

## NOTICE OF MEETING

**Meeting:** PLANNING DEVELOPMENT CONTROL COMMITTEE

**Date and Time:** WEDNESDAY, 13 SEPTEMBER 2017, AT 9.00 AM\*

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

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

**PUBLIC PARTICIPATION:**

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

**Bob Jackson**  
Chief Executive

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## AGENDA

### Apologies

**1. MINUTES**

To confirm the minutes of the meeting held on 9 August 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) **Field Adjacent Colbury Cottage, Hill Street, Calmore, Netley Marsh (Application 17/10958) (Pages 1 - 8)**

Tractor shed

**RECOMMENDED:**

Refuse

- (b) **Yacht House, Quay Street, Lymington (Application 17/10540) (Pages 9 - 18)**

Change of use of first floor office (Use Class B1a) to residential flat (Use Class C3)

**RECOMMENDED:**

Grant permission subject to conditions

- (c) **7 Plover Drive, Milford-on-Sea (Application 17/10953) (Pages 19 - 24)**

Single-Storey side extension; front porch; fenestration alterations

**RECOMMENDED:**

Grant permission subject to conditions

- (d) **Keble, 7 Christchurch Road, Kingston, Ringwood (Application 17/10680) (Pages 25 - 32)**

Raise ridge height; dormers and rooflights in association with new first floor; Juliet balcony; porch

**RECOMMENDED:**

Grant permission subject to conditions

- (e) **2 Sycamore Road, Hordle (Application 17/10839) (Pages 33 - 38)**

First floor side extension

**RECOMMENDED:**

Grant permission subject to conditions

- (f) **Land at Poplar Lane (adjacent Godwins Mede), Bransgore (Application 17/10861) (Pages 39 - 56)**

7 houses; 6 garages; carport; parking; landscaping; access

**RECOMMENDED:**

Grant permission subject to conditions

- (g) **Jonwin, Lepe Road, Langley, Fawley (Application 17/10866) (Pages 57 - 62)**

Detached double garage

**RECOMMENDED:**

Refuse

- (h) **St Johns Car Park, St Johns Street, Hythe (Application 17/10943) (Pages 63 - 84)**

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

**RECOMMENDED:**

That the Service Manager Planning and Building Control be authorised to 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 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.

### **Considerations relevant to applications for residential development**

The National Planning Policy Framework (NPPF) set out the Government's planning policies for England and how these are expected to be applied by Local Planning Authorities. These policies are a material consideration in planning decisions.

In relation to housing development, paragraph 47 of the NPPF requires a council's Local Plan to meet the full, objectively assessed needs for market and affordable housing and to identify a five year supply of housing land against its housing requirement. This Council's latest assessment of housing need, as set out in its Strategic Housing Market Assessment (SHMA) indicates a level of need which is considerably in excess of that on which the current Local Plan requirement is based. A new housing requirement figure will be established as part of the Local Plan Review and in this respect, Cabinet and Full Council are scheduled to consider publication of the replacement local plan in September 2017. Until then, the level of housing need in the District is sufficiently above the level of housing supply to know that a five year supply of housing land when objectively assessed is not currently available.

In these circumstances, paragraph 14 of the NPPF advises that planning permission for housing development should be granted unless any adverse impacts of doing so would "*significantly and demonstrably outweigh the benefits*" when assessed against the policies of the NPPF as a whole or unless specific policies in the NPPF indicate development should be restricted e.g. Green Belt. This is known as the 'tilted balance' in favour of sustainable development.

### **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 £1,224 per dwelling or £7,344 over six years.

**Application Number:** 17/10958 Full Planning Permission

**Site:** Field Adjacent COLBURY COTTAGE, HILL STREET, CALMORE,  
NETLEY MARSH SO40 2RX

**Development:** Tractor shed

**Applicant:** Mr Smith

**Target Date:** 28/08/2017

<b>RECOMMENDATION:</b> Refuse
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<b>Case Officer:</b> Richard Natt
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## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council View

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside

Adjacent to Site of Importance for Nature Conservation (SINC)

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

#### Objectives

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

#### Policies

### Core Strategy

CS2: Design quality

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

CS10: The spatial strategy

CS21: Rural economy

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

DM2: Nature conservation, biodiversity and geodiversity

DM22: Employment development in the countryside

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

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

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

None

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

6.1 Implement barn, access track, ground excavations (17/10107)  
Withdrawn by applicant on the 6th June 2017.

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

Netley Marsh Parish Council: Recommend approval. No objection to the location of the shed.

#### **8 COUNCILLOR COMMENTS**

None

#### **9 CONSULTEE COMMENTS**

9.1 Tree Officer: No objections

9.2 Natural England: No comment

9.3 Hampshire and Isle of Wight Wildlife Trust: No ecological information has been submitted with the application and therefore it is not possible to assess the impacts of the proposals on the natural environment. Impact on the adjacent Testwood Lakes SINC such as disturbance to nesting and or over wintering birds during the construction and operational phase. In addition appropriate mitigation measures must be included to address any identified ecological impacts.

9.4 National Grid: No objection

9.5 Ecology: In the absence of any relevant ecological information produced by a suitably experienced person, the fact the likely presence of priority habitat has been raised and an area would be lost to the proposed development, the proposal is not policy compliant.

9.6 Hampshire County Council Highway Engineer: No objection

#### **10 REPRESENTATIONS RECEIVED**

10.1 5 letters of objection concerned that the site is unsuitable for growing trees and there is no reason to build a storage shed for associated equipment. The proposed barn will be disproportionate to the size of the site and detrimental to the character of the area. There are scrap and materials stored on the land which should be removed. Impact on landscape and wildlife. There is no evidence to justify such a large building for agricultural purposes. Impact on neighbouring properties. Concerns over the close proximity of the pylons which form part of national grid. Impact on Colbury Cottage.



## **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.

No pre application advice was sought and although Officers advised the applicant following the withdrawal of planning application 17/10107, the guidance given was to fully justify the proposed building, reduce its size and scale, and consider its siting close to the existing entrance to reduce the need for a long access drive running through the site. The proposed building has been re-sited and slightly reduced in size but is still not considered acceptable.

## **14 ASSESSMENT**

- 14.1 This planning application proposes a single building to be used for the storage of tractors on an existing field lying between the M27 and a residential dwelling known as Colbury Cottage. It should be noted that the application site is not connected to or has any relationship with Colbury Cottage. Part of the site lies adjacent to Hill Street with the

northern boundary bounded by an existing private access road that leads to Broadland Lakes (which lie just beyond Testwood Lakes). Testwood Lakes lie on the eastern boundary and there is a cluster of dwellings located along Hill Street. An overhead electricity line runs through the central part of the site. The land extends to some 0.8 hectares in size and is a steeply sloping site from north to south. The site was previously an open field bounded by hedgerows with good sized trees, however on part of the land there is the storage of building materials and a container, which are not authorised and have not received the benefit of planning permission.

- 14.2 The proposed building would be located on the northern boundary of the field, close to the existing access from Hill Street. Constructed from timber and measuring 12 metres by 10 metres in plan and 4 metres to the ridge, the proposed building would effectively be 'sunk' into part of the sloping land. In support of the application, the applicant states that the land will be used for agricultural purposes, in particular planting and growing a variety of trees including Christmas trees and fruit trees. The proposed building would be used to accommodate machinery in association with the use of the land, to include a tractor, dumper, grass topper and other implements such as hand tools for land maintenance. Presently it should be noted that there is little evidence of Christmas or fruit trees being grown on the land.
- 14.3 In policy terms, the site lies outside the built up area and within the countryside. Local plan policies are supportive of new buildings for agricultural purposes provided that they are justified for the efficient use of the land. Policies also seek to protect the countryside and landscape from inappropriate development. The site is currently an open field and there is little evidence of agricultural activity taking place on the site. The area of land is very small equating to less than 1 hectare in size and is steeply sloping, which is likely to make it difficult for more intensive agricultural activity. While it is the applicant's intention to use the land for growing Christmas and fruit trees, the proposal would result in a large building in this sensitive rural location which would not be reasonably justified for the working of the land for agriculture. Accordingly, given the very modest size of the land, it is considered that the building is too large for the working of the land and it is considered that insufficient evidence has been provided to justify the proposed building.
- 14.4 The site lies within a prominent location and given the sloping land levels, trees, hedgerows and lakes in the backdrop, the site makes a positive contribution to the rural character of the area. Given the constraints on the site, the proposed siting of the building positioned against the dense screening of trees and hedgerows on the northern boundary is considered to be the most appropriate location for the building.
- 14.5 However, this does not override the principle concern that the proposed building is too large and has not been justified and would result in an inappropriate new building in the countryside which would adversely impact on the landscape and appear visually intrusive in its setting to the detriment of the character and appearance of this sensitive countryside location.

- 14.6 In terms of ecology matters, the application has not been supported by any ecological information and accordingly without such information, it will not be possible to assess the impacts of the proposal on protected species which, given the surrounding habitat are likely to be present. Moreover, any assessment should consider the impacts on the adjacent Testwood Lake Site of Importance for Nature Conservation, such as disturbance to nesting and/or over wintering birds during construction and the operational phase. Moreover the site is steeply sloping and there is the potential for run off from the site entering and polluting or increasing nutrient levels in the Meadow Lake SINC.
- 14.7 With regard to other matters, the proposed building is sited a sufficient distance away from neighbouring properties not to impact on their living conditions. The proposal would not result in any adverse impact on public highway safety. National Grid do not raise any objections in relation to the proximity of the proposed building to the high voltage power line.
- 14.8 In conclusion, it is considered that the proposal would result in a disproportionate building for the size of the land, for which there has been no justification. While policies seek to support agricultural activity, any proposed building would have to be more modest and this would involve a significant reduction in the size of the building together with sufficient justification as to exactly how the building and land would be used and worked. The ecological concerns should be addressed through the submission of an ecological report carried out by an ecological consultant.
- 14.9 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that 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 site lies within the countryside where buildings for agriculture are permitted provided that they are necessary for the efficient working of land under that use and do not result in an adverse impact on the character of the area. In this case, by virtue of its size and siting, the proposal would result in a significant new building that would be visually imposing and intrusive in its setting to the detriment of the landscape setting and character and appearance of this sensitive countryside location for which there is no overriding justification. For this reason the proposal is contrary to Policies CS2 of the Core Strategy for the new Forest District Council outside the National Park and Policy DM22 of the Local Plan Part 2 Sites and Development Management Document.
2. In the absence of an appropriate biodiversity survey / ecological assessment, it has not been adequately demonstrated that the proposed development could be implemented without adversely affecting protected species, biodiversity interests, and the ecological interest of the land and adjacent Site of Importance for Nature Conservation. As such, the proposal would be contrary to 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.

**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 although Officers advised the applicant following the withdrawal of planning application 17/10107, the guidance given was to fully justify the proposed building, reduce its size and scale, and consider its siting close to the existing entrance to reduce the need for a long access drive running through the site.

**Further Information:**

Richard Natt

Telephone: 023 8028 5588



**New Forest**  
DISTRICT COUNCIL

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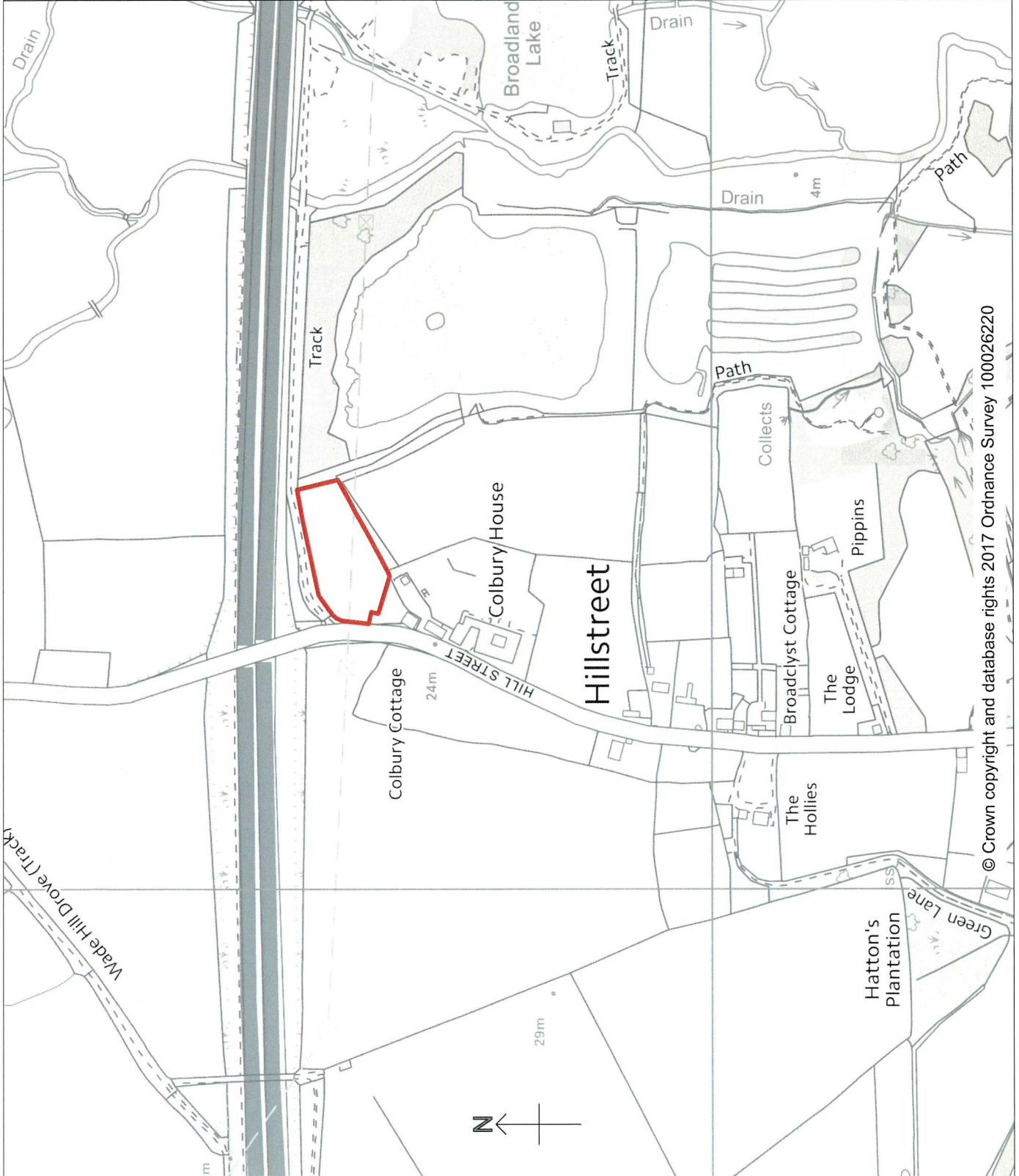
**Planning Development  
Control Committee  
September 2017**

**Item No: 3a**

Field adj. Colbury Cottage  
Hill Street  
Calmore Netley Marsh  
17/10958

Scale 1:5000

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the internet, it will not be to  
scale.



