptable to permit this proposal without securing any contribution to affordable housing.

Summary & Conclusions

14.24 The proposed development would provide dwellings for the elderly, meeting a clear need, and delivering both social and economic benefits. The proposed redevelopment of this site would, moreover, result in environmental benefits by replacing a visually unsympathetic development with one that would be far more appropriate to its setting. The design of the development is not wholly consistent with the surrounding context, due in part due to the design constraints that arise from the type of development that is proposed. However, the design of the development would still be a reasonable one, and with good quality materials and detailing that would be secured through conditions, it is considered that the development would be of an acceptably high design quality. It is felt the slight (less than substantial) harm to adjacent heritage assets (the Hythe Conservation Area and adjacent Listed Buildings) that would arise from the atypical character of the development would be materially outweighed by the scheme's public benefits (including some environmental improvements). As such, it is felt that the application can reasonably be recommended for permission.

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

Section 106 Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings	14.4	0	-14.4
Financial Contribution			
Habitats Mitigation			
Financial Contribution	£85,800	£85,800	0

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	2966	804.72	2161.28	2161.28	£80/sqm	£190,192.64 *
Subtotal:	£190,192.64					
Relief:	£0.00					
Total Payable:	£190,192.64					

* 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:

- 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: 10085HY-PL0C, 10085HY-PA101, 10085HY-PA102, 10085HY-PA103, 10085HY-PA104, 10085HY-PA105, 10085HY PA106 rev A, 10085HY PA107, 10085HY PA108, 10085HY PA109, 10085HY PA110.

Reason: To ensure satisfactory provision of the development.

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

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

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

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

Reason: In order to ensure that the sewerage arrangements are appropriate and in accordance with Policies CS2 and CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

5. Before the commencement of development (including site clearance and demolition) details of the biodiversity mitigation, compensation and enhancement measures that are to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority. Development shall only proceed and be maintained thereafter in accordance with the approved details.

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

6. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions relating to contamination no 7 to 9 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 10 relating to the reporting of unexpected contamination has been complied with in relation to that contamination.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM5 of the Local Plan For the New Forest District outside the National Park. (Part 2: Sites and Development Management).

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

- i) a survey of the extent, scale and nature of contamination;
- ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM5 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

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

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM5 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

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

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM5 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

10. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM5 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

11. The development hereby permitted shall not be occupied until the spaces shown on the approved plans for the parking and turning of motor vehicles [including mobility scooters) have been provided. The spaces shall thereafter be retained and kept available for their intended purpose 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).

12. No development shall start on site until a construction method statement has been submitted to and approved in writing by the Planning Authority, which shall include:

- a) A programme of and phasing of demolition (if any) and construction work;
- b) The provision of long term facilities for contractor parking;
- c) The arrangements for deliveries associated with all construction works;
- d) Methods and phasing of construction works;
- e) Access and egress for plant and machinery;
- f) Protection of pedestrian routes during construction;
- g) Location of temporary site buildings, compounds, construction material, and plant storage areas.

Demolition and construction work shall only take place in accordance with the approved method statement.

Reason: In the interests of highway safety and to comply with Policy CS24 of the Local Plan for the New Forest outside of the National Park (Core Strategy).

13. No persons under sixty years of age and/or partner under fifty five years of age shall occupy any of the units hereby permitted with the exception of guests and/or wardens.
- Reason: The level of on-site parking being provided would only be acceptable on the basis that the occupation of the proposed development is age restricted. If the development were not to be age restricted, there would be an unmet parking requirement that would be detrimental to highway safety and contrary to Policy CS24 of the Core Strategy for New Forest District outside the National Park.
14. Notwithstanding the material details specified on the approved elevational drawings, before development commences, samples of the facing and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.
- Reason: To ensure an acceptable appearance of the development, and to safeguard the character and appearance of the Hythe Conservation Area in accordance with policies CS2 and 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.
15. Before development commences, sample panels of brickwork showing the brick, bond, mortar and joint details shall be made available on site for the inspection and approval by the Local Planning Authority. Development shall only take place in accordance with those details that have been approved.
- Reason: To ensure an acceptable appearance of the development, and to safeguard the character and appearance of the Hythe Conservation Area in accordance with policies CS2 and 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.
16. Before development commences, the following details shall be submitted to, and approved in writing by the Local Planning Authority.
- a) detailed drawings to show typical joinery details of the proposed windows and doors to include precise details of their external finish and cross-sectional drawings through the windows to illustrate the depth of reveals;
 - b) detailed drawings to show typical eaves, verge and bargeboard details;
 - c) details of the brick chimneys and the materials and finishes to be applied;
 - d) details of the materials to be used for the window cills and headers;
 - e) detailed drawings of the proposed porch and balcony features;
 - f) cross-sectional drawings to show the blank (bricked-up) window details.

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

Reason: To ensure an acceptable appearance of the development, and to safeguard the character and appearance of the Hythe Conservation Area in accordance with policies CS2 and 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.

17. 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);
 - (b) areas for hard surfacing and the materials to be used;
 - (c) the treatment of the boundaries of the site and all other means of enclosure to include detailed drawings of the site's front boundary treatment;
 - (d) 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).

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

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

19. The proposed slab levels of the development shall be strictly in accordance with the level details indicated on the approved drawings unless an alternative slab level detail has first been submitted to and approved in writing by the Local Planning Authority in which case the 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).

20. Before the commencement of development, details of the acoustic insulation measures that are to be incorporated into units 15, 16, 31 and 32 shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved details.

Reason: To ensure that potential noise impacts from the adjacent proposed retail service yard are reasonably minimised so as to safeguard residential amenities and to comply with Policy CS2 of the Core Strategy for New Forest District outside of the National Park.

21. Together with other condition deemed necessary in the light of the outstanding Hampshire County Council (Surface Water Drainage) response.

Notes for inclusion on certificate:

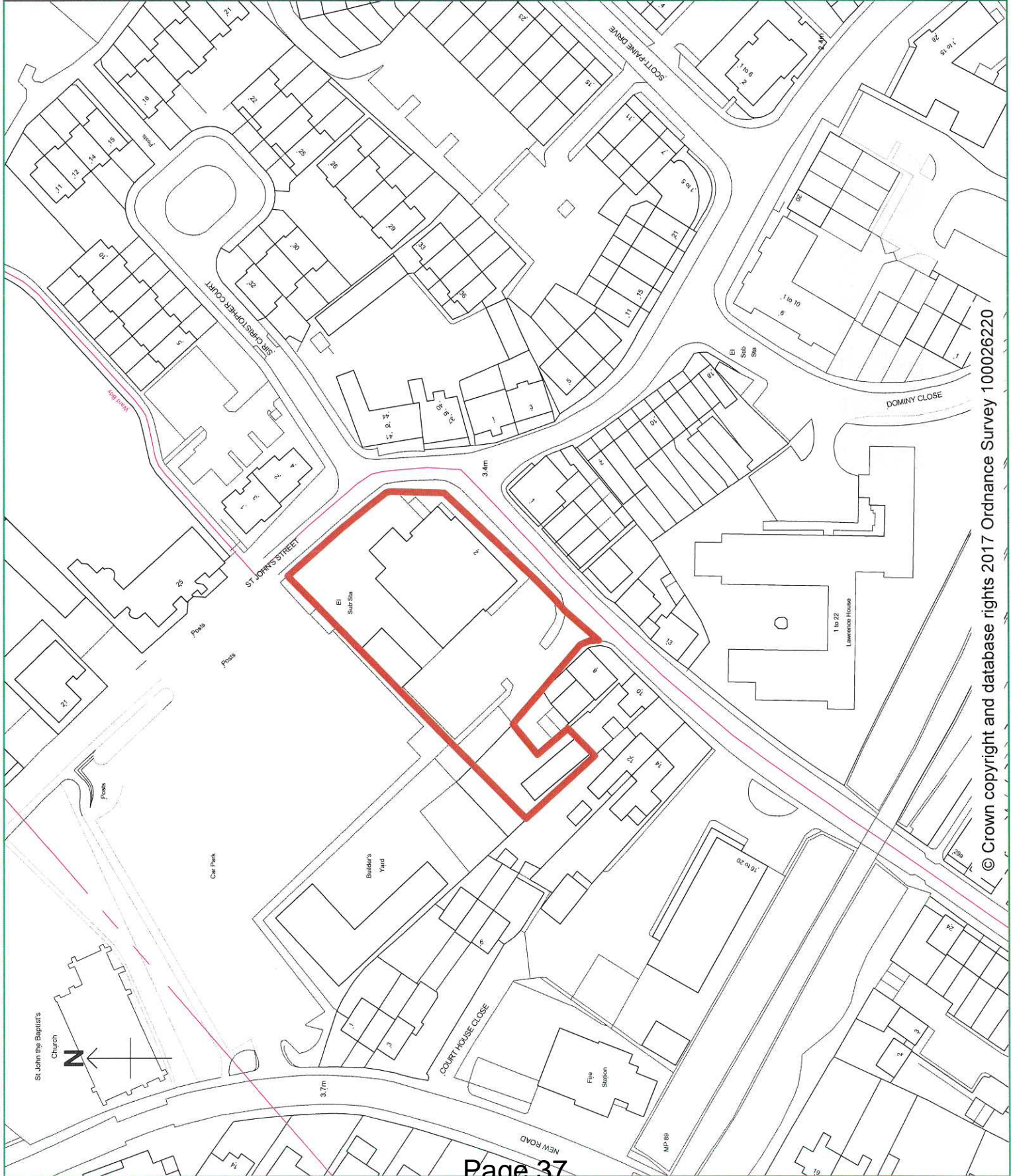
1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising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

In this case there have been lengthy pre-application negotiations with the applicant, which has enabled a number of initial concerns to be adequately addressed, and thereby enable a positive recommendation to be made on this proposal.

2. In discharging condition No 3 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/>
3. In discharging condition No 14 above the applicant is advised that some of the materials specified on the elevational drawings (notably the yellow and multi stock bricks and slate effect tiles) are unlikely to be deemed of an acceptable quality by the Local Planning Authority and therefore the applicant should be aware of the need to consider alternative materials.

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)



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Application Number: 16/11717 Full Planning Permission

Site: DRUCES ACRES, SALISBURY ROAD, ELLINGHAM, HARBRIGE
& IBSLEY BH24 3PP

Development: 7 field shelters (Retrospective)

Applicant: Mrs Hutchison

Target Date: 26/04/2017

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside (River Valley)
Flood Zone

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

CS2: Design quality

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

CS6: Flood risk

CS10: The spatial strategy

Local Plan Part 2 Sites and Development Management Development Plan Document

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 13/11607 Water supply for agricultural livestock and enhance the biodiversity of the natural environment - 10/04/2014 Granted

6.2 13/10862 Water supply for agricultural livestock and enhance the

6.3 13/10670 Agricultural barn; (Agricultural Prior Notification Application) - 07/08/2013 Details not required to be approved

7 PARISH / TOWN COUNCIL COMMENTS

ELLINGHAM, HARBRIDGE & IBSLEY PARISH COUNCIL: recommend refusal

- The Parish Council would consent to an application for temporary siting of the 7 field shelters without concrete bases/hardstanding for 5 years, in order to allow the site to be monitored.
- Native hedging would be welcomed to provide screening.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

9.1 Hampshire County Council Highway Engineer - no objections

9.2 Natural England - no objections raised

9.3 Southern Gas Networks - no objections, but give informatives

10 REPRESENTATIONS RECEIVED

None

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

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

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

14 ASSESSMENT

- 14.1 The site lies within the countryside outside the New Forest, north of Blashford Lakes, adjoining Salisbury Road (A338) to the west. The site is currently used as a small scale agricultural enterprise, predominantly alpacas, with some equestrian use evident. The application is made retrospectively for the retention of 7 no. timber field shelters used for sheltering livestock.
- 14.2 The most relevant issue to take into consideration is the impact of the shelters upon the character and appearance of the countryside. The structures are relatively modest in scale, although the site is poorly screened, with few hedgerows and planting evident, so the site is quite prominent when viewed from the A338 to the west.
- 14.3 Policy DM22 of the Local Plan seeks to support employment development in the countryside, provided it is of appropriate scale and in keeping with the rural character of the area. The Planning Authority is satisfied that the field shelters are reasonably necessary for the purposes of agriculture and that their scale and number do not detract from the appearance and openness of the countryside, provided that the boundary of the site with Salisbury Road to the south of the access track is planted with native hedgerow planting in order to limit the visual impact of the field shelters and enhance visual amenity generally. Your Officers do not consider it reasonable to limit the planning permission to a temporary consent for five years, as requested by the Parish Council, as the buildings are permanent, but consider it would be reasonable to impose a landscape condition requiring the frontage of the site with Salisbury Road and to the south of the access track to be screen planted, a course of action initially agreed to by the applicant. The applicant points out that it would be difficult to plant hedgerow to the north of the access track, as the existing hedgerow is within the Highway Authority's ownership. To the south of the track, where the site is most open to view from Salisbury Road, a new hedge could be planted within the applicant's domain, without impacting upon agricultural grazing land and operations. Consequently, subject to the landscaping condition, the proposal is considered to be compliant with Policies CS2, CS3 and DM22 of the development plan.

