

NOTICE OF MEETING

Meeting: PLANNING DEVELOPMENT CONTROL COMMITTEE

Date and Time: WEDNESDAY, 12 JULY 2017, AT 9.00 AM*

Place: THE COUNCIL CHAMBER, APPLETREE COURT,
LYNDHURST

Telephone enquiries to: Lyndhurst (023) 8028 5000
023 8028 5588 - ask for Jan Debnam
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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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AGENDA

Apologies

1. MINUTES

To confirm the minutes of the meeting held on 14 June 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) **Fordingbridge Club, Roundhill, Fordingbridge (Application 17/10426) (Pages 1 - 20)**

Mixed Development of 8 dwellings and commercial comprised: retail unit at front with flat over; attached house; carport; terrace of 4 houses; 2 detached houses; demolition of existing club.

RECOMMENDED:

Grant subject to conditions.

(b) **2 & 4 Keyhaven Road, Milford-on-Sea (Application 17/10039) (Pages 21 - 40)**

Development of 8 dwellings comprised: 4 detached houses; 2 pairs of semi-detached houses; 2 carports; 3 single garages; 1 double garage; road; parking; landscaping; demolition of existing buildings

RECOMMENDED:

That the Service Manager Planning and Building Control be authorised to grant permission subject to conditions

(c) **Linden House, New Street, Lymington (Application 17/10377) (Pages 41 - 48)**

Dormers and rooflights to create additional bedrooms; additional parking

RECOMMENDED:

Grant permission subject to conditions

(d) **29 Danes Close, Barton-on-Sea, New Milton (Application 17/10382) (Pages 49 - 56)**

Single-storey side extensions; rear dormer in association with new first floor; juliet balcony; porch alterations; fenestration alterations

RECOMMENDED:

Refuse

(e) **46 Whitsbury Road, Fordingbridge (Application 17/10433) (Pages 57 - 68)**

Bungalow; parking

RECOMMENDED:

Refuse

- (f) **Land at Hannah Way, Pennington, Lymington (Application 17/10483) (Pages 69 - 80)**

One block of 3 industrial units; parking

RECOMMENDED:

Grant permission subject to conditions

- (g) **Peartree Cottage, Kings Saltern Road, Lymington (Application 17/10509) (Pages 81 - 88)**

Single-storey rear extension with roof lantern; use of garage as living accommodation; fenestration alterations; first-floor front extensions; rooflights; front dormer and balcony in association with new second floor

RECOMMENDED:

Refuse

- (h) **2 High Street, Ringwood (Application 17/10538) (Pages 89 - 96)**

Renovate clock and hands; electrify clock (Application for Listed Building Consent)

RECOMMENDED:

Refuse Listed Building Consent

- (i) **47 Barton Drive, Barton-on-Sea, New Milton (Application 17/10590) (Pages 97 - 104)**

Two-storey and single-storey rear extension

RECOMMENDED:

Grant permission subject to conditions

- (j) **47 Stanley Road, Lymington (Application 17/10593) (Pages 105 - 114)**

Roof alterations in association with new second floor; rooflights; two-storey side extension; single-storey side and rear extension; porch; front bay window alterations; fenestration alterations; dropped kerb extension

RECOMMENDED:

Refuse

(k) **Wheatfield, Lower Buckland Road, Lymington (Application 17/10621) (Pages 115 - 122)**

Two-storey and single-storey rear extensions; single-storey front extension; verandah to rear

RECOMMENDED:

Grant permission subject to conditions

(l) **3 Church Mead, Lymington (Application 17/10640) (Pages 123 - 128)**

Two-storey side extension to detached garage

RECOMMENDED:

Refuse

(m) **The Fusion Inn, Queen Street, Lymington (Application 17/10644) (Pages 129 - 136)**

Display 1 illuminated fascia sign; 1 non-illuminated fascia sign; 5 wall mounted signs; 1 letter sign; 10 lanterns; 4 floodlights (Application for Advertisement Consent)

RECOMMENDED:

Grant permission for Signs C, D and E to the front and side elevations subject to conditions

Refuse permission for Signs A and B, C and D to the rear of the building and all illumination

(n) **Land of Eastern Road, Lymington (Application 17/10098) (Pages 137 - 150)**

9 dwellings comprised; two pairs of semi-detached houses; four link-detached houses; one detached dwelling; carports; parking; cycle and bin storage; landscaping; demolition of existing

RECOMMENDED:

Grant permission subject to conditions

4. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

To:

Councillors:

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

Councillors:

Mrs M D Holding
J M Olliff-Cooper
A K Penson
W S Rippon-Swaine
Mrs A M Rostand
Miss A Sevier
M H Thierry
R A Wappet
M L White
Mrs P A Wyeth

STATUTORY TESTS

Introduction

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

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

The Development Plan

The Development Plan Section 38

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

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

Listed Buildings

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

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

Conservation Areas

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

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

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

Areas of Outstanding Natural Beauty (AONB's)

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

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

Trees

Section 197. Trees Town and Country Planning Act 1990

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

Biodiversity

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

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

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

Conservation of Habitats and Species Regulations 2010

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

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

Equality

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

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

Financial Considerations in Planning

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

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

Application Number: 17/10426 Full Planning Permission

Site: FORDINGBRIDGE CLUB, ROUNDHILL, FORDINGBRIDGE SP6
1AQ10678

Development: Mixed development of 8 dwellings & commercial comprised: retail unit at front with flat over; attached house; carport; terrace of 4 houses; 2 detached houses; demolition of existing club

Applicant: Northshore Homes Ltd

Target Date: 05/06/2017

RECOMMENDATION: GRANT SUBJECT TO CONDITIONS

Case Officer: Richard Natt

1 REASON FOR COMMITTEE CONSIDERATION

Policy interpretation and deferred by Committee on 14th June 2017

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Town Centre
Adjacent to Listed Building
Conservation Area
Primary Shopping Area
Built up area
Archaeological Site

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

Core Strategy 2009

CS2: Design quality
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
CS8: Community services and infrastructure
CS10: The spatial strategy

CS15: Affordable housing contribution requirements from developments
CS20: Town, district, village and local centres

CS24: Transport considerations
CS25: Developers contributions

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

DM1: Heritage and Conservation
DM2: Nature conservation, biodiversity and geodiversity
DM3: Mitigation of impacts on European nature conservation sites
DM14: Primary shopping frontages

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 - Fordingbridge Town Design Statement
SPD - Mitigation Strategy for European Sites
SPD - Parking Standards
SPG - Fordingbridge - A Conservation Area Appraisal
SPD - Housing Design, Density and Character

6 RELEVANT PLANNING HISTORY

Outline application for three storey building comprising retail unit on ground floor with five flats Withdrawn in 2015

7 PARISH / TOWN COUNCIL COMMENTS

Fordingbridge Town Council: Recommend permission. In principal as the proposal is of a pleasing design and will bring a resolution to this difficult site. The Town Council however raise concern over the insufficient amount of on-site parking provided for residents of the development and the provision of the pedestrian access through the site from the main car park which is unnecessary and, particularly given the Estate and Valuation Managers comments, could lead to a situation with problems over public access similar to that experienced at Riverside Place.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer: no highway objections
- 9.2 Conservation Officer: supports subject to conditions
- 9.3 Archeologist: Comments on the Archeological Report will be the subject of an update to the Committee.
- 9.4 Estates and Valuations: The public car park and a small strip of land

adjacent to the eastern boundary of the site is owned by New Forest District Council. The strip of land to the east would be for landscaping and outside amenity space. There should be no vehicular access to the public car park to the north, and it is not desirable to permit additional legal rights of way onto the Councils car park as this could hinder future land usage in the longer term. It is noted that the proposed layout suggests a pedestrian link to the public car park, this is something that would be considered on a non permanent basis only and if permitted would require a pedestrian access licence from the council giving permission that could be revoked at any time, therefore, the development should not be designed in a way that would require permanent pedestrian access rights to the Councils car park.

- 9.5 Southern gas: advise of a low/ medium intermediate pressure gas main near the site. There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or within 3 metres of an intermediate pressure system.
- 9.6 Ecologist: no objection subject to conditions.
- 9.7 Environmental Health (pollution): In relation to building over the burial site, other legislations apply.

10 REPRESENTATIONS RECEIVED

- 10.1 1 letter of support. The current club is an eyesore and the proposal would bring much needed residential units.
- 10.2 3 letters of objection concerned that there will be inadequate parking provision. The only nearby provision being that of the NFDC car park which is subject to parking restriction seven days a week. The current regulations governing the use of the NFDC car park would deem the use of the car park by the tenants of the new development, almost untenable. There is also a footpath facility in the plan which should not be permitted. There is already adequate pedestrian ingress/egress from the NFDC car park to Roundhill. The possibility of continuous anti social behaviour, as a result of the proposed footpath also makes this untenable. Concerned that there is a lack of provision for new retail and commercial uses in the development. The site is entirely commercial and the proposed retail use is only 21 square metres. The site lies within the Primary shopping area where more retail floor space should be created. The proposal shows a very small shop which is not practical. The ground floor should be retail and commercial with residential above.
- 10.3 1 letter of observation concerned that there is a possibility that in excavating the ground, skeletal remains could be found, and this area was used by Quakers over 200 years ago. The proposed development should not impact or overshadow the adjacent property.

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive New Homes Bonus £9792 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 £30,512.

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

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

14 ASSESSMENT

Introduction

This application was deferred by this Committee on the 14th June pending the submission of an Archaeological Desk Based Assessment that meets current industry standards providing an appropriate level of available historic knowledge about the development site. The applicants have appointed an Archaeological consultant and the Archaeological Desk Based report will be submitted, and the

views of the Archaeologist will report at your meeting. The previous committee report is as follows:

14.1 The site and surrounding context

14.1.1 The site comprises a large single and two storey building located in a very prominent and important town centre site in Fordingbridge. The site was previously used by Fordingbridge Club (a private members club) but the building is now vacant and shows signs of deterioration. The site is rectangular in shape, although part of the site adjacent to Roundhill is narrower and widens adjacent to the public car park.

14.1.2 The site lies within the Primary Shopping Area. Town Centre and designated Conservation Area. The existing building is not listed, nor are the buildings on either side. The buildings opposite the site at 8 and 10 Round Hill are listed buildings. The neighbouring buildings at Nos 1 and 2 Round Hill are residential properties. To the south of the building is a two storey building used for physiotherapy on the ground floor with a residential flat on the first floor. The public car park bounds the west and most of the north side of the site.

14.2 The proposal

14.2.1 The proposal seeks to demolish all existing buildings on the site and to construct a development comprising 8 two bedroom residential units and a retail unit. The proposal also seeks to provide on site car parking and landscaping. The proposed development is designed as a 'courtyard' ranging from single to two storeys in height, with varying interconnecting roof forms.

14.2.2 The proposed building would be sited closer to Roundhill than the existing building and be positioned close to and up to the other boundaries of the site. A two storey building with a ground floor retail unit and flat above would front onto Roundhill.

14.2.3 The proposed development is arranged so that pedestrian and vehicle access would be gained from Roundhill through an 'undercroft' within the building. The proposed development is designed to address the internal courtyard with window openings addressing the public areas. A narrow strip of land between the north elevation of the proposed building and public car park, which is owned by New Forest District Council would form part of the outside amenity space for future residents. It is proposed that the buildings would be constructed from traditional materials including brick, render, clay tile and slate roofs.

14.3 The assessment of the proposals

Policy

14.3.1 Policy CS8 of the Core Strategy for the New Forest District is applicable and relates to community facilities. The policy generally sets out a presumption against the loss of publically provided community facilities and services. However, in this case, the existing building was being occupied by a private members club and accordingly, this presumption would not need to apply. Moreover Fordingbridge Club has remained closed for a few years and there has been limited interest for a new community facility in the building.

- 14.3.2 Policy CS20 of the Core Strategy for the New Forest District is applicable and seeks to maintain active ground floor frontages within local centres. It allows for new retail and other commercial, service and leisure uses that help meet the day to day needs of the local community. The policy also seeks to protect the primary retailing role of the defined primary shopping areas, within the context of maintaining a broader mix of uses, including service, office and entertainment uses. Local Plan Part 2 Policy DM14 is also applicable and relates to Primary Shopping Frontages. The policy states that residential uses are not permitted at ground floor level.
- 14.3.3 In assessing the proposal against these policies, the shopping frontage only extends across the frontage to Roundhill. There is no policy requirement to provide active retail or commercial frontages fronting onto the public car park. The proposal would not result in the loss of any existing retail or commercial floor space. The proposal would create an active shopfront and retail use fronting onto Roundhill which would accord with the policy. Indeed this area currently offers no active frontage and the proposal would provide an interesting addition to Roundhill and accordingly is seen as an improvement.
- 14.3.4 Residential uses at ground floor level within Primary Shopping Areas are not normally permitted where the building immediately fronts onto the shopping street. This is not the case here. Moreover, residential uses at ground floor level are not normally permitted in cases which involve the loss of existing retail and commercial uses which again is not the case here. While it is unfortunate that the proposal does not provide a higher amount of retail and commercial floor space at ground floor level, the policy does not specifically state that a certain level of retail or commercial floor space should be provided, nor does it state that retail uses should extend throughout the whole of the site.
- 14.3.5 Accordingly in balancing out the issues, it is considered that the overall benefits the proposal would bring to the town including significant visual improvements and new housing within a sustainable location, outweigh the need to provide additional retail or commercial floor space in this case.
- 14.4 Impact on the character and appearance of the Conservation Area and setting of adjacent listed buildings
- 14.4.1 The Fordingbridge Club is located in the core of the Fordingbridge Conservation Area and within the setting of several listed buildings. The Fordingbridge Conservation Area Appraisal identifies the site as an opportunity for improvement through redevelopment, or improvement of the appearance of the existing buildings.
- 14.4.2 The site is located in the core of the Fordingbridge Conservation Area and within the setting of several listed buildings, including those which back onto Round Hill fronting High Street (Nos. 2, 4 and 8-10), No. 5-7 Shaftesbury Street and Nos. 24 and 26 High Street. Situated either side of the site are locally significant buildings; the pair of Victorian cottages Nos. 1 and 2 Round Hill and the former Auction Rooms (both are identified as such in the Conservation Area Appraisal).
- 14.4.3 The Conservation Area Appraisal recognises that the linear shape and form of the site possibly relates to a former burgage plot or post

medieval development plot and has a random arrangement of buildings across its extent. It is the middle section of the building which has the appearance of a former warehouse or industrial use and is constructed from brick under a slate roof which potentially dates back to the 18th and 19th Century. It is considered that the middle section of the building makes a positive contribution to the character and appearance of the Conservation Area. It is acknowledged that single storey elements fronting onto Roundhill and the large single storey flat roof section facing the public car park comprise the modern and poorer quality additions. This said the site does respond to the scale, grain and plot development of the Conservation Area.

14.4.4 In assessing the loss of the existing buildings on the site, it is considered that they were historically important to this site and have some functions associated with former trades and industry within the town. These links however are not of high enough significance or clarity to make them exceptional examples. Furthermore the exterior and the interior of the buildings have been significantly compromised over the years along with their setting, including the replacement buildings on either end of the site which have introduced harmful design elements to the Conservation Area. It is therefore concluded that the loss of the buildings would result in less than substantial harm to the designated heritage asset. However due to the elements of significance this loss would need to be mitigated by a high quality design to replace the existing buildings. This will ensure that there is a balance between the enhancement of the site against the loss of these structures.

14.4.5 The proposal has been designed as a series of outbuildings and smaller dwellings which picks up on the more industrial nature of the site with an active frontage onto the public car park and onto Roundhill. The scheme generally has a variation of simple roof forms and storey heights in which the buildings follow the boundary line which is an established contextual response. Designed as a courtyard collection of former industrial or barn type buildings, it is considered that the proposal has a number of positive features, which would make a positive contribution to the character and appearance of the Conservation Area. The scale of the development ranging from one to two storeys would reflect the general pattern of the area appearing appropriate in this context. The proposed building fronting onto Roundhill would be vastly improved compared to the existing single storey element and this would create a better relationship to the adjacent listed buildings and buildings on either side. The quality of the overall finished design will depend on the detailing, materials, boundary treatments and hard and soft landscaping and these are matters that can be dealt with through conditions. It is also considered important to retain the existing brick wall on the southern boundary. The brick wall is an old wall which would provide a good boundary treatment and screen. Overall it is considered that the proposed development would provide considerable visual and environmental improvement to this important town centre location lying within the Conservation Area.

14.6 Other matters

14.6.1 With regard to residential amenity, there is a detached two storey building to the south known as Roundhill Pilates and Physiotherapy Centre which occupies the ground floor and there is a residential flat above. To the rear of the building there is a garden area and rear terrace to the flat. The existing building is for the most part enclosed

along the north and west boundary by a high brick wall which forms the boundary to Fordingbridge Club. Part of the existing wall rises to approximately 3.5 metres, but the height of the wall increases as it extends to the rear with the pitched roof rising above part of the building. The height of the wall on the rear boundary is about 3 metres high. On the ground floor of the physiotherapy centre, there are two windows facing north which comprise a treatment room and main workout area. The workout area also receives light from the rear. On the upper floor, there are two windows (facing north) in the residential flat which provide light into a dining room and lounge area.

- 14.6.2 The proposal to remove the buildings from the boundaries would be a significant improvement to their outlook. The proposed building fronting onto Roundhill and units identified as 2 and 3, including the car port are sited a reasonable distance away from the side boundary of the neighbouring property to the south. Given the proposed buildings are set further away from the boundary compared to the existing building, the physical relationship of the buildings to these neighbouring properties would be an improvement. The proposed building identified as unit 8 would be site on the rear boundary of this neighbouring property, however given that there is already a building in this location and the proposed building would have a narrower building form, it is considered that the relationship is likely to be acceptable.
- 14.6.3 In terms of overlooking, the proposal has been designed to minimise overlooking to this neighbouring property. A first floor window is proposed on the south elevation of unit 1, however given the distances involved and the slightly oblique view, it is not considered to result in unacceptable overlooking to the Roundhill Pilates and Physiotherapy Centre and first floor flat. A number of first floor windows are proposed on the south elevation of unit 3, which would overlook the neighbouring property to the south. These are secondary windows and it would be reasonable to impose a condition for the lower part of these windows to be fitted with obscure glass.
- 14.6.4 Concerning the neighbouring property at No 1 Roundhill, this is a residential property which has its south boundary along the application site. For the most part the existing brick wall (which also forms part of the building) to Fordingbridge Club runs along the side garden to No 1. The wall rises to just over 3 metres in height but the taller building element lies along the far end of the garden. The proposed development has carefully considered this neighbouring property. Although ground and first floor windows to unit 2 would face into their rear garden area, these windows have been shown to be fitted with obscure glass, which would maintain a reasonable level of privacy. In terms of the physical relationship of the proposed development to No 1, it is considered, on balance, that the proposal would not unacceptably compromise the available light or outlook of that neighbour. It is accepted that a larger two storey building would be sited closer to No 1, and there would be a degree of overshadowing and visual impact however, this has to be balanced against the removal of the larger two storey element which lies at the end of the rear garden to No 1. This section of the building would be replaced by a single storey car port, which would have a roof that slopes away from the common boundary.
- 14.6.5 In terms of access and car parking, the existing social club has a total floor space of some 640 square metres. The proposal would provide 8 dwellings with a 21 square metre retail unit. A total of three car parking

spaces would be provided which would be accessed from the highway in Roundhill. The application contains no details of any cycle parking facilities to be provided. Based upon the adopted Parking Standards Supplementary Planning Document, the recommended provision is 2 car parking spaces for each of the 8 proposed two bedroom dwellings and 1 space for each 20 square metres of retail space. Applying the above standards, this would result in a total on site car parking requirement of 17 spaces. The proposals would therefore result in a shortfall of 14 spaces.