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**Application Number:** 17/10540 Full Planning Permission

**Site:** YACHT HOUSE, QUAY STREET, LYMINGTON SO41 3AS

**Development:** Change of use of first floor office (Use Class B1a) to residential flat (Use Class C3)

**Applicant:** Mr Denison

**Target Date:** 15/06/2017

<b>RECOMMENDATION:</b> Grant Subject to Conditions
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<b>Case Officer:</b> Richard Natt
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## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Policy and Town Council View

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Town Centre  
Listed Building  
Conservation Area  
Flood Zones 2 and 3  
Primary Shopping 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

### Core Strategy

- CS1: Sustainable development principles
- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS6: Flood risk
- CS10: The spatial strategy
- CS15: Affordable housing contribution requirements from developments
- CS17: Employment and economic development
- CS20: Town, district, village and local centres
- CS24: Transport considerations

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

DM1: Heritage and Conservation

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**

SPG - Lymington - A Conservation Area Appraisal

SPD - Lymington Local Distinctiveness

SPD - Mitigation Strategy for European Sites

SPD - Parking Standards

**6 RELEVANT PLANNING HISTORY**

6.1 Change of use of 1st floor residential flat to offices and parking at Nelson Cottage (1987/34048) Granted with conditions on the 30th September 1987

6.2 Remove stud walls, block staircase (17/10541) current listed building application

**7 PARISH / TOWN COUNCIL COMMENTS**

Lymington Town Council: Recommend refusal - in support of Conservation Officer

**8 COUNCILLOR COMMENTS**

None

**9 CONSULTEE COMMENTS**

9.1 Conservation Officer: No objection to the principle of the conversion. Whilst initial concerns were raised, these can be addressed as part of the separately Listed Building Application. Accordingly, there are no objections in principle to the change of use to a flat.

9.2 Environment Agency: No principle objection

9.3 Hampshire County Council Highway Engineer: No highway objection

9.4 Natural England: No objection subject to appropriate mitigation being secured

9.5 Environmental Health (historic land use): No comment to make



## **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 dwelling the subject of this permission is 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 £0.00.

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

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

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

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

## 14 ASSESSMENT

- 14.1 This planning application proposes the change of use of the first floor office (Use Class B1) to a one bedroom flat (Use Class C3). The first floor of the building was originally used as a residential flat but was converted to an office in the mid 1980s and has been used as an office ever since. It should be noted that because the building is listed, a separate listed building application has been submitted for internal alterations. Due to this, the Conservation Officer has advised she has no objections/
- 14.2 The site comprises a three storey building located on the corner of Quay Hill and Quay Road. The property is a grade 2 listed building located in a small commercial area on the Quayside, within the Lymington Conservation Area and Primary Shopping Area. The ground floor of the building is currently used as a estate agent and a separate office on the first floor. Access to the first floor offices is provided by a door via Quay Hill. The second floor of the building is used as a separate residential unit. The site also lies within Flood Zone 3.
- 14.3 The site lies within a very attractive and busy part of Lymington town centre which comprises a mixture of uses including shops, commercial uses, residential, and restaurants. The upper floor of the buildings in the locality are typically used for residential and office purposes.
- 14.4 In assessing this proposal, the starting position would be local and national policy. Core Strategy Policy CS20 relates to town, district and local centres and the policy seeks to protect the primary retailing role, within the context of maintaining a broader mix of uses, including service, office, entertainment and leisure uses. Core Strategy Policy CS10 is applicable and supports new residential development within town centres. Core Strategy Policy CS17 is applicable and relates to employment and economic development and the strategy is to provide for new employment in order to provide a diverse local economy. The policy seeks to keep all existing employment sites and allocations for employment use, except for the few small sites identified for release in the Employment Land Review. In assessing the proposal against these policies, while residential uses are supported in town centres, and in particular on upper floors, policies seek to protect and retain existing employment uses and accordingly the proposal conflicts with policy CS17.
- 14.5 In assessing the proposal against the policy, it is considered that the proposed change of use does not comply with Core Strategy Policies CS17 or CS20, although it does comply with other policies in the plan which supports provision of residential uses in town centres. As such, the proposal is contrary to local plan policy unless there are material considerations to justify a departure from policy.
- 14.6 In terms of central government guidance, it is clear that there is a general steer and emphasis towards creating new residential development. This is highlighted in government legislation as set out in

the Town and County Planning (General Permitted Development) Order, which permits the change of use of a building from offices (Class B1), to residential (Class C3) without requiring planning permission, but would need to be subject of a Prior Approval Application. In this case, the change of use does require planning permission because the building is listed. However, this does highlight the government's intention to permit this type of change of use.

- 14.7 In terms of the impact on the listed building, the Conservation Officer raises no objections to the change of use, however any internal or external changes proposed would need to be considered as part of a separate Listed Building Application. The Conservation Officer considers that there is a way of achieving a change of use of the first floor to a flat without compromising the Listed Building.
- 14.8 In terms of car parking matters, the site currently has no on site car parking facilities and there are no proposals to provide any. The Parking Standards Supplementary Planning Document provides a recommended average provision of 2 spaces for a one bedroom flat and for the current office use recommends a parking requirement of just over 2 spaces. It is therefore considered that the existing lawful use of the site would be likely to result in a greater demand for parking compared with that which might occur as a result of the proposed use. Moreover, the site is sustainably located within the town centre of Lymington with good access to shops, services and employment opportunities and public transport.
- 14.9 In terms of flooding matters, the application site lies within Flood Zone 3 defined by the Environment Agency Flood Map as having a high probability of flooding. Paragraph 103, footnote 20 of the National Planning Policy Framework (NPPF) requires applicants for planning permission to submit a Flood Risk Assessment (FRA) when development is proposed in such locations. While there is no requirement for the Sequential Test to be undertaken for a change of use, there is still a need to consider flood risk. The Environment Agency does not raise any objection and while the submitted Flood Risk Assessment does not provide detailed information of the flood risk, given the residential use is on the first floor it will remain free of inundation over its lifetime.
- 14.10 The FRA does provide details on safe refuge, which will be onto Quay Hill where the land rises steeply to areas outside flood zones. The application is also accompanied by a Flood Response Plan and Flood Warning Scheme. Having regard to the applicant's FRA and Flood Response Plan, the proposed flat would provide a safe refuge to its occupants in a Flood Risk event. While safe access and egress would not be assured in a flood risk event, the Flood Response Plan indicates that the residential unit would have a flood plan in place, which includes a requirement for all owners to be signed up to the Environment Agency's Flood Warning Scheme, which means that there would be some scope for occupants to evacuate before the building floods. Overall, therefore, the flood risk associated with the proposal is considered to be acceptable.
- 14.11 In assessing both local and national planning policies, and in balancing out the issues, it is clear that local plan policies seek to resist the loss of employment uses, however, it is not felt the loss of this small amount of floor space would have a materially harmful impact on the economic and commercial vitality of the town centre and accordingly there is no

reasonable case to resist the principle of a residential conversion. Indeed the provision of an additional residential property within this sustainable location would outweigh any limited harm that would be caused through the loss of the employment use.

- 14.12 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.
- 14.13 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.
- 14.14 In conclusion, in assessing both local and national planning policies, it is clear that local policies seek to retain employment uses. However, given the need for additional residential uses, there is support from the Conservation Officer and that a residential use is not likely to have any significant effect on the wider character of the area as no significant external changes are required, an exception to local plan policy should be made in this case.
- 14.15 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

#### CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	64.4	72.2	-7.8	-7.8	£80/sqm	-£650.40 *
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) x CIL Rate (R) x Inflation Index (I)

Where:

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

R = the levy rate as set in the Charging Schedule

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

## 15. RECOMMENDATION

### Grant Subject to Conditions

#### Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: ASP.17.022.011, ASP/17/022.100, ASP.17.022.004, ASP.17.022.033, ASP.17.022.200 Rev A, ASP.17.022.300.

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.

**Notes for inclusion on certificate:**

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

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

2. In discharging condition No 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:**

Richard Natt

Telephone: 023 8028 5588



**New Forest**  
DISTRICT COUNCIL

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

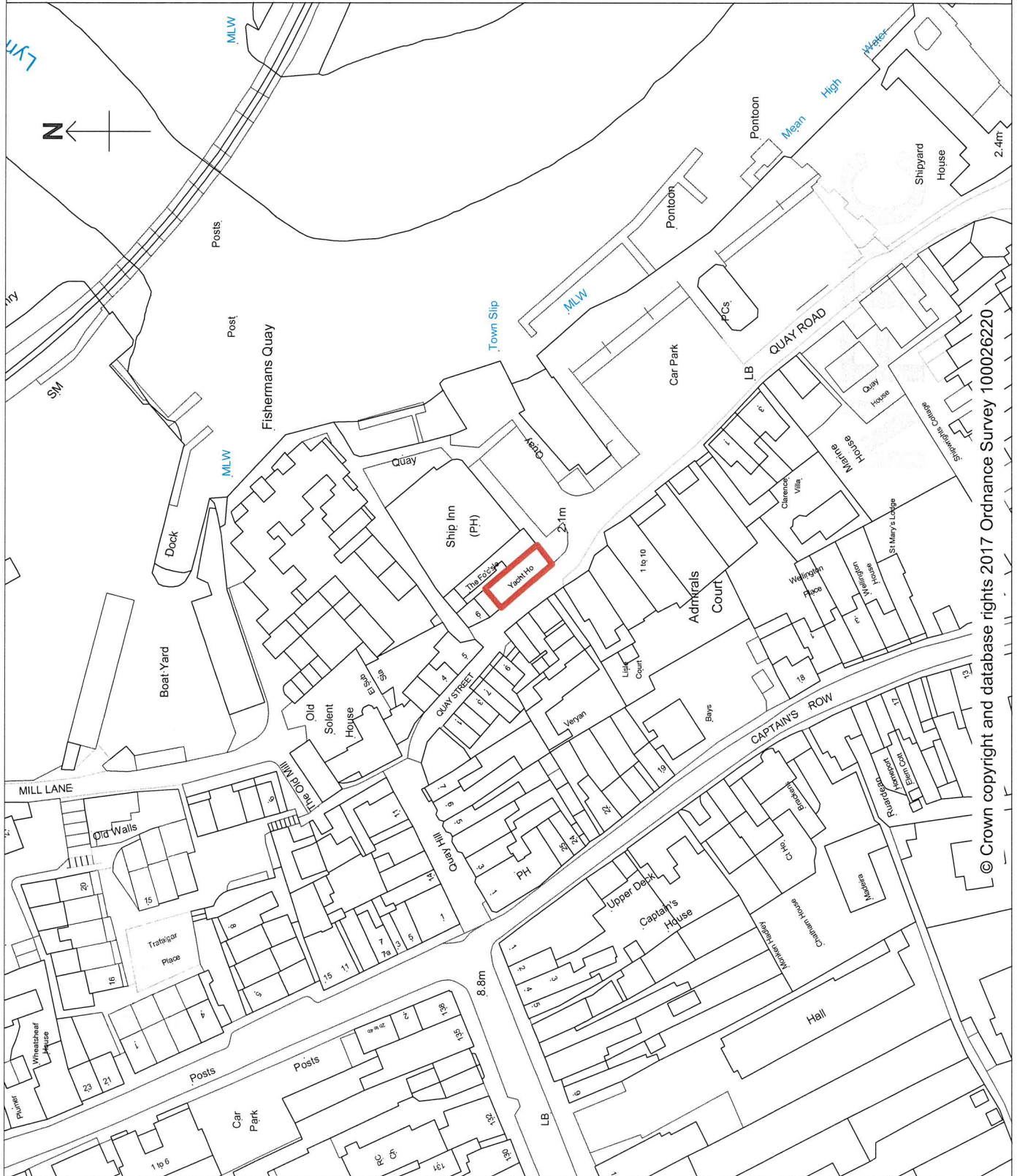
David Groom  
Service Manager  
Planning and Building Control  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

**Planning Development  
Control Committee  
September 2017**

**Item No: 3b**  
Yacht House  
Quay Street  
Lymington  
17110540  
SZ3295

Scale **1:1250**

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**Application Number:** 17/10953 Full Planning Permission

**Site:** 7 PLOVER DRIVE, MILFORD-ON-SEA SO41 0XF

**Development:** Single-storey side extension; front porch; fenestration alterations

**Applicant:** Mr & Mrs Chase

**Target Date:** 29/08/2017

**Extension Date:** 20/09/2017

<b>RECOMMENDATION:</b> Grant Subject to Conditions
--

<b>Case Officer:</b> Rosie Rigby
----------------------------------

## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary Parish Council View

## 2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Constraints

Aerodrome Safeguarding Zone  
Plan Area  
Planning Agreement

### 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

SPG - Milford-on-Sea Village Design Statement

## 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
16/11693 Single-storey side extension; front porch; alterations; alterations to fenestration	07/02/2017	Granted Subject to Conditions	Decided	
77/NFDC/07362 100 dwellings and garages with construction of roads and drainage, pedestrian/vehicular accesses and landscaping and maintenance.	24/11/1977	Granted Subject to Conditions	Decided	

#### 5 COUNCILLOR COMMENTS

No comments received

#### 6 PARISH / TOWN COUNCIL COMMENTS

**Milford On Sea Parish Council:** recommend refusal.  
Would not accept the decision by the DC Officers if different from the Parish Council.