- 14.4 The site is not close to any residential properties and it is unlikely that it would have any significant impact upon adjoining amenity, in terms of loss of outlook or privacy.
- 14.5 The site is accessed directly from the A338, although the Highway Authority have raised no objections to the proposal.
- 14.6 Further neighbour notification letters were sent on 24.4.17 and three weeks given for a response. As a result, the recommendation is subject to no further substantive comments being received by 15.5.17
- 14.7 The proposed field shelters would not have any adverse impact upon the openness of the countryside, highway safety or upon adjoining amenity, subject to conditions. Accordingly the development is recommended for approval.
- 14.8 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

15. RECOMMENDATION

That the Service Manager Planning and Building Control be **AUTHORISED TO GRANT PERMISSION** subject to no further substantive comments being received by 15th May 2017 and with the imposition of the following conditions:

Proposed Conditions:

1. The development permitted shall be retained in accordance with the following approved plans: 1:2500 Location Plan, 1:50 Double Field Shelter Elevations and 1:50 Single Field Shelter Elevations.

Reason: To ensure satisfactory provision of the development.
2. Within 2 months of the date of this permission a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include a specification for the planting of a new native hedgerow on the west boundary of the site to the south of the access track including species, size, spacing and location. The approved scheme shall be carried out at the beginning of the 2017/2018 planting season. Any trees or plants which within a period of 5 years from the completion of the planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation. Thereafter the new hedgerow shall be retained in accordance with those details.

Reason: To ensure that the boundary of the site is defined by a native hedgerow to assist with limiting the visual impact of the field shelters, to comply with Policies CS2 and 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.

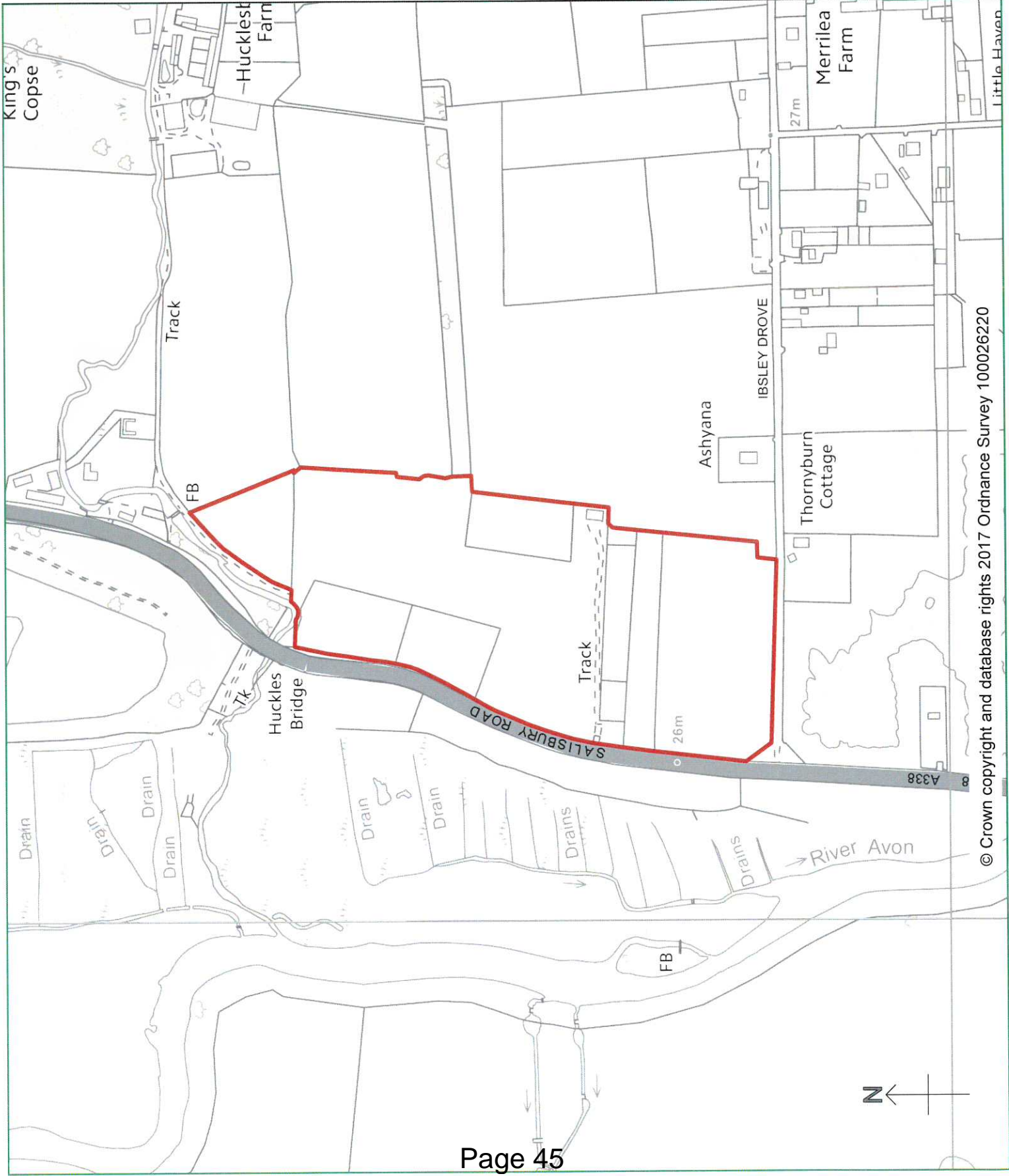
Safe digging practices, in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this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

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



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Application Number: 17/10160 Full Planning Permission

Site: PHOENIX YOUTH CENTRE, CULVER ROAD, NEW MILTON
BH25 6SY

Development: Use of existing building as school; two-storey teaching & admin
block; landscaping; parking

Applicant: Education Funding Agency

Target Date: 30/03/2017

Extension Date: 12/05/2017

1 REASON FOR COMMITTEE CONSIDERATION

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

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Green Belt
Plan Area
Aerodrome Safeguarding Zone
Tree Preservation Order

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

CS1: Sustainable development principles
CS2: Design quality
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
CS4: Energy and resource use
CS6: Flood risk
CS7: Open spaces, sport and recreation
CS8: Community services and infrastructure
CS10: The spatial strategy
CS24: Transport considerations

Local Plan Part 2 Sites and Development Management Development Plan Document

DM2: Nature conservation, biodiversity and geodiversity
DM8: Protection of public open space, private recreation land and school playing fields

National Planning Policy Framework - Achieving Sustainable Development

NPPF Ch. 9 – Protecting Green Belt
NPPF Para 74 - Protecting Playing Fields

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

New Milton Local Distinctiveness Document
Parking Standards SPD (Oct 2012)
The Hampshire County Council 'On Site School Parking Guidelines' - April 2013

6 RELEVANT PLANNING HISTORY

- 6.1 ENQ/16/21426/MARC - The applicant sought the Council's pre-application advice for guidance on the form of development now proposed.
- 6.2 15/11742 - Temporary school building - granted May 2016
- 6.3 08/92017 – Use as playing field – granted May 2008
- 6.4 00/69702 – Change of use to playing field – granted October 2000
- 6.5 83/NFDC/25356 – Erection of a youth and community hall incorporating changing rooms, educational workshop facilities and hall at land off Culver Road – approved May 1985
- 6.6 79/NFDC/14788 – Use of land for educational purposes (proposed detached playing field for Arnewood Secondary School) – granted January 1980

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: members were advised by their Chairman of their position of bias and predetermination due to the Town Council's letter dated 13 January 2017 to Hampshire County Council, their response and associated press article regarding concerns at the loss of youth provision in the town. There was no debate or vote on this item.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Environmental Design Team (Urban Design and Landscape): a compromise has been made by lowering the original fence height from 3m to 2.6m. In doing so security of the site is achieved while reducing the impact of the development to its residential neighbours and the Green Belt. The reduced impact is also reliant on additional shrub planting to the northern boundary and the creation of additional copse, woodland and hedge planting to the south, that reflects local landscape character and allows this proposal, in landscape terms, to be mitigated in the wider context. The appropriate fence line is as shown on Coe Design's Landscape Layout 201, P01: the latest revised landscape plan. Provision for access will be required through the northern fence,

probably at each end by way of gates. In order for this 2.6m fence to work on the northern boundary the crowns of the trees would need raising to 3.5-4m, to match recent pruning works on the northern side. With regards to other aspects of the submitted amended landscape scheme, the proposed 2.6m fence on the southern boundary would reduce the impact of this feature on the Green Belt although it needs to be ensured that it is recessed into the ditch, not sited on the mound. How the fence works here needs a bit more detail, together with a section of the proposed ditch profile. Elsewhere, notes on plan describe adequately the intentions of the planting: in providing ecological benefits, mitigating the loss of trees, enhancing the underlying landscape character and providing a soft framework for the proposed development of the site.

- 9.2 Ecologist: following contact from the landscape architect and the opportunity to discuss the measures within the landscape report, no objections are raised, subject to further ecological compensation being provided in relation to opportunities on the building for bat/bird boxes. This requires professional ecological advice and can be conditioned.
- 9.3 Tree Officer: The Arboricultural Impact Assessment, Method Statement and Tree Protection Plan (DS/42217/AC) have now been updated to reflect the proposed new layout of the site. The layout shown would enable retention of the linear group of trees along the northern boundary and through suitable mitigated tree planting along the eastern boundary should not have a major arboricultural impact. The Landscape Strategy Sketch and Landscape Layout illustrate new trees to be planted throughout the site and along the eastern boundary. The exact specification for new planting (species, size, form and planting method) should be provided and the method and programme for its implementation and the means to provide for their future maintenance should also be detailed. Given the extent of tree removals required to facilitate the development extra heavy standards should be used to help reduce the initial impact and provide an immediate benefit to the local area. No objection subject to tree protection and planting conditions and informatives
- 9.4 Hampshire County Council Highway Engineer: the proposal would result in the cessation of the community use at the site and would increase the school accommodation by 764 square metres from 591 to 1355 square metres. Full time staff employed at the site would be 22 and the number of pupils attending the school would increase from the 60 as permitted by the current temporary planning consent to 72 pupils proposed by the current application. Vehicular access arrangements into Culver Road would remain as existing and the internal layout would be modified to provide a drop off / pick up facility for pupils, with 22 on site staff parking spaces. The level of car parking provision at the site is in accordance with The HCC's 'On Site School Parking Guidelines' - April 2013. The plans indicate sufficient access and turning space for large refuse and fire appliance vehicles within the site. The Transport Statement (TS) states that the proposals would result in a marginal increase in vehicular movements at the site. Given the potential decrease in movements due to the loss of the community use the proposal would have a minimal effect on the surrounding highway network. The TS also states at paragraph 6.6 that a construction traffic management plan will be developed for the proposals given the residential nature of the route to and from the site. A condition should therefore be applied requiring

submission of a suitable Construction Management Plan/ Method Statement as well as conditions to ensure parking and turning is provided in accordance with the submitted plans.

