

NOTICE OF MEETING

Meeting: PLANNING DEVELOPMENT CONTROL COMMITTEE

Date and Time: WEDNESDAY, 13 DECEMBER 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. ELECTION OF CHAIRMAN

To elect a Chairman of the Committee for the remainder of the municipal year.

2. APPOINTMENT OF VICE-CHAIRMAN

To appoint a Vice-Chairman of the Committee for the remainder of the municipal year.

3. MINUTES

To confirm the minutes of the meeting held on 8 November 2017 as a correct record.

4. **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.

5. **PLANNING APPLICATIONS FOR COMMITTEE DECISION**

To determine the applications set out below:

- (a) **Land of 1 Pine Close, Barton-on-Sea, New Milton (Application 17/11231) (Pages 1 - 8)**

Detached bungalow; parking; access for existing dwelling

RECOMMENDED:

Refuse

- (b) **Downton Manor Farm, Christchurch Road, Downton, Milford-on-Sea (Application 17/11244) (Pages 9 - 20)**

Use of barn as 3 dwellings; associated alterations and partial demolition; cycle/bin store; parking; landscaping

RECOMMENDED:

Grant permission subject to conditions

- (c) **4 Oak Road, Dibden Purlieu (Application 17/11256) (Pages 21 - 26)**

1.83m high boundary fence; gate (retrospective)

RECOMMENDED:

Refuse

- (d) **Knoll Farm House, North End, Damerham (Application 17/11276) (Pages 27 - 34)**

Two-storey infill extension; front porch alterations

RECOMMENDED:

Refuse

- (e) **5 Shearsbrook Close, Bransgore (Application 17/11282) (Pages 35 - 42)**

Single-storey rear extension; two-storey side extension

RECOMMENDED:

Grant permission subject to conditions

- (f) **Damerham Baptist Church, Lower Daggons Lane, South End, Damerham (Application 17/11283) (Pages 43 - 54)**

Use as dwelling; single-storey extension; fenestration alterations; rooflights; flue; parking; septic tank

RECOMMENDED:

Refuse

- (g) **2 High Street, Totton (Application 17/11316) (Pages 55 - 64)**

Change of use of ground floor to (C3) 3 residential flats; window alterations

RECOMMENDED:

Refuse

- (h) **33 Thornbury Avenue, Blackfield, Fawley (Application 17/11318) (Pages 65 - 70)**

First-floor side extension; front porch

RECOMMENDED:

Refuse

- (i) **36 Paddock Gardens, Lymington (Application 17/11350) (Pages 71 - 76)**

Use of land as garden land; relocation of boundary wall

RECOMMENDED:

Refuse

- (j) **Land adjacent Broadmead Trees Farm, Broadmead, Sway, Hordle (Application 17/11352) (Pages 77 - 94)**

2 houses; detached garage; stable; paddocks; access; parking; 2 sewage treatment plants; 2 rainwater harvesting tanks; demolition of existing buildings and removal of hardstanding

RECOMMENDED:

Grant permission subject to conditions

6. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

To: Councillors:

W G Andrews
P J Armstrong
Mrs S M Bennison
Mrs F Carpenter
Ms K V Crisell
A H G Davis
R L Frampton
A T Glass
D Harrison
L E Harris

Councillors:

Mrs M D Holding
J M Olliff-Cooper
A K Penson
W S Rippon-Swaine
Miss A Sevier
M H Thierry
Mrs B J Thorne
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.

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Application Number: 17/11231 Full Planning Permission

Site: Land of 1 PINE CLOSE, BARTON-ON-SEA,
NEW MILTON, BH25 7NZ

Development: Detached bungalow; parking; access for existing dwelling

Applicant: AJ Developments

Target Date: 07/11/2017

Extension Date: 14/12/2017

RECOMMENDATION: Refuse

Case Officer: Vivienne Baxter

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Member view and contrary Town Council view in part.

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
- CS15: Affordable housing contribution requirements from developments
- CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

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

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Housing Design, Density and Character
SPD - New Milton Local Distinctiveness
SPD - Mitigation Strategy for European Sites
SPD - Parking Standards

6 RELEVANT PLANNING HISTORY

None

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council - recommend refusal and would not accept a delegated approval. Lack of parking, back land development and loss of vegetation which will have a detrimental effect on the visual amenities of neighbours.

8 COUNCILLOR COMMENTS

Cllr Beck - the proposal should be allowed to be consistent with development allowed in Western Avenue.

9 CONSULTEE COMMENTS

9.1 Southern Gas Networks - offer advice

9.2 Hampshire County Council Highway Engineer - no objection subject to condition

10 REPRESENTATIONS RECEIVED

10.1 Objections have been received from 7 local residents concerned with the following:

- site is too small/over development
- potential to harm the seclusion of rear gardens currently enjoyed
- concern over noise and disturbance during construction
- the close is too small to accommodate additional dwellings/traffic
- there are no dwellings opposite each other at present
- not in keeping with size of gardens in the area
- inadequate parking
- loss of privacy
- overbearing impact on adjoining gardens

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

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

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

c)

Based on the information provided at the time of this report this development has a CIL liability of £3,819.20.

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.

Although there was no pre-application submission, the applicant was pro-active in altering the proposal to reflect a comment made in the briefing note. However, this alone is not considered sufficient to address all concerns.

14 ASSESSMENT

14.1 The site lies within the built up area of Barton on Sea in a residential area. It currently contains a detached single storey dwelling situated to the east of the site with associated outbuildings and garaging to the west where the site is narrower. Aside from the vehicular and pedestrian accesses to the site, it is well screened from the street due to mature boundary hedging which is a positive feature of the street in this location. There are bungalows to the rear, east side and opposite the site. The proposal entails the subdivision of the plot and the provision of an additional bungalow to replace the structures to the west of the site.

- 14.2 While there is no presumption against new residential development in the built up area, consideration must be given to residential and visual amenity, along with access issues.
- 14.3 From a highways point of view, the proposed dwelling would have a new access close to the existing one and there are no objections to this in highway safety terms. The new access for the existing dwelling would require the relocation of a lamp post which would have to be undertaken at the applicant's expense. The Highway Authority has not provided any views as to where it should be placed. Although the Highway Authority have not raised any objections to the scheme, there are concerns from local residents with regard to the new access points in view of the constraints of the road which is relatively narrow and no.1 is the only property to the north side; all other dwellings have accesses on the other side of the road and there is concern in respect of conflict. However, this issue has not been raised as a concern by the Highway Authority and would not justify a reason for refusal.
- 14.4 Being single storey, the proposed dwelling is unlikely to adversely affect the residential amenity of adjoining properties. However, the proposal would leave the existing property with a reduced level of amenity due to the provision of two parking spaces in close proximity to a window lighting a habitable room. Both dwellings would have much smaller plots than the majority of dwellings in this area which would impact on the visual amenities of the area, as well as the residential amenities.
- 14.5 At present, the existing dwelling has a long garden to the side of the property and limited space to the rear. The provision of an additional property in this side garden area would result in two dwellings having relatively small side gardens and limited space to the rear, resulting in a cramped environment. In addition to this, the proposed dwelling would be much closer to the road than others, compounded by the removal of the boundary vegetation which is a locally distinctive feature in this Close. In addition, the provision of a close boarded fence along the front of the garden would have a negative impact on the visual amenities of the area.
- 14.6 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 adverse impacts of development set out above significantly and demonstrably outweigh the benefits and therefore the tilted balance in favour of granting permission does not apply.
- 14.7 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.

14.8 The proposal is considered to adversely affect the visual characteristics of the area through its proximity to the highway, the cramped size of the plot and provision of a close boarded fence along the boundary, coupled with a loss of amenity for the host dwelling.

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

Section 106 Contributions Summary Table

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

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
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Dwelling houses	56.7	13.3	43.4	43.4	£80/sqm	£3,819.20 *
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Subtotal:	£3,819.20
Relief:	£0.00
Total Payable:	£3,819.20

* 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

Refuse

Reason(s) for Refusal:

1. The proposal would not contribute positively to local distinctiveness by virtue of the relatively cramped plots compared to others in the vicinity, its proximity to the road and provision of a close boarded fence along the road frontage which would have a negative impact on the character of the area. The provision of parking for the host dwelling, along with limited amenity space for both the proposed and host dwellings, would be unsympathetic to the residential amenities of the occupants. The proposal is therefore considered to be contrary to policy CS2 of the New Forest District Council Core Strategy and the New Milton Local Distinctiveness Document.

Notes for inclusion on certificate:

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

Although there was no pre-application submission, the applicant was pro-active in altering the proposal to reflect a comment made in the briefing note. However, this alone is not considered sufficient to address all concerns.

Further Information:

Vivienne Baxter

Telephone: 023 8028 5588



New Forest
DISTRICT COUNCIL

Tel: 023 8028 5000
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David Groom
Service Manager
Planning and Building Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee**

December 2017

Item No: 5a

Land of 1 Pine Close
Barton on Sea
New Milton
17/11231
SZ2393

Scale 1:1250

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



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Application Number: 17/11244 Full Planning Permission

Site: DOWNTON MANOR FARM, CHRISTCHURCH ROAD,
DOWNTON, MILFORD-ON-SEA SO41 0LA

Development: Use of barn as 3 dwellings; associated alterations and partial
demolition; cycle/bin store; parking; landscaping

Applicant: HH & DE Drew Ltd

Target Date: 30/10/2017

Extension Date: 15/12/2017

RECOMMENDATION: Grant Subject to Conditions
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Case Officer: Vivienne Baxter

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to policy

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Green Belt

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS10: The spatial strategy
- CS15: Affordable housing contribution requirements from developments
- CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

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

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. 3 - Supporting a prosperous rural economy
NPPF Ch. 6 - Delivering a wide choice of high quality homes
NPPF Ch. 7 - Requiring good design
NPPF Ch. 9 - Protecting Green Belt land

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Mitigation Strategy for European Sites
SPD - Parking Standards

6 RELEVANT PLANNING HISTORY

17/10394 - use of barn as three dwellings, associated alterations, cycle/bin store, parking, landscaping. Granted 9.8.17

16/11370 - use of barn as three residential units, associated works. Prior approval refused 30.11.16, appeal withdrawn.

16/10826 - use of barn as three residential units, associated alterations. Prior approval refused 11.8.16

7 PARISH / TOWN COUNCIL COMMENTS

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

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

9.1 Southern Gas Networks - offer advice

9.2 Ecologist - no objection subject to condition

10 REPRESENTATIONS RECEIVED

None

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive New Homes Bonus £3,672 in each of the following four years, subject to the following conditions being met:

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

Based on the information provided at the time of this report this development has a CIL liability of £0.00.

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

13 WORKING WITH THE APPLICANT/AGENT

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

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- 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.

Additional information was requested in order to ascertain the full extent of remedial works required for the conversion and rebuild together with further justification for the proposal given its location within the Green Belt.

14 ASSESSMENT

14.1 The site lies within the Green Belt and close to the hamlet of Downton. It is part of a wider planning unit which includes agricultural and extraction uses. Although the site is set back from the main road, there are residential properties opposite and a site with an extant permission for a replacement farmhouse on adjacent land in the same ownership. The proposal entails the conversion of an agricultural building into three dwellings. A further building would be converted into a shared bin and bike store and other structures attached to the large agricultural building adjacent to the site would be demolished. The courtyard between the converted building and adjacent barn would be landscaped to provide parking and access for the residents and their visitors. Turning for larger vehicles would be provided outside the courtyard.

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

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

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

The application site is located within the Green Belt and therefore the proposal must be assessed against Green Belt policies. The National Planning Policy Framework (NPPF) suggests that the construction of new buildings in the Green Belt is inappropriate other than for specific exceptions although the re-use of buildings is not inappropriate providing the buildings are of permanent and substantial construction. The previous application accepted that the proposed conversion had no greater volume and also included the demolition of a large, lean-to structure and, as such, it was considered that the three proposed dwellings would have no greater impact on the openness of the Green Belt. However, even if it is concluded that the proposal would have no greater impact on the openness of the Green Belt, the proposal must still be deemed inappropriate development, as the building is an agricultural building which cannot be considered as brownfield land. The NPPF makes it clear that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.

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

At present, the buildings are in need of refurbishment and, more recently, partial rebuilding. The proposed development would have a limited impact on the appearance of this land with the rebuild/conversion being within the envelope of the original barn. The openness of the Green Belt would be improved due to the removal of a lengthy lean-to structure from the large agricultural barn adjacent to the site.

The main purpose for including land within the Green Belt is to safeguard the countryside from encroachment. Given the surrounding land uses to this site, there is limited scope for additional residential development other than the scheme already permitted.

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

- a. New dwellings in the countryside - Policy DM20 of the Local Plan Part 2 restricts development of new dwellings in the countryside. However, this proposal has arisen following recent changes to the GPDO, which allows the change of use of agricultural buildings to residential use without a requirement for planning permission. Last year, two prior notification applications for the conversion of the building into three dwellings were refused for technical reasons, firstly that the proposed floor space (which included buildings other than that to be converted into the dwellings) was greater than that permitted and for highway safety reasons. The second application addressed these concerns but the overall site area included amenity space in excess of the permitted allowance. A subsequent planning application for the proposal was granted earlier this year. However, the building partially collapsed and the current proposal includes the rebuilding of certain parts of this original fabric. Consequently dwellings of the quality proposed may be supported, as a departure to the provisions of Policy DM20, subject to conditions to remove permitted development rights to extend the dwellings or erect further outbuildings. The proposal complies with the design related provisions of Policy CS2.
- b. Ecology Impacts : the Ecologist raises no objection to the proposal subject to a condition to ensure the proposed biodiversity mitigation and compensation measures are provided. In terms of the Habitat and Species Regulations tests, the comments of the Ecologist confirm that the favourable conservation status of bats may be maintained, subject to this condition. The proposal would not cause any harm to ecological interests in accordance with Policies CS3 and DM2.
- c. Tree Impacts: there are protected trees within land in the same ownership as the site although they are sufficiently far enough away not to be adversely affected by the proposal and no special measures are required in this respect.
- d. Highway Impacts: the Highway Authority has previously advised that the necessary visibility splays (2.4m x 120m) at the junction of the existing access track with Christchurch Road are entirely contained within highway land and are achievable. The site contains adequate space for all vehicles to turn safely as well as parking facilities for future occupants and visitors. While the scheme incorporates parking provision in excess of the recommended amount, it would be considered inappropriate and unsustainable to object to the scheme for this reason. The area between the building to be converted and existing barn is currently an area of hard surfacing and could accommodate many more vehicles although this would be inappropriate and harmful to the setting of the buildings.
- e. Residential Amenity Impacts: with regard to residential amenity, the site is far enough away from existing residential properties and the extant scheme on the adjoining site not to adversely affect existing privacy. Similarly, the proposed dwellings would not impact on the amenity of each other. It is noted that there is gravel extraction which occurs in the immediate vicinity although these works are bound by bunding which should minimise disruption to future occupiers.