- 14.6.6 The site is located close to the town with access to amenities and public transport links. Public off street car parking provision does exist in close proximity to the site although this does not present a viable alternative to on site facilities as maximum time restrictions apply. On street parking is time regulated during the daytime and double yellow lines exist in the vicinity to prevent parking in areas where it is undesirable for safety reasons. Given the nature and scale of the proposals it is considered that in this instance the shortfall in off street parking provision would not result in any detrimental effect on users of the local highway network. Having due regard to the location of the site, together with the fact that the parking Supplementary Planning Document does not set minimum car parking standards, the Highway Authority consider that an objection based upon an under provision of car parking would be neither appropriate nor sustainable.
- 14.6.7 The public car park and a small strip of land adjacent to the eastern boundary of the site is owned by New Forest District Council. The strip of land to the east would be for landscaping and outside amenity space and this would be acceptable. The Councils Estates and Valuations Department states that there should be no vehicular access to the public car park to the north, and it is not desirable to permit additional legal rights of way onto the Councils car park as this could hinder future land usage in the longer term. In response, vehicular access is only gained from Roundhill and there will be no direct vehicular access from the Public car park.
- 14.6.8 The Councils Estates and Valuations Department also comment that the proposed layout suggest a pedestrian link to the public car park, this is something that would be considered on a non permanent basis only and if permitted would require a pedestrian access licence from the council giving permission that could be revoked at any time, therefore, the development should not be designed in a way that would require permanent pedestrian access rights to the Councils car park.
- 14.6.9 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.
- 14.6.10 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.

14.6.11 Concerns have been raised that there is a Quaker Burial ground on the site. The Council's Environmental Health Officer advises that other legislation applies and separate approval is required either from the Secretary of State or the Church of England, depending on what is found.

14.6.12 In conclusion it is considered that the proposal would make a positive contribution to the character and appearance of the Conservation Area and would provide a collection of new residential units within a sustainable location. While it is unfortunate a higher quantity of retail or commercial space has not been provided within the proposal and that the private community facility would be lost, a new retail unit would front onto Roundhill creating an active frontage, and the club has been vacant for a considerable length of time.

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

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	381.4		381.4	-225.01	£80/ sqm	-£19,800.95 *
Shops	21		21	-12.39		£0.00 *

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

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

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

Where:

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

R = the levy rate as set in the Charging Schedule

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

15. RECOMMENDATION

GRANT SUBJECT TO CONDITIONS

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: 8848/201, 8848/200, 8848/202, 8848/203, 8848/204,

Reason: To ensure satisfactory provision of the development.

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

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

4. Before development commences, the following details (large scaled drawings) 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.

- a) the external facing materials to include all bricks, roof tiles, cast metal rainwater goods,
- b) typical joinery details including window/doors
- c) the details of the windows and timber doors
- d) the details of the rooflights with central glazing bar, and their siting shown in situ
- e) the details of the eaves and verge, window cills, window headers, elevational details
- f) the details of the chimneys
- g) the details of the porches

- h) the details of the dormer windows
- i) the details of the timber post and openings for the car port
- j) the joinery details shown in situ of the shop windows/doors and fascia,
- k) the details of existing boundary wall to be retained/ repaired where necessary on the southern boundary and proposed boundary walls and boundary treatments

Reason: To ensure an acceptable appearance of the building within the 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 Local Plan Part 2 Sites and Development Management Document.

5. Before development commences, a sample panel 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 building within the 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 Local Plan Part 2 Sites and Development Management Document.

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

- a) the existing trees and shrubs which have been agreed to be retained;
- b) a specification for new planting (species, size, spacing and location);
- c) areas for hard surfacing and the materials to be used;
- d) the details of existing boundary wall to be retained on the southern boundary including its height and the repair work where necessary;
- e) the new boundary walls and boundary treatments;
- f) a method and programme for its implementation and the means to provide for its future maintenance.

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

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

7. All planting, seeding or turfing comprised in the approved details of landscaping as set out in condition 6 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).

8. The ground and first floor windows on the north east elevation serving the living area and bathroom to residential unit 2 of the approved building shall be obscurely glazed and fixed shut at all times unless the parts that can be opened are more than 1.7m above the floor.

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

9. The lower window panels on the first floor windows on the south west elevation to residential unit identified as unit 3 of the approved dwelling shall at all times be glazed with obscure glass and fixed shut.

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

10. Before first occupation of the development hereby approved, a surface water sustainable drainage system (SuDS) shall be designed and installed to accommodate the run-off from all impermeable surfaces including roofs, driveways and patio areas on the approved development such that no additional or increased rate of flow of surface water will drain to any water body or adjacent land and that there is capacity in the installed drainage system to contain below ground level the run-off from a 1 in 100 year rainfall event plus 30% on stored volumes as an allowance for climate change as set out in the Technical Guidance on Flood Risk to the National Planning Policy Framework. Infiltration rates for soakaways are to be based on percolation tests in accordance with BRE 365, CIRIA SuDS manual C753, or a similar approved method.

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

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

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

11. The development hereby permitted shall not be occupied until the spaces shown on plan 8848/200 for the parking and garaging of motor vehicles have been provided. The spaces shown on plan 8848/200 for the parking and garaging of motor vehicles shall be retained and kept available for the parking and garaging of motor vehicles for the dwellings hereby approved at all times.

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

12. 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.

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

Reason: To ensure adequate cycle parking and bin storage facilities are provided and to promote sustainable travel in accordance with Policies CS2 and CS24 of the Core Strategy for the New Forest District outside the National Park.

14. No development shall commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

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

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

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

Reason: In view of the intensity of the development and the site's sensitive historic context and amenity issues affecting the site, this is a site where small scale alterations could potentially have a significant impact, and the Local Planning Authority would therefore wish to ensure that any future development proposals do not adversely affect the amenities of the area and the site's

historic context, contrary to Policy CS3 of the Core Strategy for New Forest District outside of the National Park and Policy DM1 of the Local Plan Part 2: Sites and Development Management.

16. No flues, ducts and vents shall be placed on the elevations of the new buildings unless details have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the character and setting of the Listed Building and to protect the character and appearance of the Ringwood Conservation Area in accordance with Policy CS3 of Core Strategy for New Forest District outside of the National Park and Policy DM1 of the Local Plan Part 2: Sites and Development Management.

17. The demolition hereby permitted shall not take place until a contract for the redevelopment has been let; the details of which shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site.

Reason: To prevent premature demolition of the building and the creation of a vacant site, detrimental to the character and appearance of the Conservation Area in accordance Policy DM1 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

18. The works hereby approved shall be undertaken in strict accordance with the mitigation and enhancement measures set out in the Ecological Report by Phillip Smith Ref 18052017 dated 20th May 2017 unless otherwise first agreed in writing with the Local Planning Authority.

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

Notes for inclusion on certificate:

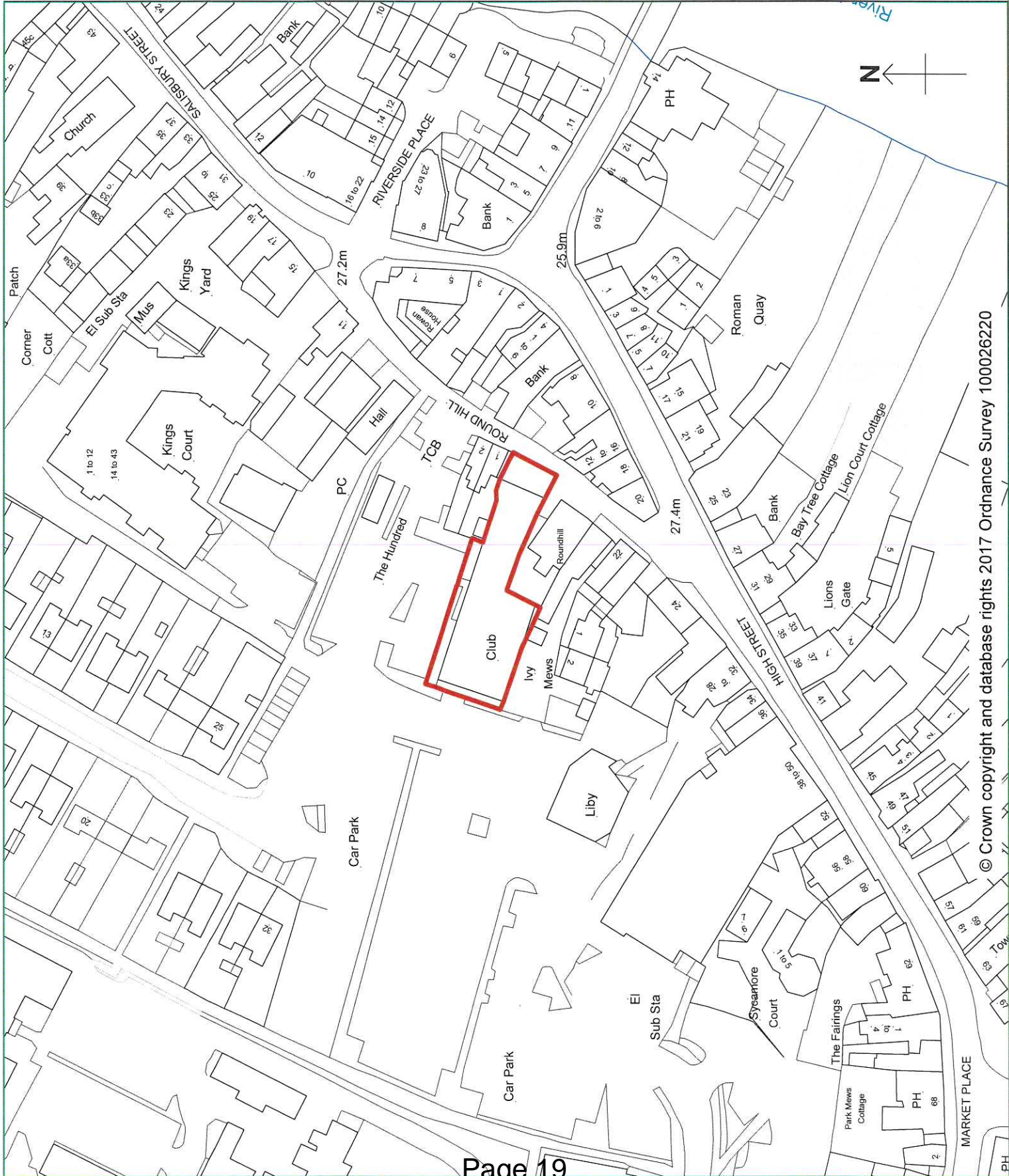
1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising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

2. In discharging condition No 11 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/>
3. This decision relates to amended / additional plans received by the Local Planning Authority on the 24th May 2017.
4. The removal of any human remains from the site would need to be the subject of an application for a licence to the Ministry of Justice.

Further Information:

Richard Natt, Case Officer

Major Team
Telephone: 023 8028 5588



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Application Number: 17/10039 Full Planning Permission

Site: 2 & 4 KEYHAVEN ROAD, MILFORD-ON-SEA SO41 0QY

Development: Development of 8 dwellings comprised: 4 detached houses; 2 pairs of semi-detached houses; 2 carports; 3 single garages; 1 double garage; road; parking; landscaping; demolition of existing buildings

Applicant: Renaissance Retirement Limited

Target Date: 11/05/2017

Extension Date: 28/06/2017

RECOMMENDATION: The the Service Manager Planning and Building Control be **AUTHORISED TO GRANT PERMISSION**

Case Officer: Ian Rayner

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Policy

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up area
Milford on Sea Conservation Area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS6: Flood risk
- CS15: Affordable housing contribution requirements from developments
- CS24: Transport considerations
- CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

DM1: Heritage and Conservation
DM2: Nature conservation, biodiversity and geodiversity
DM3: Mitigation of impacts on European nature conservation sites
DM10: Residential accommodation for older people

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Housing Design, Density and Character
SPG - Milford-on-Sea - A Conservation Area Appraisal
SPG - Milford-on-Sea Village Design Statement
SPD - Parking Standards

6 RELEVANT PLANNING HISTORY

- 6.1 1 house; 1 terrace of 3 houses (at 2 Keyhaven Road); associated garages & parking (10/95915) - refused 13/9/10 - appeal dismissed
- 6.2 Development of 12 dwellings comprised (3 affordable): 4 detached houses; 4 pairs of semi-detached houses; carport; 5 single garages; 1 double garage; road; parking; landscaping; demolition of existing buildings (16/10895) - withdrawn - 30/9/16

7 PARISH / TOWN COUNCIL COMMENTS

Milford-on-Sea Parish Council:- Recommend permission but would accept a delegated decision

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer:- no objection subject to conditions on parking, turning and cycle storage
- 9.2 Natural England:- No objection subject to conditions
- 9.3 Tree Officer:- No objection subject to tree protection condition
- 9.4 Ecologist:- No objection subject to condition
- 9.5 Environmental Health (contaminated land):- No objection subject to standard contaminated land conditions
- 9.6 Conservation Officer:- No objection subject to conditions

10 REPRESENTATIONS RECEIVED

10.1 3 letters of objection from local residents:- Plot 1 would be too high and too close to 6 Keyhaven Road to the detriment of this neighbouring property; concerns about retention of wall and potential damage to adjacent property; concerns about impact of heavy traffic during construction; concerns about impact on bats; units 1-4 would overlook Riverside resulting in a loss of privacy and an overbearing visual impact; development would compromise the future development potential of Riverside.

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 £8568 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 £55,384.06.

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

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
- Advising agents/applicants early on in the processing of an application (through the release of a Parish Briefing Note) as to the key issues relevant to the application.
- Updating applicants/agents of issues that arise in the processing of their applications through the availability of comments received on the web or by direct contact when relevant.
- Working together with applicants/agents to closely manage the planning application process to allow an opportunity to negotiate and accept amendments on applications (particularly those that best support the Core Strategy Objectives) when this can be done without compromising government performance requirements.
- Advising applicants/agents as soon as possible as to concerns that

cannot be dealt with during the processing of an application allowing for a timely withdrawal and re-submission or decision based on the scheme as originally submitted if this is what the applicant/agent requires.

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

In this case, the application proposals have been the subject of discussions and negotiations both before the application was submitted and during the course of the application, allowing a number of concerns to be addressed and thereby enable a positive recommendation to be made.

14 ASSESSMENT

- 14.1 The application site is a relatively large parcel of land which extends southwards of Keyhaven Road. The northern half of the site is occupied by a vacant light industrial unit at 4 Keyhaven Road. A driveway with access onto Keyhaven Road runs to the west side of this unit and this leads firstly to a small yard area to the south side of the industrial unit and then on to 2 Keyhaven Road which is a bungalow set by itself in a backland position. A narrow driveway then carries on past the front of 2 Keyhaven Road leading to what was once a parking / circulation area, but which is now an area of rough grassland and scrubby vegetation. This southernmost part of the site abuts residential dwellings in Grebe Close. The northern parts of the site are set adjacent to a number of other residential properties. There is an existing footpath link through the site (though not a formal public right of way), which links Keyhaven Road to the Danestream Valley to the south-west of the site.
- 14.2 The submitted application follows a 12 dwelling redevelopment proposal that was withdrawn last year. This application seeks to demolish both the existing dwelling at 2 Keyhaven Road and the industrial unit at 4 Keyhaven Road, as well as all associated structures. In their place, it is proposed to redevelop the site with 8 2-storey dwellings. These would be comprised of 4 detached dwellings and 4 semi-detached dwellings. A number of different garages / car ports are also proposed. A new access road would be provided to the west side of the site. The application proposes to retain the rear wall of the existing light industrial unit on the site's boundary with 8 Keyhaven Road.
- 14.3 The existing industrial unit that would be demolished has a floorspace of 622 square metres. The loss of this unit would be contrary to Core Strategy Policy CS17, which seeks to keep all existing employment sites. The applicants recognise that their development would be contrary to this policy. However, they point out that the building has been vacant since November 2012 since when it has failed to attract an alternative user. The applicants point out that the property was previously marketed back in 2010 before the previous occupant vacated the premises, but there were no expressions of interest in a continued commercial / industrial use at that time. There has been no recent marketing of the premises. However, an appraisal of the building has been carried out by Savills UK Ltd who have concluded that the building is in an extremely dilapidated state, with significant repairs necessary to enable the building to be brought back into a useable condition. In the light of the building's condition, Savills have gone on to conclude that there would be no

demand from potential new employment uses, noting also the poor access and loading facilities, and the constraints arising from the site's proximity to residential dwellings. Therefore, they feel further marketing of the site will not result in a new employment use coming forward.

- 14.4 Having regard to the case put forward by the applicants it is felt that the loss of this existing employment site would, on balance, be justified. The building has been empty for 5 years which is a long period of vacancy. The building has been marketed previously without success and its poor physical condition and poor access are likely to be a deterrent to a future employment user coming forward. Furthermore, the building is within the Milford-on-Sea Conservation Area and is a negative feature within the Conservation Area. From an environmental perspective, there would therefore be significant advantages in redeveloping the site. A redevelopment for employment purposes is not a likely prospect given the site's access constraints and the character of the surrounding area. A redevelopment for residential purposes would therefore in both economic and environmental terms be the most viable and appropriate use of this site. Accordingly, the principle of redeveloping this site for residential purposes is considered justified.
- 14.5 The northern half of the site, closest to Keyhaven Road, is within the Milford-on-Sea Conservation Area. The context of this part of the Conservation Area is one of historic houses, mainly from the mid to late 19th Century, interspersed with later infill and replacement developments. This is an area with a tight urban grain with small to medium sized terraces sitting at the back edge of the pavement. It is felt the proposed development, notably Units 1-4, would respond positively to this historic context. The layout of the development would create a linear lane with buildings defining the street. Such lanes running south from Keyhaven Road and the High Street are a typical contextual feature, and therefore the proposal would, in this respect, be a positive response to local distinctiveness.
- 14.6 The southern half of the site, which is outside of the Conservation Area, has a quiet and low-key backland character. The appeal inspector who considered the 2010 redevelopment application described this area as a "quiet backwater" with a "quite rustic charm". This area, which feels green and spacious, has a strong visual relationship to the Danestream Valley. It is felt the group of dwellings and associated buildings at the back of the site would adequately respond to this context. There would be appropriate gaps between buildings, and while there would be an intensification of use and built form, the dwellings at the southern end of the site would define an attractive open square comprised of a well designed parking courtyard and an attractive green space on which one of the site's main trees would be strong landscape feature. With this informal green square being a key feature of the design, the development at the southern end of the site would relate appropriately to its more verdant surroundings.
- 14.7 All of the dwellings would be of a traditional appearance, being well proportioned, and responding well to the traditional character and form of other dwellings in the local area. It is felt the scale of the dwellings would be sympathetic. Most dwellings would be 2-storeys high, but there would be some variation in scale, with individual units (e.g. units 1 and 3) having lower than full 2-storey eaves heights, meaning that these units and the development as a whole would not appear too dominant relative

to adjacent buildings. Unit 8 at the back of the site would be a much lower building, which would help to ensure the group of dwellings at the back of the site are not too dominant as a group, and therefore in keeping with the more low-key and verdant character at the back of the site. The dwellings would display appropriate variety, giving a degree of informality to the design. At the same time, the dwellings would combine to form a cohesive and harmonious group.