9.5 Hampshire County Council Drainage: no objections but give informatives.

9.6 Sport England: no objections

10 REPRESENTATIONS RECEIVED

None

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

In this case the applicant sought the Council's pre-application advice on the form of development proposed, amendments to boundary treatment and landscaping were sought during the determination process and matters to do with ecology and tree loss were clarified, which resulted in officer support for the proposal.

14 ASSESSMENT

The Site and Proposal

- 14.1 The site relates to the existing buildings and curtilage of the Phoenix Centre, which is beyond the defined built up area of New Milton and within the Green Belt. The site is currently used as a community centre and temporary school, comprised of a single storey building, car parking and a hard surfaced games area, with temporary classroom structures sited on it. The site boundaries are formed of native and non-native planting, creating well vegetated boundaries to most of the site. On the eastern side of the site a wide thicket, approximately 20m deep, buffers the community use from the neighbouring residential streets, through which the site is accessed. The site is bound to the north by a site which is allocated under Policy NMT1 and benefits from planning consent for housing, the layout of which indicates rear gardens of approximately 14m along this shared, tree lined boundary. To the east is a typical post war estate layout with spacious plots, wide verges and clear distinctive character. To the south are sports pitches used by Arnewood School and west are open fields. Access would be via the existing access to the Phoenix Centre via Culver Road and Milton Mead.
- 14.2 It is proposed to change the use of the existing Phoenix Centre and to erect a two storey building, revise parking and access arrangements and ancillary features to facilitate use of the whole site by Eaglewood Alternative Provision School. The proposal follows a temporary planning permission granted in March 2016 for temporary school buildings on the site, which was agreed with a view to purchasing and extending the Phoenix Centre to create a permanent new school on the site before the expiry of the temporary consent. The Alternative Provision School is already in operation on site under the temporary consent, although the current buildings would be removed from the site, should a permanent building be forthcoming.

Main Considerations

- 14.3 The principle issues to consider, having regard to relevant development plan policies, the National Planning Policy Framework and all other material considerations are as follows:
- i) Is the development appropriate in the Green Belt by definition?
 - ii) What would the effect of the development be on the openness of the Green Belt and on the purposes of including land within the Green Belt?
 - iii) Would there be any other non-Green Belt harm?
 - iv) Are there any considerations which weigh in favour of the development?

- v) Do the matters which weigh in favour of the development clearly outweigh any harm to the Green Belt and any other harm?
- vi) Are there 'very special circumstances' to justify allowing inappropriate development in the Green Belt?

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

National Policy (NPPF) attaches great importance to Green Belts, designated in order to keep land permanently open. This site lies within the Green Belt where national policy states that the construction of new buildings, save for a few exceptions, should be regarded as inappropriate. Inappropriate development is by definition harmful to the Green Belt and should not be approved, except in very special circumstances. The development of a school does not fall within any of the exceptions to the general policy presumption against the construction of new buildings in the Green Belt and is therefore inappropriate development and harmful by definition. The NPPF at paragraph 88 urges Local Planning Authorities to ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. The proposal must, therefore be considered inappropriate development within the Green Belt, where the applicant needs to demonstrate the very special circumstances which would clearly outweigh the harm caused by inappropriateness and any other harm, including the harm caused to the openness of the Green Belt by a building of the mass and scale proposed in this location.

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

The proposed development would undoubtedly change the appearance of this land with the provision of a building, revised access arrangements, car parking, other operational development and tree removal, which would impact on the openness of the Green Belt. However, the site is not elevated and is not prominent within the Green Belt, being set well back from Gore Road, largely surrounded by trees and vegetation and with a substantial level of proposed new tree and hedgerow planting. The impact of the proposal upon the landscape and visual receptors is examined in the following section, but due to the site's lack of prominence and mitigation of visual impacts, the proposal will not impact significantly upon the openness of the Green Belt, which weighs in favour of the proposal.

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

14.6.1 a) Landscape, character and visual impacts

Policies CS2, CS3 and CS10 of the Core Strategy and the guidance offered by the New Milton Local Distinctiveness SPD relate to design quality and among other things, seek to ensure that development does not impact adversely on the character of the area. Full plans, a Design and Access Statement and a Landscape Assessment have been submitted with the application, which have been considered by the Council's Landscape Team. Boundary treatment, landscaping and planting of the site have been discussed at length with the applicant,

resulting in receipt of amended plans which lower the boundary fence and site it within a landscaped ditch and mound environment to reduce its visual impact. The amended landscape layout demonstrates a commitment to maintaining landscape character. The site is visually contained, due to the surrounding mature trees and vegetation, which would be bolstered by new planting. The design of the new building and its environs have been enhanced throughout the pre-application advice process. Consequently, subject to the use of appropriate design, materials, colours and landscaping, the proposal is unlikely to impact significantly or harmfully upon the character of the area and landscape quality in compliance with the relevant provisions of Policies CS2, CS3 and CS10.

14.6.2 b) Residential Amenity Impacts

Policy CS2 places emphasis upon protecting the amenity of adjoining occupiers, who may be affected by new development proposals. The site is separated from existing residential development to the east by an earth mound and trees, which would be altered/removed to facilitate the development. The new building would be 8m away from the western boundary of no. 12 Culver Road and its flat roofed nature dictate that its scale and massing would have a limited impact upon adjoining amenity in terms of outlook or overbearing presence, subject to landscaping the eastern boundary of the site, to include heavy tree standards to assist with breaking up the form of the building. The privacy of no. 12 would be maintained by obscure glazing the first floor window in the east elevation of the building, to be ensured by condition. The siting, massing and first floor fenestration arrangements of the new building have been designed to address its relationship to the amenity of future occupiers of the recently approved residential development to the north, such that no adverse impact would result in terms of privacy loss or overbearing impact. The impacts of the proposal comply with the amenity related provisions of Policy CS2 of the Core Strategy.

14.6.3 c) Ecology and Tree Impacts

The submitted ecological survey and tree survey demonstrate the development would have no trans boundary impacts upon adjoining natural resources. It is considered that further survey work and associated details of mitigation and enhancement can be adequately addressed through conditions. The Ecologist and Tree Officer have raised no objections to the proposed development subject to conditions.

14.6.4 d) Highway Impacts

The submission is supported by a Transport Assessment, Travel Plan and proposed access and parking arrangements. The County Highway Authority raise no objections to the proposal, subject to imposition of conditions requiring submission of a suitable Construction Management Plan/ Method Statement and to ensure adequate parking and turning is provided in accordance with the submitted plans.

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

The submitted Design and Access Statement (D&A) outlines the issues to be considered to demonstrate the very special circumstances

necessary in order to justify inappropriate development within the Green Belt, which include:

14.7.1 Consideration 1: The need for the permanent school on this site

The statement explains that there is a locational requirement to site the school in relation to its catchment area (7 mile radius), which is also well related to the parent school (Arnewood). The Eaglewood Alternative Provision School already provides specialist teaching on the site, under a temporary permission, which expires in May 2019. A permanent building is sought in place of the temporary consent to provide teaching facilities for 72 local pupils. Having examined the need assessment, there would appear to be a significant need for the school in this area and there is no compelling evidence to counter the applicant's needs assessment, which weighs in favour of the proposal.

14.7.2 Consideration 2: That there are no alternative sites that meet the requirements of the development outside of the Green Belt

The statement explains that fourteen sites within the catchment area were originally investigated. It explains why the Phoenix Centre site was the preferred option, due to relationship to its catchment, its proximity to Arnewood, site availability and its more limited impact on the Green Belt. From the evidence provided, it is considered that a process of elimination has taken place to the satisfaction of the Council to establish that there are no alternative sites for this proposal. The demonstrated lack of alternative sites weighs in favour of the proposal.

14.7.3 Consideration 3: Community benefits arising from the development

Adopted local policy CS8 (community services and infrastructure) states that "Proposals for new and improved health care, education and social facilities that result in improvements in meeting the needs of the Plan Area's population will be supported." Policies CS7 and DM8 provide for a presumption against the loss of sports and recreation facilities. It is acknowledged that it is the applicant's intention to restore the MUGA to a useable condition following removal of the temporary classrooms, if a permanent school facility is approved at the site. Bearing in mind the intention to improve the condition of the MUGA, the proposed development may be viewed as a conduit which will see the existing sports facility enhanced, in accordance with adopted policy and guidance. Sport England raise no objections to the proposal. Provision of a permanent specialist school on the site is viewed by officers as a benefit to the community in accordance with Policy CS8.

It is acknowledged that there are no arrangements to relocate the existing community centre, so a community facility will be lost, which would be contrary to the provisions of Policy CS8. However, it is noted that the existing community centre is used at quite a low level of intensity, is poorly secured and subject to vandalism. The applicant points out that the proposal will result in more viable community use of the site and for an identified local need. On balance it is considered that the community benefits derived from use of the site as a full time school outweigh loss of the community centre.

14.7.4 Consideration 4: Brownfield Status

The proposal restricts development to a previously developed portion of the wider site and there would be no incursion of the development, other than fencing into playing field land. Boundary treatment, landscaping and

planting of the site to the south has been discussed at length with the applicant, including a lower boundary fence and its siting within a landscaped ditch and mound environment to reduce its visual impact. The brownfield status of the site carries only limited weight, but attempts to limit incursion of development into undeveloped land and to enhance the fence line to the south weigh in favour of the proposal.

14.7.5 Consideration 5: Release of nearby Green Belt land

Account may be taken of the fact that land immediately to the north of the site has recently been released from the Green Belt for housing development, but this carries only limited weight.

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

As set out above, the proposed development amounts to inappropriate development in the Green Belt, which by definition is harmful to the Green Belt. Substantial weight attaches to any harm to the Green Belt.

With respect to 'any other harm', the proposal would not have any significant harmful impact on the character of the area, residential amenity, ecology, trees or highway safety which weighs in favour of the scheme.

In respect of those matters which weigh in favour of the development, the need for the development, lack of alternative sites and community benefits derived clearly outweigh the very limited harm to the Green Belt and all other harm identified above.

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

It is concluded that 'very special circumstances' do exist, to warrant a departure from established and adopted Green Belt policies. The principle of the proposed development within Green Belt is therefore considered to be acceptable in this instance.

14.10 **Conclusions**

The proposal would not significantly harm the character of the area, Green Belt, ecology, highway safety or neighbouring amenity, subject to conditions and is accordingly recommended for approval.

As this proposal is for inappropriate development in the green belt and as the floorspace does not exceed 1000 square metres the application would not need to be referred to the Secretary of State.

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: 7186-P003 Rev C, 7186-P011 Rev B, 7186-P012 Rev C, 7186-P014 Rev C, 7186-P015 Rev D, 7186-P016 Rev C, 7186-P017 Rev C, 7186-P018 Rev C, 7186-P020 Rev A and 201-P01 (Landscape Layout)

Reason: To ensure satisfactory provision of the development.
3. Prior to development above slab level, samples or exact details of the facing and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason: To ensure an acceptable appearance of the building in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park.
4. Before use of the development is commenced provision for parking of cars and cycles shall have been made within the site in accordance with the approved plans and shall be retained thereafter.

Reason: To ensure adequate on-site car parking provision for the approved development in accordance with Policy CS24 of the Local Plan for the New Forest District outside the National Park (Core Strategy).
5. Before use of the development is commenced provision for turning to enable vehicles to enter and leave in a forward gear shall have been provided within the site in accordance with the approved plans and shall be retained thereafter.

Reason: In the interest of highway safety in accordance with Policy CS24 of the Local Plan for the New Forest District outside the National Park (Core Strategy).
6. No development shall start on site until a construction method statement has been submitted to and approved in writing by the Planning Authority, which shall include:
 - a) A programme of and phasing of demolition (if any) and construction work;

- b) The provision of long term facilities for contractor parking;
- c) The arrangements for deliveries associated with all construction works;
- d) Methods and phasing of construction works;
- e) Access and egress for plant and machinery;
- f) Protection of pedestrian routes during construction;
- g) Location of temporary site buildings, compounds, construction material, and plant storage areas;

Demolition and construction work shall only take place in accordance with the approved method statement.