- f. In visual terms, the proposed dwellings have been designed with regard to their rural setting and the conversion makes the most of existing openings to the building. It is accepted that there are some large proposed openings to the rear of the building, although these are shown to have sliding screens to minimise light intrusion. As stated above, the existing courtyard is currently hard surfaced, including under the lean-to proposed to be removed. While this part of the site would remain hard surfaced in order to accommodate the parking area, the eastern end of the site would be un-mown grass, as some of it is at present, thus retaining a rural edge to the site. Each dwelling would however, be provided with a small amount of amenity space to the front of the building, comparable to the general minimum guidance within the Local Distinctiveness Supplementary Planning Documents.

Outside of the courtyard area would be the turning area for emergency and refuse vehicles. There is a concrete track here at present and beyond the site, there is extensive hard surfacing in association with the adjoining use. It is not considered that the proposed landscaping of the site would be harmful to the character of the area.

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

Consideration 1:

The proposal is for three dwellings within the confines of the building to be converted/partially rebuilt. A separate detached building would also be used for bin and cycle storage and a lean-to along the side of the adjacent agricultural barn would be removed resulting in an enhancement to the farmyard and the openness of the Green Belt, which weighs in favour of the proposal.

Consideration 2:

The proposal would not cause any other Green Belt harm, subject to conditions to cover highway issues and biodiversity measures, which weighs in favour of the proposal.

Consideration 3:

The level of housing need in the District.

Consideration 4:

Proposals for the conversion of the barn to three dwellings was previously submitted under a prior notification and, had appropriate access, parking and amenity spaces been included, the scheme would have been permitted development. The proposal is considered to be an improvement on what could have been allowed without planning permission in both visual (Green Belt openness) and residential amenity terms

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

As set out above, the proposed development amounts to inappropriate development in the Green Belt, which by definition is harmful to the Green Belt. Substantial weight attaches to any harm to the Green Belt. However, the proposal would not result in any loss of openness of the Green Belt, rather it would improve its openness due to the removal of a large structure.

With respect to 'any other harm', the site would be largely enclosed from public vantage points and the limited and basic landscaping proposed is likely to lead to a small enhancement in the landscape value for the site. The ecological value of the site would not be harmed by the proposals, subject to conditions. The proposal is not considered to have any harmful impact on existing residential amenity.

In your officers' view the matters which weigh in favour of the development clearly outweigh the very limited harm to the Green Belt caused by the proposal.

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

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

14.3 Other material considerations

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 adverse impacts of development set out above do not significantly and demonstrably outweigh the benefits. Although the site lies within the Green Belt, very special circumstances are considered to exist and therefore the tilted balance in favour of granting permission is a material consideration in assessing this application.

- 14.4 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.

14.5 Conclusion

The proposal would have no greater impact on the Green Belt than the scheme approved earlier this year, nor would it conflict with the purposes of including land within the Green Belt. Subject to appropriate conditions, there would be no harm to the ecology of the site and adequate parking and access facilities would be provided. Given these benefits together with the need for housing, it is considered approval should be recommended.

Section 106 Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings	0	0	
Financial Contribution	0	0	
Habitats Mitigation			
Financial Contribution	£10,350		

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	374	647	-273	-273	£80/sqm	-£22,764.00 *

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

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

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

Where:

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

R = the levy rate as set in the Charging Schedule

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

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: letters dated 4.9.17 and 24.11.17, Survey and Structural Report, 101A, 102A, Planning Statement, Biodiversity Checklist, Ecological Appraisal, Design and Access Statement, SK001, SK002, SK001 (photorecord), 00 Rev P2, 01 Rev P2, 02 Rev P2, 03 Rev P2, 04 Rev P3, 07 Rev P2, 05 Rev P3, 06 Rev P3, 08 Rev P3, 09 Rev P1.

Reason: To ensure satisfactory provision of the development.

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

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

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

- (a) the existing trees and shrubs which have been agreed to be retained;
- (b) a specification for new planting (species, size, spacing and location);
- (c) areas for hard surfacing (including any changes to the access drive) 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 occupation shall occur 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 to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

5. The development hereby permitted shall be carried out in accordance with all the measures outlined in the Ecological Appraisal dated June 2017 by Phil Smith Consultants unless otherwise previously agreed by the Local Planning Authority. Development shall only proceed in accordance with the approved details and shall be implemented prior to the occupation of any dwelling.

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

6. No windows other than those hereby approved shall be inserted into the building unless express planning permission has first been granted.

Reason: To safeguard the rural setting of the building in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

7. 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.

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

Reason: To ensure the dwelling remains of a size which is appropriate to its location within the countryside and in view of the physical characteristics of the plot, the Local Planning Authority would also wish to ensure that any future development proposals do

not adversely affect the visual amenities of the area to comply with Policies CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and DM20 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

Notes for inclusion on certificate:

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

Additional information was requested in order to ascertain the full extent of remedial works required for the conversion and rebuild together with further justification for the proposal given its location within the Green Belt.

2. In discharging condition No. 7 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/>

Further Information:

Vivienne Baxter

Telephone: 023 8028 5588



New Forest DISTRICT COUNCIL

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

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

Planning Development Control Committee

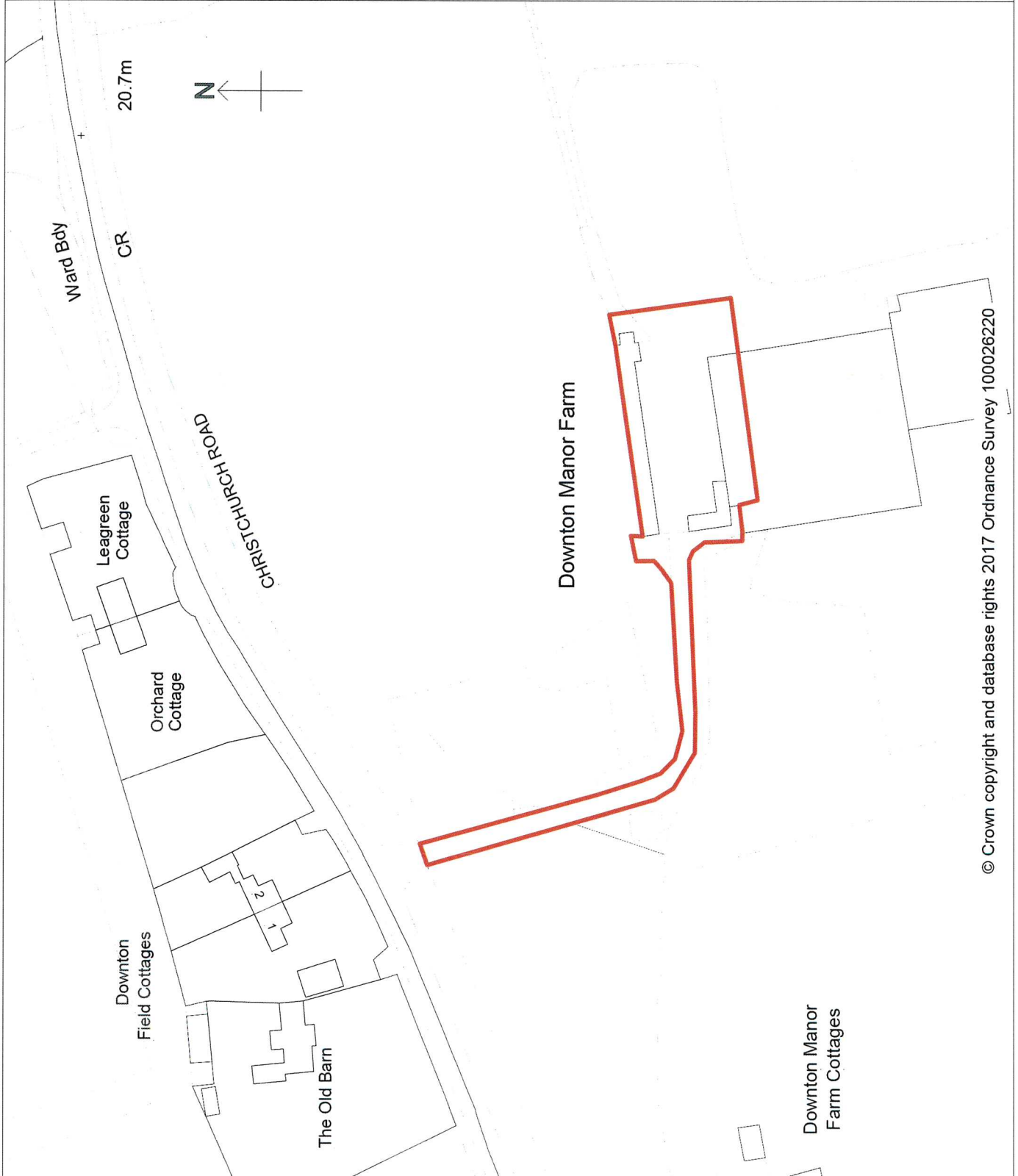
December 2017

Item No: 5b

Downton Manor Farm
Christchurch Road
Downton Milford on Sea
17/11244
SZ2793

Scale 1:1250

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



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Application Number: 17/11256 Full Planning Permission
Site: 4 OAK ROAD, DIBDEN PURLIEU, HYTHE SO45 4PL
Development: 1.83m high boundary fence; gate (Retrospective)
Applicant: Mr Kellett
Target Date: 01/11/2017

RECOMMENDATION: Refuse Case Officer: Kate Cattermole

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Councillor view

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Aerodrome Safeguarding Zone
Plan Area

Plan Policy Designations

Built-up Area

National Planning Policy Framework

Section 7

Core Strategy

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

Supplementary Planning Guidance And Documents

None relevant

3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

4 RELEVANT SITE HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
06/88124 2 rear conservatories	26/07/2006	Granted Subject to Conditions	Decided	

5 COUNCILLOR COMMENTS

Cllr James Binns: Supports application and comments as follows:

The north end of Oak Road (leading onto Roman Road) comprises primarily of properties with mature hedges and/or brick walls separating front gardens from the road. Generally the street scene is of a 'green' rural nature when looking towards Roman Road. In its current form the fence which has been erected at 4 Oak Road is in contrast to the traditional street scene of Oak Road, however in terms of height, the fence is no more imposing than some of the mature hedges and greenery currently in that area. If the fence were stained a colour such as forest-green and planting installed (such as ivy and/or *Griselinia Littoralis*) which could mature over time to positively contribute towards the vitality of the street scene, then I believe that this would be a satisfactory compromise which would enable the retention of the fence. I have spoken to the occupants of 4 Oak Road who are more than willing to accept such a compromise. There is enough room for planting in front of the fence as the new boundary has been set back from the original. I would therefore be minded to support the retention of the fence under these conditions.

6 PARISH / TOWN COUNCIL COMMENTS

Hythe & Dibden Parish Council: recommend refusal but would accept the decision reached by the DC Planning Officers under their delegated powers. The Council objects to the application because the fence is too high and out of keeping with the street scene.

7 CONSULTEE COMMENTS

Hampshire County Council Highway Engineer: to be updated.

8 REPRESENTATIONS RECEIVED

8.1 2 against:

- material and height
- impact on users of the road, awareness and visibility together with safety of pedestrians
- out of keeping with the road

8.1 Comments from applicant:

- designed so does not cause an issue of highway safety
- examples cited in Oak Road and Talbot Road of higher boundary treatments, therefore not out of keeping.

9 CRIME & DISORDER IMPLICATIONS

None relevant

10 LOCAL FINANCE CONSIDERATIONS

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

11 WORKING WITH THE APPLICANT/AGENT

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

This is a retrospective application. Concerns were identified at the initial briefing and in response to this and other comments made on the application, the applicant has provided further information in support of the application. Notwithstanding this, the identifiable harm would justify a recommendation for refusal. As the application is being supported by a Councillor, the application has been referred to Planning and Development Control Committee for the final decision, and as such the 8 week target date cannot be met.

12 ASSESSMENT

- 12.1 Oak Road is a narrow road with no pavements, and although it is sited within the built up area has a semi-rural character. especially at the south western end of the road where it joins Roman Road. There is a mixture of styles, types and age of property within the road, and the front boundary treatments are predominantly hedging. There are also walls and fences along the road, but generally these appear to be lower compared to the fence at no 4 Oak Road.
- 12.2 Previously the front boundary treatment at the application site was a low wall with fence on top; the overall height being lower than the current replacement fence.
- 12.3 The current 1.83m high close boarded fence has recently been installed. The fence, by reason of its height and materials, would create a harsh boundary treatment compared with others within the road, and would detract from the semi-rural character. Furthermore, it would not be in keeping with the prevailing form of boundary treatments within the road. The existing 5 bar gate is similar to a previous gate at the property, but the replacement gate is sited further forward, and as it would be over a metre in height also requires the benefit of permission so has been included in the description. This gate is inward opening, so would not interfere with the highway. No objection is raised to this part of the scheme.
- 12.4 The applicant has cited addresses of sites within Oak Road that have higher boundary treatments and in his opinion provide a precedent to demonstrate that the fencing would not be out of character with Oak Road.
- 12.5 19 Oak Road is positioned on the junction with Talbot Road, and as such has two boundaries fronting roads. The front boundary treatment is a combination of fence and wall, whereas along Talbot Road, this increases to a higher boundary fence. Due to its corner siting, the side

fence is enclosing the rear garden of the property, and the expectation would be for this to be a higher fence therefore this is not comparable to the application site.