- 14.8 Overall, therefore, the proposed development would be sympathetic to its Conservation Area context and its wider landscape setting. As such, the development would be a contextually appropriate development that would respond positively to local distinctiveness.
- 14.9 The chalet bungalow design of Plot 8, and the position of first floor windows to this dwelling would ensure that the development does not have any material adverse impact on the privacy and amenities of neighbouring dwellings in Grebe Close. While the attached garage to Plot 8 and a long car port structure would be set fairly close to the rear garden boundary of 33 Grebe Close, it is felt, on balance, that these structures would be sufficiently low (with roofs sloping away from the boundary) as not to affect the light and outlook of this neighbouring property unduly, noting also that they would be set to the north-east side of this property.
- 14.10 Units 1-4 at the front of the site would have either front or side elevations that would look out towards the neighbouring residential property "Riverside" which is a mainly single-storey property that lies to the west side of the site. These 4 dwellings would be set slightly closer to Riverside than the existing building to be demolished and they would also be slightly taller. Notwithstanding this, it is felt all of these dwellings would be set sufficiently away from the boundary with Riverside as not to adversely affect this property's reasonable light and outlook, even taking into account differences in ground levels. There is more potential, however, for the privacy of 'Riverside' to be affected through overlooking from first floor windows. Plot 3 has the most potential to cause overlooking, and to address this concern, the 2 first floor windows to this dwelling have been designed to serve en-suites, which means they could be reasonably glazed with obscure glass, thereby ensuring that there would be no undue overlooking. Plot 4 also has an en-suite and a second bedroom window facing Riverside, and these too could be reasonably required to have obscure glazing to maintain the privacy of Riverside. Plot 1 is sufficiently far away from Riverside and at a sufficiently oblique angle as not to overlook this property to an unreasonable degree. Plot 2 has main windows serving bedrooms facing Riverside at a distance of about 10 metres from that property's boundary, and about 15-16 metre away from a bedroom window in the side of that neighbouring dwelling. Taking into account the existing context, it is felt, on balance, that this degree of separation would be adequate, and would ensure that the privacy of Riverside would not be harmed to an unacceptable degree.
- 14.11 To the east side of the site the rear garden of 8 Keyhaven Road would be unacceptably overlooked were it not for the fact that the application proposes to retain the high wall of the existing building on this boundary. The retention of this wall, however, should ensure that the garden of 8 Keyhaven Road is not unduly overlooked. While the retention of a high wall to the new dwellings would mean that they would have fairly enclosed rear gardens, it is not felt the degree of enclosure would be

oppressive.

- 14.12 Unit 1 would be set very close to 6 Keyhaven Road, but no more so than the existing building. Although the dwelling's ridge line would be marginally higher than the existing building, it would not be as deep, and therefore the impact on the outlook of 6 Keyhaven Road would, on balance, be acceptable. Overlooking from windows would also, on balance, be acceptable noting the scope to use obscure glazing on the nearest obscure glazed window.
- 14.13 The level of on-site car parking would be marginally in excess of the Council's recommended parking guidelines as set out in its Parking Supplementary Planning Document. This level of car parking is considered acceptable, both from a highway safety and sustainability perspective. The Highway Authority are satisfied with the proposed access arrangements, and therefore it is not felt the proposal would have any adverse impact on highway safety.
- 14.14 The applicants have submitted an appropriate ecological survey, which establishes that bats are unlikely to be affected by the proposed development. Although there are reptiles (slow worms) on the site, the Ecologist is satisfied that with appropriate mitigation, the development is one that could take place without detriment to this species or to ecological interests more generally.
- 14.15 In accordance with the Habitat Regulations 2010 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission were to be granted for the proposed development, a condition would be required that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. In this case, the full habitat mitigation contribution that would be required would be £20,150.
- 14.16 In 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.
- 14.17 One small corner of the site where the footpath link leads down into the Danestream Valley is outside of the built-up area boundary and is within the Green Belt. However, no development is proposed in this area, and therefore the openness and status of the Green Belt would not be affected. The same small corner is also at risk of flooding, but because no development is proposed in this area, the development does not give rise to any flood risk implications.
- 14.18 The proposed development would secure the retention of the 2 most significant trees on the site, including a lime tree protected by a Tree Preservation Order.

- 14.19 The development is specifically intended to provide additional housing for the elderly. This would weigh to a small degree in favour of the proposed development, noting that there is a clearly identified need to provide additional residential accommodation specifically for older people.
- 14.20 Overall, the proposed development would not be consistent with local and national planning policies. The loss of the existing employment site would be contrary to Core Strategy policy CS17, but would be justified nonetheless by virtue of both a lack of economic harm and significant environmental benefits. It is felt the development would be well designed and sympathetic to the character and appearance of the Milford-on-Sea Conservation Area. While the development would have some impact on a number of neighbouring dwellings, it is not felt these impacts would be unacceptably harmful. The development could also be implemented without detriment to highway safety or other environmental and amenity interests. As such, the application is recommended for permission.
- 14.21 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	£20,150		

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	1291	626.8	664.2	664.2	£80/sqm	£55,384.06*

Subtotal:	£55,384.06
Relief:	£0.00

Total Payable:	£55,384.06
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* 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

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

- i) the receipt of no new material objections to the further publicity [advertising the application as a departure] by 28th July 2017; and
- 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: 5484-03-AC-109 rev 1, 5484-03-AC-01 rev 1, 5484-03-AC-03 rev 1 (version of plan received 5/6/17), 5484-03-AC-103 rev 4, 5484-03-AC-104 rev 3, 5484-03-AC-105 rev 2, 5484-03-AC-107 rev 3, 5484-03-AC-108 rev 4, 5484-03-AC-110 rev 2, 5484-03-AC-101 rev 4, 5484-03-AC-02 rev 5.

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. No percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbAmax – measured at the sensitive receptor) shall be undertaken in connection with the construction of the development hereby approved during the bird overwintering period (i.e. 1st October to 31st March inclusive).

Reason: To safeguard the ecological interest of the nearby Hurst Castle and Lymington River Estuary Site of Special Scientific Interest (SSSI), Solent and Southampton Water Special Protection Area (SPA) and Solent Maritime Special Area for Conservation (SAC) in accordance with Policy 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.

5. Before the commencement of development a Construction Environmental Management Programme (CEMP), detailing the measures that are to be put in place to minimise any adverse impact on nearby designated sites shall be submitted to and approved by the Local Planning Authority. Development shall only proceed in accordance with the approved details.

Reason: To safeguard the ecological interest of the nearby Hurst Castle and Lymington River Estuary Site of Special Scientific Interest (SSSI), Solent and Southampton Water Special Protection Area (SPA) and Solent Maritime Special Area for Conservation (SAC) in accordance with Policy 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.

6. No development, demolition or site clearance shall take place until the following information has been submitted to and approved by the Local Planning Authority:-

- a) An Arboricultural Method Statement for all activity within the

- identified Root Protection Areas in accordance with BS5837: 2012;
- b) A Tree Protection Plan in accordance with BS5837: 2012;
- c) Details of all service routes, including the position of soakaways;
- d) The location of the site compound and mixing areas;

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

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

7. 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 8 to 10 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 11 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).

8. 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).

9. 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).

10. 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).

11. 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 8, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 9, 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 10.

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. Development shall only proceed in accordance with the recommendations and mitigation measures set out in the Abbas Ecology Reptile and Water Vole Survey report dated September 2016.

Reason: To safeguard ecological interests and to comply with Policy CS3 of the Core Strategy for New Forest District outside the National Park and Policy DM3 of the Local Plan Part 2: Sites and Development Management.

13. The development hereby permitted shall not be occupied until the spaces / areas shown on the approved plans for the parking and turning of motor vehicles have been provided and these spaces / areas shall thereafter be retained and kept available for their intended purposes at all times.

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

14. No development shall start on site until plans and particulars showing details of the provision for cycle parking / storage within the site have been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking / storage areas shall be provided before the development is first occupied and shall thereafter be permanently retained.

Reason : To ensure adequate cycle parking provision within the site, and to comply with policies CS1, CS2 and CS24 of the Core Strategy for New Forest District outside of the National Park.

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

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

16. Before development commences, samples and details of the external 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 area (including the Milford-on-Sea 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, sample panels of brickwork (showing the bond, mortar and joint details) shall be made available on site for the inspection and approval of the Local Planning Authority. Development shall only take place in accordance with those details that have been approved.

Reason: To safeguard the character and appearance of the Milford-on-Sea Conservation Area in accordance with policy CS3 of the Core Strategy for the New Forest District outside the National Park and Policy DM1 of the Local Plan Part 2: Sites and Development Management.

18. Before development commences, the following details shall be submitted to, and approved in writing by the Local Planning Authority.

- a) Large scale drawings (elevations and sections) to illustrate the detailed design of the windows, timber doors and porches.
- b) Large scale drawings (elevations and sections) to illustrate the detailed design of the chimneys, dormer windows, eaves, verges, window cills, window heads and elevational detailing.
- c) Large scale drawings (elevations and sections) to illustrate the detailed design of all new rooflights which shall be of a low profile metal conservation design.
- d) Precise details of the external finish, colour and profile of the new rainwater goods.

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

Reason: To safeguard the character and appearance of the Milford-on-Sea Conservation Area in accordance with policy CS3 of the Core Strategy for the New Forest District outside the National Park and Policy DM1 of the Local Plan Part 2: Sites and Development Management.

19. No flues, ducts and vents shall be placed on the front elevations of the new buildings.

Reason: To safeguard the character and appearance of the Milford-on-Sea Conservation Area in accordance with policy CS3 of the Core Strategy for the New Forest District outside the National Park and Policy DM1 of the Local Plan Part 2: Sites and Development Management.

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

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

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

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

21. 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).

22. The rear wall of the existing employment unit at 4 Keyhaven Road, which is shown on the approved plans as to be retained, shall not be removed or lowered below its existing height of 3.8 metres.

Reason: To safeguard the privacy and amenities of the neighbouring residential property at 8 Keyhaven Road and to comply with Policy CS2 of the Core Strategy for New Forest District outside of the National Park.

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

Reason: In view of the relatively intensive nature of the development and the development's sensitive location within the Milford-on-Sea Conservation Area, relatively small-scale changes could unacceptably harm the high design quality that has been secured. Therefore, it is considered appropriate to maintain tight control over future developments to safeguard the character and appearance of the area / Conservation Area and to ensure compliance with Policy CS2 of the Core Strategy for New Forest District outside of the National Park and Policy DM3 of the Local Plan Part 2: Sites and Development Management.

24. The first floor en-suite window on the north elevation of the approved dwelling on Plot 1, the first floor en-suite windows on the west elevation of the approved dwelling on Plot 3 and the first floor en-suite and bedroom windows on the west elevation of the approved dwelling on Plot 4 shall at all times be glazed with obscure glass.

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

Notes for inclusion on certificate:

1. With respect to condition 4, you are advised that the sensitive receptor is the nearest point of the SPA or any SPA supporting habitat (e.g. high tide roosting site).

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

In this case the application proposals have been the subject of discussions and negotiations both before the application was submitted and during the course of the application, which has enabled a number of concerns to be addressed and thereby enable a positive recommendation to be made.

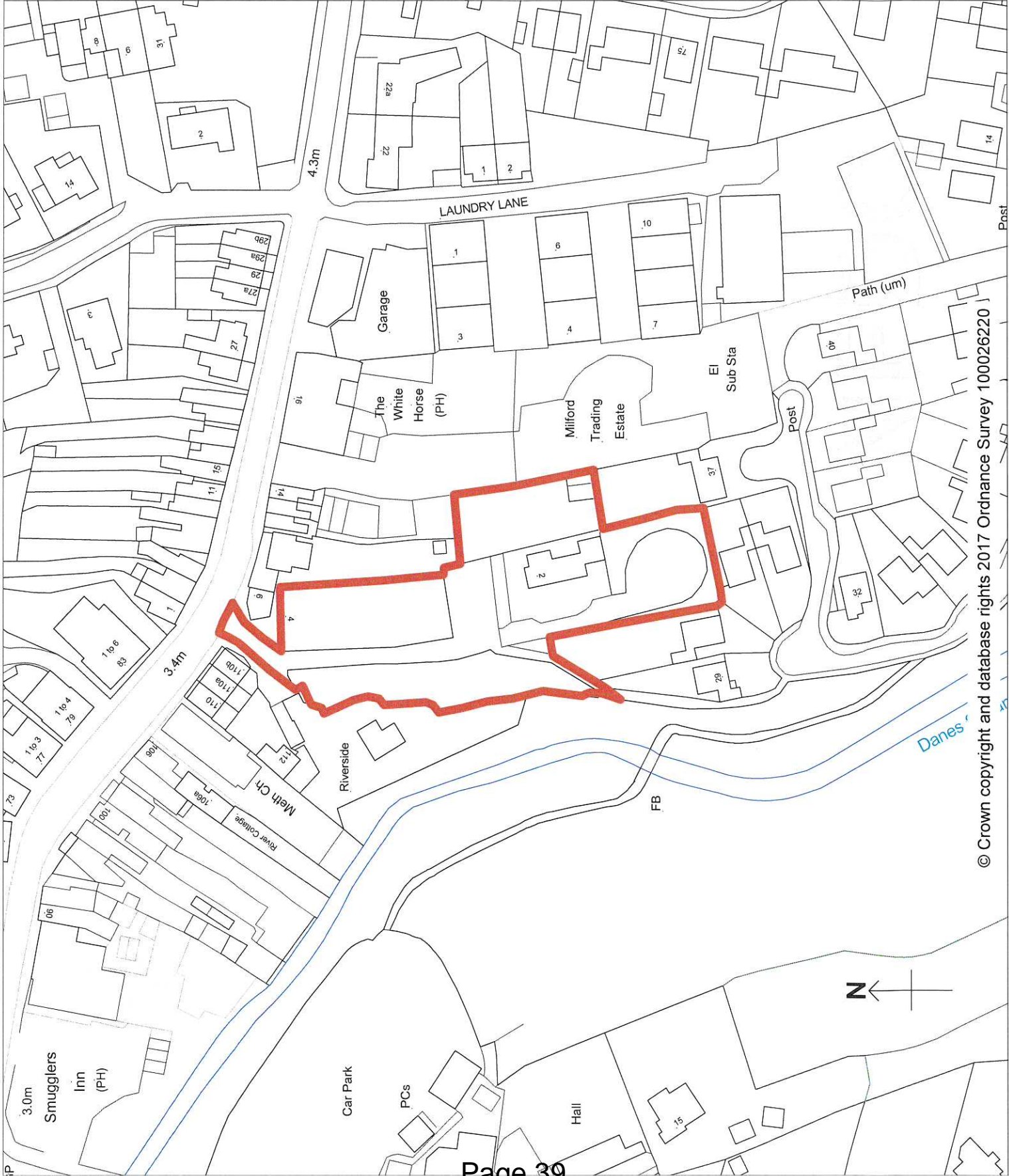
3. In discharging condition No. 3 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/>

Further Information:

Ian Rayner, Case Officer

Major Team

Telephone: 023 8028 5588



Application Number: 17/10377 Full Planning Permission

Site: LINDEN HOUSE, NEW STREET, LYMINGTON SO41 9BP

Development: Dormers and rooflights to create additional bedrooms; additional parking

Applicant: Colten Care

Target Date: 16/05/2017

Extension Date: 14/07/2017

RECOMMENDATION: GRANT SUBJECT TO CONDITIONS

Case Officer: Ian Rayner

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council View

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

- CS2: Design quality
- CS8: Community services and infrastructure
- CS24: Transport considerations

Local Plan Part 2 Sites and Development Management Development Plan Document

No relevant policies

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Lymington Local Distinctiveness
SPD - Parking Standards

6 RELEVANT PLANNING HISTORY

60 bed nursing home; bin and cycle store; landscaping; parking; access
(10/96370) - granted 31/3/11

7 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council:- Recommend refusal.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

Hampshire County Council Highway Engineer: no objection

10 REPRESENTATIONS RECEIVED

1 letter of objection from local resident:- proposal will result in additional traffic which will be to detriment of traffic flows and pedestrian safety

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

application process to allow an opportunity to negotiate and accept amendments on applications (particularly those that best support the Core Strategy Objectives) when this can be done without compromising government performance requirements.

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

In this case, there have been discussions and negotiations with the applicant, both before the application was submitted and after, and this has resulted in the submission of amended plans that has enabled a positive recommendation to be made.

14 ASSESSMENT

- 14.1 Linden House is a large and modern care home building with 60 bedrooms. The existing building, which dates from 2014, is set within its own significant landscaped grounds that extend between the site's New Street frontage and Barfields to the rear. The site is bounded by Lime Tree House to the north and Barfields Court to the south, both of which provide sheltered accommodation / supported living to the elderly. There is also a single 2-storey dwelling to the south of the site at 55 New Street, which is in the process of being extended.
- 14.2 The submitted application seeks to extend and alter the existing building in order to provide an additional 15 permanent bedrooms, thereby increasing the care home's capacity to 75 bedrooms. It is also proposed to provide additional communal areas to support the new bedrooms. All of the new bedrooms would be provided at second floor level, largely within the roof areas of the existing building. In order to facilitate the proposed additional accommodation, the application proposes 4 new dormer windows on the building's front elevation facing New Street, and 1 additional dormer window on the building's rear west facing elevation. A number of additional rooflights are also proposed on different elevations. It should be noted that since the application was first submitted, has been amended to remove elements of the development that were of concern (notably a roof top conservatory, a roof top terrace and some dormers). The car parking design has also been amended since the application was submitted, with the plans, as amended, proposing 4 new car parking bays to the front of the building.
- 14.3 It is considered that all of the proposed dormers would be of an appropriate size and design. They would be in proportion to the roofs on which they would sit. As such, it is felt that they would have an acceptable impact on the character and appearance of the area. It is also felt that the rooflights would be visually appropriate. The new windows and rooflights would either be sufficiently far away from adjacent properties or sufficiently high level as to have no material adverse impact on the privacy and amenities of neighbouring dwellings.
- 14.4 The proposed car parking spaces would result in a slight loss of soft

landscaped areas to the front of the site. However, it is felt that acceptable areas of soft landscaping would still be retained, meaning the additional car parking spaces would not harmfully affect the setting of the existing building. Some of the additional car parking spaces would be set close to the neighbouring dwelling at 55 New Street, but there would still be a buffer between these spaces and windows in the adjacent dwelling. Therefore, it is not felt these spaces would cause material harm to the amenities of the neighbouring dwelling, taking into account the likely levels of additional activity associated with these additional car parking areas.

- 14.5 The Highway Authority have not raised any objection to the additional traffic generated by the development. With respect to parking, the Council's car parking standards recommend that there should be 1 space per 4 residents and 1 space per staff. The additional 4 car parking spaces that this application proposes would not meet the Council's car parking standards. However, given the nature of the care home (providing dementia care), and also the site's sustainable town centre location and the character of New Street, it is not felt that the proposal would be likely to have a material impact on highway safety through a lack of on-site parking.
- 14.6 Overall, the proposed development would be a socially beneficial development that would provide additional dementia care, and it would be economically beneficial in providing additional employment opportunities. The development would be well designed and could be provided without adversely affecting the character and appearance of the area, or the amenities of adjacent properties. The Impact on highway safety would also be acceptable. As such, the application is recommended for permission.
- 14.7 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

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: 220 01, 220 06 rev B, 220 08 rev C, 220 07 rev C, 220 05 rev B.

Reason: To ensure satisfactory provision of the development.