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

7. Prior to the commencement of development an appropriately qualified ecological consultant shall prepare and submit to the Local Planning Authority for approval in writing, full details of ecological mitigation and compensation measures. The approved measures of mitigation and compensation shall be implemented in accordance with an approved programme of works.

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

8. The trees on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted Arboricultural Method Statement (ref- DS/42217/AC) and Tree Protection Plan (ref- DS/42217/AC Plan TC1) and in accordance with the recommendations as set out in 8S5837:2012. or as may otherwise be agreed in writing with the Local Planning Authority.

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

9. Prior to development above slab level, 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, including details of any proposed crown lift to trees within the northern TPO'd tree line;
- (b) a specification for new planting (species, size, form, location and planting method in accordance with 8S8545: 2014) to include a number of extra heavy standard trees on the eastern boundary to compensate for the loss of tree cover in this location;
- (c) details of boundary treatment including fencing, gates and any other ancillary external features and how the fence and landscape works on the southern boundary, including a section of the proposed ditch profile;

- (d) 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 ensure adjoining amenity is protected to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

10. All external works (hard and soft landscape) shall be carried out in accordance with the approved plans and details within one year of commencement of development and maintained thereafter as built and subject to changes or additions 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).

11. Before first occupation of the development hereby approved, a surface water sustainable drainage system (SuDS) shall be designed and installed to accommodate the run-off from all impermeable surfaces including roofs and hard surfaced 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.

12. The first floor window on the eastern elevation of the approved building shall at all times be glazed with obscure glass 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:

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

In this case the applicant sought the Council's pre-application advice on the form of development proposed, amendments to boundary treatment and landscaping were sought during the determination process and matters to do with ecology and tree loss were clarified, which resulted in officer support for the proposal.

2. HCC Flood and Water Management Authority advise the applicant to visit their website for further information on recommended surface water drainage techniques at:

<https://www.hants.gov.uk/landplanningandenvironment/environment/flooding/planning> .

Also, please note that if the proposals include works to an ordinary watercourse, under the Land drainage Act 1991, as amended by the Flood and Water Management Act 2010, prior consent of the Lead Local Flood Authority is required for this work. This consent is required as a separate permission to planning. Details can be found here:

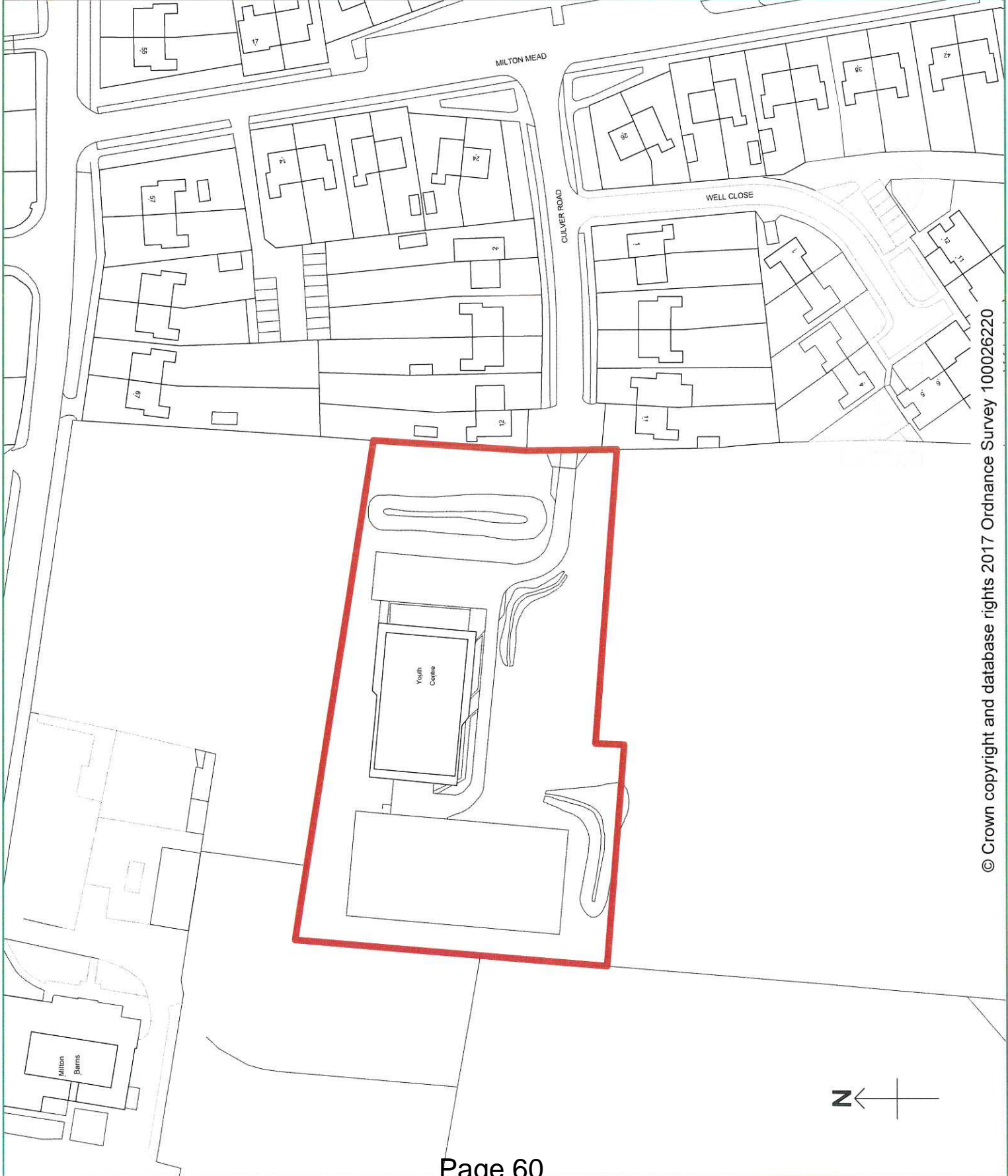
<https://www.hants.gov.uk/landplanningandenvironment/environment/flooding/changewatercourse>

3. In relation to tree protection (condition no. 8) - 3 working days notice shall be given to the Local Planning Authority to attend the pre-commencement site meeting as set out in Section A7 point 1 and Section A8 point 1 of the Arboricultural Method Statement (ref - DS/42217/AC). 3 working days notice shall be given to the Local Planning Authority to inspect all tree protection measures as specified and illustrated in both the Arboricultural Method Statement (ref - DS/42217/AC) and Tree Protection Plan (ref - DS/42217/AC Plan TC1). After the planting of all new trees on site as illustrated within the Landscape Layout (ref. 201 POO) and as specified in the submitted tree planting schedule notice shall be given to the Local Planning Authority to inspect the trees. Please contact James Palmer (Council Arboriculturalist).

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



Application Number: 17/10241 Full Planning Permission

Site: BURLEIGH COURT, 4 SOUTHERN LANE, BARTON-ON-SEA,
NEW MILTON BH25 7JA

Development: Create 1 flat; roof alterations including alter pitch; 2 dormers; 5
rooflights; exterior alterations; remove cladding; window
alterations; garage block; parking

Applicant: Mr & Mrs Serbatoio

Target Date: 14/04/2017

Extension Date: 10/05/2017

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Town Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

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

Local Plan Part 2 Sites and Development Management Development Plan Document

- NPPF1: National Planning Policy Framework – Presumption in favour of sustainable development
DM3: Mitigation of impacts on European nature conservation sites

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Design of Waste Management Facilities in New Development
SPD - Parking Standards
SPD - New Milton Local Distinctiveness

6 RELEVANT PLANNING HISTORY

- 6.1 04/81078 - roof alterations to form flat. Refused 14.6.04, appeal dismissed.
- 6.2 03/78908 - roof alterations to form flat. Refused 13.10.03, appeal dismissed.
- 6.3 02/75226 - construct new 2nd floor comprising two flats (existing roof to be replaced) and replacement garages. Refused 25.7.02, appeal dismissed.

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council - recommend refusal and would not accept a delegated approval. Building would be more prominent, overlooking concerns and contrary to local distinctiveness.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

- 9.1 Southern Gas Networks - offer advice
- 9.2 Hampshire County Council Highway Engineer - no objection subject to condition

10 REPRESENTATIONS RECEIVED

- 10.1 One response in support of the proposal has been received.
- 10.2 Objections have also been received from 2 local residents concerned with the following:
- proposal would adversely affect the street scene
 - increased traffic
 - increased massing of the garage block
 - will set a precedent for future development
 - garage roof does not address residential amenity issues

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive a New Homes Bonus of £1,224 in each of the following four years, subject to the following conditions being met:

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

Based on the information provided at the time of this report this development has a CIL liability of £10,384.00.

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

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

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

14 ASSESSMENT

- 14.1 The site lies within the built up area of Barton on Sea in a residential area. It contains a 1960s 2-storey block of flats with associated garages to the rear. The majority of other dwellings in the area are bungalows although there is a pair of semi-detached cottages immediately to the north-east of the site. The proposal entails the provision of an additional flat within the slightly enlarged roof space, a replacement block of garages to include an additional one and minor fenestration alterations. This application follows pre-application advice for this proposal which offered support for this scheme.

- 14.2 With regard to residential amenity, the proposed alterations are unlikely to give rise to any significant loss of light to adjoining properties. The most affected by this would be the north western boundary to 8a at the rear of the site but this would be marginal towards the end of the day. Overlooking has previously been of concern at this property and this is reflected in comments received. However, of the four new side windows at second floor level, one would be obscure glazed and two large clear glazed kitchen windows at first floor level would be removed. It is considered that this offers an improvement on the existing situation. The proposed dormer windows to the rear elevation would have limited views of the adjoining gardens due to the provision of a pitched roof over the garages. This roof would also minimise existing overlooking from the first floor windows. The proposed garage block would replace an existing flat roofed block, in a similar position, with a pitched roof. The building would be 4.5m high to the ridge close to the site boundaries (min 0.5m). This relationship to neighbours would be appropriate for a building of this scale.
- 14.3 Visually, Burleigh Court is the largest building in the area in terms of height and this height would not be increased. It is noted that concerns have been raised with regard to the bulk and massing of the proposed building although this is minimal with the eaves being raised by 0.6m. It could be construed that the largest building in the area shouldn't be increased in size further although alternatively, it is not considered that this small increase is such that the building would be out of character within this area given its current appearance. The applicant is keen to improve the outdated appearance of the property in addition to the provision of an additional unit and this is proposed through the gable features to the front eaves line, replacement of the tile hanging and stone cladding with render and the provision of uPVC cladding at first/second floor level to the sides and part front/rear elevations. Most of the brickwork would be retained. It is noted that many properties in the area are render on a brick plinth and this would not be seen as out of keeping. Whilst there is limited uPVC cladding in the area, this could also be said of the tile hanging and stone cladding. The adjacent cottages have gable features to the front elevation and on this basis, the proposed physical changes to the building are not considered to be out of keeping in this area and would represent an improvement on the appearance of the property.
- 14.4 The appeals were dismissed on the grounds that there would be a loss of privacy to the occupants of 8a, even though first floor windows currently overlook, and that the roof alterations would result in a tall, bulky building. Having regard to this, the proposed garage roof would mitigate against both existing and potential overlooking to this property and the proposed roof alterations do not involve increasing the ridge or any significant increase in eaves level. It is not considered that the new garage building would result in significant harm to adjoining properties.
- 14.5 The Highway Authority has not raised any objections to the proposal as the over provision of a parking space is not a sustainable reason for refusal. The hard surfacing is in existence in any case.
- 14.6 In accordance with the Habitat Regulations 2010 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature

Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard.

- 14.7 In the light of recent changes to national planning policy, it is considered inappropriate to secure a contribution towards affordable housing in respect of schemes of 10 residential units or fewer. In essence, national planning guidance would now outweigh the Council's own policies on this particular issue.
- 14.8 In conclusion, it is considered that the proposed alterations would be appropriate to the character of the area with no significant adverse implications for neighbours. The proposals make adequate provision for car parking and approval is recommended.
- 14.9 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

Section 106 Contributions Summary Table

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

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
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Dwelling houses	429	311	118	118	£80/sqm	£10,384.00*
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Subtotal:	£10,384.00
Relief:	£0.00
Total Payable:	£10,384.00

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

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

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

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

3. Before use of the development is commenced provision for parking shall have been made within the site in accordance with the approved plan (LTD(140) 18 revision 'A') and shall be retained thereafter.