- 12.6 46 Oak Road is at the other end of the road being located on the junction with North Road. The character of North Road contrasts with Oak Road and is more reflective of an urban setting. The fence at no 46 Oak Road is read in context with North Road. Furthermore, this fence in part would be enclosing garden area, and does not just form a front boundary treatment. No planning application has been identified on our records. Nevertheless, even though the fence is stained a dark colour, by reason of its height and form it is quite dominant within the street scene, and demonstrates the impact higher fences would have on the character of Oak Road, and supports the argument to resist similar development.
- 12.7 18 Oak Road has two panel gates but looking at earlier images there was originally a high fence along this frontage too, but this is no longer in situ. No planning history was identified in relation to this fencing and gates, and they do not form a precedent for this current application.
- 12.8 16 Oak Road which has a brick wall with spikes on top. The actual height of the wall has not been provided, although the applicant has advised that the overall height is 155cms, which exceeds the criteria of permitted development and would have required the benefit of consent. No planning application has been identified on our records. Even though this does not reflect the character of the road, it is not comparable to the current proposal as by reason of its design it provides a sense of openness to the frontage and does not create as harsh a boundary as the current proposal.
- 12.9 Cllr Binns has supported the application and suggested a compromise to soften the appearance of the fence which he has advised that the applicants are in support of. This would involve staining the fence and putting in planting between the fence and the highway. Painting the fence an appropriate colour would assist in reducing its prominence, but would not overcome the concerns with its height. Even though there is a marginal gap between the front of the fence and the highway, this is not considered to be sufficient to allow for planting a viable hedge, that would be able to grow and mature, and even if it could, the hedge could potentially encroach on the highway. The use of ivy would not mitigate the impact of the height of the fence.
- 12.10 With regard to highway safety, this is an existing access and due to the nature of the road, pedestrians and vehicular users would be aware of emerging vehicles.
- 12.11 Consideration has been given to the other boundary treatments identified by the applicant, but these do not justify retention of the existing unacceptable fence to the front boundary of 4 Oak Road. Judging the merits of the individual site, and taking into account its position within the road it creates an unacceptable level of harm to the character of the area and the street scene, by reason of its height and materials. There could be measures to help soften the impact but these measure are not considered to be sufficient to overcome the identified harm, and therefore the recommendation is to refuse this application.

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

13. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. By reason of the excessive height, materials and siting of the front boundary fence it would create a harsh boundary treatment that would be intrusive and out of keeping with the street scene, and would detract from the semi rural character of Oak Road. As such it would be contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park and Chap 7 of the National Planning Policy Framework.

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 is a retrospective application. Concerns were identified at the initial briefing and in response to this and other comments made on the application, the applicant provided further information in support of the application. Notwithstanding this, the identifiable harm justifies a recommendation for refusal. As the application was supported by a Councillor, the application was referred to Planning and Development Control Committee for the final decision, and as such the 8 week target date could not be achieved.

Further Information:

Kate Cattermole
Telephone: 023 8028 5588

Application Number: 17/11276 Full Planning Permission

Site: KNOLL FARM HOUSE, NORTH END, DAMERHAM SP6 3JJ

Development: Two-storey infill extension; front porch alterations

Applicant: Mr & Mrs Mullens

Target Date: 06/11/2017

Extension Date: 15/12/2017

RECOMMENDATION: Refuse

Case Officer: Richard Natt

1 REASON FOR COMMITTEE CONSIDERATION

Discretion of the Service Manager Planning and Building Control.

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Countryside outside the New Forest
Area of Outstanding Natural Beauty

3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

4 RELEVANT SITE HISTORY

- 4.1 Single storey extension, alterations to terrace (15/10049) Granted with conditions on the 9th March 2015
- 4.2 Alterations and addition of a porch sitting room and dining room with 3 bedrooms over (23470) Granted with conditions on the 16th February 1983

5 COUNCILLOR COMMENTS

Cllr Edward J Heron - comments as follows:

I am of the view that the design of the proposed extension and front porch is appropriate for the size and location of the dwelling and will not have an adverse impact on the surrounding area or amenity of neighbouring residential properties.

It is noted that previous extensions to the property were approved in 1983 and 2015, and I understand that these consents have been implemented. It is also noted that the assessment against policy DM20 for the 2015 application made allowance for the replacement of the floorspace lost from the demolition of the kitchen and the previously attached garage.

I am of the view that the current application meets the requirement of DM20 in regards to its respect of the character and scale of the existing dwelling and would not significantly alter the impact of the built development on the site within its setting. However, the application fails to meet the requirement that net additional floorspace does not exceed 30% more than that of the 1st July 1982.

The applicant has made verbal representations to me regarding their long association with the local community, the fact that the property has long been a family home and that while there has been an increase in the floorspace a large proportion of this was completed only two years after the 1982 assessment date. The applicant has expressed understanding of the purpose behind the DM20 policy, to maintain a diversity of dwelling sizes within the countryside, but put forward the view that the proposed additions were comparatively modest to a large detached dwelling, set within a relatively large landholding.

While I am unable to support the application given the clear departure from adopted and long supported policy, I am mindful of the wording which states "should not normally". I would therefore welcome a decision by the case officer to use their discretion to refer the matter for consideration by the Planning Committee, so that the applicant may articulate in person to members their case for a departure from policy.

6 PARISH / TOWN COUNCIL COMMENTS

Damerham Parish Council: recommend permission under option 1 with the following comments:-

- The Parish Council feel the design to infill the courtyard (which is believed to previously be a kitchen prior to 1983) is attractive and does not adversely contribute to the size and massing of the property.
- As the Planning Officers briefing note was not available, due consideration must be given to whether the proposed increase in habitable floorspace is within policy DM20.

7 CONSULTEE COMMENTS

Ecologist: Awaiting comments

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.

Based on the information provided at the time of this report this development has a CIL liability of £8,920.56.

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

11 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

No pre application advice has been sought and there are objections in principle to provide further extensions to the dwelling, which are considered to be contrary to local plan policy DM20. As such the application is recommended for refusal.

12 ASSESSMENT

- 12.1 The application site is part of a small isolated group of development at Knoll Farm, in the open countryside between Damerham and Martin. It is understood that the property was the main farmhouse serving Knoll Farm, sold off as an independent unit over 20 years ago with 2.2ha of land. The dwelling now lies within its own setting separated from the neighbouring barns and cottages by dense trees on the north west and north east boundaries. The property is accessed from an unmade gravel track approximately half a mile from the main road which runs between Damerham and Martin.
- 12.2 The application property is a substantial and attractive dwelling with painted rendered walls under a slate tile roof. The dwelling has a simple form with pitched roofs and gables. There are some decorative features including chimneys and detailing on the roofs and elevations which contribute positively to the character of the building. The property has

been previously extended and a single storey detached garage block sits alongside the dwelling forming a part open courtyard area to the rear. The property sits within a spacious garden area which wraps around the building and includes a tennis court, allotments and stable buildings with open paddocks beyond.

- 12.2 This site is within the Area of Outstanding Natural Beauty and wider landscape views are possible from the south as the land falls away in this direction down to the Allen River. A Public Right of Way runs along the north west and north east of the site, which essentially is the gravel tracks running up to and past the curtilage of the dwelling. It is noted that closer views of the site from the footpaths along the tracks are limited by virtue of a line of dense mature trees.
- 12.3 This planning application proposes alterations to the existing front porch and a two storey extension within the existing courtyard to the rear of the building. The proposed two storey extension would essentially link the existing dwelling to the garage block. In support of the application, it is stated that the Knoll Farm House is a large isolated country house well screened from the public domain with long distance views from the wider landscape. The proposal seeks to largely involve the reinstatement of accommodation that previously existed and was subsequently demolished in 1983. It is stated that the proposed extension would be set within the original building line along the north east elevation, the least significant elevation of the property when considering impact on the wider landscape, and visually discreet.
- 12.4 The main issues in this case are the effect on the character and appearance of the area and existing building, including compliance with Policy DM20.
- 12.5 Starting with the policy position, Policy DM20 of Local Plan Part 2: Sites and Development Management Development Plan permits residential extensions in the countryside provided certain criteria are met. The policy states that extensions to dwellings should not normally provide for an increase in floor space of more than 30%. The 30% limit is applied as a limit to all cumulative extensions since 1st July 1982. In exceptional circumstances, a larger extension may be permitted. A dwelling may be permitted to exceed the 30% limit provided the increased floor space will not result in a dwelling in excess of 100 square metres floor space. The policy also states that development should be of an appropriate design, scale and appearance in keeping with the rural character of the area and should be designed to respect the character and scale of the existing dwelling and not significantly alter the impact of built development on the site within its setting.
- 12.6 The original floor area of the dwelling, including the formerly attached garage and kitchen (now demolished) was approximately 318m². The permissible 30% increase would therefore be 94 m². The property has been previously extended with a two storey addition under planning application reference 83/23470. In 1983 (completed in 1984) and a single storey extension to replace an existing conservatory in 2015 under planning application reference 15/10049. The total floor area of these previous additions was approximately 88 m² giving a total floorspace of approximately 406m². This equates to an increase of 27.7 % of the original, which has left limited scope for further additions.

- 12.7 The proposed extension would add approximately 102m² in floor space which would result in an increase in floor space of 59.7% which is far exceeds the 30% limitation of the original dwelling when taking into account previous additions to it and as such the proposal would fail to comply with policy DM20. Furthermore, it should also be noted that the proposed extension would link the main dwelling to the detached outbuilding, which includes a store and double garage. In cases where the proposed extension links into a detached building, technically, this should also be treated as additional floor space, because part or all of the outbuilding could be converted into additional residential floor space. When the floor area of the outbuilding is included in the floor space calculation, the overall increase in floor space would be 77%
- 12.8 The main thrust of the policy is to maintain a balance in the Districts rural housing stock, and to resist the cumulative effects of significant enlargements being made to rural dwellings. The proposals would result in extension well in excess of the 30% limitation and as such would be contrary to local plan policy DM20.
- 12.9 Visually, it is appreciated that the design of the extension reflects the appearance of the existing dwelling in terms of its materials, detailing and roof form. Equally the proposed extension would be lower in scale and sited to the rear of the building to minimise the impact on the character of the existing dwelling and surrounding area. However, while the extension has been designed in a sympathetic way and would not be largely viewed from the public domain, other than glimpses through the trees from the public right of way, this does not override the fact that the proposal would result in a floor space significantly above the permissible level. It should also be noted that the proposed alterations to the porch would be acceptable and if the proposal was for the porch alone, this would fall within the floor space limitation.
- 12.10 With regard to other matters, the proposal would not result in any adverse impact. Given the separation from neighbouring premises the proposal would not result in any harmful impacts on the living conditions of neighbouring occupiers. The proposal would have not impact on trees.
- 12.11 In conclusion, the site comprises an attractive large detached country house which positively contributes to the character of the area. Whilst the proposed extensions have been designed to a high standard and would be positioned to the rear of the building to minimise their impact, the previous extensions added to the existing dwelling have already utilised the 30% floor space limitation. Accordingly the proposed extension to add an additional 100 square metre of floor space would fail to comply with Policy DM20 and would cause harm to the character and appearance of the area which essentially seeks to safeguard the countryside from encroachment by built development.
- 12.12 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	102.78	1.41	101.37	101.37	£80/ sqm	£8,920.56 *
Subtotal:	£8,920.56					
Relief:	£0.00					
Total Payable:	£8,920.56					

* 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

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 Local Plan Part 2: Sites and Development Management Plan seeks to limit the proportional increase in the size of such dwellings recognising the benefits this would have in minimising the impact of buildings and human activity generally in the countryside and the ability to maintain a balance in the housing stock. 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: Sites and Development Management Plan, Policy CS10 of the Core Strategy for the New Forest District outside the National Park.

Notes for inclusion on certificate:

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

No pre application advice was sought and there are objections in principle to providing further extensions to the dwelling, which are considered to be contrary to local plan policy DM20.

2. New Forest District Council has adopted a Community Infrastructure Levy (CIL) charging schedule and any application now decided, including those granted at appeal, will be CIL Liable. CIL is applicable to all applications over 100sqm and those that create a new dwelling. Under Regulation 42A developments within the curtilage of the principal residence are likely to be exempt from CIL so CIL may not be payable provided the applicant submits the required exemption form prior to commencement of the development.

Further Information:

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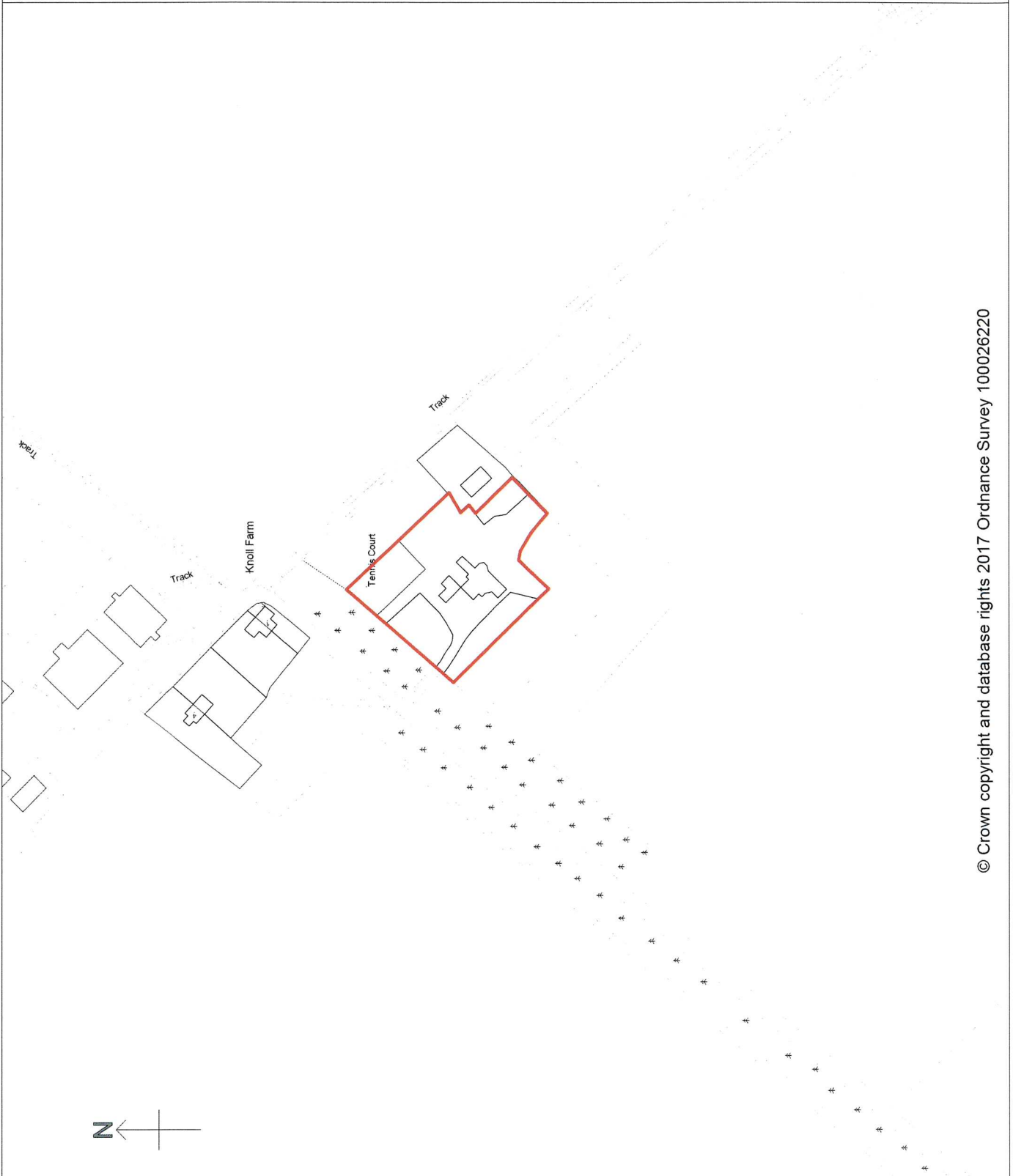
**Planning Development
Control Committee**