Notes for inclusion on certificate:

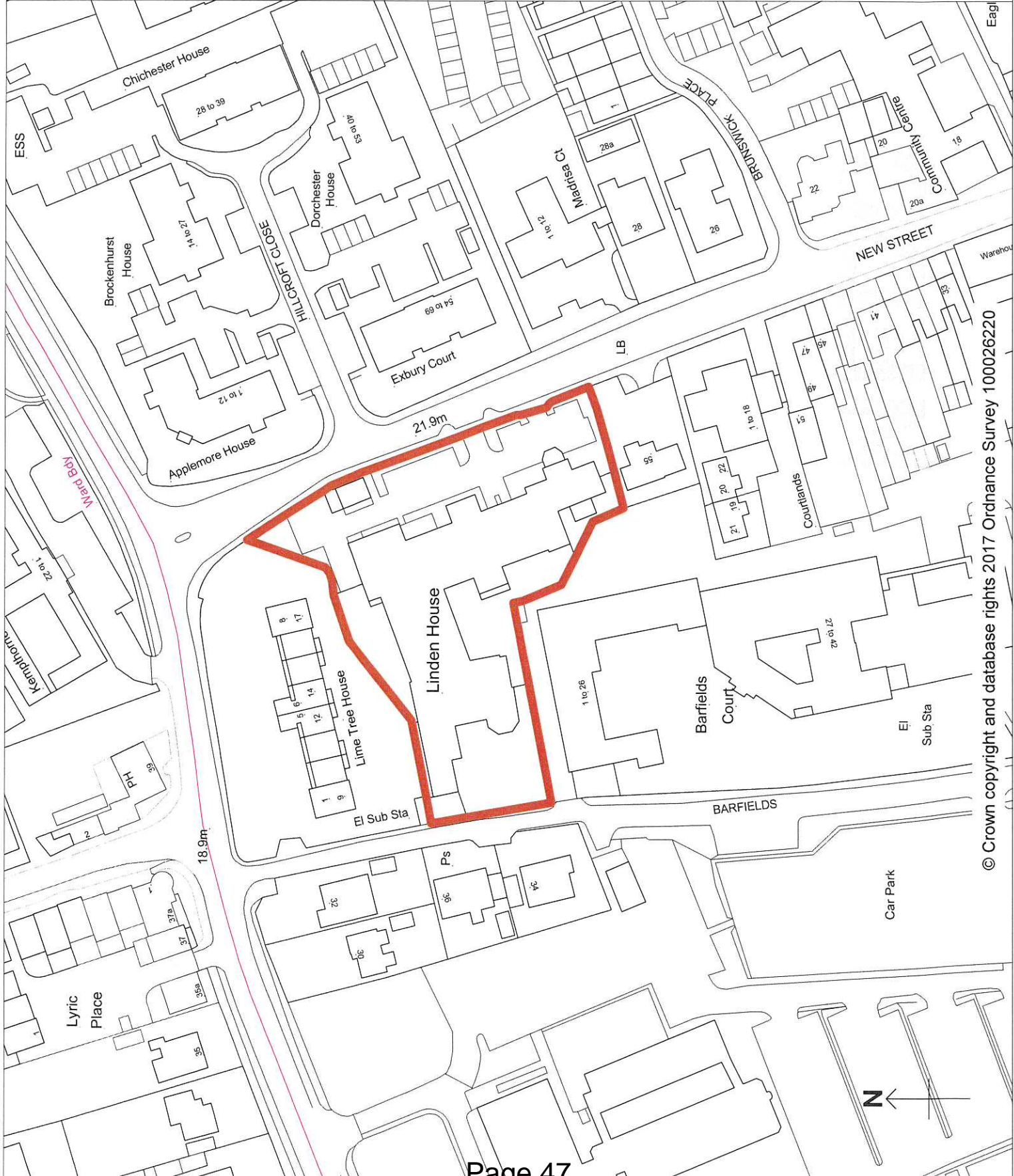
1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising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

In this case, there have been discussions and negotiations with the applicant, both before the application was submitted and after, and this has resulted in the submission of amended plans that has enabled a positive recommendation to be made.

Further Information:

Ian Rayner, Case Officer

Major Team
Telephone: 023 8028 5588



Application Number: 17/10382 Full Planning Permission

Site: 29 DANES CLOSE, BARTON-ON-SEA, NEW MILTON BH25 7BU

Development: Single-storey side extensions; rear dormer in association with new first floor; juliet balcony; porch alterations; fenestration alterations

Applicant: Mr Tyler

Target Date: 10/05/2017

RECOMMENDATION: REFUSE PERMISSION

Case Officer: Kate Cattermole

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council View (in part)

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Plan Area
Aerodrome Safeguarding Zone
Historic Land Use

Plan Policy Designations

Built-up Area

National Planning Policy Framework

Section 7

Core Strategy

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

Supplementary Planning Guidance And Documents

SPD - New Milton Local Distinctiveness

3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan

4 RELEVANT SITE HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
05/83923 Side and rear extensions	04/04/2005	Granted Subject to Conditions	Decided	
84/NFDC/26038 Erection of a front porch.	22/03/1984	Granted	Decided	

5 COUNCILLOR COMMENTS

No comments received

6 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: recommend refusal

1. the garage extension widens the front, south elevation and the proposal to enlarge the side lean-to closes the spatial gap, to the detriment of the street scene given the currently matching neighbouring bungalow.
2. the large flat-roofed dormer on the west elevation is excessive in scale compared to the existing building and is out of character with the existing pitch-roofed bungalow.
3. the large flat-roofed dormer on the west elevation would cause the impression of over-looking, and be oppressive to properties on Farm Lane South because these properties are on lower ground.
4. an enlarged side extension and change to a full gable would be oppressive to the bungalow at 30 Danes close.

7 CONSULTEE COMMENTS

Environmental Health Contaminated Land: no concerns

Trees Officer: no Objection.

8 REPRESENTATIONS RECEIVED

One comment against proposals from 4 Farm Lane South:

- ongoing boundary dispute
- proximity of established oak tree and concern about impact on roots
- overlooking from 1st floor balcony and french doors

Comments have been received from the agent

- Planning permission granted in 2006 for a larger extension at side and rear with more impact on neighbours
- Decided to extend in the roofspace to retain garden
- Dormer is only way to achieve required head room
- Other similar dormers in terms of size and appearance in the area
- No issues regarding overlooking or overshadowing
- Proposals (dormer and gable) are not visible.
- Single storey element is not an addition as it replaces an existing lean-to

and will reduce the number of windows.

9 CRIME & DISORDER IMPLICATIONS

None relevant

10 LOCAL FINANCE CONSIDERATIONS

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

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

11 WORKING WITH THE APPLICANT/AGENT

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

No pre application advice was sought prior to this scheme being submitted. Concerns have been identified at both officer and local level. Their objections to the scheme do not fully concur and therefore it is necessary to refer this application to the Planning and Development Control Committee for determination.

12 ASSESSMENT

- 12.1 The application site consists of a detached bungalow, situated at the end of a residential cul-de-sac in the built up area of Barton on Sea. The immediate area is characterised by predominantly hipped roof bungalows.
- 12.2 The proposed development consists of distinct elements, which are dealt with separately in this report.
- 12.3 Single Storey extension: The proposed single storey side extension would extend the dwelling out by a further 2.8m but would respect the existing ridge line and hipped roof form of the dwelling. The Town Council consider that this would have a detrimental impact on the street scene. However, even though this extension would lengthen the front elevation, the impact of this would be mitigated to a degree by the hipped roof. It would only be a modest extension which would not significantly alter the overall appearance of the dwelling. Furthermore, the existing hipped roof form would be in keeping with the street scene, and would not differ in appearance from the neighbouring property, nor detract from the general character of the area. It should also be noted that a previous planning permission in 2005 (which has not been implemented) included a similar extension in this location on the building. However this 2005 permission has now lapsed.

- 12.4 The single storey extension would bring the built form closer to an Oak tree. Although this tree is not protected by a TPO the tree officer has been consulted. The tree officer considers that the encroachment towards this tree would not be to an extent that would have a detrimental impact on the health or long term retention of this tree, and so raises no objection.
- 12.5 Pitched roof to porch: A pitched roof is proposed over the existing flat roofed porch. This is a modest addition which would be acceptable to the appearance of the overall dwelling and appropriate within the street scene.
- 12.6 Hip to rear gable: The existing dwelling has an L-shaped layout, with a single storey hipped roofed element projecting into the rear garden. The Town Council consider that the change to a full gable would be oppressive to the neighbour at 30 Danes Close. This neighbouring bungalow exhibits a similar footprint to the application property, although the projecting rear element on the application site is longer compared to no 30. No 29 is staggered back from the front elevation of no 30, and therefore projects further back from it. The application proposes to change the existing hip to a gable end to facilitate the use of part of the roof for first floor accommodation. It should be noted that the overall height of the dwelling would be retained. Furthermore, the change from hip to gable would not increase the overall length of the building, and by virtue of its relationship with the neighbouring property would not create an overbearing form of development to the occupiers of 30 Danes Close, or create an unacceptable level of overshadowing compared to the existing situation. It should also be noted that in 2005 a longer extension with gable end was approved although this was not implemented and this permission has now lapsed.
- 12.7 Side extension: There is an existing pitched roof lean-to situated on the eastern elevation, abutting the side boundary with no 30 Danes Close. It is proposed to replace this with a longer extension, which would extend further to the front and rear compared to the existing structure. It would be a flat roofed structure that would cut into the roof above the eaves. The Town Council has expressed concerns that this structure would encroach on the spatial gap with no 30. Even though it would be a larger structure than the existing lean-to, it would still be set back from the front elevation by 700mm and would not interfere with the overall hipped roof form, and as such it is not considered to adversely affect the spatial characteristics of the dwelling.
- 12.8 No 30 has a window on the rear elevation close to the boundary with the application site. Even though the existing lean-to on the application site extends past the rear elevation of no 30, it is a modest structure with an eaves height of approx 2.3 metres with a shallow pitched roof. The proposed replacement side extension would extend back a further metre and would introduce a flank wall of 3.4 metres in height immediately adjacent to the boundary and close to the existing rear window on no 30.
- 12.9 The larger structure would result in the removal of an existing side window serving the kitchen, which currently has views over the immediate rear of the neighbour. However, the benefit of removing this window needs to be balanced against the harm resulting from the larger extension with its longer and higher side wall. On the balance of these

issues, despite the benefits with respect to the loss of the window, it is considered that the proposed single storey extension due to its height and close proximity to the neighbour's rear window would result in an overbearing form of development to the detriment of the amenities of the occupiers of no 30 Danes Close.

- 12.10 Dormer: The final element to this proposal is a large flat roof dormer on the west elevation. This dormer would include french doors with a juliet balcony and a window at first floor level. These new windows would look towards the boundary with dwellings in Farm Lane South. The Town Council consider that the dormer would cause the impression of over-looking, and be oppressive to properties on Farm Lane South because these properties are on lower ground. By virtue of the land levels, the neighbouring bungalows are at a lower level than the application site, and furthermore these properties have shallow rear gardens which slope up to the application site boundary. There is currently existing planting within the application site, which limits views into these properties. Although planting cannot be relied on to serve as a long term screen, even if this vegetation was removed, by reason of the land levels and acute angles, it is considered that views from these windows would be over the roofs of these properties and as such would not result in unacceptable loss of privacy or a harmful level of overlooking.
- 12.11 The proposed dormer would be of an excessive size, and its design would extend through the eaves of the existing property would give the impression of a 2 storey height. Furthermore the full length glazing to the French doors and rendered finish would make it appear more prominent in its setting. By reason of the size and design of the dormer it is considered as an unsympathetic and incongruous addition that would detract from the character and appearance of the dwelling.
- 12.12 Even though it is located to the rear, by virtue of the elevated position of the dwelling, when viewed from Farm Lane South, views of the proposed dormer would be possible from within the street scene of this adjacent road. These views would be ameliorated in part by existing planting, although this planting cannot be relied on to create a permanent screen to the proposed dormer. It has a relative set back from Farm Lane South but due to its elevated position and its overall form and design it is considered to result in a dominant and overbearing visual impact when viewed from Farm Lane South. Although a smaller, more proportionate, dormer in this location would be more appropriate the current proposal is unacceptable for the reasons set out.
- 12.13 Reference has been made to a boundary dispute, but this is a civil matter and not material to the consideration of the planning merits of the proposal.
- 12.14 In conclusion, even though the proposed addition to the integral garage, alterations to the porch roof and hip to gable alteration would appear acceptable, there would be significant harm arising from the proposed single storey side extension and dormer window that would justify a refusal in this instance.
- 12.15 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of

possessions) of the European Convention on Human Rights. Whilst it is recognised that 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 dormer, by reason of its size and design would be an overly bulky, unsympathetic and incongruous addition to the extended dwelling which by reason of the elevated position of the application site in relation to Farm Lane South would result in a dominant feature that would detract from the street scene of Farm Lane South and as such be harmful to the character of the area. As such it would be contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park, and Chap 7 of the National Planning Policy Framework.
2. The proposed single storey side extension, by reason of its length and height in close proximity to the rear window at no 30, would result in an oppressive and overbearing form of development to the detriment of the amenities of the occupiers of 30 Danes Close. As such it would be contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park and the National Planning Policy Framework.

Notes for inclusion on certificate:

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

No pre application advice was sought prior to this scheme being submitted. Concerns have been identified at both officer and local level, but notwithstanding this the objections to the scheme did not fully concur and therefore it is necessary to refer this application to the Planning and Development Control Committee for determination.

Further Information:

Kate Cattermole, Case Officer

Householder Team
Telephone: 023 8028 5588



Application Number: 17/10433 Full Planning Permission
Site: 46 WHITSBURY ROAD, FORDINGBRIDGE SP6 1LA
Development: Bungalow; parking
Applicant: Mr & Mrs Hardy
Target Date: 22/05/2017
Extension Date: 13/07/2017

RECOMMENDATION: REFUSE

Case Officer: Richard Natt

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council View

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up Area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

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

Local Plan Part 2 Sites and Development Management Development Plan Document

DM3: Mitigation of impacts on European nature conservation sites

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

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

6 RELEVANT PLANNING HISTORY

House, access (10122) Withdrawn on the 16th March 2015

1 pair of semi-detached houses (95418) Withdrawn on the 12th July 2010

Single storey dwelling (10367) Refused on the 11th June 2015

7 PARISH / TOWN COUNCIL COMMENTS

Fordingbridge Town Council: Recommend permission under PAR3 as the dwelling would cause minimal impact and would be a good infill on this site

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

9.1 Hampshire County Council Highway Engineer: no objection

9.2 Ecologist: no objection subject to securing the development in accordance with the recommendations for biodiversity mitigation and compensation/ enhancement outlined in the accompanying ecology report

10 REPRESENTATIONS RECEIVED

None

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive New Homes Bonus £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 £8,578.24.

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

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

No pre application advice was sought and this application does not address the concerns previously raised. There are concerns in principle with a new dwelling on this site which could not be overcome by negotiation.

14 ASSESSMENT

- 14.1 The application site forms part of the rear garden area to the residential property at 46 Whitsbury Road in Fordingbridge. The site is irregular in shape and partly wraps around the garden to No.44 Whitsbury Road and extends upto the edge of a car parking courtyard accessed from Queens Gardens. The site is mainly laid to lawn with some small outbuildings and polytunnels and some scattered trees enclosed by boundary fencing and hedgerows. There is an existing access to the end of the rear garden from Queens Gardens which provides a single car parking space. The existing property at No.46 is a semi detached dwelling which fronts onto Whitsbury Road and has spaces for up to two cars. Apart from the boundary to the private car parking courtyard, the site is bounded on all sides by existing residential gardens.

- 14.2 The proposal is to construct a detached single storey dwelling on land that currently forms part of the rear garden to No.46 Whitsbury Road. The proposed dwelling would be sited at the far end of the rear garden positioned such that the proposed building would front onto the existing car parking courtyard in Queens Gardens. The existing access would be used to serve the proposed dwelling and there would be space for the parking of two cars. The proposed dwelling would be sited adjacent to the courtyard set behind a 1.5 metre high brick wall.
- 14.3 Visually, the proposed building would be of a contemporary and innovative design constructed from timber cladding, with a part sloping metal standing seam roof and part flat grassed roof. When viewed from the courtyard the proposed dwelling would rise to approximately 5.7 metres high but its height drops steeply as it extends to the rear to a height of around 3.1 metres. High level windows would be installed on the front elevation of the building to add interest from the courtyard together with a single storey front element. The main issues in this case are the effect on the character and appearance of the area.
- 14.4 In terms of the planning history, planning permission was recently refused (15/10367) by this Committee to construct a detached single storey dwelling on this plot. That application is nearly identical to this current application. The application was refused for two reasons as set out below:

Reason 1

By virtue of its size, openness, and greenery, the site positively contributes to the wider character of the area and forms part of the large cumulative area of garden groups and spaces to the rear of the dwellings fronting Whitsbury Road. The proposed dwelling would unacceptably encroach into this area and as such the proposed development would detract from the undeveloped open quality of the locality and be an inappropriate form of development. In addition the proposed dwelling would be sited behind a high brick wall with no active frontage and would result in a building fronting onto a rear service access and private car parking courtyard which would result in an undesirable and poorly planned development. For this reason, the proposal is contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

Reason 2

The recreational impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area, the New Forest Ramsar site would not be adequately mitigated and the proposed development would therefore be likely to unacceptably increase recreational pressures on these sensitive European nature conservation sites, contrary to Policy DM3 of the New Forest District Local Plan Part 2: Sites and Development Management.

- 14.5 As stated above, this current application is effectively identical to the application previously refused. The differences in the design of the dwelling and layout are very minor. The changes include a slight increase in the size of the building, and its siting further back from the courtyard and a pitched roof to the front porch instead of the previously

proposed flat roof. The other changes entail alterations to the fenestration with new and slightly larger windows. The application is also supported by a detailed planning statement setting out the justification for the dwelling in character terms and why the proposed development is contextually appropriate.

- 14.6 In assessing this current application, there have been no changes in the circumstances of the site, or policy. It should be noted that reason for refusal 2 is no longer applicable as habitat mitigation can be dealt with through a negatively worded planning condition and CIL. On the basis that there have not been any changes in policy, it is important to set out in detail the main concerns and carefully consider the comments made by the applicants agent in their supporting statement.
- 14.7 In assessing the effect on the character and appearance of the area, there are two distinctive areas, one of which includes the properties fronting onto Whitsbury Road/ Alexandra Road and the other is the development in Queens Gardens. The properties along Whitsbury Road are traditional 20th Century semi-detached dwellings positioned close to the road and have long rear gardens which back onto a modern housing estate in Queens Gardens. For the most part the rear gardens to these properties are open, but there are some ancillary outbuildings such as sheds, greenhouses and workshops. The extent of this important group of garden land to the rear of Whitsbury Road extends from the application site up to No 82.
- 14.8 In Queens Gardens the character of the area is very different and the context comprises a more modern high density development of semi-detached dwellings and terraces with the buildings fronting onto the cul de sac in a more uniform design and layout. Plot sizes are noticeably smaller with short front and rear gardens. In Alexandra Road, the dwellings have slightly shorter rear garden areas with outbuildings and garages located to the rear immediately adjacent to the access of the private car parking area.
- 14.9 The applicant's supporting statement considers that the proposal would be an efficient use of the land creating a low density sustainable development in a residential area. The character of the area is very mixed and the proposed development would relate more to Queens Gardens and Alexandra Road than Whitsbury Road. The supporting statement contends that the undeveloped and open nature of the rear gardens is not accurate in that these spaces are working gardens with outbuildings and parking areas. As such the applicant's agent considers that the proposed form, scale, bulk and height of the proposed development cannot be considered out of character.
- 14.10 In response, the key issue is that the application site and the surrounding land forms part of an important cumulative garden group, which positively contributes to the character of the area. Collectively rear gardens through their greenery, tranquility and biodiversity often form a strong part of the distinctiveness of an area. Views of these green garden spaces and the rear of the dwellings and their roof tops in Whitsbury Road and Alexandra Road can be greatly appreciated from a number of vantage points. A single insertion of development into the collective loss of this rear garden space of a group of dwellings can destroy its integrity and the peaceful oasis of rear garden land should be avoided. It is for this reason, the proposal is still considered

unacceptable.