Reason - To ensure adequate on-site car parking provision for the approved development and in accordance with Policy CS2 and CS24 of the Local Plan for the New Forest outside of the National Park (Core Strategy).

4. The development permitted shall be carried out in accordance with the following approved plans: Planning Statement, LTD (140) 10 [Revision 'A'], LTD (140) 18 revision 'A', LTD (140) 11 (Revision 'C'), LTD (140) 17 A, LTD (140) 12 C.

Reason: To ensure satisfactory provision of the development.

Notes for inclusion on certificate:

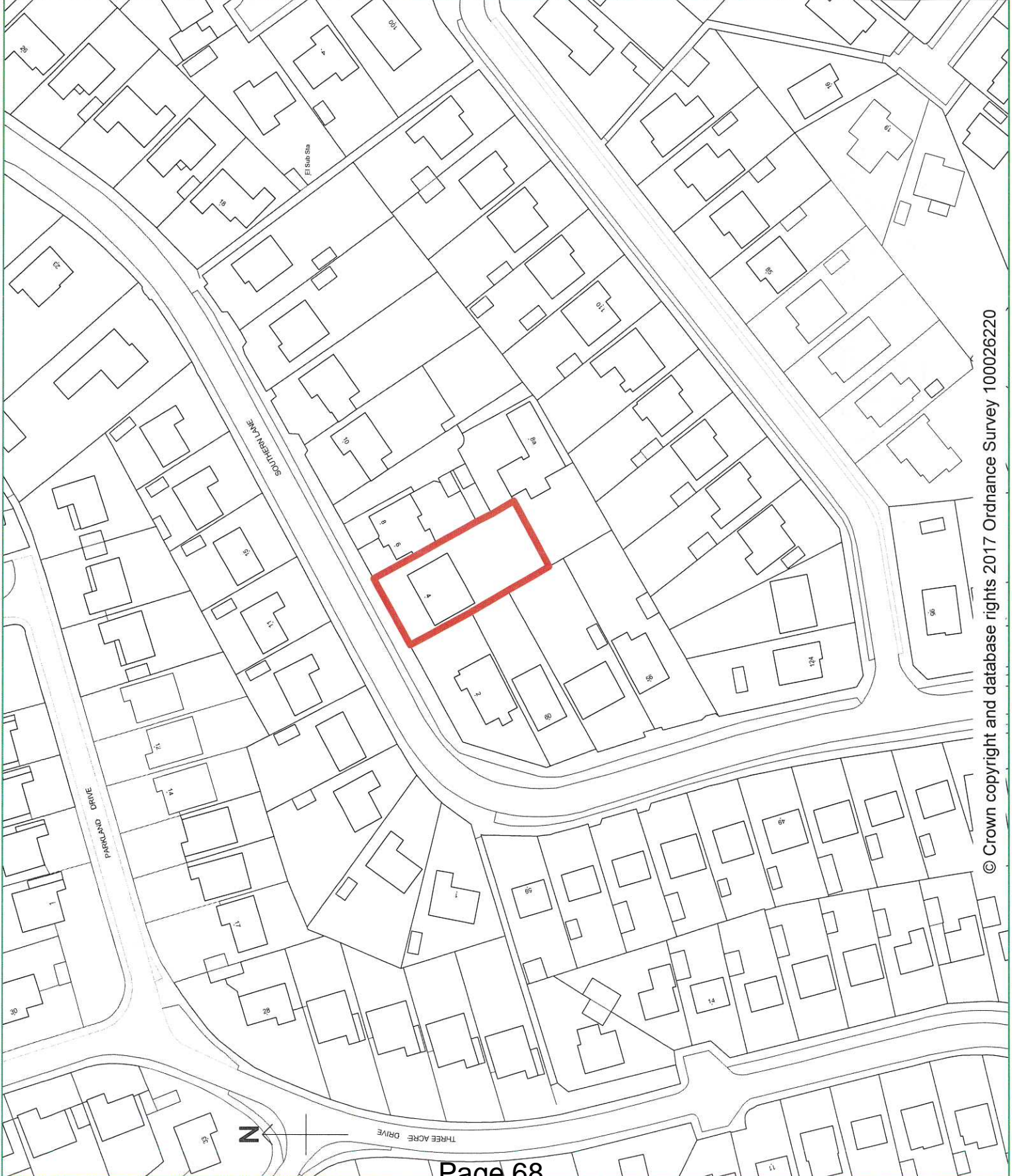
1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising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

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

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



Application Number: 17/10244 Full Planning Permission

Site: 86 QUEEN KATHERINE ROAD, LYMINGTON SO41 3RZ

Development: Two-storey side & rear extensions; single-storey rear extension

Applicant: Mr & Mrs West

Target Date: 14/04/2017

Extension Date: 10/05/2017

1 REASON FOR COMMITTEE CONSIDERATION

Contrary view to Parish Council

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Plan Area

Tree Preservation Order: TPO/0008/09 / T2

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

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
16/10739 Two-storey side and rear extensions; single-storey rear extension	19/07/2016	Refused	Decided	
10/96406 House (plot 2); access alterations	21/01/2011	Refused	Decided	
10/95365 House; demolition of existing	21/05/2010	Granted Subject to Conditions	Decided	
10/95113 2 houses; access alterations; demolition of existing	02/06/2010	Granted Subject to Conditions	Decided	
88/NFDC/39680 Addition garage and utility room with bedroom and bathroom over.	26/10/1988	Refused	Decided	
88/NFDC/38316 Erection of a two-storey addition.	14/07/1988	Refused	Decided	

5 COUNCILLOR COMMENTS

Cllr Anna Rostand has requested that this application is considered by the Planning Development control Committee.

6 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council: recommend permission..

7 CONSULTEE COMMENTS

No Comments Received

8 REPRESENTATIONS RECEIVED

Total Number of Representations Received: 12

Comment(s): 2 In Favour: 9 Against: 1

8.1 One letter of objection from neighbour in terms of an adverse impact on their amenity. The proposed extension being in close proximity to the rear of their property would cause a loss of light and be visually imposing.

8.2 Nine letters of support from neighbours commenting that the proposal would make use of the long plot and being unobtrusive would not impact on the area. Many other properties have been extended.

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 did use the Pre-application advice service available from the Council, following the previous application which was refused, but did not completely follow the recommendations made by the Officer in their response to a clarification enquiry. The Officer's initial briefing was published on the Council's website which indicated some of the Case Officer's concerns with the proposal and that it did not fully overcome the previous reasons for refusal. Given the scale of the proposal and the issues raised there was no opportunity for the applicant to amend the application within the Government's time scale for decisions. No request to withdraw the application was received.

12 ASSESSMENT

- 12.1 Two previous proposals for extensions have been refused on this site. Loss of gap and impact on the neighbouring property were the reasons for refusal in 1988 and a more recent application, in 2016, was refused because of the impact on the neighbouring property.
- 12.2 The main considerations when assessing this application are the impact on the neighbouring properties and the street scene. In comparison to the previous application this proposed scheme includes a reduction in the ridge height of the proposed extension, a reduction in the rear extension width and the lowering of the eaves to the rear adjacent to the neighbour at number 8. Whilst the proposed eaves height close to the neighbouring property has been reduced and moved away the overall depth of the rear extension at two storey has not been reduced.
- 12.3 The neighbour at number 85 is positioned to the south and while this neighbour has a first floor window on the rear elevation it would be set away from the proposed first floor. A first floor window serving a bathroom which would face this neighbour is shown on the plans as being obscure glazed and fixed shut and therefore would not cause a loss of privacy. This neighbour has recently obtained planning permission for alterations in the form of one and two storey extensions to the rear and a two storey extension to the side. Taking this into account, overall the proposed additions to number 86 would not significantly impact on their amenity.

- 12.4 The proposal would include the introduction of two first floor windows on the side elevation facing number 87. These are shown on the plans as being obscure glazed and opening above 1.7 metres from the floor level and consequently would not cause a loss of privacy.
- 12.5 The neighbouring property at number 87 is positioned to the north and has recently been developed following consent for a two storey side and rear extension. This neighbour has written in objection to the proposed extension in that it would be visually intrusive and overbearing along with causing a loss of light on their property and garden. The proposed two storey element would be positioned 1.8 metres away from the shared boundary which consists of a high fence and would have an eaves height of 4.4 metres. During the pre-application process it was suggested that this element was moved further away from this boundary and the overall depth of the two storey extension should be reduced to further limit the impact on the neighbour in terms of loss of light and visual intrusion.
- 12.6 The agent has submitted a shadow plan to demonstrate that removing the cat slide element would not make a significant difference to what is now proposed. However the proposed alterations to the rear would introduce a high wall in close proximity to the neighbour's rear windows and garden and with the depth of the overall rear extension the impact on this neighbour's amenity in terms of loss of light and visual intrusion would be to such a degree to be unacceptable.
- 12.7 The proposed two storey side extension would have a lower roof form than the existing roof and slightly set back from the front elevation making it appear subservient to the main dwelling. The proposal would result in a loss of some of the spatial gap between the properties but as it would be set away from the boundary the impact on the spatial characteristics would be acceptable. The resulting property would be similar to others in the row and therefore would not have a detrimental impact on the street scene.
- 12.8 In conclusion the proposed two storey extension, because of its position, excessive height and depth, would result in an adverse impact on the amenity of the neighbouring property. Therefore the application is recommended for refusal.
- 12.9 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

13. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposed two storey rear extension, due to its relative orientation combined with its excessive height, depth and solid built form in close proximity to the neighbouring property, 87 Queen Katherine Road, would result in a detrimental impact on the amenities of the occupiers of that property by reason of visual intrusion, overbearing impact and an unacceptable loss of light, contrary to the requirements of 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.

The applicant used the Pre-application advice service available from the Council, following the previous application which was refused, but did not completely follow the recommendations made by the Officer in their response to a clarification enquiry. The Officer's initial briefing was published on the Council's website which indicated some of the Case Officer's concerns with the proposal and that it did not fully overcome the previous reasons for refusal. Given the scale of the proposal and the issues raised there was no opportunity for the applicant to amend the application within the Government's time scale for decisions. No request to withdraw the application was received.

Further Information:

Householder Team
Telephone: 023 8028 5345 (Option 1)



Application Number: 17/10258 Variation / Removal of Condition

Site: VALLEY COTTAGE, LITTLE BROOK, LYMORE LANE,
MILFORD-ON-SEA SO41 0TS

Development: Variation of Condition 3 of Planning Permission 03/78794 to
extend occupancy from 4 weeks to 11 months of the year

Applicant: Mrs Spenser

Target Date: 04/05/2017

Extension Date: 10/05/2017

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Councillor view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside outside the New Forest
Green Belt

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
CS19: Tourism

Local Plan Part 2 Sites and Development Management Development Plan Document

NPPF1: National Planning Policy Framework – Presumption in favour of sustainable development
DM13: Tourism and visitor 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.1 - Building a strong, competitive economy
NPPF Ch. 9 - Protecting Green Belt land

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPG - Milford-on-Sea Village Design Statement

6 RELEVANT PLANNING HISTORY

6.1 12/98369 - removal of conditions 2 & 3 of 03/78794 to allow use of property March to January in accordance with nearby holiday accommodation. Refused 19.11.12

6.2 03/78794 - use of garage for tourist accommodation. Granted 16.9.03

7 PARISH / TOWN COUNCIL COMMENTS

Milford on Sea Parish Council - recommend refusal but would accept a delegated decision. Considers the proposal would conflict with CS19.

8 COUNCILLOR COMMENTS

Cllr Kendal - supports application

9 CONSULTEE COMMENTS

9.1 Natural England - no comment

9.2 Environmental Health (Contamination) - no concerns

9.3 Environment Agency - no comment

10 REPRESENTATIONS RECEIVED

10.1 Objections have been received from three local residents who consider that the proposal is contrary to policy and too similar to the previously refused scheme. The proposal would amount to an additional dwelling in the Green Belt.

