

NOTICE OF MEETING

Meeting: PLANNING DEVELOPMENT CONTROL COMMITTEE

Date and Time: WEDNESDAY, 8 NOVEMBER 2017, AT 9.00 AM*

Place: THE COUNCIL CHAMBER, APPLETREE COURT,
LYNDHURST

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

PUBLIC PARTICIPATION:

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

Bob Jackson
Chief Executive

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

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

AGENDA

Apologies

1. MINUTES

To confirm the minutes of the meeting held on 11 October 2017 as a correct record.

2. DECLARATIONS OF INTEREST

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

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

3. PLANNING APPLICATIONS FOR COMMITTEE DECISION

To determine the applications set out below:

- (a) **Land of 99 Wainsford Road, Pennington, Lymington (Application 17/10906) (Pages 1 - 18)**

10 houses; access; Public Open Space, parking and landscaping

RECOMMENDED:

That the Service Manager Planning and Building Control be authorised to grant permission, subject to conditions, until 31 January 2018.

- (b) **38-40 Christchurch Road, Ringwood (Application 17/10937) (Pages 19 - 24)**

Display 1 non-illuminated fascia sign; 1 externally illuminated projecting sign (Application for Advertisement Consent) (retrospective)

RECOMMENDED:

Grant advertisement consent

- (c) **Rowlands, Farmers Walk, Everton, Hordle (Application 17/11103) (Pages 25 - 32)**

Detached house; double garage; parking; demolition of existing

RECOMMENDED:

Grant permission subject to conditions

- (d) **Fernhill, Poplar Lane, Bransgore (Application 17/11144) (Pages 33 - 38)**

Roof alterations including roof lights in association with new first floor; single-storey side and rear extension; car port; front porch

RECOMMENDED:

Refuse

- (e) **5 Ditchbury, Lymington (Application 17/11183) (Pages 39 - 44)**

Use of land as garden curtilage; 1.2m high boundary fence

RECOMMENDED:

Grant permission subject to conditions

- (f) **Oakbridge House, Lymore Valley, Milford-on-Sea (Application 17/11206)**
(Pages 45 - 52)

Two-storey rear extension; Conservatory

RECOMMENDED:

Refuse

4. NAME OF COMMITTEE

Members are requested to consider shortening the title of this Committee to "Planning Committee".

RECOMMENDED:

That, with effect from 1 January 2018, the Council be requested to shorten the name of this Committee to the "Planning Committee"

5. 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: 17/10906 Full Planning Permission

Site: Land of 99 WAINSFORD ROAD, PENNINGTON, LYMINGTON,
SO41 8GG

Development: 10 houses; access; Public Open Space, parking and landscaping

Applicant: AJ Developments

Target Date: 21/09/2017

RECOMMENDATION: Service Man P & BC Grant or Refuse

Case Officer: Richard Natt

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council View

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up Area
Public Right of Way
Part of Site within New Forest National Park
Part Site of Special Scientific Interest

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS7: Open spaces, sport and recreation
- CS10: The spatial strategy
- CS15: Affordable housing contribution requirements from developments
- CS24: Transport considerations
- CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

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

6 RELEVANT PLANNING HISTORY

6.1 Application to the New Forest National Park Authority for alterations to existing access to serve 10 no. new dwellings in association with New Forest District Council Planning Application (17/00572). Refused on the 29th August 2017.

The application was refused for 4 reasons including the impact on the SSSI, loss of vegetation, absence of any meaningful open space which would lead to significant increase in recreational pressure on Pennington Common, impact on public right of way, visibility splays will be outside application site.

6.2 Application to the New Forest National Park Authority for alterations to existing access to serve 10 no. new dwellings in association with New Forest District Council Planning Application (17/00836) Pending decision

7 PARISH / TOWN COUNCIL COMMENTS

Lymington and Pennington Town Council: Recommend refusal. Given that the proposed access to this site has been refused permission by the New Forest National Park Authority on both policy grounds and in support of the concerns of neighbouring landowners any revision to the proposed development is, at best academic.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

9.1 Tree Officer: no objection subject to condition

9.2 Ecologist: no objection subject to condition

9.3 Natural England: no objection subject to condition

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

9.5 New Forest National Park Authority: comments will be reported at the meeting in relation to their current application for an access submitted post the previous refusal noted by the Town Council, pending a decision for the access.

- 9.6 Waste recycling manager: No objection
- 9.7 Hampshire County Council Lead Local Flood Authority: comments will be reported at the meeting.
- 9.8 Hampshire County Council Rights of Way Officer: no objection subject to condition
- 9.9 Urban Design Officer: providing that the access is deliverable and open space brought into management/adoption, no objections raised. A landscape condition would be needed.
- 9.10 Open Space Officer: no objections subject to a Section 106 agreement to secure Public Open Space, maintenance contributions and transfer of land to either the Town Council or this Council.
- 9.11 Southern Water Authority: A formal application to Southern Water Authority is required for a connection to the public foul sewer.

10 REPRESENTATIONS RECEIVED

7 letters of objection concerned that the proposed development would have an adverse impact on the appearance and tranquility of the adjoining part of the National Park as well as the built environment. The proposed development is too dense and out of character. Concerns that additional vehicle movements would cause noise, pollution and general disturbance to the neighbourhood and wildlife, including badger run. The track is a public right of way and this track has been maintained by residents who are accessed off this track for the last 20 years. There is inadequate room for two vehicles to pass and the increase in use would cause considerable danger to walkers and their dogs. Concerns over the access, visibility and increase in traffic generation onto Wainsford Road. The submitted transport statement is inaccurate. The proposed development would result in overlooking. The site location and block plan are inaccurate. The red boundary line encroaches on the land of No 97. There are no details of the trees, shrubs and hedgerow removal adjacent to No 97. The visibility splay at the entrance to Wainsford Road is within No 97 and not the application site.

11 CRIME & DISORDER IMPLICATIONS

No elevation considerations

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive New Homes Bonus net increase in dwellings £12, 240 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.
- c)

Based on the information provided at the time of this report this development has a CIL liability of £87,964.80.

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.

This planning application follows pre application advice, in which Officers considered the principle of the development acceptable subject to any comments received. A few concerns were raised with the original submission and the application has been amended to address these issues including further details in relation to the effect on the Public Right of Way.

14 ASSESSMENT

- 14.1 The application site comprises approximately 0.58 hectares of open land to the rear of several houses fronting onto Wainsford Road within the western part of Pennington. The land subject to this application was previously used as a plant nursery, however, the former structures and outbuildings have now been removed, and the land is currently vacant and overgrown with trees around its boundaries, a number of which are protected by a Tree Preservation order. A small part of the existing garden at No 99 Wainsford Road forms part of the application site including the access track which runs between No 99 and 101 Wainsford Road leading onto Wainsford Road. Although the application site lies within the built up area, a small area of the existing gravel track in front of Nos 101 and 99 Wainsford Road is located within the New Forest National Park and Site of Special Scientific Interest.