- 14.11 There are currently no dwellings located in the rear garden areas of Whitsbury Road and Alexandra Road and by introducing a new dwelling this would unacceptably encroach into part of the rear garden areas appearing in complete isolation to the rest of the development. While the design of the dwelling is innovative with low sloping roofs constructed with timber cladding, there is a principle concern about locating a new dwelling that would destroy the pattern of development in the area which is distinguished by large deep rear gardens.
- 14.12 The applicants supporting statement also considers that the proposal would create an active frontage onto a courtyard area and that it is very common for dwellings to be located off small parking courtyards. The statement highlights the relationship of the proposed dwelling to the courtyard will be no different to the relationship between 1-4 Queens Gardens which back onto the access road.
- 14.13 In response, while this current application has been improved through the introduction of additional window openings facing the courtyard, it is still considered that the proposal would lead to poor planning as the main principle elevation would face onto an unattractive and stark rear car parking courtyard which has limited public realm. The properties in Queens Gardens do not have their principle elevation facing the courtyard space. A direct relationship to the street allows natural surveillance and neighbourly exchange, giving a communal sense of place. In this case, the proposed dwelling would be isolated from the rest of the development and would be surrounded by the rear of houses fronting onto Alexandra Road and Whitsbury Road. The importance of connectivity is stated in the National Planning Policy Framework (the Framework), where in Section 7 *Good design*, paragraph 61, it states that high quality and inclusive design goes beyond aesthetic considerations. Decisions should address the connections between people and places and the integration of new development into the built environment.
- 14.14 With regard to other matters, the proposed development would not impact on residential amenity. The proposed dwelling would be sited close to the residential properties at Nos 48 Whitsbury Road and No.3 Queens Gardens. Given that the proposed building would be sited at the far end of No.48's plot, the design of the building with a low profile, and the level of screening provided, it is not considered that the proposal would have any adverse impact on these residents. No windows are proposed on the side elevation facing north and the other proposed ground floor windows would be screened by existing or proposed boundary fencing. The windows on the front elevation facing the courtyard would be high level providing light into the ground floor rooms.
- 14.15 Concerning the impact on the neighbouring property at No 44, the proposed building is located a sufficient distance away not to result in any adverse impact in terms of overlooking, loss of light or outlook. The proposal would not give rise to an unacceptable increase in noise or disturbance to the neighbouring property at No 44.
- 14.16 In terms of highway safety matters, the existing dwelling at No 46 would retain two car parking spaces and the proposed dwelling would incorporate two spaces which would broadly accord with the

recommended car parking standards as set out in the Council's adopted Supplementary Planning Document. Access into the site would be across a private car parking courtyard which links onto Queens Gardens. While no comments have been received from the Highway Authority it is not anticipated that the proposed development would prejudice public highway safety given that access would be onto a quiet courtyard which currently provides car parking to some of the dwellings in the area. In addition, no concerns were raised on this matter when the previous application was considered.

- 14.17 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.
- 14.18 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.
- 14.19 In conclusion, while the proposal is of an innovative design and the plot sizes being created would be reasonable for the existing and proposed dwellings, the principle of siting a dwelling on land that forms part of a large garden group to the dwellings fronting onto Whitsbury Road would be unacceptable and out of context with and harmful to the character of the area.
- 14.20 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
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Dwelling houses	97.48	0	97.48	97.48	£80/sqm	£8,578.24 *
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Subtotal:	£8,578.24
Relief:	£0.00
Total Payable:	£8,578.24

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

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

Where:

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

R = the levy rate as set in the Charging Schedule

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

15. RECOMMENDATION

REFUSE

Reason(s) for Refusal:

1. The site positively contributes to the wider character of the area and forms part of the large cumulative area of garden groups, greenery and spaces to the rear of the dwellings fronting Whitsbury Road and Alexandra Road. The proposed dwelling would unacceptably encroach into this area and as such the proposed development would appear incongruous and detract from the generally undeveloped open quality of the locality and be an inappropriate form of development. In addition the proposed dwelling would result in a building fronting onto a rear service access and private car parking courtyard which would result in an undesirable and poorly planned development. For this reason, the proposal is contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

Notes for inclusion on certificate:

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

whenever possible, a positive outcome by giving clear advice to applicants.

No pre application advice was sought and this application does not address the concerns previously raised. There are concerns in principle with a new dwelling on this site which could not be overcome by negotiation.

Further Information:

Richard Natt, Case Officer

Major Team

Telephone: 023 8028 5588



Application Number: 17/10483 Full Planning Permission

Site: Land at HANNAH WAY, PENNINGTON, LYMINGTON SO41 8JD

Development: One block of 3 industrial units; parking

Applicant: Horatio Properties Guernsey Ltd

Target Date: 22/06/2017

Extension Date: 14/07/2017

RECOMMENDATION: GRANT SUBJECT TO CONDITIONS

Case Officer: Jim Bennett

1 REASON FOR COMMITTEE CONSIDERATION

Departure from the Development Plan

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside
Green Belt

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy 2009

CS2: Design quality

CS10: The spatial strategy

CS17: Employment and economic development

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

Local Plan Part 2 Sites and Development Management Development Plan Document

DM22: Employment development in the countryside

National Planning Policy Framework - Achieving Sustainable Development

NPPF Ch. 1 - Building a strong, competitive economy

NPPF Ch. 7 - Requiring good design

NPPF Ch. 9 - Protecting Green Belt Land

Conservation Area: N :

Tree Preservation Order: N TPO No:

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

None

6 RELEVANT PLANNING HISTORY

The applicant sought the Council's pre-application advice for the form of development proposed here. The Council was generally supportive, subject to the proposal being supported by a statement to justify inappropriate development within the Green Belt.

7 PARISH / TOWN COUNCIL COMMENTS

Lymington Town Council - no objections

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer: the level of on site car parking is in accordance with that recommended within the SPD. Cycle parking should also be provided in accordance with the SPD. No objections, subject to parking, turning and cycle parking conditions and an informative.
- 9.2 Environmental Health Officer (Pollution) - no objection, subject to conditions: the application does not advise on the type of business the units are intended for other than 'High Tech or light industrial uses'. This proposal does bring the industrial uses significantly closer to the existing residential properties, and therefore consideration of noise emanating from the proposed units must be considered, and if not controlled, noise is likely to be such as to cause a significant adverse impact to the residents of the nearby neighbouring properties. The building has been designed in such a way that openings are only situated on the south elevation, facing away from the residential properties, and the applicant puts forward a number of conditions to be considered as part of any planning application in the Design and Access Statement in order to control noise emanating from the proposed use. In order to control noise from the premises, it is suggested that some changes are made to the proposed list of conditions to restrict outdoor working, loading hours, noise emanation and extraction equipment.
- 9.3 Environmental Health Officer (Contaminated Land) - recommend an informative be applied due to the close proximity of potentially infilled ground with unknown material.
- 9.4 Southern Gas Networks - give informative

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 and Proposal

The proposal relates to the provision of 3 no. 225 sq m industrial buildings

of metal profile sheet construction at the north eastern extent of Gordleton Industrial Estate. The site is unallocated and lies within an area of open countryside designated as Green Belt. Access would be via the existing internal industrial estate roads from Sway Road. The proposal would be located quite sensitively between a large industrial building to the south and a planted bund to the north, which separates the site from Sway Road.

14.2 Main Considerations

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

14.2.2 The principle issues to consider, having regard to relevant development plan policies, the National Planning Policy Framework and all other material considerations are as follows:

- i) Is the development appropriate in the Green Belt by definition?
- ii) What would the effect of the development be on the openness of the Green Belt and on the purposes of including land within the Green Belt?
- iii) Would there be any other non-Green Belt harm?
- iv) Are there any considerations which weigh in favour of the development?
- v) Do the matters which weigh in favour of the development clearly outweigh any harm to the Green Belt and any other harm?
- vi) Are there 'very special circumstances' to justify allowing inappropriate development in the Green Belt?

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

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 industrial units of the scale proposed does not fall within any of the exceptions to the general policy presumption against the construction of new buildings in the Green Belt and is therefore inappropriate development and harmful by definition. The NPPF at paragraph 88 urges Local Planning Authorities to ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

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

The proposed development would result in the provision of buildings, access road, car parking area and loading area, which would have an impact on the openness of the Green Belt. However, the site is not elevated and is not prominent within the Green Belt, being set well back from any road frontage and surrounded by landscaping and existing and proposed buildings on all sides. Furthermore, the site is brownfield in nature, development being located over the footprint of existing open storage areas. Due to the site's lack of prominence and the existence of existing structures and outdoor storage, the proposal would not impact significantly upon the openness of the Green Belt, which weighs in favour of the proposal.

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

a) Landscape and visual impacts

The proposal must be considered in light of its visual impact upon the character of the immediate area. Policy CS2 requires new development to respect the character, identity and context of the area's towns, villages and countryside. Visually, the proposed buildings would be of a reduced height and scale compared to existing buildings to the south and east and would be constructed from profiled metal cladding on its elevations and roof similar to existing buildings. While the proposed development would create a new structure within the countryside, it is within the confines of Gordleton Industrial Estate and bound by larger buildings to the south and east and by mature trees to the north and west. The proposal is of acceptable design and would be constructed of acceptable materials. The site is visually well contained, due to the surrounding buildings and landscaping. There are no private views of the site that would be considered significant. It is considered that the proposal is unlikely to impact significantly or harmfully upon the character of the area or countryside, in accordance with Policies CS2, CS3 and CS10.

b) Highway Impacts

No concerns are raised by the Highway Authority over the proposed access, parking and turning arrangements, subject to conditions to ensure adequate car and cycle parking and turning provision is provided.

c) Residential Amenity Impacts

Policy CS2 also requires new development to limit adverse impacts upon the amenity of adjoining occupiers. There is unlikely to be any adverse impact to the surrounding area or residential amenity in terms of overbearing presence, loss of light or privacy given the degree of separation and the industrial nature of the wider site. However, the issue of noise outbreak and associated impacts on residential development to the east must be considered. The Environmental Protection Section have suggested the imposition of conditions to mitigate any harmful impact in this respect, consequently the impacts of the proposal comply with the amenity related provisions of Policy CS2 of the Core Strategy.

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

The applicant has provided details in relation to justifying the development within the Green Belt as part of the submission, which seeks to demonstrate that very special circumstances exist which justify allowing

inappropriate development in the Green Belt. They point out that this brownfield site represents an opportunity to create employment opportunities (smaller business units), within an existing industrial area, which together with environmental controls would be an appropriate form of development, notwithstanding its location within Green Belt.

Officers concur with the view that the proposal would be beneficial to the economic prospects of the District, in accordance with Core Strategy Policy CS17 and Local Plan Part 2 Policy DM22, which seek to encourage the redevelopment and intensification of existing employment sites in an appropriate manner. The site is brownfield and suitable for redevelopment and given that it lies within an established built up industrial estate and would not extend into the open countryside, it is not considered that the proposal would significantly adversely affect the openness of the Green Belt.

Having examined the submission, there is no compelling evidence to counter the applicant's justification statement, which weighs in favour of the proposal. It is considered that the case put forward in relation to the need for the development are sufficient to outweigh the presumption against development of this Green Belt site.

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

As set out above, the proposed development amounts to inappropriate development in the Green Belt, which by definition is harmful to the Green Belt. Substantial weight attaches to any harm to the Green Belt. Moreover, while the majority of the site would remain open, the building and the parking areas would lead to some loss of openness. It would not however constitute encroachment into the countryside.

With respect to 'any other harm', the site would be visually enclosed and it is not envisaged that the proposal would result in any significant harm to the openness of the Green Belt or character of the area. With regard to highway matters, the proposal is regarded as satisfactory by the Highway Authority. With regards to residential amenity impacts, the proposal is not considered likely to have any harmful impact, which would weigh against the scheme. Officers are not aware of any other matters raised in representations that would weigh against the scheme.

In respect of those matters which weigh in favour of the scheme, the applicant has provided evidence in relation to the need for the development. The proposed development is on a brownfield site, well related to existing buildings, likely to make a positive contribution to the local economy and with only very limited harm to the openness of the Green Belt. The matters which weigh in favour of the development clearly outweigh the harm to the Green Belt and all other harm identified above.

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

In light of the above, it is concluded that 'very special circumstances' do exist, in the form of the need for the development and benefits derived to warrant a departure from established and adopted Green Belt policies. The principle of the proposed development within the Green Belt is therefore considered to be acceptable in this instance

14.3 Conclusion

14.3.1 In conclusion, while the proposed development is inappropriate

development within the Green Belt, it is considered that it would not have any significant adverse effect on the countryside and designated Green Belt, and would help support the economy. Subject to conditions the proposal would have no significant adverse impact upon the character and appearance of the area, adjoining amenity or highway safety. In light of these considerations and the fact that the applicant has demonstrated very special circumstances to warrant a departure from Green Belt Policy, the proposal is recommended for approval. As the proposal is for a building under 1000 square metres floor space, the application does not need to be referred to the Secretary of State to determine whether or not to call the application in for a decision.

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

15. RECOMMENDATION

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: drawing numbers 001 rev A, 002, 003 Rev A, 2017-F-002-002 and 004

Reason: To ensure satisfactory provision of the development.

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

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

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

Reason: To ensure adequate on-site car parking provision for the approved development.

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

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

Reason: To ensure adequate on-site cycle parking provision for the approved development in accordance with Policy CS24 of the Core Strategy for the New Forest District outside the National Park

7. No goods, plant or machinery shall be stored in the open on the site and no manufacturing activities shall be undertaken outside the building without the express planning permission of the Local Planning Authority.

Reason: To protect the amenity of residential occupiers in the locality in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

8. There shall be no loading or unloading of vehicles in the open on the premises other than between the hours of 07:00hrs and 19:00hrs Monday to Friday, and 08:00hrs and 13:00hrs Saturdays. There shall be no loading or unloading of vehicles in the open on Sundays or Bank Holidays.

Reason: To protect the amenity of residential occupiers in the locality in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

9. The rating level of any noise emitted from the site shall not exceed the background level (LA90) as measured or calculated at the boundary of any noise sensitive premises. The measurements and assessment shall be made in accordance with BS4142:2014.

Reason: To protect the amenity of residential occupiers in the locality in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

10. No air extraction equipment shall be installed externally without the express planning permission of the Local Planning Authority.

Reason: To protect the amenity of residential occupiers in the locality in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

Notes for inclusion on certificate:

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

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

2. The County Highway Authority advises the applicant that as the proposals include the formation of a new access onto the highway which will include works within the highway, these works will be required to be undertaken in accordance with standards laid down by, and under a license agreement with, the Highway Authority.
3. 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.

4. The Environmental Health Section (Contaminated Land) advise that there are a number of sites near to this property which have had past contaminative uses. It is possible that some contamination may have migrated through the ground and groundwater. Whilst the Authority has no evidence to suggest that this is the case, any observed presence of contamination during any ground invasive works should be reported to the Local Authority Environmental Health Officer and works halted whilst the matter is considered. It is advisable to obtain specialist advice concerning the potential for contamination and its recognition. Under the National Planning Policy Framework, where a site is affected by contamination, responsibility for securing a safe development and/or new use, rests with the developer and/or landowner and as a minimum requirement the land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.

Further Information:

Jim Bennett, Case Officer

Major Team

Telephone: 023 8028 5588



Application Number: 17/10509 Full Planning Permission

Site: PEARTREE COTTAGE, KINGS SALTERN ROAD, LYMINGTON
SO41 3QH

Development: Single-storey rear extension with roof lantern; use of garage as living accommodation; fenestration alterations; first-floor front extensions; rooflights, front dormer and balcony in association with new second floor

Applicant: Mr & Mrs Naylor

Target Date: 01/06/2017

Extension Date: 14/07/2017

RECOMMENDATION: REFUSE

Case Officer: Kate Cattermole

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Aerodrome Safeguarding Zone
Plan Area
Flood Zone

Plan Policy Designations

Built-up Area

National Planning Policy Framework

Section 7

Core Strategy

CS2: Design quality
CS6: Flood risk

Local Plan Part 2 Sites and Development Management Development Plan Document

DM2: Nature conservation, biodiversity and geodiversity

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
XX/LYB/00432 Erection of garage.	04/10/1949	Granted	Decided	

5 COUNCILLOR COMMENTS

No Comments Received

6 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council: recommend permission

7 CONSULTEE COMMENTS

Natural England: no comments

8 REPRESENTATIONS RECEIVED

Two comments in favour of the proposal

- The single storey rear extension is marginally larger than on the adjoining property.
- The proposed balcony does not provide a direct line of sight into adjoining house due to location and nature of facing windows. The proposed roof lantern would be overlooked by the first floor rooms on the adjoining property.

9 CRIME & DISORDER IMPLICATIONS

None Relevant

10 LOCAL FINANCE CONSIDERATIONS

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

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

11 WORKING WITH THE APPLICANT/AGENT

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

No pre application advice was sought prior to this proposal being submitted. The initial briefing identified concerns with this proposal, and these are considered significant enough to justify a refusal in this instance. Amended plans were accepted to address a discrepancy on the plans with respect to a rooflight and clarification on the proposed cladding. As there is a contrary view to the Town Council, this application needs to be referred to the Planning and Development Control Committee and therefore cannot be determined within the target date. An extension of time was agreed until 14th July 2017.

12 ASSESSMENT

- 12.1 The application site is sited within a group of detached houses, which face the reed beds on the opposite side of this part of Kings Saltern Road. These dwellings vary in style, but notwithstanding this they exhibit consistent features, most notably front gables and render or painted finishes.
- 12.2 The proposed first floor flat roofed front extensions would be sited on both sides of the front gable, although they would not extend out as far as it. Nevertheless, by reason of their siting and form, they would erode the definition of the front gable, to the detriment of the appearance of the building. Furthermore, the siting of the balcony, with its glazed surrounds, over the first floor extension on the eastern side of the building, would emphasise this feature which, coupled with the proposed flat roofed dormer at second floor level would result in a visually cluttered front elevation. This would result in an intrusive feature that would be prominent in the street scene and detract from the overall appearance of the extended dwelling and thereby detract from the character of the area.
- 12.3 The agent has confirmed that the front elevation is to be clad, and this is shown on the elevations. Even though there are no restrictions in this area that allow control of cladding, this forms part of the current submission. The existing painted front elevation is in keeping with the finish on neighbouring properties and contributes positively to the character of the area. The use of cladding would alter the appearance of the dwelling, and when combined with the other proposed alterations, would result in further detrimental visual impact.
- 12.4 The proposed balcony would be in close proximity to the second floor side and front dormer windows at Southerly Cottage. The balcony would be accessing from a bedroom. It is relatively large and as such could attract associated activity and have a resultant impact on adjoining amenity. Due to its close relationship with the neighbour, the proposed balcony would result in an intrusive form of development to the detriment of this neighbour.
- 12.5 There are existing windows on the side elevation of Brook Cottage which

is to the west of the site. These are likely to be already compromised by their relationship with the existing side wall of the application property. As such there would be no adverse impact of the first floor extension on the amenities of the occupiers of Brook Cottage

- 12.6 The proposed single storey rear extension, by reason of its siting, would not impact on the street scene and would not detrimentally affect the character of the area. Although the rear extension would be relatively large, the rear garden is of a sufficient size so that it could accommodate this extension. It would be set off the boundaries with the neighbouring properties, and by reason of its single storey form it would not adversely impact upon neighbour amenity.
- 12.7 The proposal would result in an increase in the overall number of bedrooms from 3 to 4, which would necessitate the requirement of 3 parking spaces to be provided within the site. The existing garage would be converted under this scheme, but to the front of the property is hardstanding, which is likely to be able to accommodate the required number of spaces on site.
- 12.8 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

15. RECOMMENDATION

REFUSE

Reason(s) for Refusal:

1. The proposed first floor flat roofed front extensions, by reason of their siting, form and depth, would erode the definition of the front gable to the detriment of the appearance of the building and the prevailing character of the area. This harm would be exacerbated by the proposed cladding to the existing front gable, which would introduce an alien and visually prominent feature within the street scene. Furthermore, the balcony and flat roofed dormer, which would create a visually cluttered front elevation, would adversely impact upon the street scene and detract from the character and appearance of the area. As such the proposed development it would be contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park and Chap 7 of the National Planning Policy Framework.