10.2 A letter in support of the proposal has been received.

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by:

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

The application was submitted without the benefit of pre-application advice and is a similar request to a previously refused proposal.

14 ASSESSMENT

- 14.1 The site lies within the Green Belt in a rural area just outside Milford on Sea. It is part of the wider property containing the host dwelling, Little Brook. The holiday let has its own vehicular access and gravel drive behind a timber five bar gate, typical of other properties in the area. The proposal entails the removal of condition 3 of 03/78794 in order to allow holiday makers to stay at the property in excess of 4 weeks at a time with a view to allowing occupation for 11 months of the year.
- 14.2 In 2012, permission was sought to remove this condition and that restricting the use of the property to being holiday accommodation only (condition 2) with a view to allowing use for 11 months of the year. This application was refused on the grounds that it would be tantamount to the creation of a new dwelling in the Green Belt which is contrary to policy. The removal of the condition and its replacement with a condition allowing occupation for 11 months of the year would be tantamount to a dwelling as there would be no restriction on the length of a stay other than after 11 months of occupation. This is not considered to be a holiday let and would be difficult to enforce.
- 14.3 It is considered that the current 4 week restriction allows a reasonable amount of flexibility for holiday makers. The applicant has put forward limited information for altering this restriction other than it being difficult to let the property in the winter or to overseas visitors. Reference is also made to local holiday companies who have 11 months continuous letting. It is likely that this is a reference to the nearby Lytton Lawn holiday park which has several lodges and mobile homes which are restricted in this way. The following paragraph is taken from the officers report from the 2012 application:

'In the past, in order to retain holiday homes within the district, including at Lytton Lawn not far from this site, restrictions have been imposed such that the properties are not able to be used for holiday purposes for a month of the year - very often this is around February. Generally speaking, properties which have such restrictions are within holiday parks where there are several mobile homes or lodges which are privately owned by people living elsewhere and, therefore, they are considered to be holiday homes being used by either the owners or others through the owners. By contrast, the proposal would enable the application property to be let for 11 months of the year without the requirement for occupiers to change every 4 weeks. This is considered to be tantamount to the creation of a dwelling in the Green Belt which would be contrary to policy.'

- 14.4 It is not considered that the situation has changed since that time and the combination of conditions 2 and 3 on the original approval for the holiday let are typical conditions when allowing new holiday lets within the New Forest District Council plan area. These conditions restrict the use to holiday accommodation only (No.2) and limit the length of stay to a maximum of four weeks (No.3)
- 14.5 In conclusion, there is considered no justification for allowing stays of up to 11 months as this would be tantamount to the formation of a new dwelling in the countryside.
- 14.6 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

15. RECOMMENDATION

REFUSE the VARIATION of CONDITION

Reason(s) for Refusal:

1. The proposal would enable occupiers to stay in the property for 11 months of the year which is considered to be tantamount to the creation of a dwelling in the Green Belt, contrary to policy CS10 of the Core Strategy for the New Forest District outside the National Park and policy DM20 of the Local Plan part 2.

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 was submitted without the prior benefit of pre-application advice and is a similar request to the previously refused proposal.

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)

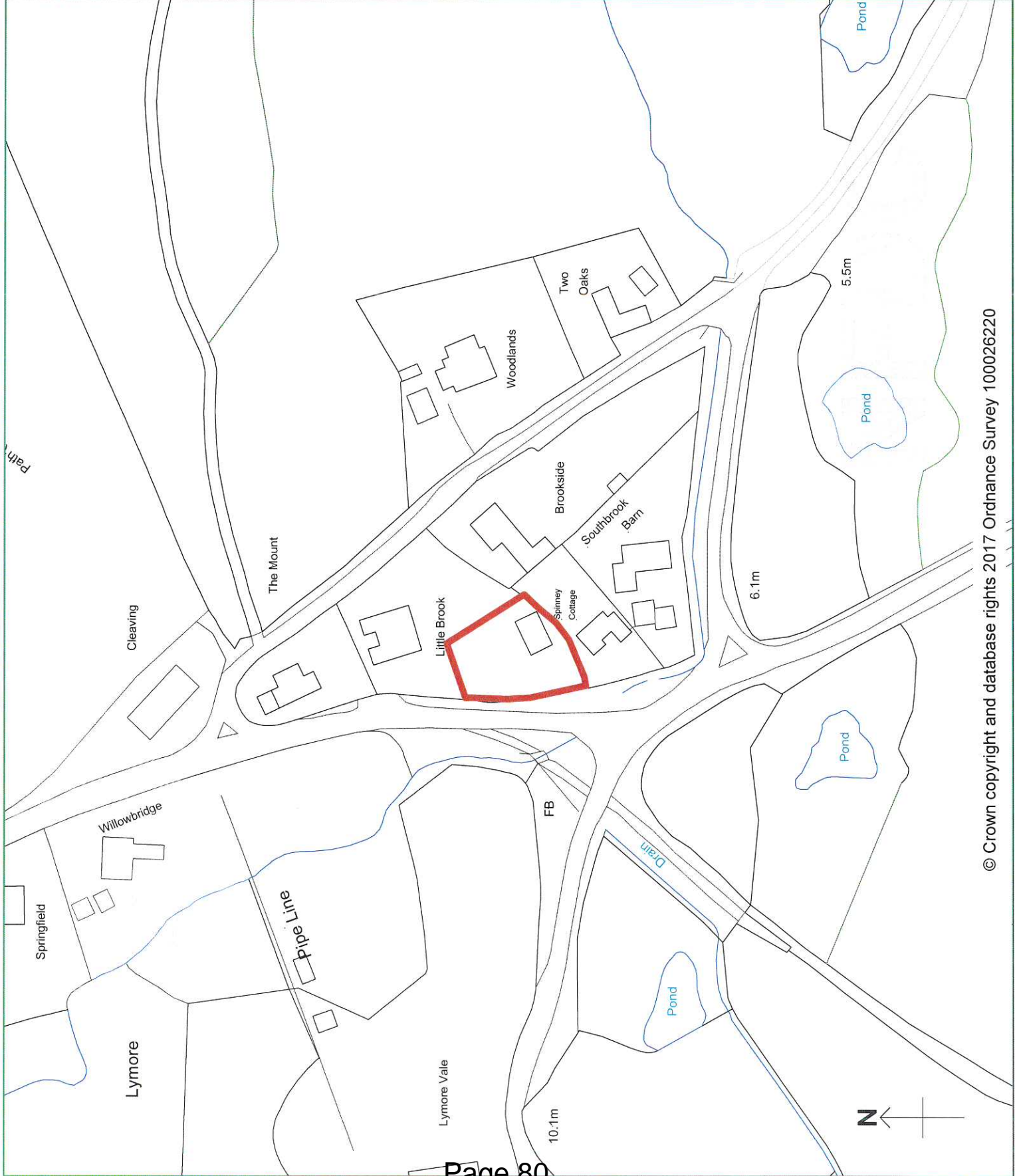


Item No: 3g

Valley Cottage - Little Brook
Lymore Lane
Milford on Sea
17/10258
SZ2992

Scale 1:1250

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



Application Number: 17/10273 Full Planning Permission

Site: COURTHOOD FARM, COURT HILL, DAMERHAM SP6 1QD

Development: Use as 2 bungalows; single-storey extension; alterations

Applicant: Mr Ings

Target Date: 03/05/2017

Extension Date: 12/05/2017

1 REASON FOR COMMITTEE CONSIDERATION

Recommendation contrary to provisions of Policy DM20 which seeks to restrict the creation of additional dwellings in the countryside.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Plan Area
Area of Outstanding Natural Beauty

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Local Plan Part 1 (Core Strategy) 2012:

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

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

Policy NPPF1 - Presumption in favour of sustainable development
Policy DM3 - Mitigation of impacts on European nature conservation sites
Policy DM20: Residential development in the countryside

National Planning Policy Framework

Requiring Good Design (chapter 7)

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

Parking standards SPD (NFDC 2012)
SPD Mitigation Strategy for European Sites

6 RELEVANT PLANNING HISTORY

16/11403 - Use as two bungalows; single storey side extension - refused December 2016. Appeal lodged against this decision - pending.

7 PARISH / TOWN COUNCIL COMMENTS

DAMERHAM PARISH COUNCIL - recommend permission but would accept the decision reached by the DC Officers under their delegated powers.

The Parish Council had supported the previously refused application and after discussion it was agreed that nothing had altered in this new application to change that view.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

9.1 Southern Gas Networks - no objections, but give informatives

9.2 Environmental Health (Contaminated Land) - no objections

10 REPRESENTATIONS RECEIVED

None

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

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

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

Based on the information provided at the time of this report this development has a CIL liability of £300.18.

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

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

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

14 ASSESSMENT

- 14.1 The site lies beyond any built up area, in an area characterised predominantly by commercial activity at Courtwood Farm, involving industrial processes, storage and recycling. The property is an existing bungalow located approximately 400m away from village facilities in Sandleheath to the south east.
- 14.2 The proposal seeks permission for the subdivision of an existing albeit vacant bungalow to create 2 no. two bed dwellings in this countryside location. The proposal involves modest external alterations to the property including a small rear extension, removal and insertion of windows, a raised terrace area to the rear and new boundary treatments to subdivide the proposed dwellings. Off-street parking for at least two vehicles would be made available for each of the dwellings. The scheme is exactly the same as one refused in December 2016, however the Council has been in discussion with the applicant subsequently in relation to reviewing its stance
- 14.3 The proposal needs to be considered under the provisions of Policies CS2 and CS3 of the Core Strategy and Policy DM20 of the Local Plan Part 2 with emphasis placed upon potential impacts on the character of the area, on the AONB, the amenity of future occupiers and in relation to whether it would be appropriate to create an additional dwelling in this countryside location.

- 14.4 The previous application was refused on grounds of non-compliance with adopted policy DM20, which seeks to restrict the creation of additional dwellings in the countryside. However, in retrospect, considering the very modest scale of extension proposed and the impact of built form on the openness and character of the countryside, the level of identifiable harm associated with the proposed subdivision would be low. This, on the basis that the impact of built form on the openness and character of the countryside would be minimal, subject to the removal of permitted development rights to prevent further extension of the dwellings. The site is reasonably well related to local services and public transport links between 300 metres and 400 metres away to the south east in Sandleheath. Furthermore, the proposal would add to the stock of small dwellings within the rural area, so the sustainability credentials of the proposal are acceptable. Consequently the harm perceived to be caused in terms of visual impact and the sustainability of location by the previously refused scheme would be negligible. It is concluded that while an additional dwelling would be created in a countryside location, contrary to Policy DM20, the level of actual harm caused would be extremely low. In addition, in lodging the appeal referred to in Section 6 of this report, the applicants have submitted further information which justifies an approval of planning permission in this case, in relation to the need for small dwellings in the countryside.
- 14.5 The proposal would have no implications on adjoining amenity being of very modest scale and being well separated from any other residential properties, in accordance with Policy CS2 of the Core Strategy.
- 14.6 In accordance with the Habitat Regulations 2010 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on the New Forest Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard.
- 14.7 In conclusion, the proposed subdivision and modest extension of the existing dwelling would be appropriate to the character and appearance of the area and countryside with no adverse implications on neighbouring amenity considered to be acceptable. Consequently the application is recommended for approval.
- 14.8 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

Section 106 Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Habitats Mitigation			
Financial Contribution	£3,050	£3,050	£0

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	3.6		3.6	3.6	£80/sqm	£300.18 *

Subtotal:	£300.18
Relief:	£0.00
Total Payable:	£300.18

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

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

Where:

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

R = the levy rate as set in the Charging Schedule

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

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

- 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 plan no. 1616/1

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.

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

Reason: To ensure the dwellings remain 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).

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.