#### 7 CONSULTEE COMMENTS

No comments received

#### 8 REPRESENTATIONS RECEIVED

One objection received against the proposal from 5 Plover Drive:  
- Overdevelopment,  
- Detrimental effect on privacy and light.

#### 9 CRIME & DISORDER IMPLICATIONS

None Relevant

#### 10 LOCAL FINANCE CONSIDERATIONS

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

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

#### 11 WORKING WITH THE APPLICANT/AGENT

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

This application is an amendment to the recently approved application 16/11693. As there is a contrary view to the Parish Council, this application needs to be referred to the Planning and Development Control Committee and therefore cannot be determined by the target date. An extension of time has been agreed.

## 12 ASSESSMENT

- 12.1 The application site consists of a detached bungalow in the built up area of Milford-on-Sea. The immediate vicinity is characterised by open frontages with two-storey houses and single-storey properties opposite.
- 12.2 Permission was granted for a single-storey side extension under application 16/11693 in February 2017. However, it is not possible to build this extension due to the location of a shared foul drainage pipe under the rear corner of the extension. This is the reason for this new application which seeks to increase the extension by a further 1.3 metres beyond the rear wall of the dwelling to overcome this issue. It should also be noted that permitted development rights have been removed.
- 12.3 The additional extension of 1.3m is modest and it is located to the rear of the dwelling, and so it would not be obtrusive in the street scene or impact adversely on the character of the area. As with the extant consent, it is proposed to render the extension which would make it appear more prominent in the street scene. However given its single storey form and modest scale located in the built up area, no concerns are raised to this aspect of the development. Consequently, the proposal complies with the design and character related provisions of Policy CS2, the Milford on Sea Village Design Statement Document and NPPF.
- 12.4 The main consideration is therefore the impact on neighbour amenity, most specifically no 5 Plover Drive. The extant permission is a relevant consideration. The additional 1.3 metres proposed would take the extension beyond the garage at no. 5 Plover Drive and consideration therefore needs to be given to any sense of enclosure, additional loss of light or impact on the outlook from this neighbour.
- 12.5 The separation of the two dwellings would be maintained at 3 metres. The proposed single-storey extension is modest with the roof pitching away from the boundary the ridge height that would be lower than the existing dwellinghouse. However, due to the relationship with the 3 existing windows on the western elevation of No 5 there would be some loss of light. There is an existing 1.8 metre fence to the boundary and the facing windows are of a secondary nature. Furthermore, some loss of light already occurs to these windows during the mid to late afternoon due to the height and orientation of the existing dwelling.
- 12.6 Taking these factors into consideration, despite its increased length, due to the relatively modest size and form of this proposal its impact on this neighbour's windows would be mitigated to an acceptable level. As such, as in the previous application, any loss of light would not be so significant or harmful to justify refusal of permission as it would not cause an unacceptable level of harm to this neighbour.

- 12.7 There are two existing windows facing this boundary, furthermore, there are no additional side windows when compared to the extant consent. The proposals would result in 3 windows facing this boundary. However these windows would be partially screened by the existing boundary fence and separated from the neighbour by 3 metres so as not to lead to unacceptable overlooking. This assessment has not changed since the previous planning permission was granted earlier this year.
- 12.8 It was suggested to the agent that the rear wall could be reduced in length by up to 1.0 metre from the position on the extant permission to address the issues with the drain. If this was done it is likely to have been able to be considered as a minor amendment to the planning approval 16/11693 without the need for a further planning application. However, concern was expressed by the agent whether this would be sufficient to satisfy the requirements of Southern Water in keeping the foundations clear of the drain and also it would not meet the layout specification preferred by the applicant
- 12.9 Overall the proposed development would be consistent with Core Strategy policies and objectives and as such the application is recommended for permission.
- 12.10 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

## 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: 7/PD/001 Rev 2, 7/PD/002 & 7/PD/003 Rev3.

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.

This application is an amendment to the recently approved application 16/11693 and as no concerns were raised has been determined as originally submitted.

**Further Information:**

Rosie Rigby

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DISTRICT COUNCIL

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David Groom  
Service Manager  
Planning and Building Control  
New Forest District Council  
Appletree Court  
Lyndhurst  
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**Planning Development  
Control Committee**  
**September 2017**

**Item No: 3c**  
**7 Plover Drive**  
**Milford on Sea**  
**17/10953**

Scale 1:1250

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**Application Number:** 17/10680 Full Planning Permission

**Site:** KEBLE, 7 CHRISTCHURCH ROAD, KINGSTON,  
RINGWOOD, BH24 3AX

**Development:** Raise ridge height; dormers & rooflights in association with new  
first floor; Juliet balcony; porch

**Applicant:** Ms Thornton

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

**Extension Date:** 15/09/2017

<b>RECOMMENDATION:</b> Grant Subject to Conditions
--

<b>Case Officer:</b> Jim Bennett
----------------------------------

## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary Town Council view.

## 2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Constraints

Built-Up Area

### Core Strategy

CS2: Design quality

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

None relevant

### Supplementary Guidance

SPD - Ringwood Local Distinctiveness Document

## 3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

## 4 RELEVANT SITE HISTORY

15/11319: Single storey rear extension - granted November 2015

16/11579: Raise roof height; dormers and rooflights and Juliet balcony -  
refused January 2017 due to harm to street scene and adjoining  
amenity

## 5 COUNCILLOR COMMENTS

No comments received

## 6 PARISH / TOWN COUNCIL COMMENTS

**Ringwood Town Council:** recommend refusal

The Committee recommended refusal due to the proposals bulk and height to the rear of the property. It would result in overdevelopment of the site, loss of light to No 8, loss of privacy and create overlooking issues, with the full height first floor bedroom window impacting obtrusively on the neighbours amenity. The proposal would appear out of keeping in this uniform row of bungalows, out of character with the street scene and contrary to the Ringwood Local Distinctiveness SPD.

## 7 CONSULTEE COMMENTS

No comments received

## 8 REPRESENTATIONS RECEIVED

An objection has been received from the adjoining occupier at no. 8 Christchurch Road, who considers the proposal to be contrary to the provisions of Policy CS2 for the following reasons:

- Overbearing impact
- Overdevelopment
- Harmful impact upon outlook
- The ridge height of the proposal would be out of character with the street scene

The Ringwood Society notes that whilst the application is understandable, the dwellings are identified in the Ringwood Local Distinctiveness Supplementary Planning Document as being "important in their unobtrusiveness in this rural edge location".

Amended plans to remove the balustrade and reduce the level of glazing to the rear were received on 18th August 2017. Any further comments following re-consultation will be reported to the Committee.

## 9 CRIME & DISORDER IMPLICATIONS

None relevant

## 10 LOCAL FINANCE CONSIDERATIONS

From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments. Regulation 42 of the CIL Regulations 2010 (as amended) states that CIL will be applicable to all applications over 100sqm GIA and those that create a new dwelling. The development is under 100 sq metres and is not for a new dwelling and so there is no CIL liability in this case.



## 11 WORKING WITH THE APPLICANT/AGENT

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

The applicant sought the Council's pre-application advice on how to address the reasons for refusal for the previous submission, which resulted in the scheme now submitted. The applicant agreed to further amendments being made during the course of determination to address the impact of the proposal on neighbouring privacy, resulting in a scheme which officers feel able to support.

## 12 ASSESSMENT

- 12.1 The property is a detached bungalow located within a row of properties in the built-up area on the rural edge of the town of Ringwood. The bungalow has recently been altered following implementation of a single storey extension (ref. 15/11319) across the width of the dwelling to the rear, which the current proposal would oversail. The Distinctiveness Document identifies the row of bungalows of which no. 7 Christchurch Road is one, within the Southern Approach Character Area. The row of bungalows is identified as being important in their unobtrusiveness in this rural edge location.
- 12.2 The proposal is to increase the height of the bungalow by 0.5 m to create first floor accommodation over the footprint of the existing bungalow, with a side dormer to the south and side porch to the north. The Juliet balcony previously proposed has been removed from the scheme and ridge heights and dormers reduced in scale and massing, seeking to overcome the reasons for refusal of 16/11579.
- 12.3 The main considerations are the impacts on visual and residential amenity in light of the guidance offered by Policy CS2 and the Local Distinctiveness Document.
- 12.4 The alterations to create a dormer window in the front roof slope would be in keeping with other dwellings in this row further to the south, particularly now that it has been reduced in width, when compared with the refused scheme. However the raised ridge would still sit in a run of bungalows with largely unaltered ridge heights. Furthermore the side elevation of the roof would be visible from the road.
- 12.5 The level of main extension proposed would increase the main ridge height of the bungalow by 0.5m, reduced by 0.5m from the refused scheme. The rear portion of the roof is stepped down by a further 0.5m, 1m lower and with a significantly less heavily massed rear/side elevation than the refused scheme. The revised ridge heights reduce the massing and scale of the extension when compared to the previous, refused submission, making it more subservient and of a form more consistent with the stepped down ridges to the rear of the row of bungalows. The revised proposal is considered to meet the character and local street scene requirements of Policy CS2 of the Core Strategy, the Ringwood Local Distinctiveness Document and The National Planning Policy Framework.

- 12.6 In terms of residential amenity, the proposal needs to be considered in respect of its impact upon the occupiers of nos 8 and 6 Christchurch Road and whether the design and mass of structure proposed would have any overbearing impact, privacy impact or result in any light loss. The revised ridge heights reduce the massing and scale of the main extension when compared to the previously refused submission, making it more subservient and assists with regard to its impact upon the occupiers of nos. 8 and 6 Christchurch Road. The raised roof would be well separated from no. 6.
- 12.7 The implementation of the proposal would effectively enclose an area to the rear of no. 8 where there is a rear facing (sole bedroom) window and side facing (hall) window. This part of the neighbour's dwelling is located 1 m from the common boundary with a projecting rear part separated from this boundary by approx. 4 metres. However, the reduced height of the proposal would be less overbearing than the previous scheme which would limit the loss of outlook and loss of light, particularly as direct sunlight comes from the south and would be unaffected by the proposal. On balance therefore, while there would be some impact on amenity there is not considered to be sufficient harm to justify refusal on this basis.
- 12.8 The first floor window in the rear elevation would be recessed back into the roofslope as a dormer window. The applicant has removed the balustrade and reduced level of glazing originally proposed in light of concerns raised over adjoining privacy. The privacy impacts of the development are now considered to be acceptable, subject to obscure glazing the first floor bathroom windows, removing rights to insert new window openings and ensuring rooflights are inserted with cill heights at 1.7m above finished first floor level.
- 12.9 Consequently, on balance, the proposal would not result in sufficient harm to the character of the area or neighbouring amenity to justify refusal and as such it is recommended for approval.
- 12.10 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

### **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: 1:500 - Location Plan, 1:100 - Proposed roof construction with attic bedrooms (elevations) (August 2017) and 1:100 - Proposed roof construction with attic bedrooms (Ground and First Floor) (August 2017),

Reason: To ensure satisfactory provision of the development.

3. The external facing materials shall be Eternit Slates and cement cladding dormer faces as specified on the submitted planning application form.

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 other windows or rooflights other than those hereby approved shall be inserted into the roofspace of the dwelling 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).

5. The first floor bathroom/wc dormer windows in the southern elevation of the approved extension 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).

6. The rooflights in the side roofslopes of the approved development shall be installed with cill heights no lower than 1.7m above the corresponding finished first floor level.

Reason: To safeguard the privacy of the adjoining neighbouring properties 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.

The applicant sought the Council's pre-application advice on how to address the reasons for refusal for the previous submission, which resulted in the scheme now submitted. The applicant agreed to further amendments being made during the course of determination to address the impact of the proposal on neighbouring privacy, resulting in a scheme which officers felt able to support.

2. This decision relates to amended / additional plans received by the Local Planning Authority on 18th August 2017.

**Further Information:**

Jim Bennett

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David Groom  
Service Manager  
Planning and Building Control  
New Forest District Council  
Appletree Court  
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**Planning Development  
Control Committee  
September 2017**

**Item No: 3d**

**Keble**  
7 Christchurch Road  
Kingston Ringwood  
17110680

Scale 1:1250

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**Application Number:** 17/10839 Full Planning Permission  
**Site:** 2 SYCAMORE ROAD, HORDLE SO41 0YF  
**Development:** First floor side extension  
**Applicant:** Mr & Mrs Johnston  
**Target Date:** 03/08/2017  
**Extension Date:** 18/09/2017

**RECOMMENDATION:** Grant Subject to Conditions

**Case Officer:** Kate Cattermole

## 1 REASON FOR COMMITTEE CONSIDERATION

Councillor request

## 2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Constraints

Plan Area  
Aerodrome Safeguarding Zone  
Planning Agreement

Tree Preservation Order: TPO/0026/08 / T15

### 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 - Hordle Village Design Statement

### 3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan  
Planning and Compulsory Purchase Act 2004  
National Planning Policy Framework  
Section 197 Trees  
Town and Country Planning Act 1990

### 4 RELEVANT SITE HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
10/96335 House; access	04/01/2011	Refused	Decided	
08/93351 Detached house; access	16/01/2009	Refused	Appeal Decided	Appeal Dismissed
05/85855 House; new access	20/10/2005	Refused	Decided	
NFDC/81/20407 Erection of 100 dwellings and garages and construction of pedestrian/vehicular accesses.	23/12/1981	Granted Subject to Conditions	Decided	
NFDC/80/16498/OUT 93 dwellings and garages with the construction of pedestrian/vehicular access and estate roads	22/12/1981	Granted Subject to Conditions	Decided	

### 5 COUNCILLOR COMMENTS

Cllr Carpenter: should the application be proposed for approval, I would want this to come to the District Council Committee

### 6 PARISH / TOWN COUNCIL COMMENTS

**Hordle Parish Council:** recommend refusal but would accept the decision reached by the DC Officers under their delegated powers.

Councillors concerns are the proposed size of the development causing overshadowing and loss of light to neighbour's house and garden. The Hordle Village Design Statement GBE04 states future developments should be encouraged to be sympathetic to adjoining development, taking into account the size, scale density and design of the surrounding buildings, including storey heights and spacing. The overshadowing of neighbouring properties should be avoided.