2. By reason of the proximity of the proposed balcony to the second floor windows of Southerly Cottage, this would result in an intrusive and inappropriate form of development in this location, and would adversely impact upon the amenities of the occupiers of this neighbouring property. As such it would be contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park and the National Planning Policy Framework.

Notes for inclusion on certificate:

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

No pre application advice was sought prior to this proposal being submitted. The initial briefing identified initial concerns with this proposal, and these are considered significant enough to justify a refusal in this instance.

Further Information:

Kate Cattermole, Case Officer

Householder EAST Team
Telephone: 023 8028 5588



Application Number: 17/10538 Listed Building Alteration

Site: 2 HIGH STREET, RINGWOOD BH24 1AF

Development: Renovate clock and hands; electrify clock (Application for Listed Building Consent)

Applicant: Mr Wood

Target Date: 15/06/2017

Extension Date: 12/07/2017

RECOMMENDATION: REFUSE LISTED BUILDING CONSENT

Case Officer: Julie Parry

1 REASON FOR COMMITTEE CONSIDERATION

Contrary view with Town Council

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Plan Area

Conservation Area: Ringwood Conservation Area

Listed Building Grade: Grade II 552.28.051

Plan Policy Designations

Primary Shopping Area

Town Centre Boundary

Built-up Area

National Planning Policy Framework

NPPF Ch. 7 - Requiring good design

NPPF Ch. 12 - Conserving and enhancing the historic environment

Core Strategy

CS2: Design quality

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

Local Plan Part 2 Sites and Development Management Development Plan Document

DM1: Heritage and Conservation

Supplementary Planning Guidance And Documents

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

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
16/10095 Use as restaurant (Use Class A3); single-storey rear extension; extraction unit & duct; block door	25/07/2016	Granted Subject to Conditions	Decided	
16/10096 Single-storey rear extension; extraction unit & duct; block door; suspended ceiling; stud walls (Application for Listed Building Consent)	25/07/2016	Granted Subject to Conditions	Decided	
05/84555 Reinstate party wall; use as 2 shops (Application for Listed Building Consent)	01/06/2005	Granted Subject to Conditions	Decided	
94/NFDC/54505/LBC Int/ext alts to shop & flat & addn of external staircase :	08/07/1994	Granted Subject to Conditions	Decided	
94/NFDC/54506 Addition of external staircase	08/07/1994	Refused	Decided	
90/NFDC/44493 Change of use of first floor flat to office accommodation	05/08/1992	Withdrawn by Applicant	Withdrawn	
90/NFDC/44494/LBC Alts and cou of first floor flat to office accommodation	11/05/1990	Granted Subject to Conditions	Decided	

5 COUNCILLOR COMMENTS

No comments received

6 PARISH / TOWN COUNCIL COMMENTS

Ringwood Town Council: recommend permission.

Members did not agree with the views of the Conservation Officer and wished for the clock to operate as proposed by the applicant. They wished to see the clock face returned to its original format, with black background and gold numbering and that the applicant should attempt to locate the mechanism in a public space, for example, Friday's tapas bar, for people to have the opportunity to view it.

7 **CONSULTEE COMMENTS**

7.1 Conservation Officer: Unable to support the application as the proposal would result in the removal of the clock mechanism which would constitute a loss of the clock's historical integrity and loss of historic fabric.

7.2 Council Solicitor: any requirement to keep the clock mechanism in a suitable place for posterity would not comply with the requirements with Section 106 of the Town and Country Planning Act 190 and Regulation 122 of the Community Infrastructure Levy Regulations 2010.

7.3 Environmental Health - Pollution

The noise impact reported by the applicant is understood not to affect neighbouring properties. In respect of such noise within the application site itself, consideration might be given to works of sound insulation.

8 **REPRESENTATIONS RECEIVED**

Total Number of Representations Received in favour: 20

20 letters in favour of the application were received from Ringwood residents (including the Ringwood Society) wanting to see a renovated and functioning clock in the centre of the town.

The applicant has commented in response to the Conservation officer's comments as follows:

- The clock requires full restoration, not just redecoration
- Cost of renovation of the actual timepiece is an another £5,000 plus costs of connecting to an electric system, which are unknown (likely to be £2,000 plus) which makes the project untenable.
- Difficult enough to raise funds but another round of fund raising is unlikely to have support.
- Will donate the original workings of the clock to a local museum or keep them on site.
- Noise from existing clock workings in a tenant bedroom are not justified. A working clock that is renovated is better for the town and has been waiting for many years.
- Suggest that NFDC adopt the clock and fund the balance of work to make this a public clock

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 Conservation Officer's comments were published on the Council's website as well as the initial briefing that set out the Case Officer's concerns with the proposal. Given 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, so the application is determined as submitted. An extension of time has been agreed with the applicant to allow determination of this application by the Planning Development Control Committee.

12 ASSESSMENT

- 12.1 The property is an eighteenth century Listed Building within the Ringwood Conservation Area. It is located in the High Street with a large clock on the front face at first floor. The building was Listed in 1964 and the clock is mentioned within the List description as being placed within a blind opening on the property. Being on the junction of High Street and Christchurch Road the clock is very visible within the street scene and an important part of the character of the Listed Building as well as being part of the social history of the town.
- 12.2 The application is for Listed Building consent for the renovation and replacement of the front face and hands along with the replacement of the mechanism to electrify the clock. The main consideration when assessing this application is the impact on the historic integrity and fabric of the Listed Building.
- 12.3 The principle of a functional renovated clock in Ringwood is welcomed and supported as a positive addition to the town. However, the impact on the integrity of the Listed Building must be carefully considered in making a balance assessment of the issues.
- 12.4 The Conservation Officer has advised that the main concern is that the mechanism is an integral part of the fabric of the Listed Building. It is clear that the mechanism has an association with a past owner of the property and therefore has a social importance to the town and the building forming a large part of what makes the building special to Ringwood. It is understood that the clock dates from the nineteenth century and was built by the owner of the property and proprietor of the clock shop that operated from the downstairs room as the time, Mr Hext. The mechanism contains a pendulum and is mechanically powered and requires winding every 20 hours. It is attached directly to the clock hands through a hole in the brickwork and the whole mechanism is contained within a cupboard in the bedroom of the property.
- 12.5 The proposed scheme would involve the electrification of the clock hands and the placement of a new mechanism behind the hands. The hands would be replaced in the same style as the existing and the

existing mechanism would be removed from its attachment to the hands. The removal of the mechanism from the hands would constitute a loss of historic fabric. The possibility of retaining the existing mechanism and to get it functioning again could be possible albeit at further cost. Grayson Time Management Systems - on behalf of the applicants - have confirmed that the mechanism would be able to be repaired and that there is a possibility of the hands being powered by electricity with the existing mechanism still in place and this would need to be investigated further.

- 12.6 The redecoration and replacement of the clock face and hands is acceptable in principle. However, the proposal would involve a new mechanism which, being attached to the hands, would constitute a loss of historic fabric. It is clear that the clock represents an important feature to the town but it is the mechanism that is as important to the character of the building.
- 12.7 The applicant has responded to the Conservation Officer's comments to advise that the extra cost of renovating the actual timepiece would be excessive and would require further fund raising. He would be happy to donate the original workings to a local museum or keep them on site. The applicant's view is that the main outcome is to have a working clock, that does not look an eyesore, which would be better for the town than waiting many more years for its restoration.
- 12.8 The applicant has advised that the original workings of the clock are very noisy within the tenant's bedroom. Without a noise assessment it is difficult for this to be considered. However the Council's Environmental Health Officer was consulted to establish if there were any concerns in terms of noise pollution. He has advised that the noise is likely to be within the application site itself and therefore consideration could be given to works of sound insulation if necessary.
- 12.9 There has been a suggestion that the clock workings could be retained on the site or displayed in a shop or museum. This would be a way of retaining the mechanism but it is the mechanism's location that gives it its historic importance. Furthermore, a condition which would retain these items in a certain place for posterity would be inappropriate and difficult to enforce. The alternative would be a legal agreement, However, a Section 106 Agreement would not be appropriate in this case as any requirement to keep the clock mechanism in a suitable place for posterity would not comply with the requirements with Section 106 of the Town and Country Planning Act 190 and Regulation 122 of the Community Infrastructure Levy Regulations 2010.
- 12.10 It is commendable that much time, effort and financial fundraising for this scheme has been undertaken both by Ringwood Town Council, the applicant and the local community. The community support and donations towards fundraising for this project are appreciated and the local support for the application is acknowledged. However, while a renovated working clock face would be a benefit to the town, removing the mechanism - which is an important part of the history of the building - from its original location would result in a loss of the character and significance of the Listed building. Therefore, on balance, despite the positive benefits of the scheme, the justification for the loss of historic fabric involved cannot be substantiated in this case. As such the application is recommended for refusal.

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

13. RECOMMENDATION

REFUSE LISTED BUILDING CONSENT

Reason(s) for Refusal:

1. The clock forms a part of the historic fabric of the listed building and the removal of the clock mechanism as proposed would constitute a loss of integrity of historic fabric, and resultant detriment to the significance of this heritage asset. As such this proposal would conflict with Section 12 of the National Planning Policy Framework, Policy CS3 of the Core Strategy for the New Forest District outside the National Park and Policy DM1 of the Local Plan Part 2: Sites and Development Management Plan.

Notes for inclusion on certificate:

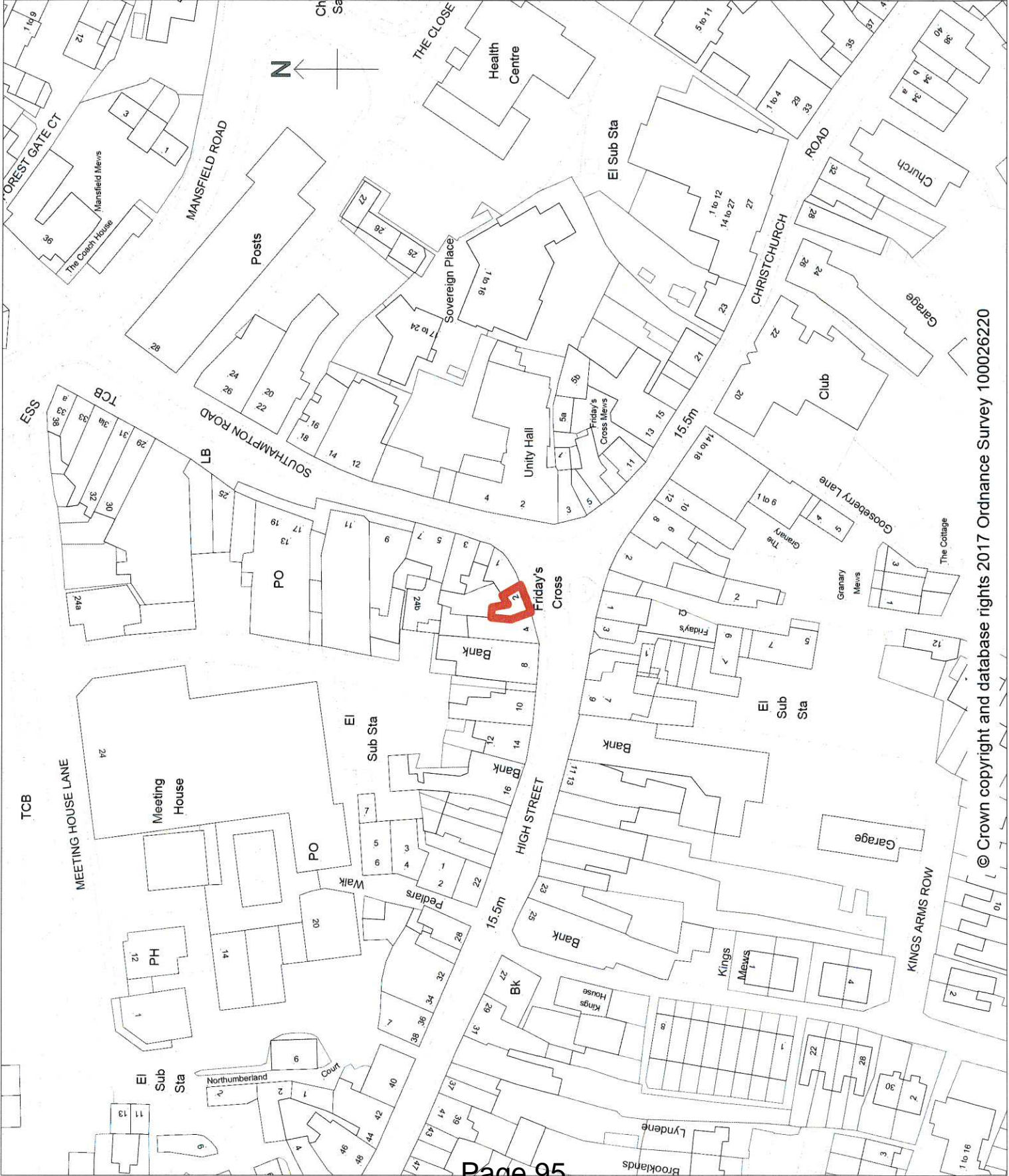
In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in 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 Conservation Officer's comments were published on the Council's website as well as the initial briefing that set out the Case Officer's concerns with the proposal. 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. An extension of time has been agreed with the applicant to allow determination of this application by the Planning Development Control Committee.

Further Information:

Julie Parry, Case Officer

Householder Team
Telephone: 023 8028 5588



Application Number: 17/10590 Full Planning Permission

Site: 47 BARTON DRIVE, BARTON-ON-SEA, NEW MILTON BH25
7JH

Development: Two-storey and single-storey rear extension

Applicant: Mr Gill

Target Date: 29/06/2017

Extension Date: 19/07/2017

RECOMMENDATION: GRANT SUBJECT TO CONDITIONS

Case Officer: Rosie Rigby

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Aerodrome Safeguarding Zone
Plan Area

Plan Policy Designations

Built-up Area

National Planning Policy Framework

Section 7

Core Strategy

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

Supplementary Planning Guidance And Documents

SPD - New Milton Local Distinctiveness

3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

4 RELEVANT SITE HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
17/10261 Single-storey front extension	27/04/2017	Granted Subject to Conditions	Decided	
17/10260 Two-storey rear extension (Lawful Development Certificate that permission is not required for proposal)	04/04/2017	Was Lawful	Decided	
16/11499 Single-storey front extension; single-storey and two-storey rear extension; fenestration alterations	23/12/2016	Refused	Decided	
07/89454 New pitched roof over existing garage & porch	21/03/2007	Granted Subject to Conditions	Decided	
02/74139 Single storey addition	28/03/2002	Granted Subject to Conditions	Decided	

5 COUNCILLOR COMMENTS

No comments received

6 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: object (Non-Delegated)
The addition of the single storey extension exacerbates the overbearing nature for the primary window in side elevation of number 49.

7 CONSULTEE COMMENTS

No comments received

8 REPRESENTATIONS RECEIVED

Total Number of Representations Received Against: 1

- 3rd planning application to extend to the rear;
- The largest yet extending 6.5 metres with two-storey and sloping roof single-storey parts;
- visual intrusion and overbearing impact to primary living space; and
- impact on the only direct source of light to living room

The applicant responded to the representation as follows:

- flank wall has a separation of 5.3 metres;
- meets requirements of 25 degree rule;
- to build on the south side of the property would not work for applicant;

- and
- these revised proposals would not have a significant impact on the light and outlook to the neighbour's window
-

9 CRIME & DISORDER IMPLICATIONS

None relevant

10 LOCAL FINANCE CONSIDERATIONS

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

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

11 WORKING WITH THE APPLICANT/AGENT

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

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

12 ASSESSMENT

- 12.1 The application site consists of a two-storey house in the built up area of Barton on Sea. The immediate vicinity is characterised by similar properties. This application follows an earlier refusal for a single and two-storey rear extension (ref: 16/11499). This was refused for the following reason:

"By virtue of the siting, height and depth of the proposed two storey rear extension in close proximity to the lounge window of the neighbouring property, 49 Barton Way, it would detrimentally impact on the amenities of the occupiers of that property by reason of visual intrusion, overbearing impact and an unacceptable loss of light. As such it would be contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park and Chap 7 of the National Planning Policy Framework."

- 12.2 A single-storey front extension was granted under planning permission 17/10261 and a Lawful Development Certificate was issued for a two-storey rear extension under application 17/10260.
- 12.3 It is relevant to note that the two-storey element of this application could be built under permitted development rights as established with the Lawful Development Certificate granted under application 17/10260. However, as it forms part of the submitted application it needs to be

assessed accordingly with reference to this.

- 12.4 As the extension is located to the rear the main considerations of the application is the impact on neighbour amenity, in particular to no 49 to the north. Consideration has also been given as to whether these proposals address the reasons for refusal on the previous application.
- 12.5 The walls of the proposed extension would be stepped in from the existing house by 1.2 metres with the two-storey element reduced in length by 2.45 metres, compared to the previously refused application. However there would be a single-storey addition giving the overall extension a length of 6.5 metres compared to 5.43 metres previously proposed albeit this whole extension in the refusal would have been at a two-storey height.
- 12.6 The reduced roof height of the proposed extension gives a subservient appearance and as such the design would appear appropriate to the form and scale of the host dwelling and would not have an adverse impact on the character of the area.
- 12.7 The gaps between the application dwelling and its neighbours mean that although this proposal is to the rear of the property and is stepped away from the side the proposed two-storey element could be visible from the street. However it is not considered that the impact would be to such an extent that harm would be caused to the street scene. The open gaps between buildings are a strong part of the character of the Barton Gardens area as recognised in the New Milton Local Distinctiveness.
- 12.8 Due to the orientation of the application property to the south of no 49 Barton Drive there is already be a degree of overshadowing to this neighbour for part of the day. Consideration being given to the additional impact of the proposed extension. No 49 has a single storey rear extension on part of the back of the dwelling with a conservatory on the end. There is a ground floor side window facing the application site, which serves the neighbour's lounge.
- 12.9 Although there is a degree of separation, the proposal would impact on the amenities of no 49 by reason of loss of light and a degree of over dominance to a main living area. However in making a determination of this, the fallback position has to be considered. The two-storey element could be built under permitted development rights as established by the Lawful Development Certificate 17/10260. On balance therefore a refusal of the current proposal on this basis could not be justified in this instance.
- 12.10 The additional single-storey extension elongates the extension and would result in built form 1.07 metres in excess of that previously refused, albeit that 3.5 metres of this extension would now be single-storey. New Milton Town Council consider this single-storey extension exacerbates the overbearing impact on the window of no. 49. Despite this and given the fallback position already identified, the additional single-storey extension with its limited height and separation from the side boundary would not lead to unacceptable additional dominance or loss of light that would be harmful to the adjoining neighbour when assessed against what could be built under permitted development.

- 12.11 To the rear of the application site is a bungalow, no 2 Barton Way. This property has a small rear garden, but the proposed extension is still a reasonable distance away from the rear boundary. There are already first floor windows on the rear elevation, and due to the separation between the back wall of the proposed two storey extension and rear boundary, the existing relationship between these properties would not be unduly compromised.
- 12.12 The proposal includes windows at first floor level on both side elevations of the existing property to facilitate internal layout changes. However these windows are small and as they both serve bathrooms they are likely to be obscurely glazed. A condition can be added to prevent any windows being inserted on the side elevations of the extension at first floor level to prevent overlooking and protect the privacy of the neighbours.
- 12.13 The property is sited on a reasonable sized plot which would comfortably accommodate the proposal and leave adequate space for the amenities of these and future occupiers.
- 12.14 Overall, the proposed development would be consistent with Core Strategy policies and objectives and as such, the application is recommended for permission.
- 12.15 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

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: DWG 7 Rev B.

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. No first floor windows shall be inserted into the extension hereby approved unless express planning permission has first been granted.