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

2. In discharging condition No. 5 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/>
3. New Forest District Council has adopted a Community Infrastructure Levy (CIL) charging schedule and any application now decided, including those granted at appeal, will be CIL Liable. CIL is applicable to all applications over 100sqm and those that create a new dwelling. Under Regulation 42A developments within the curtilage of the principal residence are likely to be exempt from CIL so CIL may not be payable provided the applicant submits the required exemption form prior to commencement of the development.
4. An extract of Southern Gas Networks mains records of the proposed work area is available to view on the Council's website for your guidance. This plan only shows the pipes owned by SGN in their role as a Licensed Gas Transporter (GT). Please note that privately owned gas pipes or ones owned by other GTs may be present in this area and information regarding those pipes needs to be requested from the owners. If they know of any other pipes in the area they will note them on the plans as a shaded area and/or a series of x's. The accuracy of the information shown on this plan cannot be guaranteed. Service pipes, valves, siphons, stub connections etc. are not shown but you should look out for them in your area. Please read the information and disclaimer on these plans carefully. The information included on the plan is only valid for 28 days.

On the mains record you can see their low/medium/intermediate pressure gas main near your site. There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. You should, where required confirm the position using hand dug trial holes. A colour copy of these plans and the gas safety advice booklet enclosed should be passed to the senior person on site in order to prevent damage to our plant and potential direct or consequential costs to your organisation.

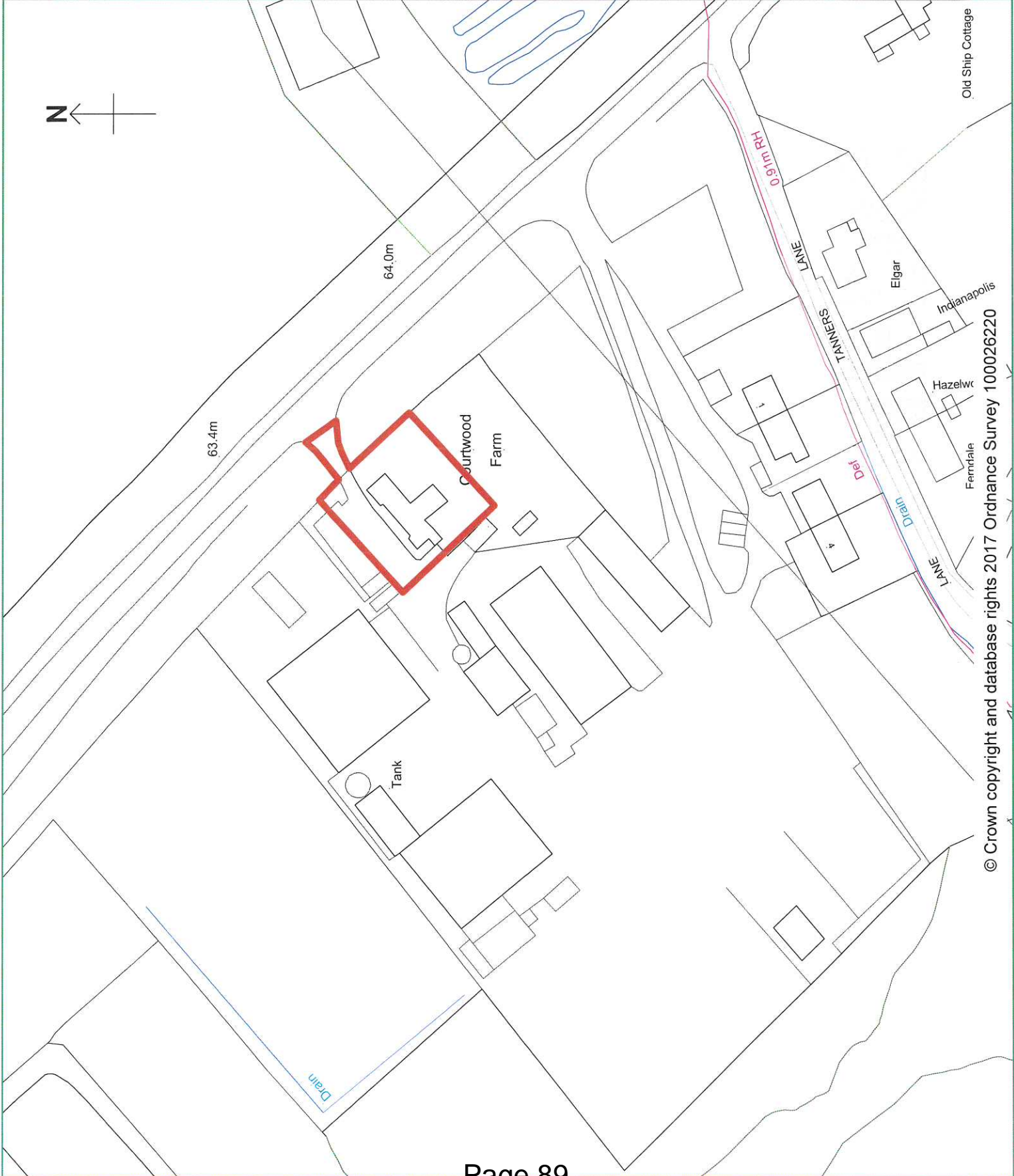
Safe digging practices, in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this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

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

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



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Application Number: 17/10346 Variation / Removal of Condition

Site: NONSUCH, MOCKBEGGAR LANE, ELLINGHAM, HARBRIDGE
& IBSLEY BH24 3PR

Development: Removal of Condition 4 of Planning Permission 16/10786 to allow
Permitted Development Rights

Applicant: Mr Robinson

Target Date: 04/05/2017

Extension Date: 10/05/2017

1 REASON FOR COMMITTEE CONSIDERATION

Contrary view to Parish Council

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Aerodrome Safeguarding Zone
Meteorological Safeguarding
Plan Area
Flood Zone

Conservation Area: Ibsley Conservation Area

Plan Policy Designations

Countryside

National Planning Policy Framework

Section 7

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

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
16/10786 Roof alterations to extend first floor; Juliet balcony; rooflight; fenestration alterations	30/08/2016	Granted Subject to Conditions	Decided	
16/10086 Roof alterations to extend first floor; Juliet balcony; rooflights; side porch; fenestration alterations	24/03/2016	Refused	Decided	
14/10557 Roof alterations to extend first floor; balcony; rooflights; porch	09/07/2014	Refused	Decided	
03/79968 Rear roof alterations	08/01/2004	Granted Subject to Conditions	Decided	
03/78075 Pitch roof to form room	10/07/2003	Refused	Decided	
02/76646 Pitched roof to existing flat roof to form room in roof	17/01/2003	Refused	Decided	
XX/RFR/13331 Double garage.	23/01/1970	Granted	Decided	
XX/RFR/10847 Additions.	28/01/1966	Granted Subject to Conditions	Decided	

5 COUNCILLOR COMMENTS

None received

6 PARISH / TOWN COUNCIL COMMENTS

Ellingham, Harbridge & Ibsley Parish Council propose to recommend permission under option PAR3 to NFDC with the following comments:-

The Parish Council believe the imposition of condition 4 on PP 16/10786 removing permitted development rights to be unreasonable in this circumstance. While the intent behind the removal has merit, and might otherwise find support from the Parish Council, its application must be even-handed and seen to be fair.

This is not evidenced in other developments that have been permitted in this part of the Harbridge / Ibsley Conservation Area.

The continued absence of a management plan for the Conservation Area ensures that a lack of clarity for residents and the Parish Council endures as to its objectives beyond recognising the significance of the area.

7 CONSULTEE COMMENTS

Natural England - no comment

8 REPRESENTATIONS RECEIVED

Letter from applicant in response to the officer briefing and comments made by the Parish Council. Research has been undertaken into other previous applications in Mookbeggars Lane, Ibsley and none have had permitted development rights removed. A number of these applications related to roof alterations, side and rear extensions which increase floor space 30% and none were subject of restrictive conditions.

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.

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.

The applicant did not use the Pre-application advice service available from the Council. The Officer's initial briefing was published on the Council's website which indicated some of the Case Officer's concerns with the proposal. No request to withdraw the application was received.

12 ASSESSMENT

12.1 This is a detached residential property located in the countryside, outside of the built up area as defined under the Council's current adopted local plan. It is also located within the Ibsley Conservation Area. The property is a modest bungalow set back from the road.

12.2 Planning permission was granted on 30th August 2016 under PA 16/10786 for development of the property which altered the roof space to allow for further floor area of the first floor. With reference to the local plan objectives as expressed under Policy DM20 (Local Plan Part 2: Sites and Development Management Plan), in order to maintain a balance in the District's rural housing stock and to resist the cumulative effects of significant enlargements being made to rural dwellings, restrictions are placed on relative floorspace increases.

12.3 In the case of this approved development the floorspace as proposed by 16/10786 would see a 28% increase. Although it was within the 30% policy limitations - so as not to raise objection - the property would still

benefit from the ability to further enlarge in the future under its permitted development rights. Such further enlargement would be contrary to the aforementioned policy objectives and there would be no planning control available. On this basis it was considered to be appropriate for permitted development rights to be removed in order to control future extensions and as such condition (No 4) was applied to the approval.

- 12.4 In granting planning permission the Local Planning Authority are able to impose such conditions as they think fit as specified under Section 70(1)(a) of the Town and Country Planning Act 1990. For the reasons noted above it was considered appropriate with reference to the adopted policy objectives under DM20 to apply this condition which meets with the relevant Government tests. It is noted such conditions restricting permitted development rights are applied to approved development throughout the District where considered relevant, having regard to the current development plan.
- 12.5 This application seeks to remove this condition on the grounds that it fails to meet the 6 tests set by Government for the use of conditions in planning permissions. Furthermore the applicant states that such a condition was not imposed on related development at the adjacent property now known as Kookaburra, under PA 14/10457. They also refer to other grants of permission along Mockbeggar Lane over the previous 10 years.
- 12.6 In the case of the adjacent property, originally classed as a small dwelling, the retrospectively approved development did not fully utilise the permissible floorspace under Policy DM20. In that case, a condition was not considered necessary.
- 12.7 The development on Springfield (further east) was approved in 1998. A further extension was added in 2003 but this was in the form of a conservatory. Policy DM20, or the equivalent policy which was in place at that time, allows for a conservatory over and above the floorspace restriction provided it is appropriate in design and scale. It is therefore not appropriate to compare the different properties in this location given the variety of forms of development which have been approved.
- 12.8 In conclusion, each application has to be considered on its own merits and while the condition was not applied to a planning approval on a neighbouring property this does not set a precedent for the area. The Parish Council has implied that there is a lack of clear guidance given as there is not a management plan for this location. However it should be noted that the Local and Government policies laid out for properties within the Countryside outside the New Forest covers this location. Overall the long term protection of the Countryside is paramount and the restriction of further development on the property is considered justified and appropriate to maintain a mix of housing stock and to restrict the impact on the local area. Therefore the application to remove condition 4 on planning permission 16/10786 is recommended for recommended for refusal.
- 12.9 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the

rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

13. RECOMMENDATION

REFUSE the VARIATION of CONDITION

Reason(s) for Refusal:

1. In order to safeguard the long term future of the countryside, the Local Planning Authority considers it important to resist the cumulative affect of significant enlargements being made to rural dwellings. Consequently Policy DM20 of the Local Plan Part 2: Sites and Development Management Plan seeks to limit the proportional increase in the size of such dwellings recognising the benefits this would have in minimising the impact of buildings and human activity generally in the countryside and the ability to maintain a balance in the housing stock. The development approved under planning approval, 16/10786, would result in an increase of floor space in relation to the original dwelling just below the limit under the aforementioned policy. To ensure the dwelling remains of a size which is appropriate to its location in the countryside and in the interests of visual amenity it is considered appropriate to withdraw permitted development for Classes A and D of Part 1 of Schedule 2 to the Order unless express planning permission being granted. Therefore the application to remove condition 4 of Planning Permission 16/10786 is refused as it would be contrary to Policy DM20 of the Local Plan Part 2: Sites and Development Management Plan.