- 14.2 This full planning application proposes 10 houses, comprising 8 detached dwellings and one pair of semi detached houses with access onto Wainsford Road. An area of public open space is also proposed. The existing access track onto Wainsford Road would be retained, enlarged and re-surfaced using the same gravel material. The proposed houses would be sited at the end of the access track laid around a cul de sac arrangement with the dwellings fronting onto the road and their rear gardens backing onto the boundaries of the site. It should be noted that the New Forest National Park Authority are dealing with a separate planning application for alterations to and increase in the use of the access, which is pending a decision. It should also be noted that a significant amount of the proposed development including the 10 houses, open space, landscaping and new access lies within the New Forest District Council area . Only a small part of the existing gravel access in front of No 99 and 101 lies within the New Forest National Park.
- 14.3 The main issues in this case are the effect on the character and appearance of the area, the effect on the living conditions of the adjoining neighbouring properties, public highway safety matters, ecology, the effect on the SSSI, drainage/ flooding, and the effect on the New Forest National Park.
- 14.4 In assessing the effect on the character of the area, the site lies within Character Area 8 - Pennington Village of the Lymington Local Distinctiveness Document. The illustrative map shows the application site and highlights the important tree groups around the perimeter of the site. The document also states that 'Rural workers' cottages and former agricultural buildings scattered along the southern edge of the Common (Wainsford Road), all the way down North Street to Pennington Cross still define the significant character of the village today, despite the many alterations and infill developments that have occurred in recent years.
- 14.5 The site is accessed from Wainsford Road which is a narrow semi-rural lane with no pavements or footpaths, in which traditional cottage style detached and semi-detached dwellings front close up to the highway edge with views onto Pennington Common. The dwellings which front onto Wainsford Road are tightly grouped together with short front and rear garden areas. Several larger detached dwellings lie to the rear of Wainsford Road, including Nos 101, 99 and 89a and these properties are sited on more spacious plots surrounded by trees and vegetation creating a more verdant character. When viewed from Wainsford Road, the dense vegetation and trees are a strong feature and the views of 101, 99 and 89a are limited. It should also be noted that No 101 is empty and is very dilapidated.
- 14.6 Along the western boundary of the site there is a 'tree lined' gravel track which is a Public Right of Way with fields and paddocks immediately adjacent which form part of the New Forest National Park. The character of the area changes dramatically to the south and east of the site in West Close and Wainsford Close, where post war semi-detached houses back onto the application site. These dwellings are of a relatively uniform layout and design and have long rear garden areas.

- 14.7 The proposed houses would be sited at the end of a new internal road, and would be set well back from Wainsford Road. The main views into the site would be from the public footpath to the west and when viewed from the adjoining neighbouring properties. The overall design approach is to create a 'green street' in which the dwellings would front onto the road, set behind hedges and trees with long rear gardens. Along the southern and eastern boundaries it is proposed to plant new trees replacing those recently felled. This would accord with the Lymington Local Distinctiveness Document which seeks to create a landscaped feature including trees, around the perimeter of the site. An area of public open space is proposed on the western boundary of the site adjacent to the public footpath.
- 14.8 The proposed development has been designed so that the dwellings would have a high level of space around the buildings and deep rear gardens which would give the opportunity for new tree planting. Equally there is a good opportunity to provide soft landscaping throughout the site to respond to the more spacious and verdant character of the area. Visually the proposed dwellings have been designed as traditional cottages which would reflect the more traditional character of Wainsford Road. An element of variety has been added in the design, to avoid repetition. Overall the dwellings have been designed to a high standard and would make a positive contribution to the character of the area and given the existing tree coverage and limited public vantage points, the proposed development would be a good use of the land and would be contextually appropriate in this area.
- 14.9 The proposed development would result in a change to the character of the existing access track adjacent to Wainsford Road, given the widening of the track and removal of vegetation. However, there is sufficient space for new soft landscaping around the existing track to maintain the general verdant qualities of this area when viewed from Wainsford Road.
- 14.10 The National Park Authority have recently refused planning permission for the small part of the entrance to the site that lies within the National Park for the reasons set out in section 6 of this report (above). They are currently considering a new application for this part of the development. The decision on this application can be made in isolation from the National Park's application, if the National Park Authority decide to refuse their application this would be for the applicant to challenge through the appeal process. Your officers are of the view 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. The response of your Officers to the concerns raised by the National Park Authority in refusing the first application are as follows:
- i. Impact on SSSI - this is covered in the Ecological Report and Natural England have commented on this issue and raised no objection subject to condition.
 - ii. Loss of vegetation - this can be dealt with by the proposed landscaping condition.
 - iii. Absence of any meaningful open space that would increase recreational pressure on Pennington Common. The development would incorporate public open space on the site in accordance with our policy.

- iv. Impact on the public right of way - this matter has been the subject of consultation with the Rights of Way Officer at Hampshire County Council who has raised no objection subject to condition.
 - v. Visibility splays are outside the application site, this is dealt with by condition and the development cannot be commenced until the splays are provided.
- 14.11 The provision of informal public open space shown to be provided on site would meet the policy requirements and its location within the corner of the site adjacent to the footpath would be acceptable. Some form of 'low key' play provision would also need to be provided within this area and this can be integrated into the design of the overall public open space and not be a distinct fenced off play area. The provision of open space within this area would help protect the existing large trees along the western boundary and provide a buffer to the New Forest National Park.
- 14.12 With regard to residential amenity, there are a number of residential properties that would be affected by the proposed development. Concerning the neighbouring properties in Wainsford Close, the distance from the rear elevations of plots 6, 7 and 8 to the rear boundary measures between 15 and 17 metres and more than 35 metres to the rear elevations of 1, 2 and 3 Wainsford Close. It is considered that these distances would be acceptable and would not result in any adverse impact on the privacy of these neighbours.
- 14.13 In terms of Nos 12-16 Pennington Oval, no first floor windows are proposed on the side elevation of plot 6. Given the oblique angled views from the proposed first floor rear windows which would face the far end of the rear gardens of these neighbours, it is considered that the proposal would not result in any unacceptable overlooking to these neighbouring properties.
- 14.14 Concerning Nos 8 and 9 West Close, the distances from the proposed rear windows of plots 2, 3, 4 and 5 to the rear boundaries measures between 14 and 16 metres and more than 21 metres to the rear of No's 8 and 9 West Close. It is considered that due to this degree of separation, the proposal would not unacceptably impact on the privacy of these neighbours. It should also be noted that new tree planting is proposed on the rear boundary of the site which would help screen the development from the neighbours to the rear in West Close.
- 14.15 In terms of the impact on No 101 Wainsford Road, the proposed dwellings on plots 1 and 10 would be sited a sufficient distance away from that neighbouring property. In addition these two proposed dwellings would be orientated so that their main windows do not face towards No 101. No first floor windows are proposed on the north elevation of plot 1 and while a first floor window is proposed on the side elevation of plot 10, the distance from this window to the boundary of 101 measures 13 metres, and would face the far end of their rear garden, which would not result in any unacceptable overlooking.
- 14.16 The proposed access would run between Nos 99 and 101 Wainsford Road. The change from a garden nursery to 10 dwellings may increase the noise and disturbance to these residents. However, there is space for sufficient soft landscaping to be planted to reduce the visual impact. The access is a considerable distance away from the main

dwelling at No 99. The concentration of the proposed development is sited away from No 101. Concerning the impact on No 99, the distance from the proposed dwellings on plots 9 and 10 would be more than 32 metres which would be acceptable.

