

NOTICE OF MEETING

Meeting: PLANNING DEVELOPMENT CONTROL COMMITTEE

Date and Time: WEDNESDAY, 14 JUNE 2017, AT 9.00 AM*

Place: THE COUNCIL CHAMBER, APPLETREE COURT,
LYNDHURST

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

PUBLIC PARTICIPATION:

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

Bob Jackson
Chief Executive

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

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

AGENDA

Apologies

1. MINUTES

To confirm the minutes of the meetings held on 10 May and 15 May 2017 as correct records.

2. DECLARATIONS OF INTEREST

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

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

3. PLANNING APPLICATIONS FOR COMMITTEE DECISION

To determine the applications set out below:

(a) **144 Northfield Road, Ringwood (Application 15/11069) (Pages 1 - 10)**

Continued use of building known as 'Cedars' to provide self contained residential accommodation for not more than 4 people and continued use of building known as 'Northfield' to provide self-contained residential accommodation for not more than 6 people in need of care

RECOMMENDED:

Grant the Variation of Condition subject to conditions

(b) **Old Forge, Salisbury Road, Breamore (Application 16/10602) (Pages 11 - 20)**

Use as 1 holiday let; retention of 1st floor side window

RECOMMENDED:

Planning consent subject to conditions

(c) **Field Rear of Paddock Close, Dark Lane, Hinton St Michael, Bransgore (Application 17/10036) (Pages 21 - 28)**

Agricultural storage barn

RECOMMENDED:

Planning consent subject to conditions

(d) **The Lodge, 1 Kerry Gardens, Sandleheath (Application 17/10298) (Pages 29 - 34)**

Erection of a timber store/shed

RECOMMENDED:

Refuse

(e) **19 Deerleap Way, New Milton (Application 17/10320) (Pages 35 - 42)**

Single-storey side and rear extensions to garage

RECOMMENDED:

Planning consent subject to conditions

- (f) **Nonsuch, Mockbeggar Lane, Ellingham, Harbridge & Ibsley (Application 17/10346) (Pages 43 - 50)**
Removal of Condition 4 of Planning Permission 16/10786 to allow Permitted Development Rights
RECOMMENDED:
Refuse the Variation of Condition
- (g) **9 Moxhams, Fordingbridge (Application 17/10350) (Pages 51 - 56)**
Dropped kerb and access gate (part retrospective)
RECOMMENDED:
Planning consent subject to conditions
- (h) **Bus Station, High Street, Lymington (Application 17/10359) (Pages 57 - 70)**
17 sheltered apartments for the elderly; retail unit; communal facilities; access; underground car parking; bin store; landscaping; demolition of existing
RECOMMENDED:
Refuse
- (i) **Oakwood, 7 Rookes Lane, Lymington (Application 17/10372) (Pages 71 - 80)**
House; access alterations; landscaping; parking
RECOMMENDED:
Planning consent subject to conditions
- (j) **Fordingbridge Club, Roundhill, Fordingbridge (Application 17/10426) (Pages 81 - 98)**
Mixed development of 8 dwellings and commercial comprised: retail unit at front with flat over; attached house; carport; terrace of 4 houses; 2 detached houses; demolition of existing club
RECOMMENDED:
Planning consent subject to conditions

(k) **St Barbe Museum and Art Gallery, New Street, Lymington (Application 17/10428) (Pages 99 - 106)**

Display 1 non illuminated fascia sign; 1 non illuminated wall mounted avatar; 1 non illuminated wall mounted information sign; 2 non illuminated totem signs; 2 digital poster signs (Application for Advertisement Consent)

RECOMMENDED:

Grant advertisement consent in respect of the non-illuminated sign above the main entrance, non-illuminated avatar above the main fascia and 2 non-illuminated signs either side of the totem, subject to conditions

Refuse advertisement consent in respect of the non-illuminated wall mounted acrylic faced information sign and 2 digital signs on totem.

(l) **14A Carrington Lane, Milford-on-Sea (Application 17/10439) (Pages 107 - 112)**

Single-storey rear extension; lantern rooflight; roof alterations to front porch; garage alterations; fenestration alterations

RECOMMENDED:

Planning consent subject to conditions

4. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

To:

Councillors:

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

Councillors:

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

STATUTORY TESTS

Introduction

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

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

The Development Plan

The Development Plan Section 38

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

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

Listed Buildings

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

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

Conservation Areas

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

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

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

Areas of Outstanding Natural Beauty (AONB's)

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

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

Trees

Section 197. Trees Town and Country Planning Act 1990

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

Biodiversity

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

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

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

Conservation of Habitats and Species Regulations 2010

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

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

Equality

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

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

Financial Considerations in Planning

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

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

This page is intentionally left blank

Application Number: 15/11069 Variation / Removal of Condition

Site: 144 NORTHFIELD ROAD, RINGWOOD BH24 1SU

Development: Continued use of building known as 'Cedars' to provide self contained residential accommodation for not more than 4 people and continued use of building known as 'Northfield' to provide self contained residential accommodation for not more than 6 people in need of care .