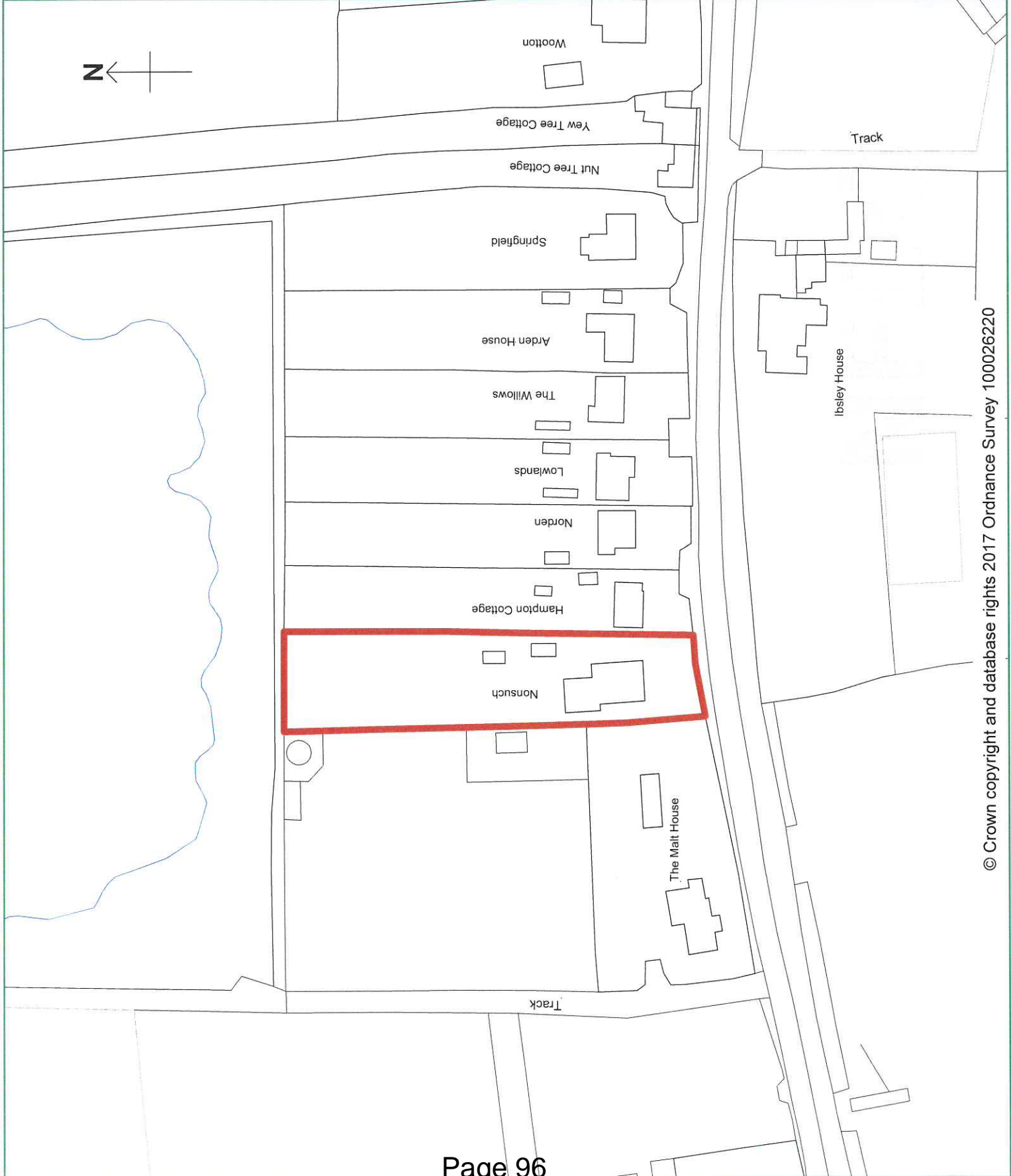
Notes for inclusion on certificate:

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.

The applicant did not use the Pre-application advice service available from the Council. The Officer's initial briefing was published on the Council's website which indicated some of the Case Officer's concerns with the proposal. No request to withdraw the application was received.

Further Information:

Householder Team
Telephone: 023 8028 5345 (Option 1)



Application Number: 17/10514 Telecommunications

Site: COMMUNICATIONS SITE, STALLARDS LANE, RINGWOOD

Development: Installation of 1 16m high telecoms monopole; equipment cabinet;
remove existing (Prior Approval Application)

Applicant: Hutchinson 3G UK Limited

Target Date: 02/06/2017

1 REASON FOR COMMITTEE CONSIDERATION

Discretion of Service Manager Planning and Building Control

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area
Town Centre
Adjacent to 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

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

Local Plan Part 2 Sites and Development Management Development Plan Document

None

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

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

6 RELEVANT PLANNING HISTORY

None of direct relevance

7 PARISH / TOWN COUNCIL COMMENTS

Ringwood Town Council: Awaiting comments

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

9.1 Conservation Officer: would support a monopole if its height was similar to neighbouring mast and some of the existing cabinets are removed

9.2 NATS safeguarding: no objection

9.3 Hampshire County Council Highway Engineer: no objection

9.4 Bournemouth Airport Safeguarding: no safeguarding objection to the proposal

10 REPRESENTATIONS RECEIVED

None

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

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This is achieved by

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- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
- Advising agents/applicants early on in the processing of an application (through the release of a Parish Briefing Note) as to the key issues relevant to the application.
- Updating applicants/agents of issues that arise in the processing of their applications through the availability of comments received on the web or by direct contact when relevant.

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

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

14 ASSESSMENT

- 14.1 This Prior Approval Application relates to the installation of a 16 metre high telecommunications monopole and equipment cabinet along a tree lined verge within the Furlong car park at Ringwood Town Centre. The site lies just outside the Conservation Area, with the designated boundary to the south side of Stallards Lane. There are no residential properties or schools within the vicinity, and the site is bounded by car parking to the south, north and east.
- 14.2 There is an existing 14.2 metre high monopole with two equipment cabinets located immediately adjacent, and it is proposed to remove this monopole. There is a further 15 metre high monopole and two cabinets situated on the same side of the road, adjacent to the roundabout, which will be retained. In support of the application it is stated that 4G antennas need to be thicker in scale to accommodate the weight of the proposed antennas and accordingly it is not possible to modify the existing 14.2 metre high monopole. The monopole would be constructed from galvanised steel finished in grey.
- 14.3 The site is a well established telecommunications site, providing 3G network services to the local area and provides a shared installation between two operators. The proposal essentially seeks to upgrade the existing services to provide improved 3G and new 4G services for the local area.
- 14.4 In policy terms, Policy CS8 of the Core Strategy states that new Forest District Council will work with service providers with the aim of ensuring the delivery of adequate services, to serve existing and proposed development in the plan area and support the local economy, ensuring that any adverse impacts arising are minimised. Policy CS2 of the Core Strategy relates to design quality and among other things, seeks to ensure that development does not impact adversely on the character of the area. Paragraph 42 of the National Planning Policy Framework relates to telecommunications and sets out the need to support high quality communications infrastructure.

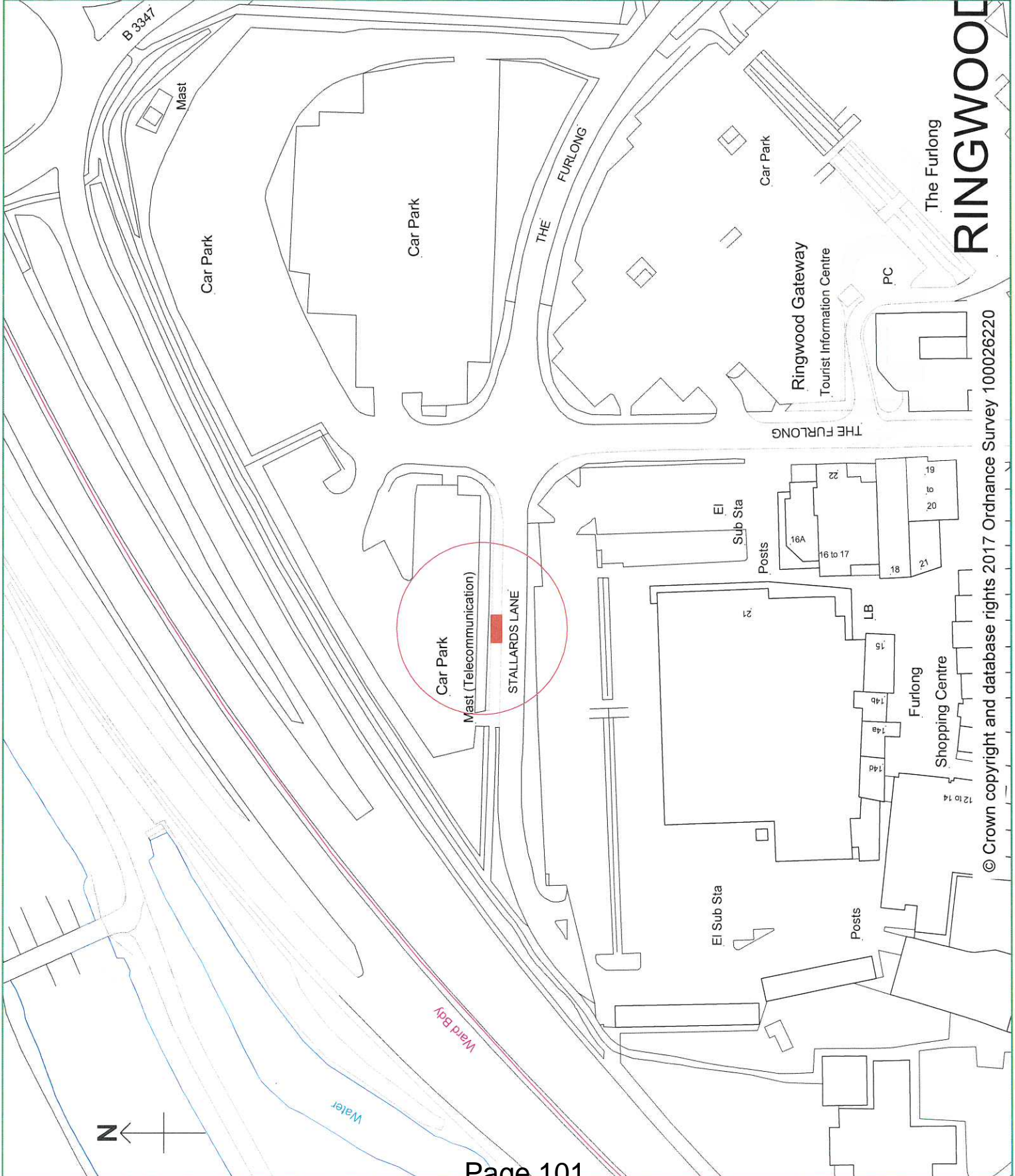
- 14.5 The main issues are the effect on the character and appearance of the area and on the adjacent Conservation Area. Consideration should also be given to the setting and views of the Parish Church of Saint Peter and Saint Paul, which lies approximately 140 metres to the south west. The Furlong Car Park is a relatively large well designed and landscaped public car park with mature trees, vegetation and hedgerows throughout. There are a variety of lamp post and street furniture present in this area, albeit at a lower height than the proposed mast. Further to the south is the Furlong Centre which comprises a collection of buildings providing commercial and retail functions to the town which also connects onto the historic core of Ringwood.
- 14.6 The new monopole would be somewhat taller and bulkier than the existing mast, particularly the upper section and accordingly, the proposed mast would have a greater visual impact than the existing mast. However, the proposed monopole would only be 1 metre taller compared to the neighbouring mast, which measures 15 metres, and only 1.8 metres taller than the existing mast to be removed.
- 14.7 On this basis, it is considered that the proposed development would not result in an unacceptable visual impact on the street scene. Moreover, the conservation officer does not consider that the proposal would adversely impact the character and appearance of the adjacent Conservation Area or the setting of the church.
- 14.8 The application is accompanied by an appropriate technical justification and is accompanied by the necessary ICNIRP certificate
- 14.9 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

15. RECOMMENDATION

That the Service Manager Planning and Building Control be **AUTHORISED TO NOT REQUIRE ANY FURTHER DETAILS** subject to the receipt of no new material objections to the submitted applications on the 13th May 2017.

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)



RINGWOOD

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