December 2017

Item No: 5d
Knoll Farm House
North End
Damerham
17/11276

Scale 1:2500

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



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Application Number: 17/11282 Full Planning Permission

Site: 5 SHEARSBROOK CLOSE, BRANSGORE BH23 8HF

Development: Single-storey rear extension; two-storey side extension

Applicant: Mr & Mrs Mangles

Target Date: 16/11/2017

Extension Date: 15/12/2017

RECOMMENDATION: Grant Subject to Conditions

Case Officer: Rosie Rigby

1 REASON FOR COMMITTEE CONSIDERATION

Applicant is an employee of New Forest District Council

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Aerodrome Safeguarding Zone
Plan Area

Plan Policy Designations

Built-up Area

National Planning Policy Framework

Section 7

Core Strategy

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

Supplementary Planning Guidance And Documents

None relevant

3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

4 RELEVANT SITE HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
77/NFDC/07681 36 houses and garages with construction of roads, drainage and pedestrian/vehicular accesses.	18/07/1977	Granted Subject to Conditions	Decided	
75/NFDC/03321 37 dwellings and garages with pedestrian/vehicular access.	23/10/1975	Granted Subject to Conditions	Decided	

5 COUNCILLOR COMMENTS

No comments received

6 PARISH / TOWN COUNCIL COMMENTS

Bransgore Parish Council: recommend permission. The proposed extensions will have little impact on the nearby properties

7 CONSULTEE COMMENTS

No comments received

8 REPRESENTATIONS RECEIVED

8.1 One comment against from Spinney Cottage. Concerns are summarised as follows:

- impact on light particularly due to small windows on west side of cottage
- Overlooking windows
- Impact on historic and rural aspect of Spinney Cottage which is a Listed building.

9 CRIME & DISORDER IMPLICATIONS

None relevant

10 LOCAL FINANCE CONSIDERATIONS

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

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

11 WORKING WITH THE APPLICANT/AGENT

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

In this case all the above apply. Amended plans have been accepted that revise the first floor rear window arrangement to address concerns raised about overlooking. Subject to this the application was acceptable as submitted no specific further actions were required.

12 ASSESSMENT

- 12.1 The application site is part of a late 1970's development of related properties in the built up area of Bransgore. It is half of a pair of semi-detached houses on a corner plot which are located in a cul-de-sac.
- 12.2 The main consideration of the proposed single-storey rear extension and two-storey side extension would be the visual impact on the street scene and the impact on neighbour amenity.
- 12.3 Policy CS2 requires new development to contribute positively to local distinctiveness, being appropriate and sympathetic to its setting in terms of scale, height, density, layout, appearance, materials and its relationship to adjoining buildings and landscape features, and shall not cause unacceptable effects by reason of visual intrusion, overlooking, shading, noise, light pollution or other adverse impact on local character and amenities.
- 12.4 Spinney Cottage is a listed building located to the east of the application site and at a slightly lower site level. Its boundary is relatively open with limited screening. The owner has expressed concerns that the proposal would impact on his listed building, would reduce the light into the dwelling and lead to overlooking.
- 12.5 Discussions with the Conservation Officer have confirmed that they did not need to be formally consulted because the proposal is not considered to impact on the setting of the listed building. When considered the setting of the listed building there is an acceptable separation from Spinney Cottage and as such it would not adversely affect its historic curtilage.
- 12.6 There would be a separation distance of the application site with Spinney Cottage of 12 metres from the single-storey element and 15 metres from the two-storey extension. This degree of separation would be less than the 21m usually recommended in a built up urban area. Two first floor rear facing windows already exist but these serve a bathroom (which is obscurely glazed) and a landing area only. The proposal would introduce two new rear facing windows which due to the limited separation to the boundary, site levels and direct relationship with the windows and front garden of Spinney Cottage could have an adverse impact on their amenity. However, the window in the existing rear wall could be inserted under permitted development rights and as such with this fallback position

the additional impact of this window would be difficult to object to. Furthermore, the layout has been revised so that the second rear facing window is high level only so as to mitigate its overlooking impact to an acceptable level

- 12.7 Spinney Cottage has only small windows which currently do not allow much light into the property. However, the recent removal of a large tree from the rear garden of No 5 will have already improved the light entering Spinney Cottage's two first floor windows on the west elevation. Furthermore there would still remain an unbuilt and open area between the proposal and the garage which would retain a spacious feel around the property. Notwithstanding this existing situation, due to the separation between these two properties, light to Spinney Cottage would not be unduly harmed by the current proposal.
- 12.8 There is a separation in excess of 8.0 metres to the side of No 4 Shearsbrook Close and there would remain an area of open frontage between the extension and the existing retained garages. There is an existing clear glazed first floor bedroom window on this side facing elevation. The proposed new window on the side elevation facing No 4 would serve a bathroom and be obscure glazed so although these two properties would have facing windows on the side elevation there would not be an issue of overlooking. The new front and rear windows would only have oblique views of this neighbour which would be acceptable in this urban environment. There would be no adverse impacts on the other neighbour, No 6, as a result of this development.
- 12.9 It would have been preferable for the two-storey side extension to have had a recessive roof height and a setback from the front elevation in order to present a more subservient appearance. However the application property has a lower roof height than the other half of this pair of semi-detached properties with the adjoining property (No 6) having a ridge that is 0.8 metres higher, such that No 5 already presents a subservience it's other pairing. This, in addition with the separation that would be retained to No 4 would in this instance ensure that the current proposals have an acceptable impact on the street scene.
- 12.10 The proposed single-storey element would have a form that would respect the existing dwelling and is generally considered to be an acceptable development which would not adversely impact on the street scene, the character of the area or neighbour amenity.
- 12.11 The proposal would increase the number of bedrooms to 4, the requirement set out in the NFDC document "Parking Standards Supplementary Planning Document" adopted in October 2012 recommends an average provision of 3 on-site car parking spaces for a four bedroomed property. Paragraph 3.4 states that if a development provides significantly less than the recommended provision consideration will need to be given as to whether there is likely to be an unsatisfied demand which could lead to severe road safety hazards or serious environmental damage. In this case, there would be adequate parking provision for three vehicles if the garage were to be used for this purpose, furthermore additional parking space could be made available within the curtilage to the front of the property to provide for future demands for on-site parking provision if required.

12.12 A condition would be imposed to ensure that the materials proposed for the construction would match those existing and therefore will be in keeping with the host dwelling and its surroundings in the built up area.

12.13 Overall the proposed development would be consistent with Core Strategy policies and objectives and as such the application is recommended for permission.

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

13. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: MBA/100/001, MBA/100/002, MBA/100/003, MBA/100/004, MBA/100/005, MBA/100/006, MBA/100/007 A & MBA/100/008 A.

Reason: To ensure satisfactory provision of the development.

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

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

4. The first floor window on the north side elevation of the approved building (extension) shall be obscurely glazed and fixed shut at all times unless the parts that can be opened are more than 1.7m above the floor. The aforementioned windows should be fitted with obscure glass with a minimum obscurity of level 3 glazing and not an applied film.

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

5. The first floor window on the east rear elevation of the approved building (extension) shall at all times be retained as a high level window so its cill height is more than 1.7m above the floor.

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

Notes for inclusion on certificate:

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

In this case all the above apply. Amended plans have been accepted that revised the first floor rear window arrangement to address concerns raised about overlooking. Subject to this the application was acceptable as submitted no specific further actions were required.

2. This decision relates to amended / additional plans received by the Local Planning Authority on 30.11.17

Further Information:

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Planning Development Control Committee

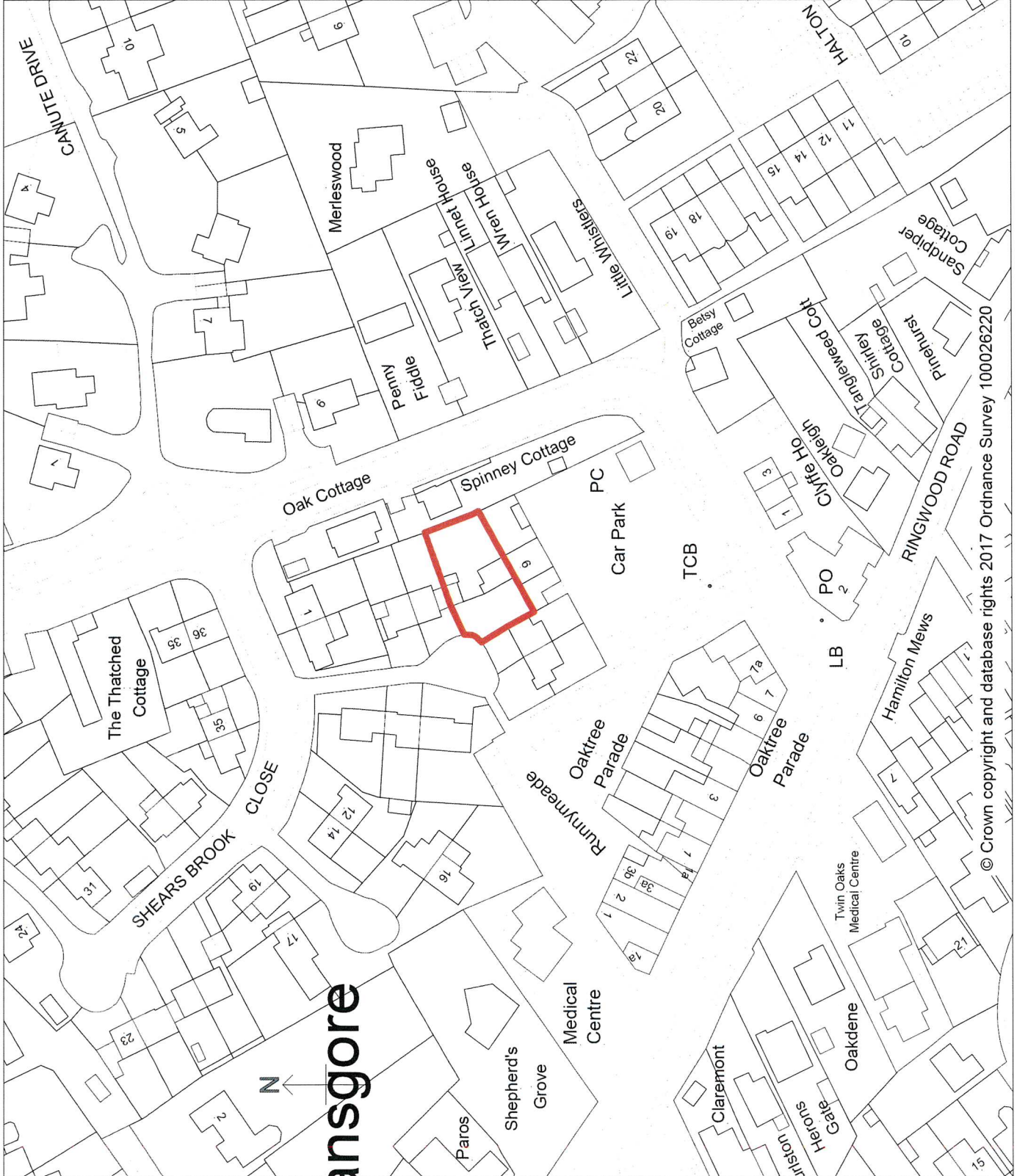
December 2017

Item No: 5e

5 Shearsbrook Close
Bransgore
17/11282
SZ1898

Scale 1:1250

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Application Number: 17/11283 Full Planning Permission

Site: DAMERHAM BAPTIST CHURCH, LOWER DAGGONS LANE,
SOUTH END, DAMERHAM

Development: Use as dwelling; single-storey extension; fenestration alterations;
rooflights; flue; parking; septic tank

Applicant: Mr & Mrs Ferguson

Target Date: 07/11/2017

Extension Date: 18/12/2017

RECOMMENDATION: Refuse

Case Officer: Peter Burridge

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Member view and Parish Council views and a departure from policy

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Area of Outstanding Natural Beauty
Aerodrome Safeguarding Zone
Meteorological Safeguarding
Plan Area
Groundwater Protection Zone

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
7. The countryside
8. Biodiversity and landscape

Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS8: Community services and infrastructure
- CS9: Settlement hierarchy
- CS10: The spatial strategy
- CS13: Housing types, sizes and tenure
- CS15: Affordable housing contribution requirements from developments
- CS24: Transport considerations
- CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

DM1: Heritage and Conservation

DM3: Mitigation of impacts on European nature conservation sites

DM20: Residential development in the countryside

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

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

Mitigation Strategy for European Sites

Residential Design Guide for Rural Areas

Housing design, density and character

Parking Standards

Conservation Areas

Landscape Types and Character Areas Map

Policy CS15 (Affordable Housing)

Cranborne Chase AONB Management Plan

6 RELEVANT PLANNING HISTORY

None relevant

7 PARISH / TOWN COUNCIL COMMENTS

Damerham Parish Council recommend permission under option 3 with the following comments:-

- The Parish Council strongly support this application to bring the vacant, disused building back into a positive use to assist a young family to move into the village;
- We understand there have been several discussions with the planning authority in order to come to a proposal both applicant and planning officer are happy with;
- The immediate neighbour has pledged their support of the application.

8 COUNCILLOR COMMENTS

Cllr Edward Heron: supports the application:

'While it is accepted that the conversion of the former Baptist chapel to residential use may be contrary to policy, the building is no longer required for its original purpose, is not suitable for nor is there funding available for an alternative community use and is unsuitable by reason of location and conversion costs for an employment use. The proposed conversion to a single dwelling is sympathetic to the existing building and the surrounding area.'