### 7 CONSULTEE COMMENTS

**Tree Officer:** no objection subject to condition

### 8 REPRESENTATIONS RECEIVED

- 8.1 2 objections:
- overlooking, loss of privacy
  - loss of light
  - overshadowing
  - cramped appearance
  - will not respect local context and street pattern



- 8.2 4 support
- In keeping with the local area
  - no real impact on surroundings or nearby properties

## **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. An extension of time for its determination was agreed as the application was required to be considered by the Committee

## **12 ASSESSMENT**

- 12.1 Pre application advice was sought prior to the application being submitted, and was generally positive subject to the proposals being acceptable to the NPA tree team, and consideration of neighbour comments.
- 12.2 The proposed extension is not characteristic of the area in that it creates a cantilevered first floor extension. Nevertheless it would result in a well proportioned building and presents a cohesive attractive solution which would improve the character and appearance of the house. Although the proposal could have been further improved by developing the area underneath the proposed first floor extension, the retention of the existing conservatory would not be significantly harmful to the overall appearance of the scheme. As such, the proposal would not be imposing in the street scene or detract from the character of the area.
- 12.3 The properties to the rear of the site would be to the north east of the proposed development and objections have been received from neighbours in Myrtle Close to the rear of the site. Even though there would be some overshadowing to the end of the rear garden of 1 Myrtle Close from the proposed extension, this would only be for a limited time in the early afternoon, and would not be significantly

harmful to the amenities of the occupiers. Due to the relationship of the existing dwelling this already creates a degree of overshadowing, and this would not be unduly exacerbated by the proposed extension.

- 12.4 Furthermore, there are existing leylandii trees along part of the rear boundary of 1 and 2 Myrtle Close which are outside the application site. It is considered that these trees have a greater impact on these rear gardens than the proposed extension. Even if these trees were later removed, there are no additional windows proposed on the rear elevation, and the first floor windows on the side elevation would only potentially achieve oblique views across part of the rear garden of 1 and 2 Myrtle Close. As such, the position of proposed first floor windows would not lead to overlooking issues.
- 12.5 The proposed extension would be visible from the properties to the rear particularly given that both 1 and 2 Myrtle Close have modest rear gardens of just over 9m in length. However, by virtue of the siting of the existing dwelling on the application site, the built form does not intrude on these neighbours by way of overdominance. The proposed first floor extension would, when compared to the existing situation, be more visible to these properties especially 1 Myrtle Close. Nevertheless, by reason of the design and depth of the addition, coupled with the separation distance of a minimum of 15 metres from these dwellings, it would not result in an overbearing form of development that would significantly harm the neighbour's amenities. Furthermore, it would not be an untypical relationship within the built up area.
- 12.6 The protected tree would not be adversely impacted upon by the proposed development, but a condition is required to ensure that building works would not detrimentally affect the tree.
- 12.7 Overall, although the concerns expressed by neighbours are acknowledged there are no significant amenity objections, so as to justify refusal of the application, which accords with Core Strategy objectives.
- 12.8 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

## **13. RECOMMENDATION**

### **Grant Subject to Conditions**

**Proposed Conditions:**

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: 16007-100, 16007-101, 16007-106, 16007-105, 16007-102, 16007-103, 16007-104, 16007-107, 16007-050, 16007-051, 16007-056, 16007-055, 16007-052, 16007-053., 16007-054

Reason: To ensure satisfactory provision of the development.

3. During the construction period for the development hereby approved, no fires, building operations, storage of goods including building materials, machinery and soil, or discharge of any chemical substances, including petrol and diesel, shall be undertaken within the calculated Root Protection Area as illustrated for the Oak tree marked as T1 within drawing (16007-100), nor shall any change in soil levels or routing of services within those defined areas be carried out without the prior written approval of the local planning authority.

Reason: To protect the said trees in the interests of the visual amenities and character of the locality, in accordance with Policy CS2 of the Local Plan for the New Forest District outside of 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:**

Kate Cattermole

Telephone: 023 8028 5588



**New Forest**  
DISTRICT COUNCIL

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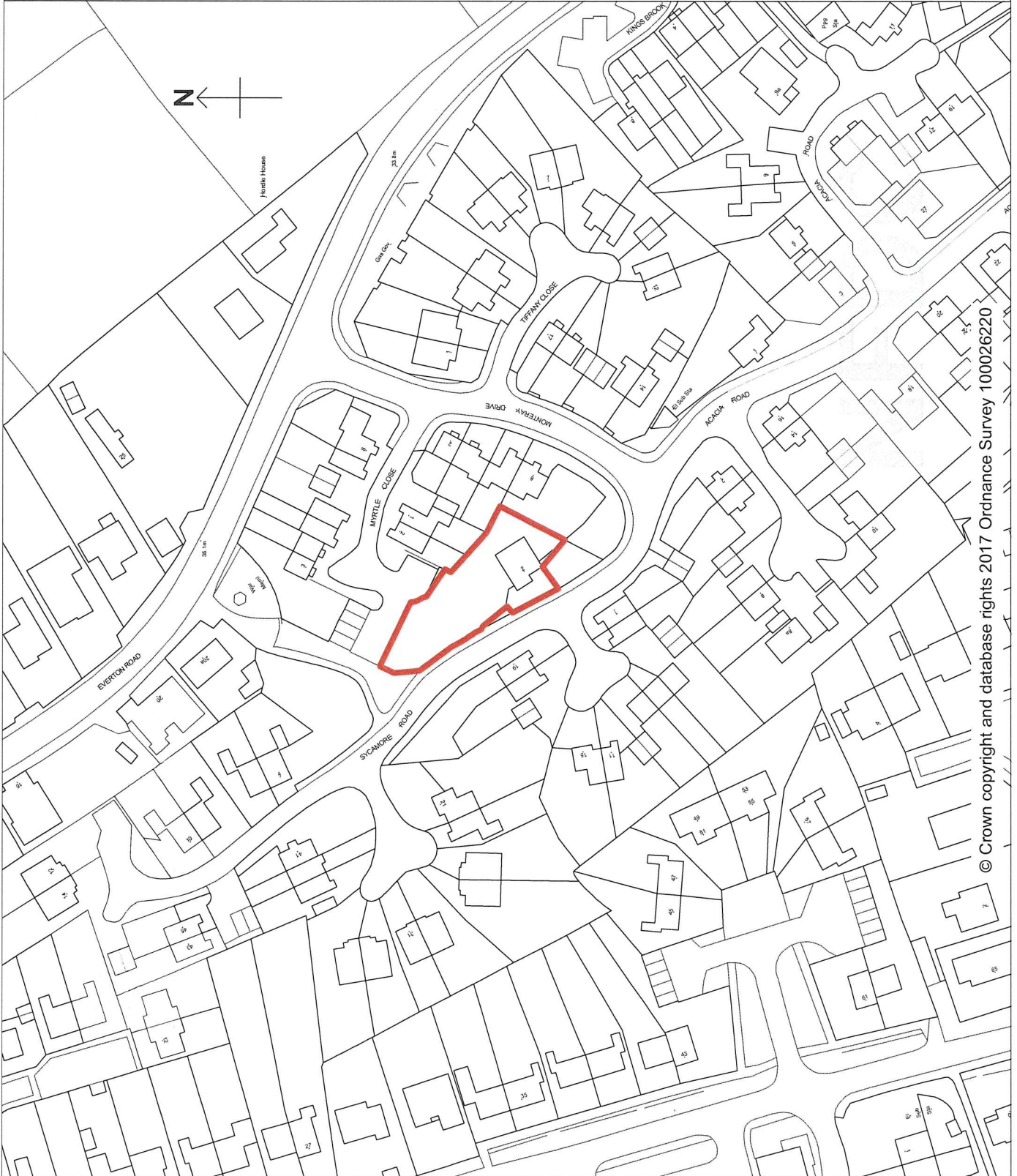
**Planning Development  
Control Committee  
September 2017**

**Item No: 3e**  
2 Sycamore Road  
Hordle

17110839

Scale 1:1250

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



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**Application Number:** 17/10861 Full Planning Permission

**Site:** Land at POPLAR LANE, (Adjacent GODWINS MEDE)  
BRANSGORE BH23 8JE

**Development:** 7 houses; 6 garages; carport; parking; landscaping; access

**Applicant:** AJ Developments Ltd

**Target Date:** 24/08/2017

**RECOMMENDATION:** Grant Subject to Conditions

**Case Officer:** Richard Natt

## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary Councillor and Parish Council View

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area  
Adjacent to New Forest National Park Authority  
Adjacent to Site of Importance for Nature Conservation

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

#### Objectives

1. Special qualities, local distinctiveness and a high quality living environment
3. Housing
5. Travel
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)  
CS10: The spatial strategy  
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

#### **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  
SPD - Mitigation Strategy for European Sites  
SPD - Parking Standards  
SPD - Design of Waste Management Facilities in New Development

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

43 dwellings - outline (04792 )Granted with conditions on the 23rd July 1976

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

Bransgore Parish Council: The Parish Council recommend refusal of this application: The development as proposed is contrary to Policy CS2 as the location of the 2 storey dwellings at the frontage of the site does not reflect the character of the area. The properties near to this site are predominantly single storey dwellings. The design and layout proposed does not reflect or enhance the local distinctiveness of the area and is contrary to Policy CS3. A more sympathetic design and layout should reflect the fact that adjacent properties are mainly single storey. The Parish Council would prefer to see a single access point serving the site in the interests of road safety and to reflect the character of the surrounding area. This would also avoid the need to cover over the surface water drain on this side of Poplar Lane. The Parish Council is concerned that insufficient consideration has been given to the discharge of surface water from the woodland and land adjacent to the site. This should be re-assessed to avoid any future flooding. The area of woodland adjacent to the site has recently been designated as a SINC by Hampshire County Council and the Ecological Survey should include this area in the ecological appraisal.

#### **8 COUNCILLOR COMMENTS**

Cllr M Steele: Objection. This application contradicts Policy CS2 and CS3 as it does not contribute to reflect the character of the area. The application shows 2 storey houses against the road frontage, which is out of character with the street scene. The Ecologist has clearly asked that mitigation is in place and it cannot be demonstrated that the development is in accordance with the NPPF and CS3/DM2. Appropriate evidence and plans for mitigation/compensation should be made available. The Parish Council have raised concerns regarding surface water. This matter should be fairly raised and considered to not flood any neighbouring properties or contribute to cause the road to flood.

#### **9 CONSULTEE COMMENTS**

- 9.1 Hampshire County Council Highway Engineer: No objection subject to condition
- 9.2 Ecologist: No objection subject to condition
- 9.3 Tree Officer: No objection subject to condition

- 9.4 Environmental Health (historic land use): No objection subject to condition. The site is currently 'wasteland' and it is unknown how it has been used previously including potential dumping of waste or other potential contaminating material. A desktop study and preliminary risk assessment is required in the first instance to identify any potential source-pathway-receptor linkages to ensure the site is safe and suitable for the proposed sensitive use (i.e residential with gardens).
- 9.5 Land Drainage: No objection subject to condition
- 9.6 Hampshire County Council Lead Local Authority: comments will be updated at Committee.

## **10 REPRESENTATIONS RECEIVED**

- 10.1 11 letters of objection concerned that the proposed development is out of keeping and contextually inappropriate. Impact on the national park. Concerns over the cramped form of development and scale and height of the dwelling given the character of the area is bungalows, impact on residential amenity such as loss of privacy and light. The proposals will not enhance local distinctiveness or bio diversity. The site floods regularly. Impact on public highway safety. The proposed development would not ensure sufficient space for the trees and woodland to be protected in the long term. Impact on protected Oak tree. Lack of car parking.

## **11 CRIME & DISORDER IMPLICATIONS**

No relevant considerations

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission, the Council will receive New Homes Bonus £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 £87,938.40.

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

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

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

This is achieved by

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

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

## **14 ASSESSMENT**

- 14.1 The application site extends to approximately 0.33 hectares in size and is a roughly square shaped area of open land situated along the eastern side of Poplar Lane. The site has a width of around 63 metres and a depth ranging from 50-70 metres. In the past, the site contained a mixture of trees set behind a hedgerow running parallel to Poplar Lane, but the land has now been cleared and currently contains scrub, gorse, logs and the occasional scattered tree. There are no buildings or structures and the vegetation has been cut to near ground level within the site. The site slightly rises from Poplar Lane on the west to the woodland on the east.
- 14.2 It is not entirely clear what the land was previously used for, but it is understood to have formed part of a nursery which included land to the north that now forms the housing development in Blackbird Way and Cuckoo Hill Way. The site lies within the built up area with the eastern boundary immediately abutting the New Forest National Park which comprises mature woodland. A large part of the woodland is now designated as a Site of Importance for Nature Conservation (SINC), but it should be noted that the SINC does not directly bound the application site.
- 14.3 This full application proposes seven detached two storey houses, car port, four detached single garages, two new accesses and landscaping. The proposed layout of the site comprises three houses to front onto Poplar Lane with the remaining four houses sited to the rear served from a new access onto Poplar Lane. One of the frontage dwellings would have its own individual access, however, the remaining six dwellings would be served by a single new access. The new internal access would



be centrally located within the site, and the proposed dwellings to the rear would be sited at right angles to the road. Visually the proposed dwellings would all rise to two storeys, although the dwellings to the rear would be marginally lower in height and have their first floor accommodation contained within the roof space.