- 14.17 In relation to public highway safety matters, the Highway Authority does not raise any objections to the proposal and considers that subject to the widening of the existing access, the proposed number of dwellings can be acceptably accommodated. It is considered that the proposed access is appropriate to serve the proposed development with adequate visibility splays available. The site would provide sufficient space for manoeuvring to allow larger vehicles to access and egress the site appropriately and in a forward gear.
- 14.18 While it is considered that the proposal would result in additional traffic generation onto Wainsford Road, due consideration should be given to the previous use of the site as a garden nursery, which would have resulted in a certain level of traffic movements of larger vehicles. The existing access track would be widened adjacent to Wainsford Road to allow two cars to pass. Both the transport report and Highway Authority have confirmed that sufficient visibility splays can be created in both directions. It should be noted that planning permission can be granted with a condition for the visibility splays to be provided prior to assessment of development and it would be the responsibility of the applicant to ensure that the condition can be adhered to.
- 14.19 The proposed development would accord with the Council's document 'Parking Standards Supplementary Planning Document' adopted in October 2012. Four of the proposed dwellings would have at least three car parking spaces each and the smaller three bedroom dwellings would have two spaces, which would broadly accord with the recommended car parking guidance. It should also be noted that there is a parking bay that can accommodate 3 spaces in front of plot 8.
- 14.20 In terms of ecological matters, a detailed Ecological Assessment and report has been submitted. The site is located immediately adjacent to the New Forest Site of Special Scientific Interest (SSSI), with the gravel driveway of the site located within the SSSI. Pennington Common lies opposite the site. The site also lies within 500 metres of the New Forest Special Area of Conservation. During the site surveys, 9 adult and 5 juvenile slow worms and 1 grass snake were found. The Ecological Assessment concludes the site holds low ecological value, however the site is immediately adjacent to an area of high ecological value (New Forest SSSI). Ecological enhancements are proposed including sowing of wild flower seed mixes, erection of bird and bat boxes, planting of native trees and enhancement of the retained tree line around the perimeter of the site. A construction method statement would reduce any impacts upon the SSSI and the immediately adjacent Upper Pennington Common while enhancements for the site would result in increased bio diversity on the site.
- 14.21 Natural England and the Ecologist do not raise any objections and consider that, subject to a condition being imposed for works to take place in accordance with the recommendations of the ecological report, the proposals would be acceptable. It will be necessary to condition the details of the Construction Environment Management Plan to be agreed prior to development commencing and, given local records of badger

activity, that plan should also consider mitigating any potential harm to badgers.

- 14.22 In accordance with the Habitat Regulations 2010 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard.
- 14.23 The Tree Officer considers that the proposed development will not have any adverse impact on the protected trees subject to conditions. An arboricultural tree report sets out the details of the trees and protection measures, together with provision of new tree planting throughout the site including the re-establishment of trees around the perimeter of the site.
- 14.24 Concerning the impact on the users of the Public Right of Way, the proposed development would share access with Lymington and Pennington Footpath 56 near Wainsford Road. The public footpath currently crosses approximately 20 metres of the gravel track linking Pennington Common to Pennington. The proposal seeks to upgrade the surfacing of the footpath and given the number of dwellings proposed, there is likely to be an increase in the use of the access, although due consideration should be given to the fact that the existing track was previously used by larger vehicles when the nursery was in operation.
- 14.25 The Rights of Way Officer considers that the key issues are the impact of residential traffic on walkers using the footpath and damage to the surface and ongoing maintenance liability/ responsibility. The Rights of Way Officer considers that provided mitigation is proposed and put in place, the proposal would not have an adverse impact on the users of the footpath. The mitigation proposed by the applicant is to provide clear signage indicating the route of the footpath and informing car users of the pedestrian right of way where overlap occurs, ongoing maintenance of the track tied to properties/ the management company in perpetuity; and small investment into remaining footpath to offset the likely increased footfall from increased local population. Subject to a detailed scheme of mitigation, which can be secured by condition, the proposal is supported by Rights of Way Officer.
- 14.26 Concerns have been expressed that the site and location plans are inaccurate in that the red line of the application site encroaches on neighbouring land. In addition, concerns have been expressed that the plans do not illustrate what trees, shrubs and hedgerows will be removed adjacent to the access track. In response, the applicant has confirmed that the red line, of the application site does not encroach onto the adjoining owners land. The existing access track in front of Nos 99 and 101 Wainsford Road is unregistered land and the applicant has followed the correct procedure in advertising the site in the local newspaper and completing Certificate C. The applicant has provided revised plans to clearly show what trees, shrubs and hedgerows would be removed and

retained, and it is considered that the full details of the landscaping proposals can be submitted by condition.

- 14.27 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 is currently unavailable. This situation will be addressed through the emerging local plan, but until the new Local Plan is adopted, paragraph 14 of the NPPF advises that planning permission for housing development should normally be granted unless any planning harm identified would "*significantly and demonstrably outweigh the benefits*". This is known as the 'tilted balance' in favour of sustainable development. In this case, it is considered that the tilted balance in favour of granting permission is a material consideration in assessing this application.
- 14.28 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.
- 14.29 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.
- 14.30 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	999.6	0	999.6	999.6	£80/sqm	£87,964.80 *
Subtotal:	£87,964.80					
Relief:	£0.00					
Total Payable:	£87,964.80					

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

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

Where:

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

R = the levy rate as set in the Charging Schedule

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

15. RECOMMENDATION

That the Service Manager Planning and Building Control be **AUTHORISED TO GRANT PERMISSION** subject to the completion, by 31st January 2018, of a planning obligation entered into by way of an Agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure the on-site Public Open Space, to include informal and children's play, together with maintenance contributions, and the imposition of the conditions set out below.

BUT, in the event that the Agreement is not completed by 31st January 2018, the Service Manager Planning and Building Control be **AUTHORISED TO REFUSE PERMISSION** for the reasons set out below.

Conditions to be attached to any consent:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: 8828/300 Rev B, 8828/301 Rev A, 8828/302 rev A, 8828/303, 8828/304, 8828/305, 8828/306., 8828/307, 8828/308, 8828/309, 8828/500, 8828/310, 8828/300, 8828/501, 8828/500, 8828/312 Rev A

Reason: To ensure satisfactory provision of the development.

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

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

4. The development hereby permitted shall not be occupied until the spaces shown on plan reference 8828/300 Ref B for the parking of motor vehicles have been provided. The spaces shown on plan 8828/300 Rev B for the parking of motor vehicles shall be retained and kept available for the parking 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 (species, size, spacing and location);
- (c) areas for hard surfacing and the materials to be used including the details of re-surfacing the access track;
- (d) other means of enclosure;
- (e) the details of play equipment and footpath within the public open space
- (f) a method and programme for its implementation and the means to provide for its future maintenance.

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

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

6. All external works (hard and soft landscape) as approved under 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 (including signage) only if and as agreed in writing with the Local Planning Authority.

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

7. 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.

8. The trees on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the Arboricultural Impact Assessment, Method Statement Ref - GH1669.1 and the Tree Protection Plan Ref - GH1669.1a and in accordance with the recommendations as set out in BS5837:2012. Such fencing shall be erected prior to any other site operation and at least 24 hours notice shall be given to the Local Planning Authority that it has been erected. The tree protection measures installed shall be maintained and retained for the full duration of the works or until such time as agreed in writing with the Local Planning Authority. No development, demolition or site clearance shall take place until specifications and samples of the product of the Cellular Confinement System to be used and design of the access road from a structural engineer as stated in section 4 of the Arboricultural Method Statement are submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with these approved details.

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

9. Prior to the commencement of development, including site clearance, 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 June 2017 including a Construction Environmental Management Plan. All works shall then proceed in accordance with the details and recommendations as approved in the strategy with any amendments agreed in writing. Thereafter, unless otherwise agreed in writing by the Local Planning Authority, the mitigation measures shall be permanently maintained and retained in accordance with the approved details.