9 CONSULTEE COMMENTS

- 9.1 Ecologist: no objection subject to conditions
- 9.2 Tree Officer: no objection subject to condition
- 9.3 Landscape Officer: no objection subject to condition
- 9.4 Conservation Officer: objection
- 9.5 Hampshire County Council Highway Authority: no comment (below threshold)
- 9.6 Archeologist: no objection subject to condition
- 9.7 Estates and Valuations: advises that the premises should be marketed to establish whether there would be demand for the building for alternative uses.

10 REPRESENTATIONS RECEIVED

One letter received in support of the proposal:

- The applicants will be an asset to the village;
- The property is completely unsuitable for a commercial use;
- There would be an objection to a commercial use for the building;
- It is hoped that planning permission is granted.

11 CRIME & DISORDER IMPLICATIONS

Not relevant

12 LOCAL FINANCE CONSIDERATIONS

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

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

Based on the information provided at the time of this report this development has a CIL liability of £2024.

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

In this case, the application has been submitted further to pre-application discussions with the agent and applicants at which time the objections to the proposal have been made known. These are acknowledged within the Design and Access Statement which has been submitted.

14 ASSESSMENT

Introduction

- 14.1 The application relates to Damerham Baptist Church and seeks permission for its conversion to a two-bedroom dwelling. Damerham Baptist Church falls within the countryside and the Cranborne Chase Area of Outstanding Natural Beauty. The site is also within the Conservation Area, the boundaries of which wrap around the north, west and southern sides of the site. There is a group of trees on the eastern site boundary which are protected by a group tree preservation order; there is a further tree part way along the access drive which is also protected. 'The Old Cottage' in front of the church is listed. It is understood that the building served as a Baptist Chapel until December 2015.
- 14.2 Damerham Baptist Church is an attractive Victorian building comprising brick elevations under a pitched slated roof. A block lean-to extension provides toilet and kitchen facilities, with a further brick lean-to at the rear which provides a function room. Access to the church is via a long narrow private lane flanked by hedgerows/ trees. Land surrounding the chapel is open and laid to grass with no formal parking/ garden area.

Principle of Development

- 14.3 Policy DM20 cites that residential development in the countryside will only be permitted where comprising a limited extension to a dwelling, the

replacement of a dwelling or affordable housing to meet a local need or provide an agricultural or forestry worker's dwelling. The application is contrary to this policy and has been advertised as a departure to the planning policy. The Design and Access Statement acknowledges that the proposal is not policy compliant but does refer to two other permissions that have been granted (at Whitsbury and Harbridge) where 'material considerations are considered to outweigh that general aim'. In reply, each planning application must be assessed on its own merits and the circumstances of these applications are considered to differ. There is an objection to the application on this basis.

- 14.4 Policy DM24 cites that development that would result in the loss of rural community facilities will not be permitted except where:
- a) alternative equivalent provision is secured as part of the development proposal; or
 - b) the proposed development use would provide greater community benefits, for which there is a recognised local need, than the use lost; or
 - c) the use of the site or building has an adverse impact on the character and amenities of the area which is not capable of being resolved by appropriate measures.

The application is also not considered to comply with this policy thus there is a policy objection to the proposal on this basis. However, the Design and Access Statement has sought to address this policy objection.

- 14.5 In reply, the agent reasons that the proposal will provide a community benefit given that the existing building is empty and that a residential reuse will provide benefits to the local community through helping to sustain other local services (eg the primary school and public house) and will also secure the future of the building that is an established part of the built heritage of the village. Alternative uses are also considered to be unviable; this is addressed below.

Alternative Uses

- 14.6 The application seeks to demonstrate that there is no viable alternative use for the building and the application is supported by a letter from a local estate agent and a Viability Study. The letter, dated 6 December 2016, suggests that the lack of alternative uses rests on 3 issues comprising viability, access and demand. The letter also highlights that Damerham already has a village hall, pub and school while the application site benefits in having its own access and land which could be made into garden space. The Viability Study, 3 November 2016, concludes that all commercial uses are unviable with the demand for offices and workshop units in rural areas essentially non-existent and that such locations present problems in terms of the lack of public transport, the lack of infrastructure and services and difficulties of access.
- 14.7 The Council's Estates and Valuation Manager has considered the information submitted but advises that it is necessary for the premises to be marketed at the agreed current use value totalling £70,000 to find out whether the predicted lack of demand for other uses is correct; instead the Viability Study contains opinion as to why no demand would be expected. Until an open and fairly reported marketing campaign to reflect the current use value has been submitted (which would negate the need for a developers profit), other policy compliant uses can not be reasonably discounted.

Design/ Conservation Area

- 14.8 The application has been subject to pre-application discussions at which time, design based objections to the proposal have been discussed in addition to the policy objections as detailed. This submission accounts for some concerns that have previously been raised with the rear lean-to extension initially to have been replaced and with a larger side extension previously shown. The application does not however address many further concerns and also backtracks on some other areas reverting to earlier proposals. These issues are acknowledged by the Design and Access Statement advising that the applicants are unable to agree with the Local Planning Authority on a number of fundamental points and therefore, in order to progress this matter, an application has been made.
- 14.9 By way of explanation, it is considered that any successful scheme for the reuse of this building should be a simple low key use that would preserve the main hall without subdivision or major alteration; the existing building is characterised by both its simplicity and the comparatively large open space provided by the main building. For this reason, from the outset, Officers have maintained the view that the Council would seek to resist any proposal for a mezzanine floor which would destroy this key characteristic and be visible through the side windows.
- 14.10 Externally, the number of alterations proposed are extensive. All external windows would be altered with important cill heights lowered and roof lights added. The front elevation would not escape alteration and the commemorative plaque reading 'Baptist Chapel 1863' would be moved. The new first floor would be visible through the windows (and particularly prominent at night) whilst services to the side walls are likely to be required and an external flue is shown to the roofline. This degree and extent of external alteration would have a harmful effect on the building adversely impacting upon its simple form. The Conservation Officer further concludes that this would result in an adverse impact on the setting of the Damerham Conservation Area due to its open aspect and edge of settlement location.
- 14.11 Regarding the extension, it is acknowledged that removal of the concrete block addition is of benefit and that the rear lean-to would be retained. However, the large number of roof lights and full height glazed doors would add a distinctly domestic character to this part of the building, while the proposed side extension would relate poorly comprising a flat roofed addition that would extend beyond the side of the rear lean-to, encompassing the corner of the main church. It is considered that a significant reduction in the amount of accommodation sought would be required should a residential scheme be supported.

Landscape Impact

- 14.12 The application site occupies a sensitive position on the southwest extent of the village within the Cranborne Chase Area of Outstanding Natural Beauty and the Conservation Area where the landscape is characterised as Enclosed Arable Farmland within the landscape character area of Damerham and Rockbourne Valley. The site is considered to be typical of this landscape character reached along a long narrow track flanked by hedges, contained by Green Bank Copse and Crockers Copse to the west and mature trees and native hedges along its boundaries backed by a small scale unimproved paddock. It sits above the village with long and

rare views over the village and valley, in an isolated and tranquil location. There are no views into the site from public footpath routes or the highway network, except for limited and curtailed views up the access track.

- 14.13 The application suggests that very little change would be made to the character of the site but it is difficult to see how this highly sensitive location would retain its isolation and tranquillity once changes are made; notably the introduction of roof lights and when the external space is given over to domestic paraphernalia and parking. On the latter, the application does not address how the narrow track would accommodate construction traffic without harm to its enclosing hedges. Nonetheless, overall, it is considered that it would be difficult to substantiate any landscape objection even though its impact, e.g. the narrow access track would widen over time with constant use and domestic paraphernalia would be likely to increase to support this use. Therefore, on balance there is no associated objection to this application. In the event that planning permission is granted, a landscape condition is suggested requiring details of enclosures, boundary treatments, surfacing materials and planting.

Trees

- 14.14 The location of the site within the Conservation Area affords protection to the trees on the site while there is also a Tree Protection Order encompassing trees growing on the boundary line of the Church, within the curtilage of The Old Cottage to the front.
- 14.15 The Tree Officer cites that works to the Church are unlikely to directly adversely affect the boundary trees, although associated building activities have the potential to cause harm; details on how the trees would be protected are therefore required given that no information has been supplied. It is considered that this information can form the basis of an appropriately worded condition should planning permission be granted.

Ecology

- 14.16 The application is supported by a Daytime Bat and Nesting Bird Survey Report dated February 2017. The Council's Ecologist has raised no objection to the application subject to securing the recommendations for biodiversity protection and enhancement detailed within this report, and in particular the Biodiversity Mitigation Plan in appendix 2 via a suitable condition (which allows for variation in agreement with the Council in the event of any ecological changes during the period of the consent).
- 14.17 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.

Residential Amenity

14.18 The application site is remote from neighbouring dwellings with the exception of The Old Cottage, in front with the access track to the site adjoining the north flank boundary of this property. While the proposal would have an impact, it is not considered that any significant adverse impact in residential amenity would be caused. In this regard, given that the track currently serves a church, its use could be more intensive than for a single dwelling (albeit probably not the case in this instance). Accordingly, there is no associated objection to this proposal.

Highway Safety

14.19 During pre-application discussions, Hampshire Highways have advised that any application should be supported by a swept path analysis to show that turning within the site is feasible to allow vehicles to enter and leave the site in forward gear. The restrictions on access were highlighted given that it would be unlikely that refuse or emergency service vehicles would be able to enter. Therefore as the existing church is located in excess of the recommended carry distance for refuse vehicle operatives a suitable bin store should be provided in close proximity to the highway. As the church is located in excess of the criteria laid down in the Manual for Streets in respect of a fire appliance, consideration should be given to a sprinkler system to avoid the need for a fire appliance to enter the site.

14.20 The application is devoid of these details but given its existing use as a church which could generate more traffic than a dwelling, it is considered that any associated refusal reason would be unsustainable. In the event that permission was granted, cycle and bin storage should be secured through appropriately worded conditions. The need for a sprinkler system would be addressed by building regulations legislation.

14.21 In conclusion, it is considered that the proposal would result in an unjustified permanent dwelling in this sensitive countryside location and the proposed works would detract from the simple architectural form of the existing building.

Human Rights

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

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
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Dwelling houses	148	125	23	23	£80/sqm	£2,024.00 *
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Subtotal:	£2,024.00
Relief:	£0.00
Total Payable:	£2,024.00

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

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

Where:

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

R = the levy rate as set in the Charging Schedule

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

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposed development would result in an unjustified new permanent dwelling in a sensitive location within an area of countryside that forms part of a designated Area of Outstanding Natural Beauty. The proposed dwelling would further be unjustified because it has not been demonstrated that the existing redundant building could not be reasonably used for alternative purposes that would be consistent with the Council's Local Plan policies. The proposal is therefore considered to be contrary to the provisions of the NPPF, Planning Policies of the Core Strategy for the New Forest District outside of the National Park (Adopted October 2009) and planning policies DM20 and DM24 of the Local Plan Part 2: Sites and Development Management Document (Adopted 2014).

2. The development proposed would result in the unsympathetic, inappropriate and overly intensive conversion of an existing Victorian chapel building which comprises a non-designated heritage asset in a sensitive position on the edge of the Damerham Conservation Area and within the Area of Outstanding Natural Beauty and which is characterised by its simple architectural form. The application fails justify the extent of the alterations which are proposed which would be harmful to the significance of the building and its relationship and contribution as a building within the Conservation Area. The proposal is therefore considered to be contrary to the provisions of the NPPF, polices CS1, CS2 and CS3 of the Core Strategy for the New Forest District outside of the National Park (Adopted October 2009) and planning policies DM1 of the Local Plan Part 2: Sites and Development Management Document (Adopted 2014).

Notes for inclusion on certificate:

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

In this case, the application was been submitted further to pre-application discussions with the agent and applicants at which time the objections to the proposal were made known. These were acknowledged within the Design and Access Statement which was submitted.

Further Information:

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**Planning Development
Control Committee**

December 2017

Item No: 5f

Damerham Baptist Church
South End
Damerham
17/11283
SU1015

Scale 1:1250

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scale.



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Application Number: 17/11316 Full Planning Permission

Site: 2 HIGH STREET, TOTTON SO40 9HN

Development: Change of use of ground floor to (C3) 3 residential flats; window alterations

Applicant: Mr Newman

Target Date: 22/11/2017

RECOMMENDATION: Refuse

Case Officer: Richard Natt

1 REASON FOR COMMITTEE CONSIDERATION

Request of Member of Planning Committee.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Town Centre
Built up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

CS2: Design quality
CS8: Community services and infrastructure
CS10: The spatial strategy
CS20: Town, district, village and local centres

Local Plan Part 2 Sites and Development Management Development Plan Document

DM3: Mitigation of impacts on European nature conservation sites
DM16: Within town centres, outside Primary Shopping Areas and Secondary Shopping Frontages

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Parking Standards

SPG - Totton Town Centre - Urban Design Framework

6 RELEVANT PLANNING HISTORY

6.1 One block of 8 flats (82079) Refused on the 6th September 2004. Appeal dismissed

6.2 Change of use of ground floor to dance studio with living accommodation over (35325) Granted with conditions on the 9th September 1987.

6.3 Additional use of the existing ground floor dance studio (Use Class D2) as café (Use Class A3), extraction flue (99105) Granted with conditions on the 3rd April 2013

7 PARISH / TOWN COUNCIL COMMENTS

Totton Town Council: Recommend refusal - This application is very similar to a previous application which was rejected in 2015. The key issues regarding that application still remain. The loss of ground floor commercial frontage is strongly objected to by the Town Council in accordance with the planning policy. Also the amenity and quality of three flats in this location would be very poor.

8 COUNCILLOR COMMENTS

Councillor David Harrison requests Committee consideration

9 CONSULTEE COMMENTS

Valuer: Given the prominence of this property, the near 100% occupancy rate in the locality and the condition that the owner has chosen to present the property in, it is considered that the situation has not changed since the previous application back in 2016 and that lack of demand for business or assembly type uses is not proven.

10 REPRESENTATIONS RECEIVED

None

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive New Homes Bonus £3672 in each of the following four years, subject to the following conditions being met:

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

Based on the information provided at the time of this report this development has a CIL liability of £16,368.00.

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

No pre application advice was sought and there are objections in principle to the loss of the ground floor of the building to residential uses. Revised plans would not overcome these principle concerns.