- 14.4 The main issues in this case are the effect on the character and appearance of the area, the effect on the living conditions of the adjoining neighbouring properties, public highway safety matters, ecology, drainage/ flooding, and the effect on the New Forest National Park
- 14.5 In assessing the effect on the character and appearance of the area, the site lies within the built up area. Other than a Tree Preservation Order to the north east of the site, there are no policy designations on the site. However, the site does fall within a sensitive location and there are a number of constraints surrounding the site which include close proximity to the New Forest National Park and woodland, the semi rural character of Poplar Lane and the non designated heritage asset to the south, a dwelling known as Godwins Mede.
- 14.6 Poplar Lane is an attractive semi rural lane which serves a mixture of residential properties of varying styles, designs, materials and ages. The more immediate area is characterised by bungalows. Poplar Lane is narrow with no pavements, and a number of residential properties have direct accesses onto the lane. For the most part, dwellings front onto the lane, but there are some more suburban cul de sac developments that are situated off Poplar lane. Low boundary walls, hedgerows and trees tend to define the road frontage with the occasional large tree. The key features of Poplar Lane are the low density semi-rural character, the trees and dense woodland character in the background.
- 14.7 Immediately across the road are low density detached bungalows, some of which have accommodation in the roof space by way of dormer windows and roof lights. These properties are set well back from the road and their frontages are typically laid to gravel for parking, set behind low walls. Heading in both directions along Poplar Lane, there are two storey dwellings, chalet style bungalows and bungalows. There are a few more traditional two storey dwellings situated along Poplar Lane including two thatched cottages which make a positive contribution to the character of the area. Immediately to the south of the site lies an attractive thatched Cottage known as Godwins Mede. This property is a very narrow two storey dwelling which is sited at right angles to the lane and its rear elevation runs along the sites southern boundary. Although the building is not listed, it appears to have heritage value considered as a non designated Heritage Asset.
- 14.8 To the north of the site, Blackbird Way, is a small cul de sac development of detached bungalows and two storey houses. A run of five detached modest bungalows, have rear gardens backing onto the site, in what is a relatively low density development. Beyond the bungalows are large two storey dwellings which lie in the far corner of Blackbird Way backing onto the woodland to the north, and these dwellings are much more tightly grouped together. Further north, in Cuckoo Hill Way, which is served off Poplar Lane, is a higher density development of terraced two storey dwellings, chalet style bungalows and bungalows.

- 14.9 The proposed development seeks to create a traditional rural form of development in which the dwellings would both front onto Poplar Lane and be sited to the rear served off a short internal access road. Visually the proposed dwellings have been designed with traditional forms, proportions and detailing including chimneys, porches and ridge tiles to reflect the semi rural character of the area. Other than the creation of two new accesses onto Poplar Lane, a new hedgerow would be provided adjacent to Poplar Lane, which would effectively replace the hedgerow that was unfortunately removed. Equally, the existing grass verge and ditch which lies outside the application site would be retained. The frontage dwellings would be set back from the lane with space for new trees in their front gardens. In addition, the proposed layout has also been arranged so that the car parking to serve the dwellings is largely hidden behind the buildings, rather than being exposed to view from the lane.
- 14.10 It is considered that the proposed design approach would be contextually appropriate, designed to a high standard and sympathetic with the semi-rural character of the area. The re-instatement of the hedgerow along the majority of Poplar Lane is a positive contribution. The overall density of the development equates to some 21 dph which is considered to be low and comparable to the area. Each dwelling would have a good sized plot with reasonable garden areas, which would not appear either overdeveloped or cramped. Plots 5 and 6 would sit on the more spacious plots with their large side and rear garden areas which would be appropriate given their close proximity to the woodland edge.
- 14.11 The proposed development would be sited a reasonable distance away from Godwins Mede to the south. By creating a good degree of separation with large rear gardens backing onto this property, the proposed development would not dominate or adversely impact on the setting of this non designated Heritage Asset and would allow views to be maintained of the property from Poplar Lane.
- 14.12 It is accepted that the more immediate character comprises low rise bungalows and the proposal would create a development of two storey dwellings rising to around 8.2 metres, with the dwellings to the rear being of a slightly lower scale in which the first floor accommodation is contained within the roof. However, Poplar Lane is very mixed and there are examples of both chalet style bungalows and two storey houses and the proposal has been designed to create very traditional cottage style houses. The distance from the front elevation of frontage houses to the road edge measures from 6.5 metres to 8.5 metres. The three frontage dwellings would have wide plots and would be set back a reasonable distance from the lane and would not appear imposing or out of keeping in their setting. By creating a more traditional rural development, this will help blend in with the woodland backdrop to the rear and be appropriate to the rural edge. Overall the proposed layout would create a spacious form of development of a high quality design retaining the key features such as trees and reinstating the hedgerow which would make a positive contribution to the street scene.. Although a full detailed landscaping condition can be imposed, a further condition removing 'permitted development' rights can be imposed for no fences, boundary walls, hardstanding or new accesses to be created or installed between the front elevations of plots 1, 2 and 3 which front Poplar Lane. This would prohibit the hedgerow along the front of the site being replaced with hardstanding, walls, fences or openings, which would be acceptable.

- 14.13 Moreover, it is considered that the development's impact on the National Park would be very limited and the proposal would not harm the landscape importance and qualities of the National Park. Built development already bounds the south and west boundary of the National Park, including Harrow Wood Farm Caravan Park. The increase in traffic generation would be modest, and any traffic generated would be into Bransgore and not through the local forest roads.
- 14.14 In terms of ecological matters, the site is located 0.5K to the south of Poors Common SSSI and 50m from the Harrow Wood SINC. It should be noted that the nearby Harrow Wood SINC which was proposed in November 2016 has now been accepted, however this is separated from the application site by intervening land. The east boundary lies adjacent to mature broadleaved woodland. No designated sites are present within the site. The land is unmanaged although it is understood that the previous use of the site was for ornamental planting/ garden nursery. The submitted Ecological report states that the site has been assessed as holding low ecological value however, it is located immediately adjacent to an area of high ecological value broadleaved woodland. A mitigation plan has been outlined in the ecological report which proposes a number of detailed approaches to mitigation/compensation which seek to minimise the direct impact and also provide longer term compensation, such as the delivery of features include hibernacula, sowing of wild flower, erection of bird boxes, planting of native trees, bee bricks, enhanced receptor areas and hedgerow planting.
- 14.15 It should be noted that following the submission of additional information and liaison with biological records, including the issues relating to the nearby Site of Importance for Nature Conservation, the Councils Ecologist initial concerns have been addressed. The survey work carried out is appropriate, in which a low number of slow worms and grass snake were recorded. The Councils Ecologist considers that the proposed development would not represent a change in material circumstances for the SINC, however, the loss of on site habitat, has been carefully considered and would require the mitigation and compensation secured through a suitably worded planning condition. The Ecologist considers that while the issue of protected species are capable of being managed in such a way that the status of populations is largely maintained, the offset is relatively restricted and could be further improved and this can all be incorporated within the landscaping.
- 14.16 Concerning tree matters, there is a single Tree Preservation Order within the site which consists of a group of 4 Pine trees located on the north east boundary of the site. The adjacent site of Godwins Mede is subject to a Tree Preservation Order and protects 3 Oak trees. There is a further Tree Preservation Order which protects trees to the east of the site within woodland. The Tree Officer does not raise any objections and considers that the proposed layout takes into account existing trees on the site and the relationship between new dwellings and these trees is acceptable. The Tree Protection Plan specifies and illustrates the tree protection fencing to be installed prior to the commencement of the development and if this plan is adhered to it will provide a sufficient level of protection. The proposed layout would also enable space for new tree planting.

- 14.17 With regard to residential amenity there are several neighbouring residential properties that would be affected by the proposal. Concerning Godwins Mede, this property lies to the south and has its rear elevation immediately backing onto the application site. The rear elevation at Godwins Mede has several ground and first floor windows that face onto the site and its main garden area mainly lies to the south of the building. Accordingly, the main garden area to Godwins Mede will be shielded from the proposed development by the existing building. The proposed dwellings on plots 3, 4 and 5 are sited a reasonable distance away from Godwins Mede. No windows are proposed on the side elevation of plot 3. The first floor rear rooflights proposed on plot 4 would be more than 18 metres away from Godwins Mede. The proposed first floor rooflights on plot 5 would be angled away from Godwins Mede and would be approximately 14 metres from the boundary. Given the distances involved and the fact that the proposed windows would be rooflights, it is considered that the proposed development would not have an adverse impact on the living conditions of Godwins Mede.
- 14.18 In relation to the neighbouring properties at Blackbird Way, it is noted that these properties have short rear garden areas backing onto the north boundary of the application site. The proposed dwelling on plot 1 would have its detached garage in line with the existing outbuilding between No 12 and 14 Blackbird Way. The proposed dwelling on plot 1 would have its side elevation facing the rear of No 14 and there is a distance of just under 14 metres between the properties. It is accepted that the proposed dwelling on plot 1 will have an impact on the outlook of No 14 however given the separation of 14 metres and the shallow depth of the side elevation (5.5 metres) of the proposed dwelling, it is not considered to be detrimental. No first floor windows are proposed on the side elevation facing No 14, which would maintain a reasonable level of privacy.
- 14.19 The proposed dwellings on plots 6 and 7 would be sited with their rear elevations facing onto Nos 10, 11 and 12 Blackbird Way. It is noted that there is a rear conservatory at No 11. The distance between the proposed first floor window of plot 7 to the rear conservatory of No 11 measures 21 metres and 13 metres to the rear boundary. The proposed first floor rear window to No 9 and 10 Blackbird Way measures 10 metres to the rear boundary, but the building is orientated to face onto the existing outbuilding. In terms of the neighbouring properties opposite the site in Poplar Lane, the proposed three dwellings at plots 1, 2 and 3 would face onto the lane which would be acceptable. The distances between the dwellings would be in excess of 22 metres. Overall it is not considered that the proposed development would have an adverse impact on there neighbouring properties.
- 14.20 In relation to public highway safety matters, the Highway Authority does not raise any objections to the proposal. It is considered that the proposed accesses are appropriate to serve the proposed development with adequate visibility splays available. While no tracking information has been submitted, the design of the proposed access should allow larger vehicles to access and egress the site appropriately and in a forward gear. Construction of the access will require the applicant to enter into a S278 agreement with the Highway Authority. No works can commence within the highway boundary until the agreement is complete or the applicant has secured the appropriate licence.

- 14.21 The proposed development would accord with the Council's document 'Parking Standards Supplementary Planning Document' adopted in October 2012. Five of the proposed dwellings would have at least three car parking spaces each which includes the garages, and the smaller 2 three bedroom dwellings would have two spaces, which would broadly accord with the recommended car parking guidance.
- 14.22 Concerns have been raised in relation to flooding and surface water drainage on the site. In particular, there is a surface water discharge from the adjacent woodland into the site and the open ditch in front of the site in Poplar Lane. In response to the concerns raised, the applicants have provided a survey plan showing the existing drains on the site, details of the surface water ditch and how this will be dealt with and managed as part of the proposed development. It is claimed that approximately 10 years ago an open ditch was excavated across the site from the east to west. The purpose of the ditch was to release a build up of water occurring within the wooded area adjacent to the eastern boundary of the application site. The open ditch was connected into an existing open ditch which runs across the frontage of the site adjacent to Poplar Lane. In order to accommodate the proposed development, the proposal is to pipe the open ditch which runs from the eastern boundary over the ditchline adjacent to Poplar Lane. The pipeline will be sized to match the ditch profile to ensure the flow characteristic are maintained. The piping of the ditch will maintain connectivity from the eastern boundary to the existing ditch adjacent to Poplar Lane so that surface water can still leave the wooded area. The comments from Hampshire County Council Ordinary Watercourse Consent Team are sought and their comments will be updated at Committee in relation to the culvert of the existing open ditch. However, based upon the details submitted, there have been no records of the site from flooding and given that the site falls within a low flood zone, it is considered that a suitably worded planning condition can be imposed for the full surface water drainage, to include the final technical and engineering details of the open ditch to be submitted for approval.
- 14.23 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.
- 14.24 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.
- 14.25 In conclusion the site lies within the built up area where the principle of residential development is acceptable, and while there are a number of constraints within and adjacent to the site, the technical issues have been addressed and it is considered that the proposed development

would be appropriate and sympathetic to the area. It is also considered that the proposed development would have an acceptable relationship to the neighbouring properties and there are no objections relating to public highway safety matters.

14.26 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. While 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	999.3		999.3	999.3	£80/sqm	£87,938.40 *

Subtotal:	£87,938.40
Relief:	£0.00
Total Payable:	£87,938.40

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

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

Where:

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

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

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

## 15. RECOMMENDATION

### Grant Subject to Conditions

### Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: 8827/300 Rev B, 8827-301 Rev A, 8827/302 Rev A, 8827/303 Rev A, 8827/304 Rev A, 8827/305 Rev A, 8827/306 Rev A, 8827/307 Rev A, 8827/308, 8827/309 Rev A .

Reason: To ensure satisfactory provision of the development.

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

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

4. The development hereby permitted shall not be occupied until the spaces shown on plan 8827/300 Rev B for the parking and garaging of motor vehicles have been provided.  
The spaces shown on plan 8827/300 Rev B for the parking and garaging or 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).

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

- (a) the existing trees and shrubs which have been agreed to be retained;
- (b) a specification for new planting to include the new hedgerow adjacent to Poplar Lane and tree planting. (species, size, spacing and location);
- (c) areas for hard surfacing and the materials to be used;
- (d) other means of enclosure including existing and boundary treatment;
- (e) a method and programme for its implementation and the means to provide for its future maintenance.
- (f) the details of external lighting

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

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

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

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

7. Before first occupation of the development hereby approved, a surface water sustainable drainage system (SuDS) shall be designed and installed to accommodate the run-off from all impermeable surfaces including roofs, driveways and patio areas on the approved development such that no additional or increased rate of flow of surface water will drain to any water body or adjacent land and that there is capacity in the installed drainage system to contain below ground level the run-off from a 1 in 100 year rainfall event plus 30% on stored volumes as an allowance for climate change as set out in the Technical Guidance on Flood Risk to the National Planning Policy Framework. The submitted scheme shall also include full details of the piping or other engineered solution to the existing open ditch which runs east to west through the site.

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

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

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

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

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



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

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

9. The trees on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted Arboricultural Impact Assessment & Arboricultural Method Statement (GHJ1776.1) and Tree Protection Plan (GH1676.1b) and within the recommendations as set out in BS5837:2012.

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 the National Park (Core Strategy).

10. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions relating to contamination no 11 to 13 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 14 relating to the reporting of unexpected contamination has been complied with in relation to that contamination.

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

11. 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).

12. 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).

13. 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).

14. 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 10, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 11, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 12.

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

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

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

16. Prior to the commencement of development, including site clearance and reptile translocation, further details of biodiversity mitigation, compensation and enhancement shall be submitted to, and approved in writing by the Local Planning Authority. These shall include measures as outlined in the Phil Smith Ecology Report dated July 2017 together with the additional details to provide offset for losses of vegetation and wetland habitat. Moreover, prior to the commencement of development, including site clearance, a Construction Environmental Management Plan, to include the measures set out in the Phil Smith Ecology Report dated July 2017 shall be submitted to, and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the details and recommendations as approved in the strategy with any amendments agreed in writing. Thereafter, unless otherwise agreed in writing by the Local Planning Authority, the mitigation measures shall be permanently maintained and retained in accordance with the approved details.