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

Notes for inclusion on certificate:

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

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

Further Information:

Rosie Rigby, Case Officer

Householder WEST Team
Telephone: 023 8028 5588



Application Number: 17/10593 Full Planning Permission

Site: 47 STANLEY ROAD, LYMINGTON SO41 3SL

Development: Roof alterations in association with new second floor; rooflights; two-storey side extension; single-storey side and rear extension; porch; front bay window alterations; fenestration alterations, dropped kerb extension

Applicant: Mr & Mrs Pinkney

Target Date: 19/06/2017

RECOMMENDATION: REFUSE

Case Officer: Kate Cattermole

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Town Council view (in part)

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Aerodrome Safeguarding Zone
Plan Area
Flood Zone

Conservation Area: Kings Saltern Conservation Area

Plan Policy Designations

Built-up Area

National Planning Policy Framework

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

Core Strategy

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

Local Plan Part 2 Sites and Development Management Development Plan Document

DM1: Heritage and Conservation

Supplementary Planning Guidance And Documents

SPD - Lymington Local Distinctiveness

3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

4 RELEVANT SITE HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
17/10609 Access , parking, drop kerb	21/06/2017	Granted subject to conditions		
17/10574 Single-storey rear extension; outbuilding (Lawful Development Certificate that permission is not required for proposal)	19/06/2017	Part Lawful		
17/10037 Two-storey and single-storey rear extension; single-storey side extension; fenestration alterations;	12/04/2017	Refused	Decided	
08/92611 Single-storey side extension	22/08/2008	Granted Subject to Conditions	Decided	Appeal Lodged
07/90473 Single-storey side & rear extensions	30/08/2007	Granted Subject to Conditions	Decided	

5 COUNCILLOR COMMENTS

No comments received

6 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council: recommend refusal. In support of the issues raised by neighbours, Conservation Officer and Case Officer.

7 CONSULTEE COMMENTS

Natural England: no comment

Conservation: objection

8 REPRESENTATIONS RECEIVED

Total Number of Representations Against: 4

- Increase in height of building would be out of proportion with neighbouring properties, and dominate them
- Even though 41, 43 and 45 are all three storey buildings, this is achieved without increasing roof height
- Windows and rooflights intrude on privacy of neighbours
- Single storey extension will be visible from neighbouring properties
- Contrary to policy
- Raising of roof is overdevelopment and overbearing
- Excessive size and unsightly detail out of character with Conservation Area
- Development would result in a totally different building

9 CRIME & DISORDER IMPLICATIONS

None relevant

10 LOCAL FINANCE CONSIDERATIONS

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

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

11 WORKING WITH THE APPLICANT/AGENT

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

No advice was sought prior to this application being submitted. The initial briefing identified concerns with the proposal, and these have been reinforced by objections from the Conservation Officer, Town Council and third parties which have been available to view on the Council's website. As the application now falls to be determined a refusal is justified in this instance. Even though the application has been recommended for refusal by the Town Council, the Planning Officer cannot support all their concerns and therefore it is necessary to refer this application to the Planning and Development Control Committee, which will mean the determination date is outside of the 8 week target date.

12 ASSESSMENT

12.1 This is a revised scheme following a recent refusal for extensions to the dwelling. This was refused at Planning Development Control Committee in April 2017 (item 3g). This application (Ref 17/10037) proposed a two-storey and single-storey rear extension; single-storey side extension; and fenestration alterations. The scheme was refused for the following reason:

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

No clarification advice was sought prior to this new scheme being submitted.

- 12.2 The application site consists of a two storey detached dwelling sited in the Kings Saltern Conservation Area. Its scale and form are typical of the period in which it was built and its mostly unaltered form contributes to both the character of the building and the variety within the street scene.
- 12.3 The proposal would increase the overall ridge height of the dominant two storey front element of the existing dwelling by approximately 1.7m and the eaves height by 800mm. The subservient rear two storey element would remain unchanged. The building as existing forms part of a group of pleasing, traditionally proportioned dwellings , but the increase in the roof height would disrupt this and would appear overly bulky and large within its context. The difference in height within this group would be further emphasised by the change in eaves height, which is currently consistent within this group, and is more obvious due to the close proximity of the buildings within this row of dwellings.
- 12.4 The increase in the height of the main roof would diminish the relationship with the subservient two storey rear element of 47 Stanley Road, creating an imbalance between these two parts of the dwelling. Furthermore, views are achievable of this side elevation from public vantage points over the frontage of 49 Stanley Road and the resultant impact would be detrimental to the character and appearance of the building and street scene. Notwithstanding that there are examples of 3 storey dwellings within the immediate area, this does not justify such a development in this location where demonstrable harm would be caused.
- 12.5 The appearance of the front elevation would be further altered by the introduction of a box window which would replace the canted bay window, significantly altering the appearance and character of the dwelling.

- 12.6 The proposal would result in the removal of the existing chimney, which would be a loss to the general streetscape, and no justification has been provided for this.
- 12.7 The proposed two storey side extension would be set back from the front elevation, and is not necessarily unsympathetic to the overall proposal. The Conservation Officer has raised concerns with this element stating it would result in a lopsided appearance. Notwithstanding this concern, there are examples of similar extensions within the immediate area and as this element would be set back this should mitigate this impression and its impact on the overall appearance of the dwelling.
- 12.8 The single storey side extension would be located in front of this two storey element and would wrap round the front elevation to create a porch. The proposed porch by reason of its size, height and position (in part straddling the side extension) would result in an unsympathetic addition to the dwelling, detracting from its current simple facade.
- 12.9 The previously refused application identified the harm of extending the linear footprint of the dwelling. The single storey rear extension which forms part of the current proposal would not address this previous concern as it proposed a rearward extension of 6.7 metres. Although glazing has been incorporated into the design, this does not diminish the unacceptable impact which would still elongate the dwelling to its detriment; and the proposed cupola feature just serves to emphasise this element.
- 12.10 The single storey side extension in itself does not appear harmful, but when combined with the single storey rear extension swamps the original plan form of the dwelling, and the fenestration detailing on the single storey element is also unsympathetic to the main dwelling.
- 12.11 The increased roof height, given its location primarily over the existing footprint, would not have an unacceptably dominant impact on neighbouring properties. Furthermore the single storey additions are more modest and respect the boundaries with adjoining properties so the proposals overall would not to affect amenity by dominance or overshadowing impacts.
- 12.12 Loss of privacy has been cited in neighbour objections and this has been supported by the Town Council. The proposed rooflights on the north-east elevation could potentially overlook the neighbouring property, no 49. The two rearmost rooflights on this roof slope would be serving the staircase, and taking into account the purpose of this area, it would reduce the possibility of overlooking from these rooflights. The two rooflights further forward would serve a bedroom, and as there is already a window proposed on the front elevation of this room they could be conditioned to be obscure glazed and fixed shut to mitigate potential harm.
- 12.13 With regard to the rooflights on the southwestern elevation facing No 45, overlooking is likely to only be achievable from the rearmost rooflight at second floor level which would be serving a bathroom and therefore could be conditioned to mitigate any harm. The three ground floor rooflights would serve the kitchen and utility and would be at high level

relative to the floor and so no amenity impacts would result. Therefore, having assessed these matters, an objection due to harm to the privacy of the neighbouring properties by virtue of overlooking would not be justified in this instance.

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

15. RECOMMENDATION

REFUSE

Reason(s) for Refusal:

1. The increase in the overall ridge and eaves height of the dwelling would unbalance the existing two storey elements of this building. The harm to the appearance of the dwelling would be further exacerbated by the additional single storey extension which would extend the linear footprint of the building, as well as the introduction of an overly large porch which would emphasise the increase in width by extending in part beyond the side elevation. As such the extensions would create an overly dominant and bulky building, and would detract in a harmful manner from the simple form of the existing dwelling. As a result the proposals would appear incongruous within the street scene and detract from the character and appearance of the Kings Saltern Conservation Area, contrary to Policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park, Policy DM1 of the Local Plan Part 2 Sites and Development Management Development Plan and Chapter 12 and Para 64 of the National Planning Policy Framework

Notes for inclusion on certificate:

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

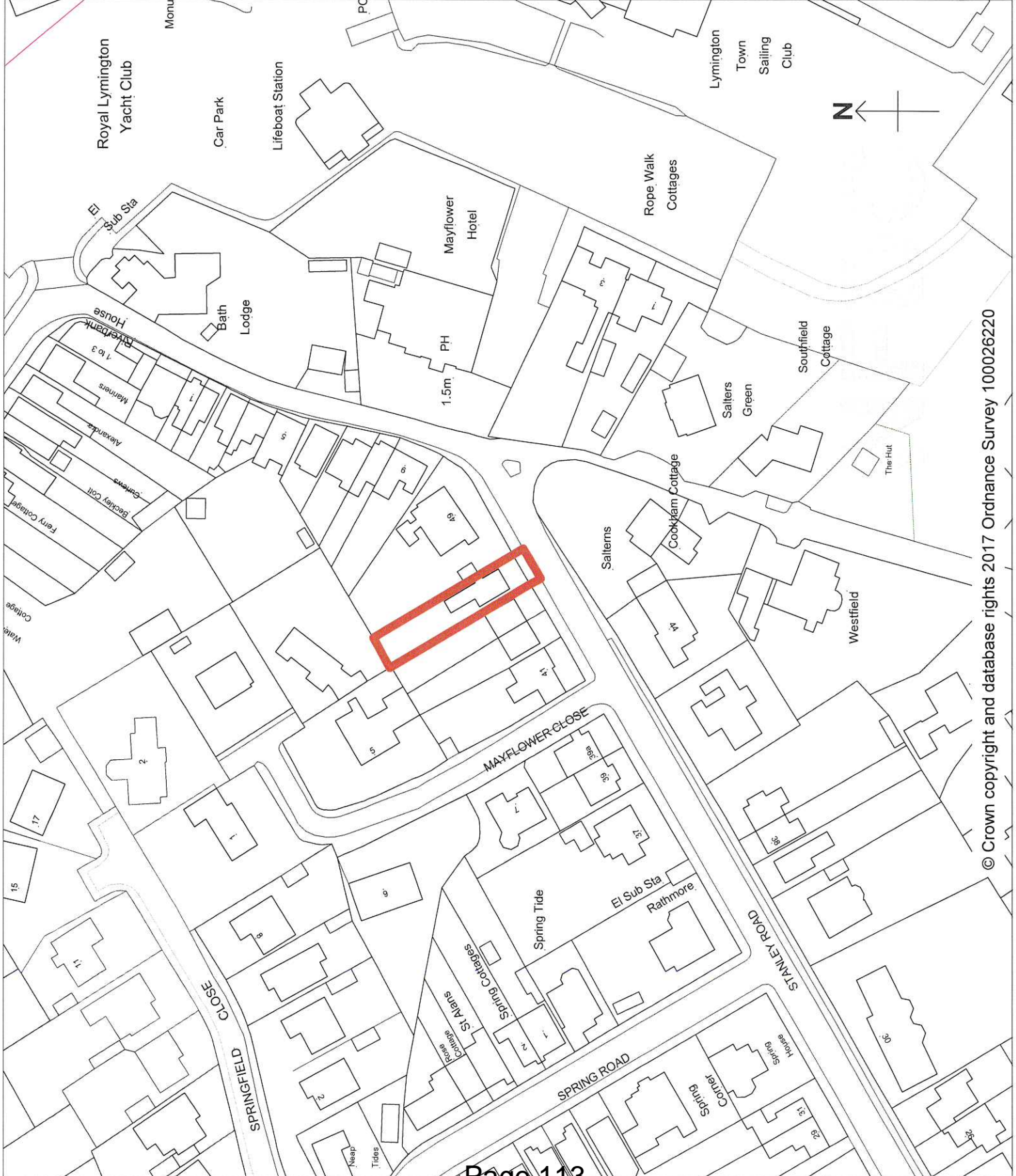
No advice was sought prior to this application being submitted. The initial briefing identified concerns with the proposal, and this has been reinforced by objections from the Conservation Officer, Town Council and third parties which have been available to view on the Council's website. As the application now falls to be determined a refusal is justified in this instance. Even though the application has been recommended for refusal by the Town Council, the Planning Officer cannot support all their concerns and

therefore it is necessary to refer this application to the Planning and Development Control Committee, which will mean the determination date is outside of the 8 week target date.

Further Information:

Kate Cattermole, Case Officer

Householder EAST Team
Telephone: 023 8028 5588



Application Number: 17/10621 Full Planning Permission

Site: WHEATFIELD, LOWER BUCKLAND ROAD, LYMINGTON SO41
9DU

Development: Two-storey & single-storey rear extensions; single-storey front extension; verandah to rear

Applicant: Mr Morgan

Target Date: 27/06/2017

Extension Date: 14/07/2017

RECOMMENDATION: GRANT SUBJECT TO CONDITIONS

Case Officer: Kate Cattermole

1 REASON FOR COMMITTEE CONSIDERATION

Discretion of Service Manager Planning & Building Control

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Aerodrome Safeguarding Zone
Plan Area

Plan Policy Designations

Built-up Area

National Planning Policy Framework

Section 7

Core Strategy

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

Supplementary Planning Guidance And Documents

SPD - Lymington Local Distinctiveness

3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

4 RELEVANT SITE HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
16/11524 Two-storey and single storey rear extensions; single-storey front extension	08/06/2017		Judicial Review decision quashed	
02/74266 2 storey addition	25/04/2002	Granted Subject to Conditions	Decided	
93/NFDC/52273 Erect detached single garage	06/07/1993	Granted Subject to Conditions	Decided	

5 COUNCILLOR COMMENTS

No comments received

6 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council:
: recommend permission, subject to the decision of the judicial report.

7 CONSULTEE COMMENTS

No comments received

8 REPRESENTATIONS RECEIVED

One comment against:

- footprint increase taking into account previous extension would be 126%
- would have visual impact and result in sense of enclosure to occupiers of 11 Hillditch
- overbearing.

9 CRIME & DISORDER IMPLICATIONS

None relevant

10 LOCAL FINANCE CONSIDERATIONS

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

Regulation 42 of the CIL Regulations 2010 (as amended) states that CIL will be

applicable to all applications over 100sqm GIA and those that create a new dwelling. The development is under 100 sq metres and is not for a new dwelling and so there is no CIL liability in this case.

11 WORKING WITH THE APPLICANT/AGENT

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

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

12 ASSESSMENT

- 12.1 The current application duplicates a previously submitted application under reference 16/11524. A planning permission was issued on 29 December 2016, but this was subject to a judicial review as it was issued in error as a delegated decision, when it should have been put to the Planning and Development Control Committee. A decision on the Judicial Review was issued on the 8th June 2107 which quashed this earlier planning permission.
- 12.2 The existing dwelling is a detached house, that has been previously extended. It is accessed from Lower Buckland Road by an access road, and is bordered by a more modern estate development (Hillditch) on the northern and eastern boundaries, with a footpath separating properties within The Rampart to the south.
- 12.3 The proposed extensions consist of a single storey front extension, and two storey rear extension positioned centrally on the rear elevation and flanked on both sides by a single storey extension replacing an existing conservatory, and verandah with partially glazed canopy respectively.
- 12.4 The proposed front extension, by reason of its single storey form and relationship with the neighbouring property, 11 Hillditch would not adversely impact upon their amenities. Furthermore, there is currently screening along this boundary within the neighbour's curtilage. The proposed front extension would be a sympathetic addition to this dwelling, and would not detract from its character and appearance.
- 12.5 The two storey and single storey extensions on the rear elevation would be proportionate to the existing dwelling, and would modernise the external appearance of the property.
- 12.6 The existing dwelling is within a reasonable sized plot, and could accommodate the proposed extensions. It is appreciated that the percentage increase would result in the dwelling doubling in size, but there are no policy constraints on increases to floorspace on properties within the built up area, and the current proposal would not significantly increase the footprint of the existing dwelling. Furthermore, there are no restrictions on the permitted development rights pertaining to this dwelling, so it could be subject to further extensions without the

requirement to gain planning consent. The agent has included information to illustrate that in their view the 2 storey rear extension would meet the criteria of permitted development. Notwithstanding this, it currently forms an integral part of a larger extension and therefore does require the benefit of planning permission. The resulting development would be appropriate in scale to the plot and would reflect the character of established dwellings within Lower Buckland Road, and as such would not constitute overdevelopment.

- 12.7 There are existing first floor windows on the rear elevation, and the property has a deep rear garden. The proposed two storey rear extension would replace the existing full bay, and introduce a deep first floor window, but there would still be a reasonable separation distance with the dwellings to the rear and as such this aspect of the proposed extension would not raise issues of overlooking.
- 12.8 11 Hillditch is a detached house that is situated in a reasonable sized plot, and forms part of a 1970s/1980s residential development. The rear garden slopes down slightly to the rear boundary which abuts the application site. By virtue of the positioning of 11 Hillditch within its plot, the rear windows look towards the built form of Wheatfield, but the majority of this building is screened by a row of 9 trees planted in the curtilage of 11 Hillditch, and these are currently up to the eaves height of the two storey building. The existing conservatory at Wheatfield is beyond the tree screen and therefore visible to this neighbour. A footpath runs along the front of the application site, and continues along the western boundary of 11 Hillditch and is edged by a mature tree screen.
- 12.9 The previous extension to Wheatfield granted in 2002 introduced built form in close proximity to the rear boundary with 11 Hillditch. The conservatory was added to the end of this extension subsequently, resulting in built form occupying approximately 2/3 of the rear boundary with this property, and the conservatory extends beyond the boundary with no 11.
- 12.10 The proposed single storey extension that would replace the conservatory would be shorter than the existing structure, and the change in design would not exacerbate the existing relationship with the neighbouring property, no 11 Hillditch. The two storey element, by reason of its position on the dwelling, would be set further away from the rear boundary with no 11, being a distance of approximately 5m. Even though these rear extensions would be visible from the neighbours at 11 Hillditch, by reason of their position and relationship with this neighbour they would not create an overly dominant or overbearing form of extension to the detriment of this neighbour, nor would they exacerbate the existing relationship with this neighbour. Furthermore, the removal of the conservatory and the replacement of a brick side wall would result in the loss of glazing which appears to have existing views over the boundary fence, and also would remove any potential glare that may result from the existing materials of the conservatory.
- 12.11 Even though 11 Hillditch is to the north of the application site, by virtue of the form and positioning of the extensions, they should not overly exacerbate the existing relationship with regards to loss of light or overshadowing.
- 12.12 In coming to this recommendation, consideration has been given to the

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

13. RECOMMENDATION

GRANT SUBJECT TO CONDITIONS

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: 1641.12, 1641.05B, 1641.06, 1641.13, 1641.01, 1641.02, 1641.03, 1641.04, 1641.07A, 1641.08A

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:

Kate Cattermole, Case Officer

Householder Team

Telephone: 023 8028 5588



Application Number: 17/10640 Full Planning Permission

Site: 3 CHURCH MEAD, LYMINGTON SO41 8FN

Development: Two-storey side extension to detached garage

Applicant: Mr & Mrs McKeon

Target Date: 29/06/2017

Extension Date: 12/07/2017

RECOMMENDATION: REFUSE

Case Officer: Vivienne Baxter

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Town Council view

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Aerodrome Safeguarding Zone
Flood Zone

Plan Policy Designations

Built-up Area

National Planning Policy Framework

Section 7

Core Strategy

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

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
07/89360 Single-storey garage extension; first floor garage extension	06/03/2007	Granted Subject to Conditions	Decided	
88/NFDC/39156 Replacement of single garage with double garage.	26/09/1988	Granted	Decided	

5 COUNCILLOR COMMENTS

No comments received

6 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council: recommend permission, subject to obscure glazing in overlooking window.

7 CONSULTEE COMMENTS

Natural England: no comments. Refer to Standing Advice.