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

10. Before development commences, details of the means of disposal of foul water from the site shall be submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. 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 Core Strategy for the New Forest District outside the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks

11. No development shall commence on site until the access, including the footway and/or verge crossing, shall have been constructed and line of sight of 2.4 metres by 43.1 metres East and 2.4 metres by 58.2 metres West provided in accordance with the approved plans. The lines of sight splays shown on the approved plans shall be kept free of any obstruction exceeding 1 metre in height above the adjacent carriageway and shall be subsequently maintained so thereafter.

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

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

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

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

13. All materials, equipment and machinery to be used in conjunction with the development hereby approved shall be stored in a designated compound, outside the SSSI, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise disturbance to overwintering birds using the Special Protection Area and to comply with Policy CS3 of the Core Strategy for the New Forest District outside the National Park.

14. Prior to the commencement of development, details of a scheme of

mitigation, enhancement and long term maintenance to the public right of way shall be submitted to, and approved in writing by the Local Planning Authority. These shall include details on signage indicating route of the footpath across development and informing car users of the pedestrian right of way where overlap occurs, details of the surfacing and long term maintenance of the track. Thereafter, unless otherwise agreed in writing by the Local Planning Authority, the mitigation and enhancement measures shall be permanently maintained and retained in accordance with the approved details.

Reason: To reduce the impact of the proposed development on the enjoyment and users of the existing public right of way in accordance with in accordance with Policy CS24 of the Local Plan for the New Forest District outside of the National Park (Core Strategy).

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

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

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

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

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

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

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

Reason(s) for Refusal:

1. The proposed development would fail to make any contribution to enhance or create the off-site provision and management of public open space to meet the needs of the occupants of the development for public open space. The proposal would therefore be contrary to an objective of the Core Strategy for the New Forest District outside the National Park 2009 and with the terms of Policies CS7 and CS25 of the 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.

This planning application follows pre application advice, in which Officers considered the principle of the development acceptable subject to any comments received. The submitted application was amended to address some concerns over the layout of the development and additional provide details in relation to the effect on the Public Right of Way.

2. This decision relates to amended/additional plans received by the Local Planning Authority on 23rd August 2017
3. In discharging condition No 12 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/>

4. Note for applicant.

In addition to the imposed conditions, Natural England consider that strict guidelines are given through the carrying out of the approved development in order to protect the special interest on the site and nearby European and Internationally designated sites, and this shall include the following:

- The applicant shall carry out operations in such a way as to give rise

to as little damage as reasonably practical to the SSSI/SPA/RAMSAR to a minimum by accessing the development site from the landward side only.

- All contractors working on the site should be made aware of, and a map made available to show the boundaries of the SSSI/SPA/RAMSAR

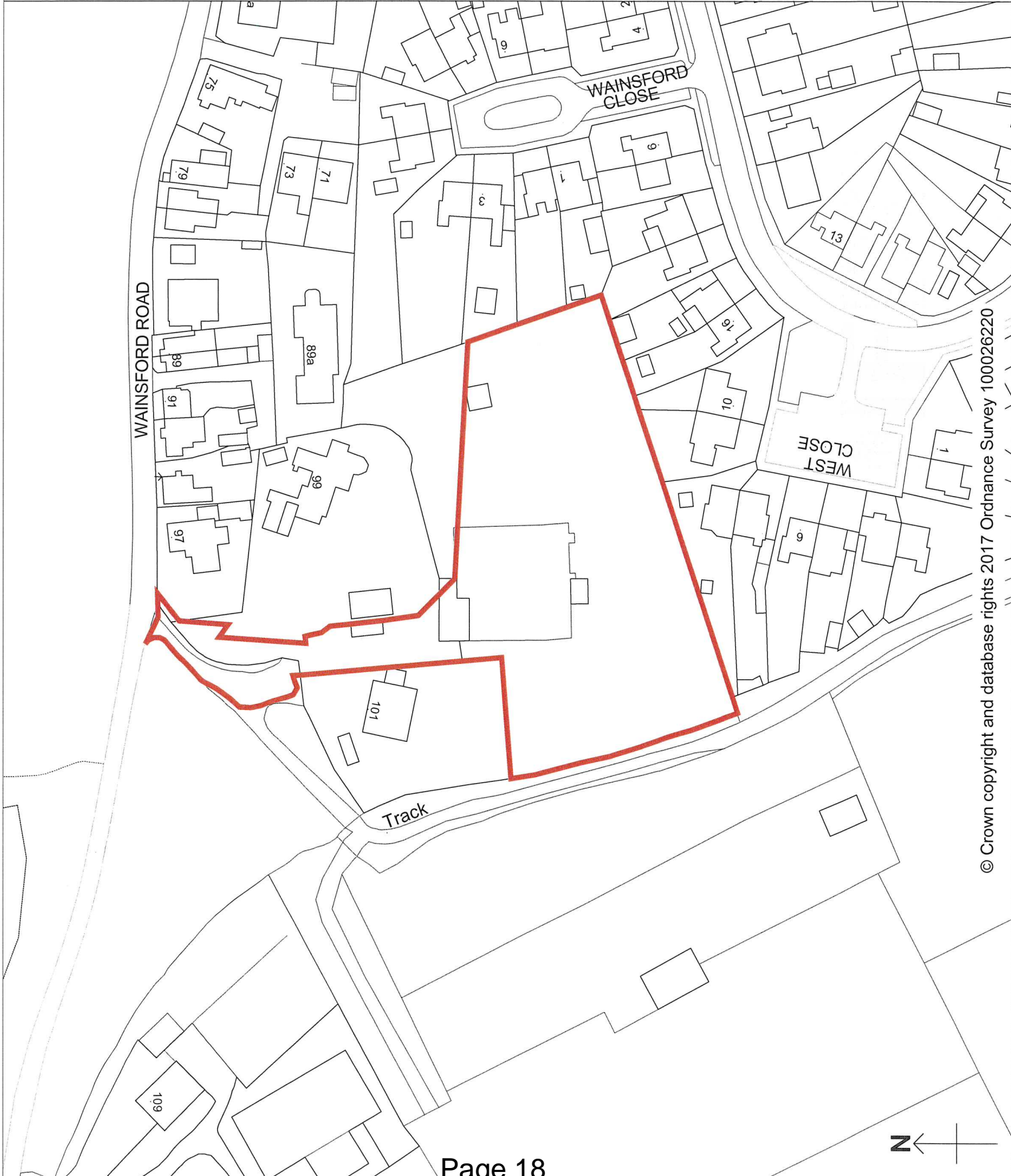
5. Note to applicant.

The applicant should be made aware of the requirements set out as informative notes on the 25th July by the Rights of Way Officer.

Further Information:

Richard Natt

Telephone: 023 8028 5588



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Application Number: 17/10937 Advertisement Consent

Site: 38-40 CHRISTCHURCH ROAD, RINGWOOD BH24 1DN

Development: Display 1 non-illuminated fascia sign; 1 externally illuminated projecting sign (Application for Advertisement Consent) (retrospective)

Applicant: Mr Price

Target Date: 05/09/2017

RECOMMENDATION: Grant Advertisement Consent

Case Officer: Julie Parry

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Town Council view

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Archaeological Site
Aerodrome Safeguarding Zone

Conservation Area: Ringwood Conservation Area

Plan Policy Designations

Built-up Area
Town Centre Boundary

National Planning Policy Framework

Section 7

Core Strategy

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

Local Plan Part 2 Sites and Development Management Development Plan Document

DM1: Heritage and Conservation

Supplementary Planning Guidance And Documents

SPD - Ringwood Local Distinctiveness

3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

4 RELEVANT SITE HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
17/10233 Display 1 internally illuminated fascia sign; 1 internally illuminated projecting sign (Application for Advertisement Consent)	07/06/2017	Refused	Decided	
96/NFDC/59855/ADV Illum fascia, projecting and car park signs (retrospective)	14/11/1996	Granted (Advert)	Decided	
XX/RFR/13803 Alterations including formation of additional shop unit.	16/12/1970	Granted Subject to Conditions	Decided	
XX/RFR/00110/ADV Illuminated sign.	26/07/1955	Granted Subject to Conditions	Decided	
XX/RFR/00105/ADV Illuminated sign.	31/03/1955	Refused	Decided	

5 COUNCILLOR COMMENTS

No comments received

6 PARISH / TOWN COUNCIL COMMENTS

Ringwood Town Council: initially recommended refusal as the Committee felt that the size and protrusion of the shield and lettering, in addition to the proposed new 'swan neck' light, was inappropriate in the Conservation Area.