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

17. 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).

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any re-enactment of that Order) no means of hardsurfacing otherwise approved by Classes F of Part 1 of Schedule 2 to the Order, or fence, wall or means of enclosure otherwise approved by Class A or means of access to Poplar Lane approved by Class B of Part 2 of Schedule 2 to the Order shall be created, constructed, carried out or erected between the front elevations of the hereby approved dwellings identified as plots 1, 2 and 3 and Poplar Lane without express planning permission first having been granted.

Reason: To safeguard the retention of the hedgerow, trees and greenery along Poplar Lane which is a locally distinctiveness feature which makes a positive contribution to the semi rural character of the area 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:**

Richard Natt

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Lyndhurst  
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**Planning Development  
Control Committee  
September 2017**

**Item No: 3f**  
Land at Poplar Lane  
Adj. Godwins Mede  
Bransgore  
17/10861

**Scale 1:1250**  
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the internet, it will not be to  
scale.



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**Application Number:** 17/10866 Full Planning Permission

**Site:** JONWIN, LEPE ROAD, LANGLEY, FAWLEY SO45 1XR

**Development:** Detached double garage

**Applicant:** Mr Clark

**Target Date:** 09/08/2017

<b>RECOMMENDATION:</b> Refuse
<b>Case Officer:</b> Richard Natt

**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary Parish Council View

**2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

Built up area

**3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

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

**4 RELEVANT SITE HISTORY**

Detached double car port (15/11755)  
Granted with conditions on the 4th February 2016.

**5 COUNCILLOR COMMENTS**

No comments received

**6 PARISH / TOWN COUNCIL COMMENTS**

**Fawley Parish Council:** recommend PERMISSION.

**7 CONSULTEE COMMENTS**

No comments received

**8 REPRESENTATIONS RECEIVED**

No comments received

**9 CRIME & DISORDER IMPLICATIONS**

None Relevant

## **10 LOCAL FINANCE CONSIDERATIONS**

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

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 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. There are concerns about the visual impact of the proposed garage in this prominent forward location. As considerable changes would be required to address the concerns raised in relation to the design, siting and scale of the proposed development, the application is recommended for refusal.

## **12 ASSESSMENT**

12.1 The application property comprises a detached chalet style bungalow which is set well back from Lepe Road, with an open front garden laid to gravel and partly used for car parking. Lying along the main road running through Blackfield and Langley to Lepe Country Park, on the corner of Rosemerry Place the application site is considered to be prominent within the street scene. A low timber fence and 2 metre high hedge



defines the front boundary of the site with a long rear garden. A 2 metre high brick wall defines the side boundary which forms part of a recent housing development at Rosemerry Place.

- 12.2 This planning application proposes a double garage which would be sited forward of the existing dwelling, adjacent to the side wall abutting the road accessing Rosemerry Place. The proposed building would be sited approximately 4 metres back from the road and would be constructed from oak under a slate roof, with a single open frontage to be fitted with roller shutter doors. Rising to 3.8 metres high, the proposed building would measure 7 metres long by 6 metres wide.
- 12.3 The main issue in this case is whether the proposed building would have an acceptable impact on the street scene and the general character of the area.
- 12.4 The character of the area is very mixed comprising dwellings of different designs, styles and ages. One of the more distinctiveness features of the area is its spatial character and the green front boundaries to Lepe Road which are typically defined by hedges, trees and vegetation. Although there is no set building line, the set back of dwellings provides a character of spaciousness along this section of Lepe Road, contributing to the distinctiveness of this area. It should also be noted that there is a garage opposite at Stone Cottage which is located forward of the dwelling however this is a single garage of a modest scale and size and so does not justify the current proposals.
- 12.5 It is considered that the introduction of a detached garage, of this scale and form sited in this forward position would have a negative impact on the street scene and therefore detract from the distinctive and attractive character of the immediate area. Although the structure would be screened to a degree by the existing planting, views of the building and its large roof would still be apparent from Lepe Road, which would be intrusive and out of keeping in this setting. Furthermore, although there is some existing screening this could not be guaranteed to remain in place and the imposition of a planning condition requiring the hedge to be retained and maintained would not be reasonable.
- 12.6 Accordingly, because of its excessive footprint, height, scale and form, the proposed building would appear as an intrusive form of development in the street scene and would erode the spatial characteristics of the site which would detract from the distinctiveness of the area. As such, the proposed garage would create a level of harm that would justify a refusal in this instance.
- 12.7 Careful consideration has been given to the extant planning permission for a detached garage on the site under planning reference 15/11755. However, the extant planning permission involved a building which was set a further 2 m back from the road, with a smaller footprint and scale. It was a more open car port structure designed with a hipped roof including a low 'cat slide' roof, to reduce its scale and have an overall less bulky form. Accordingly the proposed garage subject to this application is materially different from that approved being more imposing in its setting than the extant planning permission.

- 12.8 In relation to other matters, the proposed building is not considered to have any adverse impact on the neighbouring properties given its siting on the corner of two roads. Indeed, the proposed garage would be sited more than 7 metres away from the nearest neighbour, No 1 Rosemerry Place, which is considered to be acceptable.
- 12.9 In conclusion, it is considered that by reason of its forward position, scale and form, the proposed garage would be an intrusive form of development within the street to the detriment of the character of the area. While there is an extant planning permission for a garage in a similar position, the current application is larger in size and scale, with a more bulky form that would be materially more imposing in the street scene. As such the current proposals cannot be supported and refusal is therefore recommended.
- 12.10 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

### **13. RECOMMENDATION**

#### **Refuse**

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

1. By reason of its forward position, height, scale and form, the proposed garage would be an unduly prominent feature and intrusive form of development in the street scene which would erode the spatial characteristics of the site to the detriment of the character and appearance of the area. As such it would be contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

**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. There are concerns about the visual impact of the proposed garage in this prominent forward location. As considerable changes would be required to address the concerns raised in relation to the design, siting and scale of the proposed development, the application was recommended for refusal.

**Further Information:**

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**Planning Development  
Control Committee  
September 2017**

**Item No: 3g**

Jonwin  
Lepe Road  
Langley Fawley  
17/10866

Scale 1:1250

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scale.



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Planning Development Control Committee 13 September 2017 Item 3 h

**Application Number:** 17/10943 Full Planning Permission

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

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

**Applicant:** Lidl UK GmbH

**Target Date:** 11/10/2017

**RECOMMENDATION: Service Manager Planning & Building Control authorised to Grant**

**Case Officer:** Ian Rayner

## 1 REASON FOR COMMITTEE CONSIDERATION

Previous Committee Interest

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up area  
Site bounded by Hythe Conservation Area

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

#### Objectives

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

#### Policies

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

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

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

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

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

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

SPG - Hythe - A Conservation Area Appraisal  
SPD - Parking Standards

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

Lidl Foodstore (Use Class A1); parking; associated landscaping; access works;  
demolition of existing (16/11638) - refused 11/5/17

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

Hythe & Dibden Parish Council: recommend permission subject to the following conditions:

Space should be made available for additional parking at the top of the New Road car park; there should be 2 hour free parking for shoppers; additional disabled spaces should be provided free of charge for people wishing to access services at The Grove; glazing units facing the church should not be used as advertising space; concerns over noise levels which will impact on adjacent residents and are also concerned that the building will be oppressive to residents of Court House Close, and would therefore wish to see a barrier to reduce noise and prevent overlooking; car park lighting should be minimised; car park should be gated to ensure it is secure and to alleviate antisocial behaviour; concerns about impact on users of church and would therefore like to see a redesigned pedestrian crossing point near the church to make access to New Road safer.

#### **8 COUNCILLOR COMMENTS**

Cllr McEvoy: supports

The design is considerably improved and is more in keeping with the surrounding buildings; believes the previous reason for refusal has now been addressed.

#### **9 CONSULTEE COMMENTS**

- 9.1 Hampshire County Council Highway Engineer: no objection subject to conditions and prior completion of Section 106 Legal Agreement to secure transportation contribution/ Green Travel Plan
- 9.2 Environment Agency: views awaited
- 9.3 Hampshire County Council (Surface Water Drainage): require further clarification to be able to provide a detailed response.
- 9.4 Southern Gas Networks: advise of site's proximity to gas main
- 9.5 Southern Water: no objection subject to condition on foul and surface water sewerage disposal; requests informative relating to connection to public sewerage system.

- 9.6 Ecologist: no objection subject to condition in respect of biodiversity mitigation and enhancement including provision for nesting swifts.
- 9.7 Tree Officer: objects due to the loss of important amenity trees in particular the Pine and Horse Chestnut at the New Road entrance to the car park.
- 9.8 Urban Design Officer: the site is important to the fabric of Hythe; the building is no great landmark and does not take the opportunity to truly enhance the character of the area, but the materials and articulation are to be welcomed; the landscape plans do not yet contribute well enough to local character, but this could be satisfactorily addressed through conditions.
- 9.9 Conservation Officer: does not support due to the application's negative and harmful impact upon associated heritage assets; feels the proposal will erode the setting of the church, listed buildings to the north-east and the Conservation Area; feels the proposal will not respond positively to local distinctiveness; notwithstanding the changes to the design, feels that the design is inelegant and uninspiring.
- 9.10 Environmental Health (pollution): no objection subject to conditions
- 9.11 Environmental Health (air quality): no objection subject to condition
- 9.12 Environmental Health (contaminated land): no objection subject to conditions

## **10 REPRESENTATIONS RECEIVED**

- 10.1 302 letters of support from local residents:- proposal will improve retail choice and will be beneficial to the vitality of Hythe Town Centre; the store is much needed (providing affordable produce) and will be a significant asset to Hythe; proposal will create much needed jobs for local people and will have a positive impact on other local businesses; building is well designed and in keeping with the surrounding area.
- 10.2 43 letters of objection from local residents / business owners:- additional traffic congestion on local roads; adverse impact on parking provision within the centre of Hythe; unsuitable access; noise disturbance from additional vehicle movements; lack of need; adverse impact on other shops and local businesses; lack of parking provision for the Waterside Cancer Centre; poor design that would be out of keeping with adjacent properties and detrimental to the setting of the church; adverse impact on Conservation Area; proposal is not a sustainable development; adverse impact on church functions; plant will create noise that will cause disturbance to adjacent residential properties; adverse impact on amenities and privacy of neighbouring property in Court House Close due to the building's proximity to that property; local infrastructure cannot cope with a development of the scale proposed; litter nuisance; lack of need.
- 10.3 1 letter of concern from Waterside Cancer Support Centre:- concerned that they will lose their car parking facility which is so important to many of their clients.
- 10.4 6 other letters neither supporting nor objecting to the application, but raising points of concern.

## **11 CRIME & DISORDER IMPLICATIONS**

See assessment below

## **12 LOCAL FINANCE CONSIDERATIONS**

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

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

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

This is achieved by

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

In this case, there have been lengthy pre-application discussions with the applicant. The submitted application has responded positively to the refusal of the applicant's previous proposals affecting the site, and while the application still raises a number of concerns it is felt, on balance, that the scheme is acceptable.

## **14 ASSESSMENT**

### Introduction

- 14.1 This application relates to the St John's Street public car park in the centre of Hythe. The application site also encompasses an enclosed storage yard, forming part of the PC Builders site, on which there is an existing pitched roofed storage building. The existing public car park has



a frontage onto both St John's Street to the east and New Street to the west. The car park lies immediately to the south of the St John the Baptist's Church, which is a Grade II Listed Building. To the south-west of the application site are a number of residential dwellings at Court House Close, while to the south-east the site is bounded by other land occupied by PC Builders. The site is outside of the Hythe Conservation Area, but is bounded by the Hythe Conservation Area on its northern, eastern and south-western sides. 13-17 St John's Street, which are set close to the northern corner of the site, are also Grade II Listed. On the site itself, there are a number of mature trees, particularly adjacent to the site's northern boundary and adjacent to New Street. There are also a number of younger, recently planted trees along the site's frontage with St John's Street.

14.2 Members will recall considering an application to redevelop the site with a new Lidl retail foodstore at their meeting in May. The application was refused solely on design grounds. Members felt the proposed design was contextually inappropriate, being harmful to the setting of nearby Listed Buildings and the character and appearance of the Hythe Conservation Area. There were specific concerns relating to the building's rather industrial boxlike form, its poorly articulated and inelegant roof form, the blandness of the significant north-east facade facing St John's Street, the assertive, monotonous character of the heavily glazed north-west elevation, the use of non-traditional materials, the loss of 2 mature trees to accommodate the widened access, and the development's rather austere car park setting.

14.3 The application that has now been submitted seeks to address the design concerns that led to the previous application being refused. The application is specifically proposing a retail store of 2194 square metres and a net sales area of 1363 square metres, (which is similar to before). As with the previous application, it is proposed to widen the existing access onto New Road and provide 104 car parking spaces in association with the proposed development. The key difference between this latest application and the recently refused application is in the proposed building's elevational design. What was a standard Lidl's design format has been replaced with a more bespoke design incorporating more significant brick facades, a more articulated roof form with pitched roofs and gables, and a greater level of fenestration on the long north-east elevation.

#### Design & Heritage Considerations

14.4 Given the decision members reached on the previous application, the key consideration must be whether the design changes that have been made have adequately addressed the previous reason for refusal. It is felt that what is now proposed is a much better designed building than the previously refused, being much more appropriate to its traditional town centre context. The significant use of red brickwork, broken up with vertical elements of red clay tile hanging, and timber weatherboarding and the use of slate roof tiles on prominent elevations would be much more appropriate to Hythe town centre than the rather industrial appearance of the previously refused building. Subject to agreeing the precise materials through conditions, the materials proposed would be sympathetic to the site's context. Furthermore, the massing of the building would be much better broken up than before. The bland monopitched roof of the previous proposal has been replaced with a

more varied roofform, incorporating more traditional detailing, while there also is a much stronger vertical rhythm to the main building facades, which is achieved through the use of gables, small vertical brick projections, changes in materials, and a greater level of fenestration on the long north-east elevation. The north-west elevation facing St John's Church is still heavily glazed, but the design changes mean that the glazing would have a less dominant appearance than before, there being a more appropriate vertical emphasis and a better overall composition to this facade. Overall, therefore, it is considered that the applicants have made meaningful changes to the external appearance of the building, which would enable it to integrate much more successfully into its specific context than the previously refused development. It is also considered that with some modest amendments (that could be reasonably secured through condition), the building would have a reasonable landscape setting, noting that it is the applicant's intention to plant a number of new trees within the car park, and to incorporate elements of block paving to break up the large car park.