14 ASSESSMENT

- 14.1 The site is located within the town centre of Totton and the existing building occupies a prominent position at the corner of High Street and Eling Lane. The existing building is very attractive and is described in the adopted Totton Town Centre Urban Design Framework as a 'Landmark Building'. The existing two storey building on the site was used as a Dance Studio on the ground floor with residential accommodation on the first floor for many years. Planning permission was granted in 2012 for a cafe on the ground floor in addition to the Dance Studio, however, it is not clear whether the cafe use was implemented. The ground floor is currently vacant.
- 14.2 The building occupies a prominent corner position in quite a large secondary commercial area that provides a base for a wide range of retail and service based businesses. This includes everything from specialist traders, hair and beauty salons, employment agents, professional services and a range of hot food outlets. Business concerns

in this locality are distributed across High Street / Rumbridge Street and Eling Lane / Junction Road forming a distinct area a short walk from Totton town centre.

- 14.3 A planning application was refused in 2015 under planning reference 15/11697 for the conversion of the ground floor into 3 flats. The application was refused on the grounds that the proposed change of use of the ground floor of the building to residential uses would have resulted in the loss of an active ground floor frontage and loss of appropriate non retail uses which play an important role in the sustainability of the town centre in providing local shopping, leisure, commercial and service facilities. Moreover, it was considered that the site is capable of being satisfactorily used for alternative business or employment uses in this prominent town centre location. For this reason, the proposal is contrary to Policies CS20 of the Core Strategy for New Forest District outside the National Park, Policy DM16 of the Local Plan Part 2 Sites and Development Management Document. An appeal was lodged but subsequently withdrawn.
- 14.4 This planning application is to use the ground floor of the premises as three flats. It is also proposed to carry out fenestration alterations, retain the car parking arrangements and provide a bin store. This application is supported with a Design and Access Statement and marketing details. The applicant has submitted a marketing appraisal and design and access statement which states that the proposal would provide much needed residential uses which would be wholly appropriate in this area and would complement the other uses including shops. There is an empty building on the corner of Rumbridge Street and Junction Road and there are other examples of empty boarded up shops. This current application is essentially identical to the previous submission. The main issues to consider are whether there have been any changes in circumstances at the site and the surrounding area policy.
- 14.5 There have not been any material changes in local plan policy. The only change in circumstances at the site is that the building is now vacant. As set out in the previous application, the site lies within Totton town centre but outside of any of the primary shopping areas and primary and secondary shopping frontages. The relevant policies to this application are Policy CS20 of the Core Strategy and Policy DM16 of Local Plan Part 2.
- 14.6 Policy CS20 seeks to maintain active ground floor frontages, within town centres, district centres and local centres with appropriate town centre uses. Policy DM16 specifically applies to town centre locations that sit outside of the primary shopping area, and primary and secondary shopping frontages, and states that residential development may be permitted where it does not result in the loss of retail, appropriate non-retail, or other employment or business uses, or sites which are capable of being satisfactorily used for an alternative business or employment use appropriate to a town centre location. Appropriate non-retail uses are defined in paragraph 2.93 and include leisure and entertainment uses such as cafés. The proposed change of use of the existing ground floor to residential would constitute an undesirable change of use and would result in the loss of appropriate non-retail uses. The building is capable of being satisfactorily used for an alternative business or employment use appropriate to a town centre.

- 14.7 Furthermore, the site is a ground floor unit in a prominent location on the corner of the interchange between High Street, Eling Lane and Rumbridge Street, and therefore has the potential to attract a reasonable level of footfall, offers a high level of prominence and visibility which could be attractive to a commercial occupier. The premises have been occupied by commercial/leisure uses for a considerable time and could continue to be so. It is probable that residential development of this site would have an adverse effect on the ground floor frontage and on the vitality of the area as a whole. This proposal is therefore contrary to policy CS20 and policy DM16.
- 14.8 The Council's Valuer has assessed the submitted marketing report and re-assessed the original comments provided in February 2016 and visited the site to see whether trading conditions have changed since the first application. Concerning the general demand for business premises in this location, there are only two other vacant premises in lettable condition in the Rumbridge St, Eling Lane, Junction Rd and High St area of Totton. The two properties comprise a small shop opposite the subject property but with no advertising sign or contact details and therefore possibly not available. The other vacant property is a standard size shop adjacent to the Co-op in Rumbridge St where the letting agent has informed that a letting is currently proceeding. Therefore the locality appears to have further proved its resilience in the current market and good demand from local business is clearly visible.
- 14.9 It should be noted that an application was recently refused under reference 17/10383 to demolish the existing building opposite the site at 4-6 Rumbridge Street and to construct a 3-storey building containing a ground floor commercial unit (in Use Classes A1, A2 or A3), and 8 flats on upper floors. The application was only refused on design grounds. An appeal was lodged and dismissed. It is considered that this could be brought forward for development with commercial use on the ground floor, subject to resolving design issues.
- 14.10 It should also be noted that there is a vacant unit at No 23A Rumbridge Street. No 23A was a former shop and there is a current Prior Approval Application being considered to use the unit as a cafe. This highlights that although there are vacant units within the vicinity of the site, there are proposals to provide commercial uses at ground floor.
- 14.11 The vendors agent puts forward the view that the fact that they have been unable to secure a letting demonstrates that there is no demand, however the Council's Valuer considers that the reason no tenant(s) have been secured is that the building is not in lettable condition as can clearly be seen from the photographs of the interior shown on the agents letting details (as reproduced in their report). The unit has been completely stripped, which would make it unattractive for potential business users. For a case to be made that there is no business demand the property would need to have been marketed in tenatable condition as the time delay caused by essential building works and the substantial cost of the works would not be manageable by small local concerns that typically occupy premises in tertiary locations.
- 14.12 Given the prominence of this property, the near 100% occupancy rate in the locality and the condition that the owner has chosen to present the property in, the Council's Valuer considers that the situation has not changed since the previous application back in 2016 and that lack of demand for business or assembly type uses is not proven.

- 14.13 On this basis, while the premises has been marketed, this does not override the policy objection that a residential use on the ground floor would not be desirable in this prominent town centre location and that the unit could be used for a number of alternative retail and appropriate non retail uses.
- 14.14 Visually the only changes to the appearance of the building are two ground floor windows on the rear elevation and a new doorway on the front elevation. No other changes are proposed. It is considered that these changes would be acceptable. The proposal would not provide any amenity space for the residents. The whole area to the rear of the building would be used for car parking. Flat B would have views only onto the car parking, whereas the two other flats proposed would face the two roads. It is considered that the proposal would not provide a high quality living environment to these residents. However, whilst this is a concern, a reason for refusal on this basis would not be sustainable at appeal.
- 14.15 While the Highway Authority have not been consulted, the site is sustainably located close to all the required amenities and facilities and close to public transport including bus and rail.
- 14.16 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 adverse impacts of development set out above significantly and demonstrably outweigh the benefits.
- 14.17 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.
- 14.18 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.
- 14.19 In conclusion it is considered that loss of the commercial use of the ground floor of this building would have an adverse impact on the sustainability of this part of Totton.

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

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling Houses	186		186	186	£80/ sqm	£16,368.00 *
Subtotal:	£16,368.00					
Relief:	£0.00					
Total Payable:	£16,368.00					

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

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

Where:

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

R = the levy rate as set in the Charging Schedule

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

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposed change of use of the existing ground floor unit to flats would constitute an undesirable change of use and would result in the loss of an active ground floor frontage and loss of appropriate non retail uses which play an important role in the sustainability of the town centre in providing local shopping, leisure, commercial and service facilities. Moreover, it is considered that the site is capable of being satisfactorily used for an alternative business or employment use in this prominent town centre location. For this reason, the proposal is contrary to Policies CS20 of the Core Strategy for New Forest District outside the National Park, Policy DM16 of the Local Plan Part 2 Sites and Development Management Document.

Notes for inclusion on certificate:

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

No pre application advice was sought and there are objections in principle to the loss of the ground floor of the building to residential uses. Revised plans would not overcome these principle concerns.

Further Information:

Richard Natt

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**Planning Development
Control Committee**

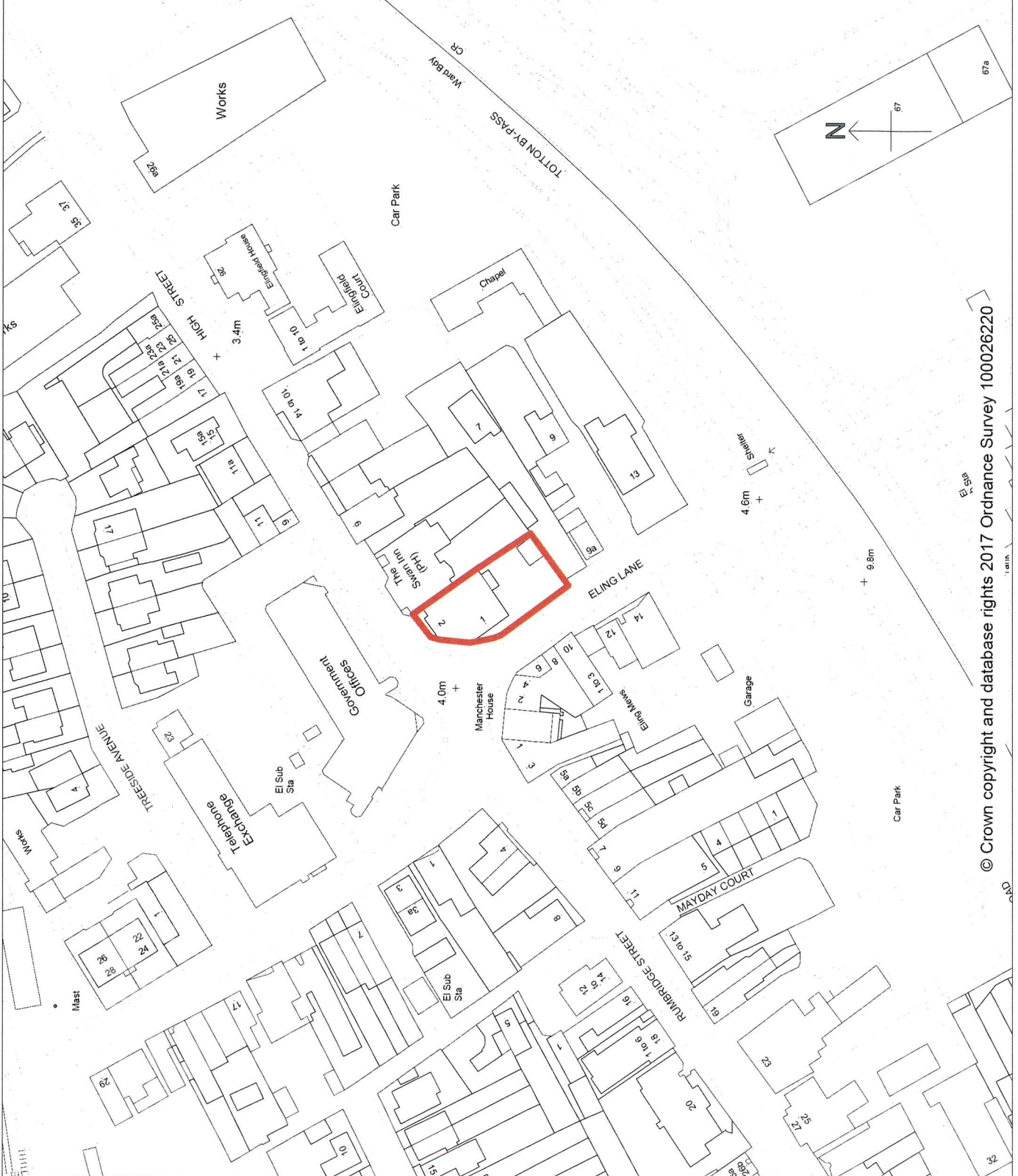
December 2017

Item No: 5g
2 High Street
Totton

17/11316
SU3613

Scale 1:1250

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Application Number: 17/11318 Full Planning Permission

Site: 33 THORNBURY AVENUE, BLACKFIELD, FAWLEY SO45 1YQ

Development: First-floor side extension; front porch

Applicant: Miss Finch

Target Date: 28/11/2017

Extension Date: 18/12/2017

RECOMMENDATION: Refuse

Case Officer: Kate Cattermole

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Plan Area
Aerodrome Safeguarding Zone
HSE Consultation Zone

Plan Policy Designations

Built-up Area

National Planning Policy Framework

Section 7

Core Strategy

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

Supplementary Planning Guidance And Documents

None relevant

3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

4 RELEVANT SITE HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
14/11329 Single-storey rear extension (Lawful Development Certificate that permission is not required for proposal)	11/11/2014	Was Lawful	Decided	

5 COUNCILLOR COMMENTS

No comments received

6 PARISH / TOWN COUNCIL COMMENTS

Fawley Parish Council: recommend permission.

7 CONSULTEE COMMENTS

No comments received

8 REPRESENTATIONS RECEIVED

2 representations that express full support for the application

9 CRIME & DISORDER IMPLICATIONS

None relevant

10 LOCAL FINANCE CONSIDERATIONS

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

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

11 WORKING WITH THE APPLICANT/AGENT

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

No pre application advice was sought prior to the application being submitted. Concerns were raised at the initial briefing, but these have not been responded to. As the application now falls to be determined, significant harm to the street scene and character of the area have been identified and a refusal of this proposal is therefore recommended.

12 ASSESSMENT

- 12.1 The application site consists of a semi detached house situated in an established residential road, in the built up area of Blackfield. The road has a varied street scene, being a mixture of styles and types of dwellings.
- 12.2 The property forms part of a pair of hipped roofed semis with mirrored cropped gables on the front elevations, and connected by an inset recessive 2 storey element. The semis are distinguishable as they have contrasting finishes, the application site having a painted brick finish compared to the brick finish of the other half of the semi. The other notable differences between the two properties are the style of porch and windows. To the west of the application site is another pair of semis, which were built to the same design and also have contrasting external finishes.
- 12.3 The proposed extension would extend out over the existing driveway, and would be open at ground floor level, to allow access to the retained garage to the rear of the dwelling. This open undercroft would be 2.6 m high and 3.2 m wide resulting in an inappropriate, disproportionate and poor frontage to the extension which would be dominant in views from the street scene.
- 12.4 Furthermore, the hipped roof over the extension would continue the existing ridge line and would be flush with the front elevation. Due to the height, form and lack of set back, the proposed extension would erode the proportions of the original house and reduce the dominance of the projecting cropped gable.
- 12.5 Furthermore, design of the side extension and introduction of the front dormer would not be sympathetic to the form of this pair of semis and by reason of its elongated ridge line and siting, the proposed side extension would unbalance the symmetry of these dwellings. As such, by reason of its siting, size and design the proposed two storey side extension would be an incongruous form of development that would be intrusive within the street scene and detract from the appearance of the dwelling and character of the wider area.
- 12.6 The neighbouring property, no 31 Thornbury Avenue, is set away from the side boundary, and although the extension would be closer to this property a separation of a minimum of 3.5 m would be retained. Due to this relationship of these two properties the proposed extension would not adversely impact upon their amenities.
- 12.7 The proposed porch would replace an open porch and extend 2 metres from the front of the property. The neighbouring semi has a fully enclosed porch, and the neighbouring pair of semis also have differing styles of porches on the front elevation. The proposed porch would appear proportionate in scale and form to the existing dwelling and given other porches in the immediate vicinity would be an acceptable form of development in this location. Nevertheless, as a split decision cannot be issued and as there is identified harm arising from the proposed side extension a refusal is justified in this case.