8 REPRESENTATIONS RECEIVED

No comments received

9 CRIME & DISORDER IMPLICATIONS

None Relevant

10 LOCAL FINANCE CONSIDERATIONS

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

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

11 WORKING WITH THE APPLICANT/AGENT

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

The application was submitted without the prior benefit of pre-application advice and it is considered that the massing of the resultant building is excessive in this location. The Town Council recommend permission and so, as there is a

contrary view, the decision cannot be taken under delegated powers and as such needs to be determined by the Planning Development Control Committee

12 ASSESSMENT

- 12.1 The site lies within the built up area of Lymington in a residential area tucked behind the Fisherman's Rest public house. It contains a detached two-storey dwelling with detached garage/car port/studio building adjacent. The adjacent dwelling at No. 2 is in the same ownership. The proposal is for the replacement of the car port element of the detached building with a two-storey addition to provide an extended garage with an additional studio space over.
- 12.2 The proposal would have a limited impact on residential amenity due to its siting to the north of the host dwelling and east of the immediate neighbour (No 2 Church Mead). While there are windows at first floor level, those on the boundary could be restricted to being obscure glazed in order to protect the amenities of the occupiers of 2, Church Mead.
- 12.3 The existing garage building is large, having a ridge height of almost 7m and a width of 7.5 metres, with an attached car port to the west. The proposal would almost double the width and footprint of the building, providing further accommodation at first floor level, together with associated fenestration and a pitched roof dormer on the south elevation. The resultant building would be located within 1.2 m of the host dwelling and 2.8 metres of the public house to the rear. Due to the overall scale and massing of the extended building it would be tantamount to an additional dwelling and as such is considered to represent a cramped form of development inappropriate in this location.
- 12.4 The proximity of the extension to the boundary would result in the loss of part of a mature hedge, the loss of which would further increase the impact of the proposal on the adjacent property.
- 12.5 Although the comments of the Town Council have been noted, it is considered that the proposal would result in an overly large outbuilding and due to the resultant relationship with existing buildings on and adjoining the site would represent a cramped and unsympathetic form of development.
- 12.6 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.

13. RECOMMENDATION

REFUSE

Reason(s) for Refusal:

1. The proposed development due to its overall height, width, scale and bulk would result in an overly large building, unsympathetic to its setting and relationship to other buildings. As such, it would represent an inappropriate and cramped form of development on this site and thereby would be contrary to policy CS2 of the New Forest District Council Core Strategy.

Notes for inclusion on certificate:

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

The application was submitted without the prior benefit of pre-application advice and it is considered that the massing of the resultant building is excessive in this location.

Further Information:

Vivienne Baxter, Case Officer

Householder Team

Telephone: 023 8028 5588



Application Number: 17/10644 Advertisement Consent

Site: THE FUSION INN, QUEEN STREET, LYMINGTON SO41 9NG

Development: Display 1 illuminated fascia sign; 1 non-illuminated fascia sign; 5 wall mounted signs; 1 letter sign; 10 lanterns; 4 floodlights
(Application for Advertisement Consent)

Applicant: Heineken

Target Date: 29/06/2017

Extension Date: 12/07/2017

RECOMMENDATION: SPLIT DECISION

Case Officer: Vivienne Baxter

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Town Council view in part

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area
Town Centre Boundary
Primary Shopping Area
Lymington Conservation Area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

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

Local Plan Part 2 Sites and Development Management Development Plan Document

DM1: Heritage and Conservation

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004
National Planning Policy Framework
Achieving Sustainable Development
NPPF Ch. 7 - Requiring good design
NPPF Ch. 12 - Conserving and enhancing the historic environment

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

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

6 RELEVANT PLANNING HISTORY

6.1 00/70367 - illuminated projecting and fascia signs. Granted 21.12.00

6.2 Associated application for Listed Building Consent (17/10645) granted consent on 28-07-17.

7 PARISH / TOWN COUNCIL COMMENTS

Lymington and Pennington Town Council - recommend refusal; proposed illumination appears unnecessarily significant.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

9.1 Environmental Health (Pollution) - no objection

9.2 Hampshire County Council Highways Engineer - no objection to most signs but raise objection to some of the lantern lights (G)

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.

The application was submitted without the prior benefit of pre-application advice and given the concerns raised by both Highway Authority and Conservation Officer, it would not have been possible to accept amendments within the 8 weeks allowed for determination, hence the split decision.

14 ASSESSMENT

- 14.1 The site lies within the built up area of Lymington in the Lymington Conservation Area. The pub is currently vacant, with some signs in situ. The proposal entails new signage and associated lighting for the pub which would be reverting back to its previous name.

Sign A – aluminium fascia sign with individual fixed letters and sign written detail to render

Sign B – aluminium gable sign with individual fixed letters and applied logo

Sign C – 2 x aluminium amenity board signs

Sign D – 3 x aluminium amenity chalkboards

Sign E – sign written display

F – 4 x low energy LED flood lights

G – 10 x small industrial style lanterns

- 14.2 The Highway Authority has raised an objection to 5 of the proposed lantern lights to the front elevation which would be sited only 1.7m above ground level and would therefore be considered an obstruction to pedestrians. Obstructions overhanging the highway should be at least

2.44m above the footway. They also recommended that the floodlights should be angled so as not to discharge light onto the carriageway of the road.

- 14.3 With regard to the signs, there is concern that the painted element of the main sign (A) does not respect the features of the building, namely a blocked up window. Sign B to the rear is very large and while the lack of illumination is welcomed, it is considered too large in this location which is facing into a residential area. Signs C and D located on the front elevation and timber bin enclosure at the rear are not of any particular concern. There is evidence of previous signs and illumination on the timber bin enclosure to the rear of the building. Similarly, the signwritten lettering to the side is acceptable but not the proposed illumination above.
- 14.4 Overall, the scheme is not considered to respond well to the building and the proposed illumination is more than necessary to identify the building and its function at night. The number of lights results in clutter to the facade. As a result a split decision is recommended.
- 14.5 In coming to this recommendation, in respect of signs C, D and E 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.
- 14.6 In coming to this recommendation, in respect of A and B and all illumination 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

SPLIT DECISION

GRANT ADVERTISEMENT CONSENT FOR SIGNS C, D AND E TO THE FRONT AND SIDE ELEVATIONS

Standard Conditions

1. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
3. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.
4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
5. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).

Proposed Conditions:

- 6 The development permitted shall be carried out in accordance with the following approved plans: technical lighting details, site location plan, block plan, sign details, elevations, sections.

Reason: To ensure satisfactory provision of the development.

REFUSE ADVERTISEMENT CONSENT FOR SIGNS A AND B AND ALL ILLUMINATION

Reason(s) for Refusal:

1. The size and design of signs A and B together with the extent of illumination proposed would adversely affect the character and appearance of the building to the detriment of the Conservation Area. The proposal would therefore be contrary to policies CS2 and CS3 of the New Forest District Council Core Strategy and policy DM1 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 given the concerns raised by both Highway Authority and Conservation Officer, it would not have been possible to accept amendments within the 8 weeks, hence the split decision.

Further Information:

Vivienne Baxter, Case Officer

Major Team

Telephone: 023 8028 5588



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Application Number: 17/10098 Full Planning Permission

Site: Land of EASTERN ROAD, LYMINGTON SO41 9HH

Development: 9 dwellings comprised: two pairs of semi-detached houses; four link-detached houses; one detached dwelling; carports; parking; cycle and bin storage; landscaping; demolition of existing

Applicant: Colten Developments Ltd

Target Date: 28/03/2017

RECOMMENDATION: GRANT SUBJECT TO CONDITIONS

Case Officer: Vivienne Baxter

1 REASON FOR COMMITTEE CONSIDERATION

Request of Member at the Planning Development Control Committee

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
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- 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
- DM1: Heritage and Conservation
- DM3: Mitigation of impacts on European nature conservation sites

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework
Achieving Sustainable Development
NPPF Ch. 6 - Delivering a wide choice of high quality homes
NPPF Ch. 7 - Requiring good design
NPPF Ch. 12 - Conserving and enhancing the historic environment
Section 72 General duty as respects conservation areas in exercise of planning functions
Planning (Listed Buildings and Conservation Areas) Act 1990
Section 197 Trees
Town and Country Planning Act 1990

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Housing Design, Density and Character
SPG - Lymington - A Conservation Area Appraisal
SPD - Lymington Local Distinctiveness
SPD - Mitigation Strategy for European Sites
SPD - Parking Standards
SPD - Design of Waste Management Facilities in New Development

6 RELEVANT PLANNING HISTORY

17/10480 - Use as 1 residential unit; rear roof alterations; front dormers in association with new second floor; side extension; single-storey rear extension; lantern roof light; fenestration alterations; partial demolition of existing. Granted 6.6.17 (16, Western Road)

91/NFDC/48928 - two pairs of semi-detached houses with parking and access alterations. Refused 16.1.92

7 PARISH / TOWN COUNCIL COMMENTS

Lymington and Pennington Town Council - recommend refusal (over-development, inadequate access/turning, impact on neighbouring houses) and would not accept a delegated approval.

Following re-consultation:

Recommend permission and would not accept a delegated refusal but wonder whether the Conservation Officer might reconsider their advice with regard to the three storey houses.

A further comment has been received advising of continued reservations in respect of the height of plots 1 and 2.

8 COUNCILLOR COMMENTS

Cllr Penson - please refer to Planning Development Control Committee if approval is recommended.

9 CONSULTEE COMMENTS

9.1 Southern Gas Networks - offer advice

- 9.2 Conservation Officer - raise concern
- 9.3 Urban Design - No objection
- 9.4 Hampshire County Council Highway Engineer - no objection subject to conditions
- 9.5 Tree Officer - no objection subject to conditions

10 REPRESENTATIONS RECEIVED

- 10.1 Objections have been received from over 20 local residents, some of whom have written in more than once. Their concerns are as follows:
- loss of privacy
 - loss of light to property
 - area is already congested
 - traffic congestion
 - parking problems, area is already saturated
 - over-development
 - safety concerns relating to the access including reversing out onto road
 - inadequate visitor parking
 - unsympathetic to character and appearance of area
 - site plan incorrect in terms of access to Buckland House
 - 3 storey houses will dominate sky line and be very imposing
 - other developments allowed in the area will add to parking problems
 - noise and disturbance from additional traffic
 - increase pollution
 - balconies will invade privacy
 - concern about tree roots adjacent to plots 1 and 2
 - potential harm to hedgehogs
 - plot 1 access dangerous
 - proposal conflicts with policy CS2
 - parking restriction needed in the area
 - bungalows would be better
 - residents unlikely to use difficult parking spaces
 - buildings too high
 - site is overlooked on all sides
 - development will be cramped
 - scheme refused on this site in 1991- reasons still stand
 - the amended plans do not address any concerns raised previously
 - front windows have been restricted to prevent overlooking to properties across the road, how can lounge windows 5m from adjoining gardens be acceptable?
 - potential loss of trees in adjoining gardens which contribute to the character of the area
 - buildings too close to the end of gardens
 - trees in adjacent gardens will not protect amenity in winter months
 - houses and car ports are too close to the end of peoples' gardens
 - 3-storey houses could be 4 bed properties
 - proximity of houses to trees would deprive them of sunlight needed for future growth and would limit light to proposed living areas
 - gardens are not big enough
 - the Town Council have changed their view but the plans don't address their concerns
 - loss of a view of trees from Eastern Road

- 10.2 A comment has been received regarding the unconventional parking arrangements to plot 1 (and referred to above) although this issue has since been resolved.

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive New Homes Bonus of £11,016 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 £51,568.00.

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

In view of the difficult nature of this site and the comments received from both consultees and local residents, amendments have been sought in order to try and address the concerns raised which has enabled a positive recommendation to be made.

14 ASSESSMENT

14.1 Introduction

14.1.1 The site lies within the built up area of Lymington in a residential area. The eastern section of the site is within the Lymington Conservation Area. It is mainly a large graveled area last used as parking for the Colten offices at 16-18 Western Road and includes the existing access to the rear of nos.2-12, Western Road and the rear garden areas of 16-18 Western Road. There is a large out-building to the rear of no.16, last used as a sales office. The boundaries of the site are either timber fencing or brick walls although there are some garage doors immediately adjacent to the southern boundary. The site contains limited vegetation although there are mature trees off site, two of which have recently been statutorily protected. Adjoining the site to the north and south are predominantly semi-detached two storey houses although 16-18 Western Road are at the end of a terrace and east of the site is a block of flats.

14.1.2 The proposal entails the demolition of the sales building and the provision of two three-storey semi-detached houses (these are within the aforementioned Conservation Area), 5 link detached cottages and a pair of semi-detached 2-storey houses. Two triple car ports would be provided as well as further parking spaces, bin and cycle stores.

14.2 Residential amenity

14.2.1 The layout of the scheme has been designed with the front and rear elevations of the proposed dwellings in excess of 30m from the rear of adjacent properties in Queen Elizabeth Avenue and Western Road. This distance is much greater than the 21m which is usually desirable in these situations. The front elevations of the proposed dwellings would face into the new street created by the development and properties in Western Road would be further protected in places by small trees and existing garages which are proposed to remain.

14.2.2 At the rear (north), the two-storey dwellings have been designed with en-suite or stair windows in order to minimise any loss of privacy to residents in Queen Elizabeth Avenue. It would be acceptable to include a condition requiring these windows to be obscure glazed as they are not habitable rooms.

14.2.3 The design of the three storey pair of houses has changed significantly since the application was submitted and there are no windows above ground floor level to the rear elevation in order to protect the amenity of residents to the north. In doing this, the windows for the main living accommodation for these houses would face towards the proposed car ports or the parking area for the adjacent flats.

14.2.4 The proposal would not adversely affect light to any adjoining dwelling

although it is noted that concerns have been raised in respect of a loss of light to gardens adjacent to the proposed three-storey building. Loss of light to the ends of relatively lengthy gardens is not usually considered to be an adverse impact. There are trees adjacent to the boundary in this location and, subject to appropriate protection during construction, would remain following development. These trees already take some light from the ends of the gardens and the provision of two houses is not considered to add significantly to this loss.

- 14.2.5 The access would be utilised by more dwellings than at present although this has to be balanced with the loss of the existing parking area adjacent. It is not considered that the proposal would have a significant impact on noise and disturbance to nearby dwellings.

14.3 Design/Conservation Area

- 14.3.1 The current proposal gives articulation in the skyline and gaps between the buildings as though it were a small street of houses. The range and forms of the proposed buildings would offer a character of assorted outbuildings in the form of a mews which would enhance the character of the area.

- 14.3.2 The layout of the site ensures that the proposed three storey building has a setting within its own garden space and has a good relationship, filling what could be considered to be an awkward gap, in the street. The building itself sits more cohesively and responds to the age and architectural context within which it sits. The provision of a boundary around the building is welcomed.

- 14.3.3. However, in view of the concerns expressed in respect of the provision of windows to the rear elevation and the associated overlooking, the design of the three storey building has weakened given the loss of chimney stacks, fenestration pattern to the side elevations and largely blank rear elevation. This issue will be the subject of an update at the meeting.

14.4 Highways

- 14.4.1 The scheme has generated much concern in terms of parking provision as, locally, there is significant on street parking. While some of the dwellings would have their own parking provision, others would have parking provided on a communal basis. On plot parking would generate the highest recommended parking provision at 19.5 spaces and the scheme would provide 23 spaces. Plots 2-6 and 9 would each have 2 spaces immediately adjacent to the dwellings leaving 9 spaces for the other three properties. It is therefore considered that the proposal would provide an adequate number of parking spaces.

- 14.4.2 The access point onto the highway would remain as currently located adjacent to 15, Eastern Road and it would be resurfaced, offering an improved access for 2-12, Western Road. The current access into the parking area would be closed up and a wall with railings on top provided in front of the three-storey dwellings. Within the site, the proposal includes adequate turning facilities for existing and proposed users of the access.

- 14.4.3 The scheme includes an area for bin bag collection which is placed within the appropriate distance for householders to carry their refuse and

within 20m of the maximum distance refuse operators are able to reverse.

- 14.4.4 The Highways Authority has requested that each dwelling has its own cycle storage provision and this is shown on the plans for plots 4-9. There is also adequate space for this facility to be provided in the other plots too.

14.5 Trees

- 14.5.1 Although the site does not contain any trees, there are several close to the northern boundary. Two of these, an oak to the rear of 11, Queen Elizabeth Avenue and a sycamore to the rear of The Old Police House have recently been statutorily protected in order that they are fully protected should development be approved. Additional information was subsequently submitted by the applicant detailing how the proposed scheme could be implemented with minimal disruption to the trees and the Tree Officer has confirmed that if the scheme is approved, it should be implemented in accordance with these details.

14.6 Contributions

- 14.6.1 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.
- 14.6.2 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.

14.7 Conclusion

- 14.7.1 The proposal would provide a group of small houses in a sustainable location close to the town centre. It is a difficult site being located between two rows of long established dwellings but the resultant mews type appearance works well and given the orientation of the rooms, would have a limited impact on the level of amenity currently enjoyed by local residents. The scheme includes a level of parking in excess of the recommended standards in recognition of current difficulties.
- 14.7.2 Although there are concerns in respect of the design of plots 1 and 2 (in particular, the side and rear elevations) which will be the subject of an update at the meeting, the proposed building fills a gap in the street scene and is contextually appropriate from the front. Together with the limited impact on residential amenity and more than adequate parking provision, it is considered that approval be recommended.

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

Section 106 Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings	0	0	
Financial Contribution	0	0	
Habitats Mitigation			
Financial Contribution	£31,050		

CIL Summary Table

Type	Proposed Floor space (sq/m)	Existing Floor space (sq/m)	Net Floor space (sq/m)	Chargeable Floor space (sq/m)	Rate	Total
Dwelling houses	768	182	586	586	£80/sqm	£51,568.00*

Subtotal:	£51,568.00
Relief:	£0.00
Total Payable:	£51,568.00

* 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. The development permitted shall be carried out in accordance with the following approved plans: 04H, 06C, 08C, 10, 09A, 09, 10B, 11, 12, 17027-BT2, 103B, 08, Heritage and Design and Access Statement, Perspective views, Arboricultural Assessment and Method Statement

Reason: To ensure satisfactory provision of the development.

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

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

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

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

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

- (a) Provide for mitigation in accordance with the New Forest District Council Mitigation Strategy for European Sites SPD, adopted in June

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

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

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

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

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

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

7. Prior to the occupation of the first dwelling, details of the proposed cycle stores for plots 1-3 shall be submitted to for approval in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details prior to full occupation of the site.

Reason: In the interests of reducing reliance on cars and in accordance with policy CS2 of the New Forest District Council Core Strategy.

8. The development hereby permitted shall not be occupied until the spaces shown on plan 04H for the parking and garaging of motor vehicles and cycles have been provided.

The spaces shown on plan 04H for the parking and garaging of motor vehicles and cycles shall be retained and kept available for the parking and garaging of motor vehicles and cycles for the dwellings hereby approved at all times.

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

9. The works hereby approved shall be undertaken in full accordance with the provisions set out within the Barrell Tree Consultancy Arboricultural Assessment and Method Statement reference 17027-AA2_DC dated 14 June 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).

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

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

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

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

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

11. The first floor windows on the rear elevations of plots 3-6 and side elevation of plot 7 shall at all times be glazed with obscure glass.

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

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

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

13. No windows above ground floor level shall be inserted into the rear elevation of plots 1 and 2.

Reason: In the interests of residential amenity and in accordance with policy CS2 of the New Forest District Council 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 view of the difficult nature of this site and the comments received from both consultees and local residents, amendments have been sought in order to try and address the concerns raised. Some of the concerns raised were not able to be addressed fully at the pre-application stage.

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

Further Information:

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Major Team

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**Planning Development
Control Committee**
July 2017

Item No: 3n
Land of
Eastern Road
Lymington
17/10098
SZ3195

Scale 1:1250
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