- 14.5 Notwithstanding the changes that have been made, the application is not without design concern. The Conservation Officer is concerned with how the proposed development would relate to adjacent heritage assets. Inevitably, whatever its design, a large retail store in this location will be somewhat at odds with the typical urban grain of Hythe town centre. The Council's Conservation Officer recognises that some improvements have been made, but feels the changes do not go far enough in mitigating the proposed building's adverse impact on adjacent heritage assets. He feels the changes that have been made are akin to applying a 'pastiche wallpaper', and have not resulted in a level of articulation or architectural quality that would mitigate the building's non-conforming form and size. As such, his conclusion is that the proposed building would still cause harm to the setting of the Grade II Listed St John's church, and to a more limited extent the Listed Buildings at 15-17 St John's Street. His conclusion is that there would also be harm to the character and appearance of the Hythe Conservation Area. These conclusions are not disputed, noting that even the applicant's own heritage statement accepts that there will be some harm to the setting of adjacent heritage assets.
- 14.6 Therefore, to summarise the design changes, the applicants have put forward a design which is more sympathetic and of a much better quality than the previously refused design, but the design is one which still has some adverse impact on adjacent heritage assets arising from the building's large size, non-traditional form, and detailed appearance. Based on the advice of the National Planning Policy Framework, it is felt that the harm to heritage assets would be less than substantial rather than substantial. Having reached this conclusion, planning permission should only be granted for this proposal if the public benefits of the proposal would outweigh the harm.

#### Site Specific and Town Centre Policy considerations

- 14.7 The site is, in part, affected by Policy HYD4.1 of the Local Plan Part 2, which identifies land in the vicinity of St John's Street Car Park as a Town Centre Opportunity site where development should be primarily for retail purposes. The retail development that is proposed is therefore supported by this policy.

- 14.8 Part of the application site (the land occupied by PC Builders) is also subject to Policy HYD5 of the Local Plan Part 2. This policy, which also extends to adjacent land to the south, identifies this land for a possible public car park extension. The submitted application would not meet this policy aspiration. However, the policy is expressed only as an aspiration (that is not now likely to be pursued) rather than as a firm allocation, and in these circumstances, it is not felt the proposed development would conflict unacceptably with this policy.
- 14.9 As the whole of the application site is inside the Hythe Town Centre boundary, Policy DM16 of the Local Plan is also relevant to this proposal. This policy allows for retail development in town centre locations. The proposal is therefore in accordance with this policy.

#### Retail Impact & Economic Considerations

- 14.10 In considering any new retail store, it is necessary to have regard to the advice of the National Planning Policy Framework (NPPF) and National Planning Policy Guidance. The NPPF expects Local Planning Authorities to apply a sequential test to planning applications for main town centre uses that are not in an existing centre and not in accordance with an up-to-date Local Plan. Thus, Local Planning Authorities should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered.
- 14.11 In this case, the application site is a Town Centre site as defined by the Council's own Local Plan, although it is not within a Primary Shopping Area or a defined Shopping Frontage. The applicants have submitted a detailed retail assessment which suggests the site should be viewed as an edge of centre site, and where any consideration of Sequentially Preferable alternative sites should be focused on the Primary Shopping Area. They have been unable to locate any areas within the Primary Shopping Area that would be suitable to accommodate the scale of development proposed, and looking at other sites within Hythe Town Centre, they have concluded that there are no alternative suitable and available sequentially preferable sites to accommodate the proposed development. The applicant's conclusions on this matter are accepted, and, as such, it is considered that sequential test requirements are satisfied.
- 14.12 The National Planning Policy Framework also requires the submission of a retail impact assessment for retail development outside of town centres where the development is over thresholds specified in Local Plans. The Council's Local Plan seeks the submission of a retail impact assessment for retail developments of over 1000 square metres that are outside of town centre boundaries. As previously indicated, the site is inside a town centre boundary, so based on the Council's own definition of a town centre, a retail impact assessment is not required. However, the applicants have applied a tighter definition of a town centre as defined in the NPPF and have carried out a retail impact assessment. This report concludes that levels of trade diversion will be modest and all resulting impacts will be minor. There is considered no reason to disagree with the conclusions of the applicant's retail impact assessment. In essence, it is not felt that the proposal would be likely to have a significant adverse impact on town centre vitality and viability and therefore the retail impact of this proposed development is considered to be in accordance with both national and local policy.

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

#### Highway & Transportation Considerations

14.14 The Highway Authority's views on this application are no different to their views on the previously refused application. They have confirmed that the widened access onto New Road would be acceptable from a highway safety perspective. The widened access would include tactile crossings, and there would be formal pedestrian crossings within the site. As such, the Highway Authority are satisfied that the New Road access arrangements would not be to the detriment of pedestrians. The St John's Street access would be an entrance only, with no access permissible onto this street. The Highway Authority have therefore confirmed that this access would also be appropriate.

14.15 The applicants have submitted a detailed Traffic Impact Assessment. This data indicates that there is typically spare capacity at both the St John's Street car park and the nearby New Road car park. A parking accumulation exercise has demonstrated that the typical number of vehicles currently parking at St John's Street could be satisfactorily accommodated within the nearby New Road car park. As such, the Highway Authority have confirmed that the loss of the St John's Street car park as a public car park would not be detrimental to highway safety. Furthermore, the Highway Authority have confirmed that the redistribution of car parking within Hythe is unlikely to significantly impact on the capacity, safety, or operation of the local highway network.

14.16 The Council's Parking Standards Supplementary Planning Document recommends that 98 car parking spaces should be provided on the site on the basis of the total sales area. The 104 car parking spaces that this development proposes would therefore be marginally in excess of the Council's recommended guidelines which is considered to be acceptable. The Highway Authority have confirmed that the development makes adequate disabled parking provision, as well as providing adequate parking areas for cyclists.

- 14.17 The Highway Authority have confirmed that the applicants have provided adequate information by way of swept path analyses to show that large articulated vehicles making deliveries to the site can enter and leave the site in a safe manner.
- 14.18 The applicants have submitted a Travel Plan. The Highway Authority have confirmed that this is of an acceptable standard. It is felt that the Travel Plan requirement could reasonably be secured through a condition. Securing the Green Travel Plan in this way, rather than through a Section 106 Legal Agreement, is felt appropriate in the circumstances that apply, noting that the Green Travel Plan requirement has been met through a condition on a similar recent application for retail development submitted by the applicant at a site in Ringwood.
- 14.19 The Highway Authority have advised that the applicant needs to provide a financial contribution towards highway improvements in Hythe in order to mitigate the impacts of the development. Based on the fact that the development would be expected to generate in excess of 330 additional daily pedestrian and cycle movements together with 1299 additional daily vehicle movements, the Highway Authority have advised that the contribution should be £100,000, and they have duly identified schemes to which this contribution would be put. This requirement is considered to be reasonable and one that should be secured through a Section 106 legal agreement.
- 14.20 Overall, having regard to the Highway Authority's assessment of the applicant's proposals which is not expected to change at all, it can be reasonably concluded that the proposed development would not have an adverse impact on highway safety. It is to be noted that members raised no objection to the previous proposal on highway grounds, and this latest application's transportation impact would be effectively the same as that previous proposal.

#### Neighbour Amenity Considerations

- 14.21 Members did not refuse the previous application on neighbour amenity grounds. Therefore, there was an acceptance that the previous development had an acceptable relationship to neighbouring dwellings. The application that has now been submitted proposes a building with a south-west elevation (adjacent to properties in Court House Close) that would for part of its length be higher than the previously refused building. The north-western corner of the proposed building would have an eaves height that would be 0.72m higher than the previously refused building and would include a more significant pitched roof over this higher section of building. However, the greater length of the long south-west elevation would have an eaves height that would actually be 0.3 metres lower than the previously refused building. Therefore, it is only the north-west corner feature that would have a greater impact on the outlook of neighbouring properties in Court House Close than the previous scheme that was deemed to have an acceptable relationship to neighbouring dwellings. The north-west corner feature would to a large extent be set adjacent to the side elevation of 1 Court House Close, which has only minor secondary windows on its side elevation. However, the north-west corner feature would project a little to the rear of the south-east rear elevation of 1 Court House Close, and therefore there would be some loss of outlook to this neighbouring dwelling. The building as a whole would also appear rather dominant from 1 Court

House Close, being higher and with a more unbroken form than the existing buildings to be demolished. It is felt that the outlook and amenities of the occupants of 1 Court House Close would be adversely affected because of the building's proximity. However, taking into account the differences between the proposed scheme and the previous scheme the difference in impact would only be marginal, and when the overall public benefits of the scheme are taken into account, it is considered that it would be an impact that would, on balance, be justified. It should be noted that from a privacy perspective the development would not be harmful as there are no main windows or openings on the side elevation facing Court House Close.

14.22 The application is accompanied by a Noise Impact Assessment. This confirms that noise from deliveries will have a potentially significant adverse impact on the proposed dwellings to the south-east (that were approved under planning application 16/11639). However, the report suggests that this significant adverse impact will only be an occasional impact usually limited to 2 deliveries a day between 7am and 10 pm. The Noise Impact Assessment also suggests that the impact could be mitigated if a good (acoustic) window design is installed on the adjacent proposed residential dwellings (which was a condition of that planning permission), and also if a 3.3 metre high acoustic barrier is positioned alongside the service access ramp. The Council's environmental health officer has considered the applicant's noise assessment and notes that the mitigation measures would mitigate noise levels to a level that would fall within the recommended continuous noise levels for outside living areas outlined in the World Health Organisation publication 'Guidelines for Community Noise' published in 1999. Therefore subject to conditions, it is felt that deliveries to the store would not cause unacceptable nuisance to adjacent existing and proposed dwellings. Moreover, it is also considered that noise from plant and equipment can also be adequately mitigated through condition.

14.23 The top of the proposed 3.3 metre acoustic barrier would be appreciated from the approved flats to the south, but would not be so high a feature as to cause material harm to the outlook of the adjacent flats. Furthermore, because it would not be an especially prominent feature, it could be provided without causing material harm to the visual amenities of the area.

#### Arboricultural Considerations

14.24 As with the previous application, a number of trees would be removed to accommodate the proposed development. The most significant of these are a mature Austrian Pine and a mature Horse Chestnut tree adjacent to the site's New Road entrance. The Council's tree officer has objected to the loss of these 2 trees. It is accepted that these 2 trees make a positive contribution to the area and their loss would be harmful to the visual amenities of the area. However, the proposed landscape scheme, which includes the planting of 2 new semi-mature pine trees on either side of the widened New Road entrance, would provide some mitigation for the loss of these 2 trees. In the longer term, the landscaping should ensure that the loss of existing trees is adequately mitigated.

### Ecological Considerations

- 14.25 The submitted application is accompanied by an ecological assessment, which adequately assesses the site's ecological interest and the likely presence / absence of bat species. The Council's ecologist considers the development can take place without detriment to ecological interests and protected species subject to appropriate mitigation measures being incorporated into the development, which should include providing opportunities for nesting swifts.

### Flood Risk & Drainage Considerations

- 14.26 A small part of the application site is within Flood Zone 2, and a tiny slither of the site adjacent to St John's Street is within Flood Zone 3. Importantly, the whole of the proposed building is outside of these Flood Zones. Therefore, the proposed building is not one that is likely to flood, and nor should it increase flood risk elsewhere. A small part of the car park may flood in a flood risk event, but this is no different to at present. The applicants have submitted a Flood Risk Assessment which concludes that the development would be acceptable from a Flood Risk perspective and there is considered no reason to disagree with this conclusion.
- 14.27 The applicant's Flood Risk Assessment also considers surface water drainage. Because the application would result in an increase in impermeable area, Sustainable Drainage Measures (SUDs) are proposed to ensure that surface water is managed effectively and thereby ensure that there is no additional impact on the existing drainage regime. The principles that are suggested within the applicant's Surface Water Strategy appear to be acceptable. However, the Hampshire County Council surface water drainage team have requested further information in order to be able to make a detailed response. While ideally this information should be provided before a decision has been made (the applicant has been asked to provide this information), it is felt that if all else is acceptable it would be appropriate to agree details through a condition of planning permission.

### Sustainability Considerations

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

### Equality Act and Other Considerations

- 14.29 A concern has been raised by the Waterside Cancer Support Centre and the Parish Council that the proposal would result in the loss of a car parking facility for visitors to the Centre. This is a well used facility (over 1000 Visits in the first 7 months of this year), with visitors currently being able to use 6 free disabled car parking spaces within the existing car park which are sited close to the Centre entrance. There is a concern

that access for frail and elderly people using the Centre will be made more difficult as a result of this application and concerns have additionally been raised in relation to the Equality Act 2010, noting that Local Planning Authorities have a Public Sector Equality Duty (PSED).