Following the receipt of amended plans and luminance levels the Town Council accepted the compromise proposed in respect of the lighting, however remain of the view that the size and protrusion of the shield and lettering is inappropriate in the Conservation Area.

7 CONSULTEE COMMENTS

Hampshire County Council Highway Engineer: no objection

Conservation Officer: initially objected to the swan light illumination to the fascia sign and the bright light to the hanging sign. Following the receipt of amended plans and details of luminance levels there are no further objections to the scheme.

8 REPRESENTATIONS RECEIVED

Total Number of Representations Received: 1

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

The Ringwood Society raised an objection to the original plans in that the signage should follow the guidance on shop fronts and agreed with the Case Officer's initial comments .

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.

Amended plans were received to overcome the initial concerns raised and therefore in this case all the above apply and as the application was acceptable as finally submitted no specific further actions were required.

12 ASSESSMENT

12.1 The application site is a fish and chip shop within the town centre and Conservation Area. The signage which is the subject of this application has been installed. The other restaurants and shops in the immediate vicinity have a variety of signage, with most of these being non-illuminated and of a simple design.

12.2 The application is for advertisement consent and therefore the considerations are the impact on local amenity and highway safety. This application follows a previous refusal for advertisement consent for the same signs, which was refused because of the illumination of the fascia sign and the level of luminance of the hanging sign. That refusal did not raise objection to the design and use of the materials. The current proposal initially requested consent for the introduction of swan lights instead of the internal lighting for the fascia sign. However, following the comments from the Conservation Officer, amended plans were received which removed the illumination completely from the fascia sign and reduced the luminance of the hanging sign to a satisfactory level.

- 12.3 The fascia sign is fairly complex in its design and was constructed so that the illumination lit up the individual letters internally along with the central plaque. The proposal to use three spotlights over the fascia sign was considered unacceptable and was consequently removed from the proposal with the receipt of amended plans. The fascia sign is now proposed to be non-illuminated. The materials for the signage are non-traditional and the central plaque and lettering are protruding and appear bulky, however without the illumination they are considered to comply with the criteria for deemed consent under Class 5 of the Town and Country Planning (Control of Advertisements Regulations) 2007. Furthermore, as stated above, the previous refusal of advertisement consent was only for the reason of illumination. Therefore it would now be unreasonable to refuse consent for the fascia sign because of its materials and depth.
- 12.4 The proposed hanging sign which is painted wood, would be illuminated with trough lights but with a reduced level of illumination and given that a similar illuminated sign has been on site for some time, possibly from as early as 1996, it would be difficult to justify an increase in visual harm to public amenity. An amended application form and details were received to demonstrate that this illumination would be reduced in luminance to 150cd/m. The Conservation Officer has subsequently confirmed that the amended plans and details are acceptable.
- 12.5 In conclusion the fascia sign, although of materials and style which would appear inappropriate within a Conservation Area does not require consent. The hanging sign with reduced illuminance would be appropriate in this location and does not have a detrimental impact on the street scene or Conservation Area. Therefore the application is recommended for approval.
- 12.6 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that 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 ADVERTISEMENT CONSENT

Standard Conditions

1. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

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

Proposed Conditions:

1. The development permitted shall be carried out in accordance with the following approved plans: 1731-1 REv B & P0001 Rev 4.

Reason: To ensure satisfactory provision of the development.

2. The development hereby permitted, in particular the removal of the lumination of the fascia sign and the reduction of luminance to the hanging sign shall be implemented within 3 months from the date of this permission. The aforementioned signage shall therefore be retained with the approved luminesce for perpetuity unless otherwise approved by the Local Planning Authority.

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.

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.

Amended plans were received to overcome the concerns raised and therefore in this case all the above apply and as the application was acceptable as finally submitted no specific further actions were required.

Further Information:

Julie Parry

Telephone: 023 8028 5588



Application Number: 17/11103 Full Planning Permission

Site: ROWLANDS, FARMERS WALK, EVERTON, HORDLE SO41 0JZ

Development: Detached house; double garage; parking; demolition of existing

Applicant: Solent Projects Ltd

Target Date: 09/10/2017

Extension Date: 10/11/2017

RECOMMENDATION: Grant Subject to Conditions

Case Officer: Vivienne Baxter

1 REASON FOR COMMITTEE CONSIDERATION

Request of Member of the Planning Development Control Committee

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

CS1: Sustainable development principles

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework
Achieving Sustainable Development
NPPF Ch. 7 - Requiring good design

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Housing Design, Density and Character
SPD - Hordle Village Design Statement
SPD - Parking Standards

6 RELEVANT PLANNING HISTORY

None

7 PARISH / TOWN COUNCIL COMMENTS

Hordle Parish Council - recommend permission but would accept a delegated decision subject to a landscaping condition.

8 COUNCILLOR COMMENTS

Cllr Mrs Carpenter - This is to confirm that if Rowlands is recommended for approval, then I would request it comes to the Committee to allow the resident objectors to speak on the matter.

9 CONSULTEE COMMENTS

9.1 Southern Gas Networks - offer advice

9.2 Tree Officer - no objection subject to condition

10 REPRESENTATIONS RECEIVED

Generally speaking, local residents are in favour of the replacement of the existing property, but with something smaller and further south within the plot.

The following concerns have been raised:

- proposed dwelling is significantly larger than the existing bungalow
- overlooking to properties to the rear
- over bearing impact to properties either side
- sited too far back
- smaller replacement would be more appropriate
- inclusion of car port in existing floor space calculations is misleading
- loss of outlook
- proposal should reflect the existing siting more
- proposal would be dominating given the increased bulk/massing and removal of vegetation
- application is misleading with regard to the 'retention of vegetation' and figures within the CIL form which included a structure now demolished and vegetation which has now been cleared
- plans do not show the context of the proposal

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

In this case all the above apply and as the application was acceptable as submitted no specific further actions were required. It has, however, been suggested to the agent that the proposal may find more favour locally if it were to be moved forward on the site and perhaps reduced in size a little. No amendments have been forthcoming.

14 ASSESSMENT

- 14.1 The site lies within the built up area of Everton in a residential area. To the north is a 1990s estate with a 1970s estate to the south side of Farmers Walk. The site itself has recently been cleared of most vegetation within the rear garden which provided a great deal of screening to the existing bungalow and neighbouring properties. Less clearance has occurred to the front where there is a mature boundary hedge providing limited views of the site and existing dwelling.
- 14.2 The proposal entails the demolition of the existing bungalow and the provision of a two storey dwelling comprising lounge, study, WC, utility and open plan kitchen, dining and sun room at ground floor level with four bedrooms (one ensuite) and a family bathroom at first floor level. A detached double garage would be provided to the front.
- 14.3 Although there are no statutorily protected trees within the site, there are some in close proximity to the front boundary. Given the location of the existing drive, the alterations proposed to it to provide turning on site, and the construction of a double garage fall outside the root protection zone for these trees. There are therefore no objections to the proposal although clarification of any maintenance work to the front boundary and the provision of replacement trees is required.