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

13. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. By reason of its lack of set back, overall size, elongated ridge line and height, the proposed two storey side extension would erode the distinctive proportions of the existing dwelling. Furthermore, the introduction of the front dormer and the open ground floor design of the two storey extension would further undermine the appearance of the property within the street scene and be unsympathetic to the form of existing property unbalancing the symmetry of the pair of semi-detached houses. As such it would be an incongruous and harmful addition adversely impacting upon the appearance of the dwelling and the street scene and detracting from the wider character of the area, contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park, and Chap 7 of the National Planning Policy Framework.

Notes for inclusion on certificate:

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

No pre application advice was sought prior to the application being submitted. Concerns were raised at the initial briefing, but these have not been responded to. As the application now falls to be determined, significant harm to the street scene and character of the area were identified and a refusal of this proposal was recommended.

Further Information:

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**Planning Development
Control Committee**

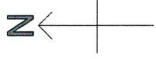
December 2017

Item No: 5h

33 Thornbury Avenue
Blackfield
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SU4401

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Application Number: 17/11350 Full Planning Permission

Site: 36 PADDOCK GARDENS, LYMINGTON SO41 9ES

Development: Use of land as garden land; relocation of boundary wall

Applicant: Mr Brunning

Target Date: 27/11/2017

RECOMMENDATION: Refuse
Case Officer: Peter Burridge

1 REASON FOR COMMITTEE CONSIDERATION

Discretion of Service Manager Planning and Building Control

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up Area
Aerodrome Safeguarding Zone
Plan Area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

CS2: Design quality

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 Supplementary Planning Document (Feb 2011)

6 RELEVANT PLANNING HISTORY

ENQ/15/21303 Advice was given on the form of development now proposed when it was considered that this form of development was likely to be supported subject to resolution of issues relating to the service margin

7 PARISH / TOWN COUNCIL COMMENTS

Lymington and Pennington Town Council: recommend refusal; as we concur with the case officer, concerns with oppressive nature of the boundary treatment

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 application has been recommended for refusal with the applicant previously advised of the concerns set out below through the Parish Briefing.

14 ASSESSMENT

- 14.1 The application relates to a detached two-storey dwelling in Paddock Gardens, Lymington and seeks planning permission for a change of use of land to garden land to include land currently sited beyond the rear boundary wall. The proposal also seeks planning permission for the rebuilding of this wall in a new position closer to the highway to encompass the newly extended garden.
- 14.2 There is an objection to this proposal because this existing area of land, which forms part of the original estate layout, contributes positively to the character and appearance of the area. Such pockets of green space are therefore an important feature. The proposal would be contrary to policy CS2 that requires all new development to contribute positively to local distinctiveness and sense of place. Further, the position of the wall would appear oppressive to users of the highway.
- 14.3 Notwithstanding the above, it is acknowledged that the applicant entered into pre-application discussions with the Council in 2015 at which time similar plans were submitted. At this time, significant weight was attached to the large area of open space to the east of the application site and on this basis, the Officer concluded that the loss of the area to the rear of the application site would not significantly impact on the open character of the street scene and would be acceptable. This was subject to the wall being set back 1.8m (as now shown) to avoid a 1.8m wide service margin highlighted by Hampshire Highways.
- 14.4 The purpose of the large open area is however considered to differ from this small landscaped strip, which historic street view images show provided trees and planting at least up until 2011. Regard has also been had to a not dissimilar application at 5 Ditchbury in Lymington (ref 17/11183) refused by the Committee on 8 November this year (albeit noting that each application should be assessed on its own merits). Therefore, on balance, it is considered appropriate to withhold planning permission in this case.
- 14.5 It is not considered that the proposal would give rise to any issues of residential amenity or highway safety which would warrant refusal of this application.
- 14.7 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is

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

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposed change of use of land and revised position of the boundary wall would result in the loss of an existing area of open green space which forms an integral part of the original estate layout and which contributes positively to the character and the appearance of the area. The loss of this area would be detrimental to this more spacious character afforded by such pockets of open green space and the revised position of the wall would appear oppressive by virtue of its height and proximity to the highway. The proposal is therefore considered to be contrary to the provisions of the NPPF and Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

Notes for inclusion on certificate:

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

In this case, the application was recommended for refusal with the applicant previously advised of the concerns through the Parish Briefing.

Further Information:

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SO43 7PA

**Planning Development
Control Committee**

December 2017

Item No: 5i

36
Paddock Gardens
Lymington
17/11350
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Application Number: 17/11352 Full Planning Permission

Site: LAND ADJACENT BROADMEAD TREES FARM, BROADMEAD,
SWAY, HORDLE, SO41 6DH

Development: 2 Houses; detached garage; stable; paddocks; access; parking; 2
sewage treatment plants; 2 rainwater harvesting tanks; demolition
of existing buildings and removal of hardstanding

Applicant: Appletree Developments (Poole) Ltd

Target Date: 01/12/2017

Extension Date: 15/12/2017

RECOMMENDATION: Grant Subject to Conditions
--

Case Officer: Jim Bennett

1 REASON FOR COMMITTEE CONSIDERATION

The application constitutes a departure from the provisions of the Development Plan.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Green Belt
Countryside
TPO No: NFDC/TPO 0031/15

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

CS2: Design quality
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
CS10: The Spatial Strategy
CS15: Affordable housing contribution requirements from developments
CS17: Employment and economic development
CS25: Developers contributions

Local Plan Part 2: Sites and Development Management Plan Document

DM2: Nature conservation, biodiversity and geodiversity
DM3: Habitat Mitigation
DM20: Residential development in the countryside
DM22: Employment development in the countryside

National Planning Policy Framework - Achieving Sustainable Development

NPPF Ch. 4 - Promoting sustainable transport
NPPF Ch. 6 - Delivering a wide choice of high quality homes

NPPF Ch. 7 - Requiring good design
NPPF Ch. 9 - Protecting Green Belt land

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

Residential Design Guide for Rural Areas
Mitigation Strategy for European Sites

6 RELEVANT PLANNING HISTORY

- 6.1 The site and building are currently vacant, but there is quite an extensive planning history for the site, including several enforcement files opened to investigate the use of the barn for purposes not related to agriculture, the most recent being EN/12/0165 for, which was closed on 6th January 2014 following cessation of the unauthorised use. Several planning applications have also been submitted and refused between 1997 and 2007 for use of the buildings for B8 (storage and distribution) purposes.
- 6.2 A planning application for 3 no. dwellings under ref. 15/10932 was withdrawn in August 2015 due to concerns raised by the Council over the number, dispersed nature and design of the proposed dwellings.
- 6.3 Prior approval was refused in August 2014 under ref. 14/10872 for change of use of building to residential dwellings.
- 6.4 Planning permission was granted for two detached houses; a detached garage and demolition of existing buildings, under ref. 16/11151 in December 2016.
- 6.5 The applicant sought the Planning Authority's view on a revised proposal for two dwellings, stable and garage, similar to the development now proposed in October 2014, under ref. ENQ/17/20825/SSRC.

7 PARISH / TOWN COUNCIL COMMENTS

Hordle Parish Council - recommend refusal but would accept the decision of the planning officers under their delegated powers. The Parish Council support the concerns of the Highway Officer, Rights of Way Officer and Tree Officer and would be unable to support this application until all these concerns have been addressed satisfactorily.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer: the site is located off Silver Street and access via Hordle Bridleway 744. There is currently no recorded public vehicular rights for the bridleway, but it is used by residents and customers for a local bed and breakfast. Confirmation that

the land owner has permission to allow vehicular access to the site should be submitted before planning permission is granted. Parking provision for both cars and cycles has been provided in the form of garages for both properties. Local parking standards indicates the required quantum to be 3 car parking spaces and 2 cycle spaces. Whilst one dwelling meets this criteria, the western dwelling only shows provision of two car parking spaces. However it is possible to keep at least one other vehicle within the curtilage of the site, and is therefore deemed sufficient. Details of refuse storage and collection should be submitted. If local refuse collection vehicles are to enter the site, then tracking drawings showing that a large refuse vehicle is able to access and egress the site in forward gear should be submitted. Until the above has been submitted, the Highways Authority is unable to provide a positive recommendation.

- 9.2 Waste Management (NFDC): no bin stores required. Waste will be collected at curtilage as normal.
- 9.3 Hampshire County Council Rights of Way: the proposed vehicular access to the development site is along Hordle Bridleway 744, there are no recorded public vehicular rights over this path. Full details of any established private vehicular rights over the public right of way should be provided. The proposals will increase vehicular use of the public right of way, which will have an adverse impact on the amenity value, highway safety, and the surface of the route. Hampshire County Council, as Highway Authority, has a duty to maintain the right of way to a standard commensurate with its expected normal public use. In the interests of the amenity of the public and highway safety we must therefore object to this application. Improvements to the surface of the right of way to cope with increased vehicular movements could be secured to mitigate the significant impact of the development.
- 9.4 Environmental Health (Contaminated Land): no objection in principle to the proposed development as submitted, subject to standard planning conditions
- 9.5 Tree Officer – is concerned about the relationship of the detached garage to protected trees but feels that his can be dealt with by condition.
- 9.6 Ecologist - no objection subject to condition to secure the proposed biodiversity mitigation and compensation measures.
- 9.7 Southern Gas Networks - no objections, but give informatives.

10 REPRESENTATIONS RECEIVED

None

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive New Homes Bonus £2,448 in each of the following four years, subject to the following conditions being met:

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

Based on the information provided at the time of this report this development has a CIL liability of £6,688.

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

13 WORKING WITH THE APPLICANT/AGENT

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

In this case the applicant sought the Council's pre-application advice on the form of development proposed and has submitted the requisite documents and plans in respect of this application. The applicant was requested to provide additional information in respect of access rights, contamination and tree impacts, in light of the comments of consultees and notified parties, but otherwise the application was acceptable as submitted and no specific further actions were required.

14 ASSESSMENT

- 14.1 The proposal relates to vacant buildings (originally constructed as agricultural buildings), extensive hardstandings and associated

grass/scrub land just off Silver Street, Hordle. The existing buildings appear to be of post war, portal frame construction, clad in concrete panels, with corrugated roofing. The footprint of the existing structure is approximately 576 square metres. The existing building is located at the centre of an area of land, (identified as being within the applicant's control), opposite Broadmead Trees Farmhouse and is within an area of open countryside defined as Green Belt. There are a number of dwellings in the locality, to the south and east of the proposal site of various types and sizes, all beyond any defined built-up area, which appear to have developed incrementally following establishment of a community around the Broadmead area in the early twentieth century. All are accessed via the same point of access from Silver Street.

14.2 The proposal would involve demolition of the existing structure and erection of 2 no. five bedroom detached dwellings, with associated garage, stable, access, parking, turning, garden curtilage arrangements and a paddock area. The footprint of the proposed dwellings would be sited mostly within the footprint of the existing structure, although slightly altered from the previous approval in order to achieve better rear garden curtilage arrangements for Plot 1. The garage has also been re-located and the stable building is new to the scheme. One dwelling would be full two storey height, the other at one and a half storeys, with a combined volume less than the existing structure on the site. The proposed materials would be red clay and slate tiles, red facing brick and timber feather edged boarding. Both dwellings would be accessed from the existing main access point into the site, itself accessed via a private road from Silver Street.

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

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

14.3.1 **(i) Is the development appropriate in the Green Belt by definition?**

The application site is located within the Green Belt and therefore the proposal must be assessed against Green Belt policies. The National Planning Policy Framework (NPPF) suggests that the construction of new buildings in the Green Belt is inappropriate other than for specific exceptions. One of these exceptions is the partial or complete redevelopment of previously developed sites (brownfield land), which would not have a greater impact on the openness of the Green Belt. The

previous application accepted that if the proposed buildings have no greater volume and are located similarly to the existing building and hardstandings, then it may be a credible argument to say that they would have no greater impact on the openness of the Green Belt. While the footprints of the proposed dwellings have changed, they have not changed markedly, still overlap the footprint of the existing building and are under the volume of the existing building. However, even if it is concluded that the proposal would have no greater impact on the openness of the Green Belt, the proposal must still be deemed inappropriate development, as (notwithstanding its most recent unlawful usage) the building is an agricultural building which cannot be considered as brownfield land. The NPPF makes it clear that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.

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

The proposed development would undoubtedly change the appearance of this land with the provision of new buildings, accesses, garden curtilages and landscaping.

Existing development on the site is comprised mainly of a large, former agricultural building. The existing buildings are of poor visual appearance and the site is generally untidy having most recently been used for unauthorised purposes. In dismissing an appeal in 1998, the inspector noted that 'the buildings at issue in this appeal are part of the main block belonging to the former tree nursery, a horticultural use, with its offices. The main block, about 18m wide and 28m long, has a high concrete frame clad with cement tile and asbestos. The building is clearly large in scale in these rural surroundings; it is prominent when seen from Silver Street and it dominates the adjoining bridleway. It is a conspicuous intrusion in the countryside'.

A volumetric calculation has been submitted which demonstrates that the existing structure equates to 3,743 cubic metres in volume and that the cumulative volume of the proposed dwellings is 2,647 cubic metres. This equates to a significant reduction in built form over the site. Given the reduced volume, existing screening by trees to the south and east and a substantial level of proposed new tree and hedgerow planting, as demonstrated by the landscape plan, it is felt that the proposal would have no greater impact on the openness of the Green Belt. Conversely it would enhance the openness of the Green Belt. The proposal would not impact significantly upon the openness of the Green Belt, which weighs in its favour.