- 14.30 The applicants proposal would entail the provision of 6 disabled car parking spaces for shoppers within their car park adjacent to the new building. However, these spaces and the other car parking spaces on the development site would not be available for long-stay use by people visiting the Waterside Cancer Support Centre. Therefore, the proposal would be unfortunate to those with protected characteristics under the Equality Act, in that it would force longer stay visitors to the centre to park further away and thereby increase their walking distance/ time to the centre. (The new car park is not specifically intended to allow short-stay use for non-shoppers either, but in practice it is likely the car park could still be used for short term visits to the Cancer Centre.)
- 14.31 In this case, there are alternative parking facilities within the locality, both at other nearby public car parks and on some nearby local roads. These alternative parking facilities would potentially be up to 5 - 10 minutes additional walking distance away from the support centre, but routes between these alternative parking areas and the centre would be accessible to the affected group. While the proposed would undoubtedly be likely to result in some inconvenience to some users of the Cancer Support Centre (mainly those who are visiting the centre for over 2 hours), it is not felt the proposal would unduly compromise people's ability to continue to use the Centre. It is felt that alternative parking facilities within the locality, while not as convenient as the existing car park, would be adequate in minimising the impact on people using the Cancer Support Centre. Furthermore, it is of note that the ability to drop off people directly outside of the Centre would remain. In considering the scheme's impact on people using the Waterside Cancer Centre, there is also a need to balance this impact against the significant benefits the development would bring to the wider community. It is felt these significant benefits would outweigh the inconvenience arising from the loss of a long term parking facility quite so close to the Waterside Cancer Centre, having regard to the alternative facilities and arrangements that would be available.
- 14.32 The applicants have indicated that they would operate the car park on an ANPR (Automatic Number Plate Recognition) system. This would give customers 2 hours of free parking, thus enabling shoppers to make linked trips to the rest of Hythe. The applicants hope that they would be able to offer this 2 hour free parking in perpetuity, but would like the right to review this time limit and potentially reduce it to 90 minutes if the car park is being used in a manner where Lidl customers are unable to park their car. To a large extent this is a management issue rather than a highway safety issue. However, the applicants have offered to submit a car park management plan as a condition of planning permission to ensure the car park capacity and availability is maximised, whilst minimising any inconvenience to users of the site. This seems a reasonable approach to this matter.
- 14.33 The Parish Council's request that there be additional parking made available at the top of the New Road car park is not a reasonable or justified condition. Nor is there considered any justification to require the car park to be gated so as to minimise antisocial behaviour.



## Balancing the different considerations & Conclusions

- 14.34 It is clear from the above that there are significant points in the development's favour, particularly in terms of the improved retail provision that this development will bring to Hythe, together with the associated economic benefits which will be good for town centre vitality. However, weighed up against these positives, there are also some negatives. The development would be of a scale and design that would cause a degree of harm to the character and appearance of the adjacent Hythe Conservation Area, and the setting of the Grade II Listed Buildings to the north and north-east of the site. The development would also cause some harm to the amenities of the immediately adjacent dwelling at 1 Court House Close (and to a lesser extent other adjacent dwellings). At the same time, it needs to be recognised that the design now put forward is a materially better design than the previously refused scheme, and one that responds more successfully to the distinctive character of Hythe.
- 14.35 Given the scheme's contrasting positive and negative impacts, this is, ultimately, still a finely balanced decision. However, on balance, with the design improvements that have been made, it is considered that the public (economic and social) benefits of the proposed development outweigh the environmental harm. For this reason, it is considered that the less than substantial harm to adjacent heritage assets that has been identified is a justifiable harm in the context of Paragraph 134 of the National Planning Policy Framework.
- 14.36 On balance, therefore, this application is recommended for permission subject to first securing transportation contributions and green travel plan requirements through a completed Section 106 legal agreement. This recommendation for permission is made on the basis that some of the more technical issues raised by consultees are capable of being satisfactorily mitigated by condition. There will be a need for a number of detailed conditions to ensure that the development is of a high a quality as it reasonably can be and to ensure adequate compliance with policy.
- 14.37 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

## **15. RECOMMENDATION**

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

- i) the prior completion of a Section 106 legal agreement to secure a financial contribution of £100,000 towards identified transportation schemes;
- ii) the imposition of the conditions set out below:

**Proposed Conditions:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
  
2. The development permitted shall be carried out in accordance with the following approved plans: 3341 13 A, 3341 18 S, 3341 10, 3341 05 AJ, 3341 03 M, 3341 07 M, 3341 06 P, 3341 11 B, 3341 21 B, 3341 09 D, 3341 15 C, 3341 12 R, 3341 22, PR-011 rev J, PR-012, PR-013, PR-014.  
  
Reason: To ensure satisfactory provision of the development.
  
3. Written documentary evidence demonstrating that the development hereby approved has achieved as a minimum a rating of EXCELLENT against the BREEAM standard shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of this aspect of the development, unless an otherwise agreed time frame is agreed in writing by the Local Planning Authority. The evidence shall take the form of a post construction certificate as issued by a qualified BREEAM certification body.  
  
Reason: In the interests of resource use and energy consumption in accordance with policy CS4 of the Core Strategy for the New Forest District outside the National Park.
  
4. Before development commences, and notwithstanding the details on the specified plans, samples and exact details of all 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 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.
  
5. Notwithstanding the hard landscape details shown on the Surface Dressing Plan and the planting proposals contained in the Soft Landscape Plan, a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority before development commences. This scheme shall include :

- (a) the existing trees and shrubs which have been agreed to be retained;
- (b) a specification for new planting (species, size, spacing and location);
- (c) areas for hard surfacing and the materials to be used;
- (d) the treatment of the boundaries of the site and other means of enclosure;
- (e) a specification for street furniture, light columns, bollards, trolley store, seats and bins;
- (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 comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

6. 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).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14. The works hereby approved shall be undertaken in full accordance with the provisions set out within the RPS Arboricultural Impact Assessment and Method Statement reference JSL2663\_780 dated 21st 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).

15. The proposed slab and building levels of the development shall be strictly in accordance with the level details indicated on the approved drawings unless an alternative slab / building level detail has first been submitted to and approved in writing by the Local Planning Authority in which case the development shall only take place in accordance with those details which have been approved.

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

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any subsequent re-enactment thereof, no additional floor space by way of the creation of a mezzanine floor shall be formed within the building hereby approved, other than that shown on the approved plans.

Reason: To safeguard the amenities of the area, in the interests of highway safety and to comply with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

17. Before the commencement of development, a precise specification of the biodiversity mitigation and enhancement measures that are to be incorporated into the development, as outlined in the RPS Preliminary Ecological Appraisal dated November 2016 (Ref JSL2663\_871c), but to also include provision for nesting swifts, shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved details.

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

18. The combined noise rating level from all plant and equipment shall not exceed the Background noise level(LA90) at the boundary of any noise sensitive premises in accordance with BS4142:2014.

Reason: To protect the amenities of adjacent residential properties and to comply with Policy CS2 of the Core Strategy for New Forest District outside of the National Park.

19. The heat pump and VRF (air conditioning) plant shall not operate other than between the hours of 08:00hrs to 22:00hrs Monday to Saturday, and 10:00hrs to 17:00hrs on Sundays and public holidays.

Reason: To protect the amenities of adjacent residential properties and to comply with Policy CS2 of the Core Strategy for New Forest District outside of the National Park.

20. Deliveries to the site shall not take place other than between the hours of 07:00hrs to 22:00hrs Monday to Saturday, and 09:00hrs to 18:00hrs on Sundays and Public Holidays.
- Reason: To protect the amenities of adjacent residential properties and to comply with Policy CS2 of the Core Strategy for New Forest District outside of the National Park.
21. All delivery vehicles shall switch their refrigeration units and engines off at all times when parked within the delivery bay and/or when parked in any other areas at the hereby approved development.
- Reason: To protect the amenities of adjacent residential properties and to comply with Policy CS2 of the Core Strategy for New Forest District outside of the National Park.
22. Any lighting installed at the hereby approved development shall not exceed the obtrusive light limitation in accordance with Environmental zone E3 of table 2 (pg 5) of the Guidance Notes for the Reduction of Obtrusive Light (GN01:2011) at both the façade and external areas of any residential premises.
- Reason: To protect the amenities of adjacent residential properties and to comply with Policy CS2 of the Core Strategy for New Forest District outside of the National Park.
23. Any lighting installed at the hereby approved development shall be installed and fitted with shields such that the lamps (commonly known as the 'bulb') shall not be visible from any residential premises. The shielding shall thereafter be retained and maintained.
- Reason: To protect the amenities of adjacent residential properties and to comply with Policy CS2 of the Core Strategy for New Forest District outside of the National Park.
24. Before the commencement of development, precise details of the proposed acoustic barrier (shown on drawing 3341 12 R) to include detailed drawings and sections shall be submitted to and approved in writing by the Local Planning Authority. The approved acoustic barrier shall be installed before the first operational use of the development hereby approved, and shall thereafter be retained for the operational lifetime of the approved development.
- Reason: To protect the amenities of adjacent residential properties and to comply with Policy CS2 of the Core Strategy for New Forest District outside of the National Park.
25. Before development commences, details of the means of disposal of surface water from the site shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be based on the surface water drainage principles set out in the Stuart Michael Associates Limited Flood Risk Assessment (Ref 5456/FRA Issue Status 04 dated June 2017), and shall include the following additional details:

- a) Existing and proposed run-off calculations (based on 1 year & 1:100 year plus climate change events).
- b) Existing and proposed volume calculations (based on a 100 year, 6 hour rainfall event).
- c) Details on who will undertake the general maintenance regimes.
- d) Evidence to show that exceedance flows are considered in the event of the pipe being non-operational, together with evidence that exceedance flows and runoff in excess of design criteria have been considered.
- e) Details to show that an allowance of 10% has been added to all impermeable areas to allow for urban creep.

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

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

26. Before the development is first occupied details of the means of the future maintenance of the approved surface water drainage arrangements shall be submitted to and approved in writing by the Local Planning Authority. The drainage arrangements shall thereafter be maintained in accordance with the approved details.

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

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

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

28. Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that the sewerage arrangements are appropriate and to comply with policies CS2 and CS6 of the Core Strategy for New Forest District outside of the National Park.



29. The development hereby approved shall not be occupied until a Car Park Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Management Plan shall be adhered to at all times, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure appropriate parking provision, in the interests of Highway Safety and to comply with Policy CS24 of the Core Strategy for New Forest District outside of the National Park.

30. The development shall only be occupied in accordance with the approved Travel Plan version 2 dated June 2017, which shall be adhered to in full unless otherwise agreed by the Local Planning Authority.

Reason: To encourage means of travel other than single occupancy car journeys and to comply with Policy CS24 of the Core Strategy for 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, there have been lengthy pre-application discussions with the applicant. The submitted application has responded positively to the refusal of the applicant's previous proposals affecting the site, and whilst the application still raises a number of concerns it is felt, on balance, that the scheme is acceptable.

2. Please note that with respect to Condition 4, the Local Planning Authority would expect to see a natural slate on the slate roof areas, and not a concrete slate effect tile.

**Further Information:**

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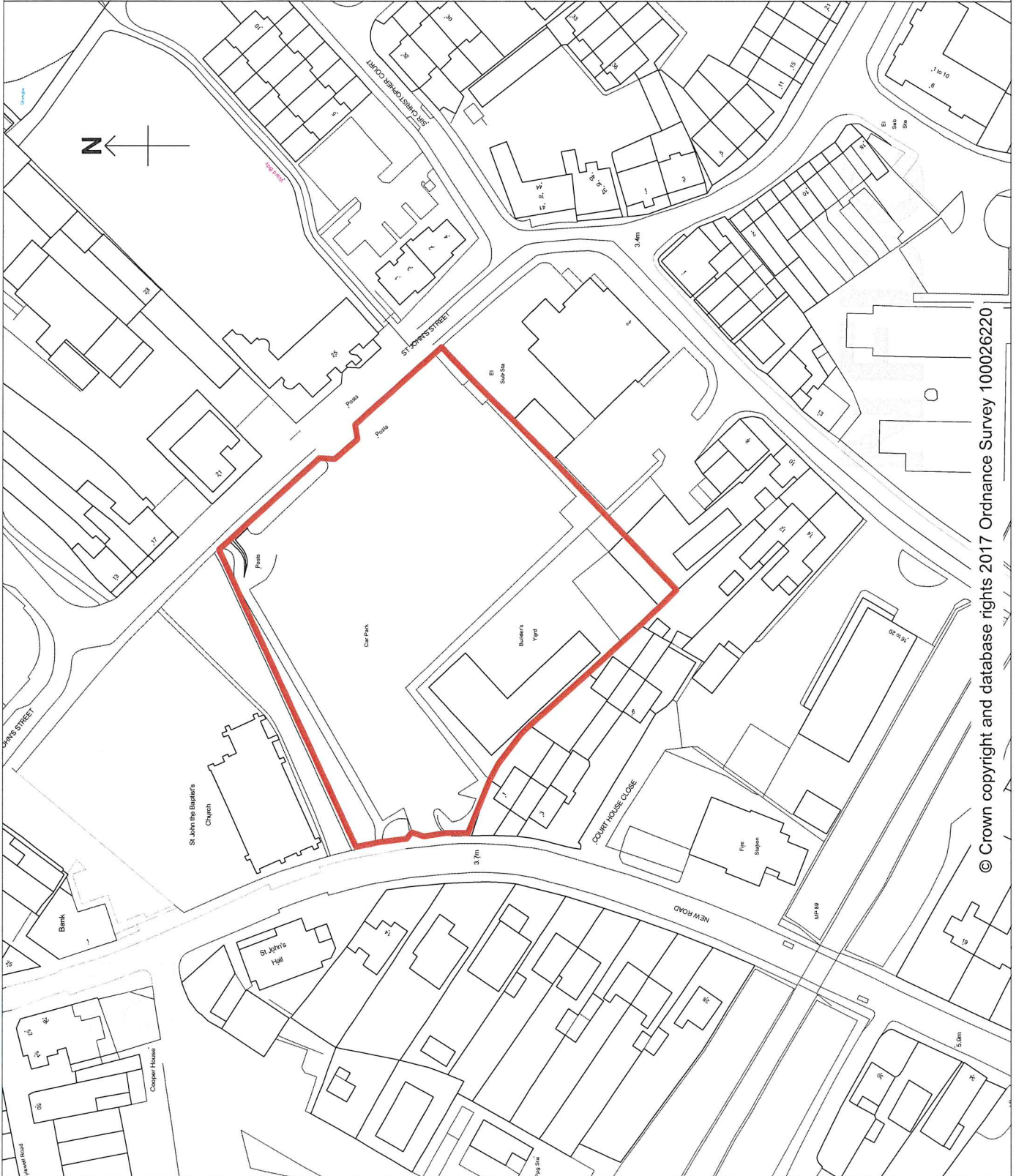
**Planning Development  
Control Committee  
September 2017**

**Item No: 3h**

St Johns Car Park  
St Johns Street  
Hythe  
17110943

Scale **1:1250**

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



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