- 14.4 The siting of the proposed dwelling is much further back in the site than the existing bungalow. Having regard to the pattern of development along this side of Farmers Walk, it is understood why this has been done as the new dwelling would be more in line with those either side, both of which have extensive front garden areas. Although the proposed garage would be within the front area, it would not be readily apparent from the road and two 10m long areas of garden would remain.
- 14.5 Local residents have expressed concern with regard to the proposed siting and the impact this would have on their outlook and privacy. The property immediately to the rear of the site (1, Shepherds Way) is side on to the northern boundary and while the proposed dwelling would be more visible from their rear garden, the first floor element of the proposed dwelling would be 18m from the boundary and 25m from the nearest part of their house. The distance between the first floor and rear elevation of 3, Shepherds Way which has an outlook towards the site would be in excess of 30m. In addition to this distance, there are further statutorily protected trees within this adjacent garden which provide screening. There is a proposed first floor window to the side although this relates to a bathroom and should not adversely affect the amenity of the adjacent property.
- 14.6 While the recent clearance has made the site quite exposed to the properties to the north, the distances, orientation of the existing dwellings and remaining protected vegetation are such that it would be difficult to justify a refusal on the grounds of a loss of privacy or overbearing impact. It is accepted that outlook would be different too, as would have been the case when Shepherds Way was built to the rear of the site and other Farmers Walk properties.
- 14.7 The design of the dwelling picks up on elements visible locally such as half hips, a porch canopy and a double gable. Farmers Walk is varied in terms of property sizes and types and that proposed would not be seen out of context in the local area. The plot is large enough to accommodate a dwelling of this size. Concern has been expressed about the lack of space to the boundaries although this is a minimum of 1.9m either side which is greater than other examples in the area.
- 14.8 Subject to an appropriately worded condition relating to existing and proposed vegetation within the site, the proposal is considered acceptable and would not adversely affect the residential or visual amenities of the area.
- 14.9 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	245.44	102.36	143.08	143.08	£80/ sqm	£11,930.67 *
Subtotal:	£11,930.67					
Relief:	£0.00					
Total Payable:	£11,930.67					

* 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: 224.02, 224.01A.

Reason: To ensure satisfactory provision of the development.

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

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

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

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

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 (species, size, spacing and location);
- (c) areas for hard surfacing and the materials to be used;
- (d) other means of enclosure;
- (e) a method and programme for its implementation and the means to provide for its future maintenance.

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

Reason: To safeguard trees and natural features which are important to the visual amenities of the area, 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. 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).

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. It was however, suggested to the agent that the proposal may find more favour locally if it was moved forward on the site and perhaps reduced in size a little. No amendments were forthcoming.

Further Information:

Vivienne Baxter

Telephone: 023 8028 5588



Application Number: 17/11144 Full Planning Permission

Site: FERNHILL, POPLAR LANE, BRANSGORE BH23 8JE

Development: Roof alterations including roof lights in association with new first floor; single-storey side and rear extension; car port; front porch

Applicant: Mr Bishop

Target Date: 16/10/2017

Extension Date: 08/11/2017

RECOMMENDATION: Refuse

Case Officer: Julie Parry

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Parish Council view

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Aerodrome Safeguarding Zone

Plan Policy Designations

Built-up Area

National Planning Policy Framework

Section 7

Core Strategy

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

No relevant documents

Supplementary Planning Guidance And Documents

No relevant documents

3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

4 RELEVANT SITE HISTORY

No relevant history

5 COUNCILLOR COMMENTS

No comments received

6 PARISH / TOWN COUNCIL COMMENTS

Bransgore Parish Council: permission: The Parish Council considers the impact of the proposal on the neighbouring properties is acceptable.

7 CONSULTEE COMMENTS

No comments received

8 REPRESENTATIONS RECEIVED

No comments received

9 CRIME & DISORDER IMPLICATIONS

None Relevant

10 LOCAL FINANCE CONSIDERATIONS

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

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

11 WORKING WITH THE APPLICANT/AGENT

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

The applicant did not use the pre-application advice service available from the Council. The Officer's initial briefing was published on the Council's website which indicated some of the Case Officer's concerns with the proposal. Given the scale of the proposal and the issues raised there was no opportunity for the applicant to amend the application within the Government's time scale for decisions. No request to withdraw the application was received.

12 ASSESSMENT

- 12.1 The property is a detached bungalow which is located on a corner plot at the end of a short row of similarly styled bungalows. There are larger properties in the street with a two storey property on the corner opposite. On the boundary with Poplar Close there is a hedge which runs alongside the property and provides a soft boundary treatment alongside this unmade road.
- 12.2 The main considerations when assessing this application are the impact on the neighbouring property and on the street scene. Amended plans were received which increased the depth of the proposed rear extension.
- 12.3 The neighbour to the west, "Aysgarth", is set away from the shared boundary with the application site and has a detached garage positioned to the rear. This property is on a slightly lower level than Fernhill and has windows on the side elevation closest but, given the degree of separation and the position of the garage, there would not be an unacceptable impact on their amenity in terms of loss of light. The proposed roof lights at first floor which face this neighbour would overlook the side and rear of the garden of "Aysgarth", but could be conditioned to be obscure glazed and fixed shut to protect the neighbour's privacy, should planning permission be granted.
- 12.4 The proposed hip to gable roof alteration would be to the rear of the property and set away from the boundary and therefore would not have a detrimental impact on the street scene when viewed from Poplar Lane. However when viewed from Poplar Close it would have a more striking visual impact. Additionally, the proposal would introduce a car port to the side of the property with a garage behind, which would project forward of the existing garage. The replacement garage would then wrap around the property to a 5 metre deep extension at the rear. While this is all at single storey it would introduce a long roof form along the side boundary of 15.5 metres in length. With the wrap around link to the rear extension it would create a bulky addition which would be visually imposing in the street scene particularly when viewed from Poplar Close. There is an indication on the block plan that the existing hedge would be retained but with the height of the proposed side extension being in excess of the hedge it would still be visible built form close to the boundary with Poplar Close. Furthermore with the close proximity of the proposed addition to this hedge there is no certainty that it could or would be retained. Therefore the proposed garage /carport and reformed roof would be detrimental to the appearance of the existing property and harmful to the appearance of the area. For these reasons, the application is recommended for refusal.
- 12.5 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 reasons of its excessive length, forward projection and prominent corner location, the proposed garage/carport would be visually imposing in its setting and together with the proposed gabled roof extension to rear of the main building, would be harmful to the character and appearance of the existing bungalow to the detriment of the street scene, particularly when viewed from Poplar Close. For these reasons, the proposal is contrary to policy CS2 of the Core Strategy for the New Forest District outside the National Park and core principle number 7, requiring good design, of the National Planning Policy Framework

Notes for inclusion on certificate:

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

The applicant did not use the pre-application advice service available from the Council. The Officer's initial briefing was published on the Council's website which indicated some of the Case Officer's concerns with the proposal. Given the scale of the proposal and the issues raised there was no opportunity for the applicant to amend the application within the Government's time scale for decisions. No request to withdraw the application was received.