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

- a) New dwellings in the countryside: Policy DM20 of the Local Plan Part 2 restricts development of new dwellings in the countryside. However, this proposal has arisen following recent changes to the GPDO, which allows the change of use of agricultural buildings to residential use without a requirement for planning permission. While a change of use is not proposed here, the ethos of the GPDO is adhered to as two dwellings would be provided, of smaller scale and better visual appearance than the existing building, which would not

harm the character of the area or setting of the National Park. The proposed siting does not encroach into open parts of the site, it adheres to the footprint of the existing building and concrete apron, with a backdrop of mature trees to the south and east, which assist with its integration into the landscape. The site is not elevated and the proposed buildings would be less prominent within the landscape than the existing structure, being set well back from Silver Street, of lesser mass and of acceptable design and materials. Consequently dwellings of the quality proposed may be supported, as a departure from the provisions of Policy DM20, subject to conditions to remove permitted development rights to extend the dwellings or erect further outbuildings. The proposal complies with the design related provisions of Policy CS2.

- b) Ecology Impacts: the Ecologist raises no objection to the proposal subject to a condition to ensure the proposed biodiversity mitigation and compensation measures are provided. In terms of the species protection provisions of the Habitats Directive, as implemented by the conservation (Natural Habitats Etc.) Regulations 1994 and the three "derogation tests", the comments of the Ecologist confirm that the favourable conservation status of protected species may be maintained, subject to condition. The Local Planning Authority is satisfied that there is an overriding public interest in approving the application, as evidenced by the previous responses of notified parties, who were overwhelmingly in support of the proposal on the basis of enhancement of residential and visual amenity. There is no satisfactory alternative to the form of development proposed, considering the need to adhere to the footprint of the original building and desire to remove an unsightly structure from the site. Subject to provision of the biodiversity compensation and enhancement measures, the proposal would not cause any harm to ecological interests in accordance with Policies CS3 and DM2.
- c) Tree Impacts: trees protected by Tree Preservation Order are situated along the eastern boundary and provide an important buffer between the site and main access to Broadmead, while contributing to the wider landscape and are important to the character of the area. The potential tree impacts of the development have been addressed by a Tree Survey and Plan submitted with the application. The Tree Officer has raised concerns in relation to the proximity of the garage to two protected trees however, he has confirmed that this can be dealt with by condition.
- d) Highway/ PROW Impacts: the Highway Engineer and Rights of Way Officer raise concerns over the proposed access arrangements, over a right of way. The applicant confirms they have an existing right of vehicular access to the site via this route that also serves approximately 20 other dwellings. While access across a right of way is unfortunate, officers consider the intensity and type of vehicle movements to the site posed by the proposed development would be a benefit to the applicant's fall-back position, where tractors and other agricultural traffic to and from the existing site will be a considerable benefit to highway safety. In addition, planning permission has already been granted for two dwellings on this site which would also make use of the same access over the PROW. When this previous application was considered the PROW Team at Hampshire County Council were consulted and no comments were

received. The Waste Management Section advise that refuse vehicles are not required to enter the site, so refuse vehicle tracking within the site is not required.

- e) Site Drainage: given the amount of land available to the applicant, a comprehensive approach to dealing with water on site could be achieved, meeting the requirements of Policies CS2 and CS4, which state that all new buildings should be designed to meet sustainable building standards and utilise Sustainable Urban Drainage systems (SUDS) wherever feasible. A condition is proposed requiring the applicant to incorporate sustainable drainage techniques into the site drainage strategy.
- f) Residential Amenity Impacts: the site is set sufficiently distant from any residential properties to avoid any adverse effect on residential amenities by reason of visual intrusion, overlooking or shading, considered under the amenity related provisions of Policy CS2. Overall, there is an opportunity to improve residential amenities given the problems associated with previous uses of the site and considering removal of the existing buildings and clutter from the site would be to the betterment of visual amenity.

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

Consideration 1

The proposal is for two dwellings of more limited massing and of higher quality appearance than the structure they would replace, which would enhance the openness of the Green Belt, which weighs in favour of the proposal

Consideration 2

Community benefits would arise from the development as the site to which the application relates has been subject to nuisance uses in the past. A significant level of local support has previously been received from residents of Broadmead for the proposal and it is considered that the proposal would be of benefit to the community, which weighs in favour of the proposal.

Consideration 3

The proposal would not cause any other Green Belt harm, subject to conditions to cover highway issues, site drainage and biodiversity measures, which weighs in favour of the proposal.

Consideration 4

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 adverse impacts of development set out above do not significantly and demonstrably outweigh the benefits and therefore the tilted balance in favour of granting permission is a material consideration in assessing this application.

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

As set out above, the proposed development amounts to inappropriate development in the Green Belt, which by definition is harmful to the Green Belt. Substantial weight attaches to any harm to the Green Belt. However, the proposal would not result in any loss of openness of the Green Belt or harm to the character of the area. Some community benefit would be derived through implementation of the development.

With respect to 'any other harm', the site would be visually enclosed and the landscaping proposed is likely to lead to an enhanced landscape value for the site. The ecological value of the site and tree coverage would not be harmed by the proposals, subject to conditions. Precise details concerning parking provision, potential contamination and site drainage can be addressed by condition. The proposal is not considered to have any harmful impact on residential amenity. Your officers are not aware of any other matters raised in representations that would weigh against the scheme.

In your officers' view the matters which weigh in favour of the development clearly outweigh the very limited harm to the Green Belt caused by the proposal.

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

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

14.4 Contributions

14.4.1 The proposal is for a net gain of 2 no. dwellings, where contributions towards habitat mitigation would be required, in addition to any CIL liability. The proposed development has a CIL liability outlined in the table below.

14.4.2 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. CIL exemption dictates payment of the full habitat mitigation contribution (including management and monitoring).

14.4.3 No affordable housing or tariff style contributions are sought from this development, being a scheme of under ten dwellings.

Conclusion

- 14.5 The proposed development is inappropriate development within the Green Belt, although the very special circumstances to warrant a departure from Green Belt Policy have been demonstrated. Its design is considered to be acceptable and the environmental benefits of the scheme weigh in its favour. The proposed development could take place without detriment to the ecology, trees or amenities of the wider area, and without adversely affecting highway safety. Therefore, subject to conditions to ensure that the scheme's specific benefits are fully delivered, the application is recommended for permission.
- 14.6 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

Section 106 Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings	0	0	0
Financial Contribution	0	0	0
Habitats Mitigation			
Financial Contribution	£10,700	£10,700	0

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	869		793	76	£80/sqm	£6,688.00 *

Subtotal:	£6,688
Relief:	£0.00
Total Payable:	£6,688.00

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

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

Where:

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

R = the levy rate as set in the Charging Schedule

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

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: AD-006 Rev C, TCP/S/01, AD-003 Rev E, AD-004 Rev C and BM101 Rev A.

Reason: To ensure satisfactory provision of the development.

3. The development shall only be implemented in accordance with the approved fenestration, facing and roofing materials being: powder coated aluminium windows (Willow), Wienerberger Terca Renaissance Multi brick and Terreal Rustique New Forest Mix5 tile for the house and Vandersanden Old Farmhouse 60 brick and Siga 39 natural slate tile for the barn building, unless the prior written approval of the Local Planning Authority is forthcoming.

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

4. Before 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.

5. No development, demolition or site clearance shall take place until a plan showing: service routes, including the position of soakaways and the location of the site compound and mixing areas; 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 safeguard trees and natural features which are important to the visual amenities of the area, in accordance with Policy CS3 of the Core Strategy for the New Forest District outside the National Park.

6. The trees/hedges on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted Tree Protection Plan (ref TPP/27/05/15.01) and Arboricultural Method Statement/Tree Survey Schedule (ref TSS/AMS/27/05/15.01) and in accordance with the recommendations as set out in BS5837:2012.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area, in accordance with Policy CS3 of the Core Strategy for the New Forest District outside the National Park.

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

Reason: To ensure the dwelling remains of a size which is appropriate to its location within the countryside and to comply with Policy DM20 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

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

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

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

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

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

10. This consent does not grant permission for the paddock area shown on drawing no. AD-006 Rev C to be used as anything other than a paddock area and does not grant consent for its use as extended garden curtilage associated with either Plot 1 or Plot 2 shown on the same plan.

Reason: To ensure the dwelling garden curtilages remain of a size which are appropriate to the location within the countryside and to comply with Policy CS3 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

11. All external works (hard and soft landscape) shall be carried out in accordance with the approved landscape plan ref. BM101 Rev A within one year of commencement of development and maintained thereafter as built and subject to changes or additions only if and as agreed in writing with the Local Planning Authority.

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

12. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions relating to contamination nos 13 and 14 have been complied with.

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 14 relating to the reporting of unexpected contamination has been complied with in relation to that contamination.

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

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

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

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

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

15. The development, including demolition, shall be undertaken in accordance with the mitigation and enhancement measures outlined within the Preliminary Bat Roost Assessment, Emergence and Mitigation Plan prepared by Emma Pollard dated September 2017 proceed and shall be maintained in accordance with those details unless otherwise agreed with the Local Planning Authority.

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

Notes for inclusion on certificate:

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

In this case the applicant sought the Council's pre-application advice on the form of development proposed and has submitted the requisite documents and plans in respect of this application. The applicant was requested to provide additional information in respect of access rights, contamination and tree impacts, in light of the comments of consultees and notified parties, but otherwise the application was acceptable as submitted and no specific further actions were required.

2. New Forest District Council has adopted a Community Infrastructure Levy (CIL) charging schedule and any application now decided, including those granted at appeal, will be CIL Liable. CIL is applicable to all applications over 100sqm and those that create a new dwelling. Under Regulation 42A developments within the curtilage of the principal residence are likely to be exempt from CIL so CIL may not be payable provided the applicant submits the required exemption form prior to commencement of the development.
3. In discharging condition No. 8 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. An extract of Southern Gas Networks mains records of the proposed work area is available to view on the Council's website for your guidance. This plan only shows the pipes owned by SGN in their role as a Licensed Gas Transporter (GT). Please note that privately owned gas pipes or ones owned by other GTs may be present in this area and information regarding those pipes needs to be requested from the owners. If they know of any other pipes in the area they will note them on the plans as a shaded area and/or a series of x's. The accuracy of the information shown on this plan cannot be guaranteed. Service pipes, valves, siphons, stub connections etc. are not shown but you should look out for them in your area. Please read the information and disclaimer on these plans carefully. The information included on the plan is only valid for 28 days.

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

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

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

Further Information:

Jim Bennett
Telephone: 023 8028 5588



New Forest
DISTRICT COUNCIL

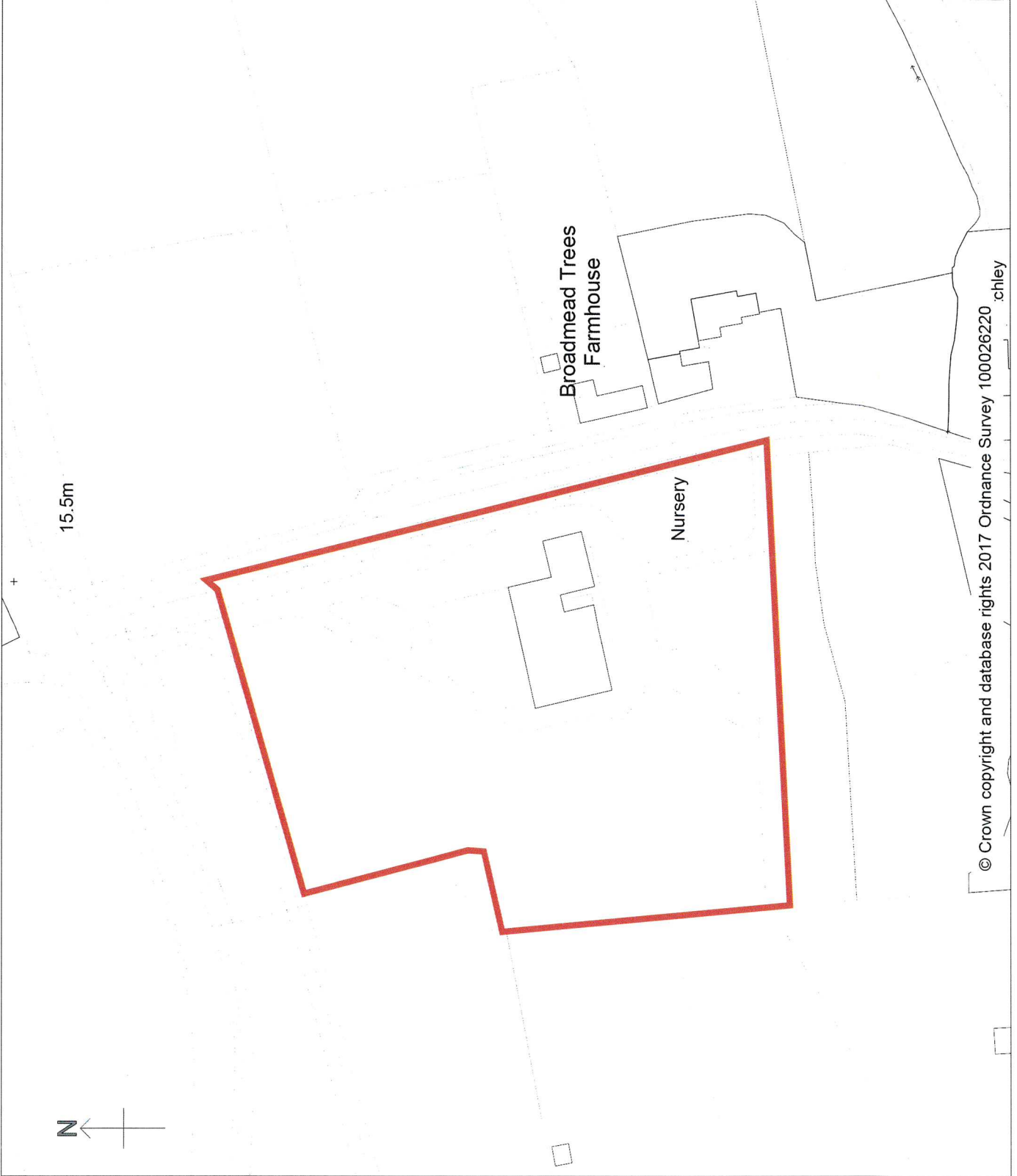
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Planning and Building Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee**
December 2017

Item No: 5j
Land adj.
Broadmead Trees Farm
Broadmead Sway
17/11352
SZ2995

Scale 1:1250
N.B. If printing this plan from
the internet, it will not be to
scale.



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