Further Information:

Julie Parry

Telephone: 023 8028 5588



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Application Number: 17/11183 Full Planning Permission

Site: 5 DITCHBURY, LYMINGTON SO41 9FJ

Development: Use of land as garden curtilage; 1.2m high boundary fence
(retrospective)

Applicant: c/o Simpson Hilder Associates

Target Date: 26/10/2017

RECOMMENDATION: Grant Subject to Conditions

Case Officer: Peter Burridge

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Aerodrome Safeguarding Zone
Built-up Area
Plan Area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

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

Lymington Local Distinctiveness

6 RELEVANT PLANNING HISTORY

In May 2015, this Committee considered 3 enforcement cases in relation to No's. 4, 5 and 7 Hives Way, Lymington where open space had been incorporated into garden curtilages on the opposite side of Marsh Lane to this application. Committee resolved that it was not expedient to take enforcement action, subject to suitable landscaping being planted to obscure the close boarded fencing when viewed from Marsh Lane (case nos. EN/14/0762, EN/14/0531 and EN/14/0533).

7 PARISH / TOWN COUNCIL COMMENTS

Lymington and Pennington Town Council: recommend refusal. We are not comfortable with this application as it appears to be an annexation of amenity land, this could set an unfortunate precedent.

8 COUNCILLOR COMMENTS

No comments received

9 CONSULTEE COMMENTS

No comments received

10 REPRESENTATIONS RECEIVED

No comments received

11 CRIME & DISORDER IMPLICATIONS

Not applicable

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

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

In this case, the agent was requested to clarify details on the original plan and amended plan has been submitted correcting the height of the boundary fence.

14 ASSESSMENT

- 14.1 This retrospective application relates to a small area of land beyond the rear boundary of 5 Ditchbury that has been incorporated into the garden of this property with a new boundary fence erected. This land previously formed part of an open grassed bank to the side of Marsh Lane and measures 3m in length and 7.5m in width.
- 14.2 The Council would typically resist such proposals given that such pockets of open green space enhance the character and appearance of an area and help to avoid the need for harsh boundary treatments immediately adjacent to roads and footpaths (which can appear oppressive). However, in this instance, the fence remains set back from the footpath beyond an area of sloping grass bank while the fence is only 1.2m high and forms part of a staggered boundary running to the rear of these properties. As such, the extended curtilage and revised boundary position is not considered to be overly intrusive and is not considered to cause any significant harm to the character and the appearance of the area. On this basis, the proposal is considered to be acceptable with no design/ visual amenity objection raised.
- 14.3 The proposal is not considered to cause any adverse impact on the residential amenities of neighbouring residents. Similarly, it is not considered to give rise to any highway safety issues.
- 14.4 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

1. The development permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Site Block Plan, Fencing Elevation and photographs; drg no. 8291. 101 Rev A

Reason: To ensure satisfactory provision of the development.

Notes for inclusion on certificate:

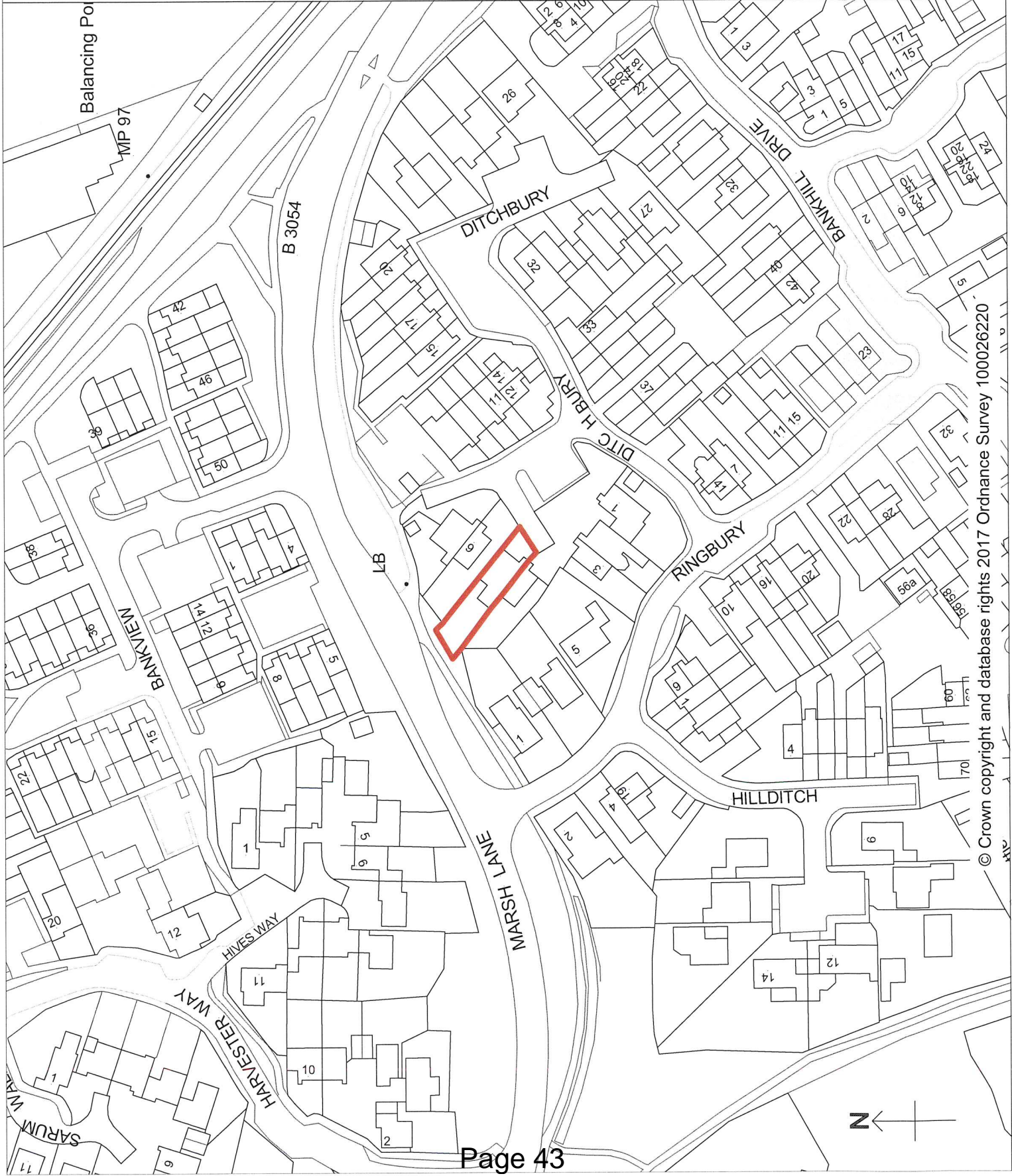
1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising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

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

Further Information:

Peter Burridge

Telephone: 023 8028 5588



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Application Number: 17/11206 Full Planning Permission

Site: OAKBRIDGE HOUSE, LYMORE VALLEY, MILFORD-ON-SEA
SO41 0TW

Development: Two-storey rear extension; Conservatory

Applicant: Mr & Mrs Chamberlain

Target Date: 09/11/2017

RECOMMENDATION: Refuse

Case Officer: Julie Parry

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Parish Council view

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Aerodrome Safeguarding Zone

Tree Preservation Order: 15/03

Plan Policy Designations

Green Belt

Countryside

CS10(o): The spatial strategy

National Planning Policy Framework

NPPF Ch. 7 - Requiring good design

NPPF Ch. 9 - Protecting Green Belt land

NPPF Ch. 11 - Conserving and enhancing the natural environment

Core Strategy

CS2: Design quality

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

Local Plan Part 2 Sites and Development Management Development Plan Document

DM20: Residential development in the countryside

Supplementary Planning Guidance And Documents

SPG - Residential Design Guide for Rural Areas
SPG - Conservatory Design Guide

3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

4 RELEVANT SITE HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
17/10316 Two-storey side extension	09/05/2017	Withdrawn by Applicant	Withdrawn	
94/NFDC/54523 Two-storey addition (demolish existing conservatory)	28/06/1994	Granted Subject to Conditions	Decided	
XX/LYB/09599 Double garage.	02/11/1964	Granted Subject to Conditions	Decided	

5 COUNCILLOR COMMENTS

No comments received

6 PARISH / TOWN COUNCIL COMMENTS

Milford On Sea Parish Council: recommend permission.

The Parish Council recognises this application is well-within the 30% development limit. It does not feel the development is on an inappropriate scale for its setting in a large, screened plot well set back from the lane. As a result it considers it will not adversely impact the countryside, greenbelt or streetscene. It will remove unsightly outbuildings and will enhance the existing building.

The Parish Council will not accept the decision reached by DC officers under their delegated powers.

7 CONSULTEE COMMENTS

Ecologist: the Ecologist initially advised that there was insufficient information but following receipt of the further bat report has confirmed that should planning permission be granted, it should be subject to a condition requiring works to proceed in accordance with the method statement outlined in section 4 of the September 2017 bat report, unless otherwise agreed in writing by the local planning authority. It is also recommended that the Council is provided with the result of a completion check to ensure the mitigation has been successfully implemented

Trees Officer: no objection subject to a condition in respect of the storage of materials and substances.

Comments in full are available on website.

8 REPRESENTATIONS RECEIVED

- 8.1 One letter of support: would enhance the house positively and not intrude upon or negatively impact the lane or its surroundings.

9 CRIME & DISORDER IMPLICATIONS

None relevant

10 LOCAL FINANCE CONSIDERATIONS

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

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

11 WORKING WITH THE APPLICANT/AGENT

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

The applicant did use the pre-application advice service available from the Council but this was for a two storey side extension and therefore did not gain advice on a two storey rear extension. The Officer's initial briefing was published on the Council's website which indicated some of the Case Officer's concerns with the proposal. Given the scale of the proposal and the issues raised there was no opportunity for the applicant to amend the application within the Government's time scale for decisions. No request to withdraw the application was received.

12 ASSESSMENT

12.1 The site is located in the Countryside and Green Belt. Positioned within a valley and surrounded with high vegetation the property is fairly well screened in its location. The property has a traditional cottage style frontage and has been extended to the rear with several ground floor additions. There are a number of outbuildings to the rear.

12.2 Given the position of the proposed extensions and the size of the plot there are no residential properties affected by the proposal. As such the main policy considerations relate to the proposed floor space under Policy DM20 and whether the proposals are acceptable in terms of design and their impact on the openness of the Green Belt. This application follows a previous proposal for a two storey side extension which was withdrawn.

12.3 The floorspace of the proposals has been calculated. It appears from the planning history that the conservatory and single storey addition to the rear existed on 1st July 1982. These buildings would be demolished as

part of this scheme. When taking this into account the current proposal for the two storey element would comply with Policy DM20 as the additional floorspace would equate to 25.5% of the original. When adding the conservatory to the proposed floorspace the overall increase would be approximately 38%. Policy DM20 does allow for a conservatory over and above the 30% limit provided it is appropriate and does not impact on the countryside. However for the reasons given below the conservatory is not considered to be appropriate in this case. The proposed floorspace therefore exceeds that permitted by policy DM20.

- 12.4 In 1994 planning permission was granted for a two storey rear extension, which was never implemented, but this was for a much smaller depth than what is currently proposed and with a simple design. The proposed two storey extension would be excessive in depth and disproportionate in size to the existing property. Furthermore, the proposed extension, with its over complicated two storey design and central position, would not relate well with the simple traditional design and form of the existing property. The principle of extending to the rear is acceptable but it would need to be of a design more sympathetic to the rural situation and the character of the existing dwelling. The current proposal would be of an inappropriate form and scale in relation to the existing property and have a dominant impact on the character and appearance of the existing dwelling. The proposed conservatory would be to the side of the proposed extension and would be overly large and of a poor unsympathetic design. Consequently, it would not relate well to the resulting building and further detract from the simple rural character of the original building. It is appreciated that the property is not fully visible from outside of the site but it is a well established planning principle that screening does not negate adopted planning policy.

Overall the design would appear contrived and out of scale with the existing property to the detriment of the character and appearance of the countryside.

- 12.5 Furthermore, national policy guidance requires the openness of the Green Belt to be protected. Extension or alterations to a building are acceptable provided they do not result in disproportionate additions. However, for the reasons given above, the proposals are considered to be disproportionate and therefore harmful to the openness of the Green Belt
- 12.6 A bat survey has been submitted in support of the proposals which has been considered by the Authority's Ecologist. It has been confirmed in the survey report that bats are present in the existing building. However, the rationale given to address the Habitats and Species Regulations test is considered acceptable at officer level and the method statement and mitigation measures to properly cater for the resident bats has been approved by the Authority's Ecologist. Accordingly, if planning permission were to be granted, it should be subject to appropriate conditions requiring works to proceed in accordance with the submitted method statement and to ensure that the proposed mitigation has been implemented.
- 12.7 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is

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

13. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. In order to safeguard the long term future of the countryside, the Local Planning Authority considers it important to resist the cumulative affect of significant enlargements being made to rural dwellings. Consequently policy DM20 of the adopted Local Plan Part 2: Sites and Development Management Development Plan seeks to limit the proportional increase in the size of such dwellings recognising the benefits this would have in minimising the impact of buildings and human activity generally in the countryside and the ability to maintain a balance in the housing stock. This proposal would result in a building which is unacceptably large in relation to the original dwelling and would undesirably add to pressures for change which are damaging to the future of the countryside and contrary to policy DM20 of the Local Plan Part 2 and policy CS10 of the Core Strategy for the New Forest District outside the National Park.
2. By reason of its excessive two storey depth and unsympathetic design the proposed development would result in a disproportionately large and inappropriate addition which would appear overly complicated and out of keeping with the simple traditional cottage style and scale of the existing dwelling. Furthermore, by reason of its excessive size, unsympathetic design and form and awkward siting, the proposed conservatory would further detract from the simple rural character of the original building. For this reason, the proposals would be harmful to the rural character and appearance of the countryside, contrary to policy CS2 of the Core Strategy for the New Forest District outside the National Park, policy DM20 of the Local Plan Part 2, Supplementary Planning Guidance, Residential Design Guide for Rural Areas of the New Forest and chapter 7, Requiring good design, of the National Planning Policy Framework.
3. For the reasons given in reasons for refusal 1 and 2 above, the proposed additions are considered to be disproportionate in size to the original dwelling and therefore inappropriate development harmful to the openness of the Green Belt, contrary to policy CS10 of the Core Strategy for the New Forest District outside the National Park and chapter 9 of the National Planning Policy Framework.

Notes for inclusion on certificate:

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

The applicant did use the Pre-application advice service available from the Council but this was for a two storey side extension and therefore did not gain advice on a two storey rear extension. The Officer's initial briefing was published on the Council's website which indicated some of the Case Officer's concerns with the proposal. Given the scale of the proposal and the issues raised there was no opportunity for the applicant to amend the application within the Government's time scale for decisions. No request to withdraw the application was received.

Further Information:

Julie Parry

Telephone: 023 8028 5588



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