Applicant: The Regard Partnership Ltd

Target Date: 28/09/2015

Extension Date: 14/07/2016

1 REASON FOR COMMITTEE CONSIDERATION

Previous Committee consideration

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Core Strategy

CS2 Design quality
CS8: Community services and infrastructure
CS10: The spatial strategy
CS24: Transport considerations

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

SPD - Parking Standards
SPD - Ringwood Local Distinctiveness

6 RELEVANT PLANNING HISTORY

- 6.1 Addition with rooms in the roof - granny annex (36876) Granted with conditions on the 26th Feb 1988
- 6.2 Construct pitched roof over existing flat roof extension and form room in roof space and addition of conservatory (46570) Granted with conditions on the 18th Jan 1991
- 6.3 Addition of side porch (47512) Granted with conditions on the 13th June 1991
- 6.4 Use as residential accommodation for people in need of care (Class C2) (58062) Granted with conditions on the 2nd Feb 1996
- 6.5 Use as self contained residential accommodation for persons other than Sheiling Community - Lawful Development Certificate that permission is not required for proposal (97330) Withdrawn on the 26th August 2011. This application was withdrawn because this was not the correct type of application required. A planning application was required to vary a condition, not by way of a Lawful Development Certificate
- 6.6 Removal of condition 1 of planning permission 58062 to allow different ownership (97730) Granted with conditions on the 6th Jan 2012. It was the company's wish to continue the use of the property, however, the condition allowed only the Sheiling Community's use of the property as a C2 care home. The variation being applied for would allow continue C2 use for people in need of care under different ownership.

7 PARISH / TOWN COUNCIL COMMENTS

Ringwood Town Council: Recommend refusal but would accept the decision reached under delegated powers. Members felt that although technically it seems that the parking standards question has been answered, they wanted to express their frustration that in reality (and from observation) it doesn't work and in practice the allocated parking bays and turning dimensions were inoperable and potentially dangerous at this busy junction.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer: no highway objections
- 9.2 Environmental Health (pollution): there have been no complaints in relation to the site

10 REPRESENTATIONS RECEIVED

- 10.1 1 letter strongly objecting which states that the site can just about manage 4 cars parked but this is very tight. The layout cannot accommodate 5 car parking spaces. Cars cannot leave the site in a forward gear. Cars are also blocking the adjacent driveway. Concerns

over dustbins, rubbish, glass and collection bins, which are left outside on the grass verge. Concerns over noise. The site is over intensified with little regard to the surrounding area and totally inappropriate for the site.

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

Concerns were initially raised by the Highway Authority in relation to the inadequate car parking arrangements within the site and the potential impact of vehicles manoeuvring on the grass verge and pavement outside the site. The applicant has enlarged the existing car parking area within the site and the Highway Authority is satisfied that sufficient car parking and access facilities have been provided which enable a positive recommendation to be made.

14 ASSESSMENT

14.1 Introduction

14.1.1 Members may recall that this application was deferred at the Planning Committee on the 13th July 2016 to allow further information to be provided about the effect of the increase in the number of residents on the character of the area and the amenities of neighbouring residents. The Committee considered that they had insufficient evidence to evaluate the effect of the increase in the number of residents on the character of the area and the amenities of neighbouring residents and the calibre of accommodation provided and the adequacy of the parking and access arrangements. This required further information from Officers and the applicant in order to assess the application, namely:

- It is suggested that HCC Adult Services are consulted on the space standards provided. Are five bedrooms acceptable to accommodate 10 people in HCC's view?
- Have Environmental Health received any historical complaints of noise from the site?
- We need more information from the applicant on visitor numbers, frequency of visits, peak periods etc and the relationship with parking provision at the site.
- Are staff encouraged to park their own vehicles sensibly away from the site, or use alternative modes of transport to the car, also are staff advised that they should be egressing the site in a forward gear. Perhaps an informative in this regard?
- Members drew attention to para 14.1 of the report which stated that 'the purpose of the original condition was to limit the number of staff and residents which would otherwise create an inappropriate residential environment that would be detrimental to the character of the area'. We need to be clear why we now consider 10 residents to be acceptable.

In response, the applicant has provided further details and accordingly it is possible to clarify a few matters. It is important to stress that the two buildings, although linked together (the main house and attached former annex) are two separate properties. Although the use class remains the same (Use Class C2), the buildings are run independently under separate management. In terms of the car parking spaces to the front of the site, these are shared by both users.

14.1.2 The main building (the former dwelling) is known as 'Northfields House' and is operated by the 'Regard Partnership' with 6 residents, each of which have their own bedroom (2 with en-suite). The building also has shared/ communal bathroom, lounge, kitchen and dining facilities. The former annex building is known as 'Cedars' and is run by 'Reside' and currently has 4 residents, each have their own bedroom. The residents share a bathroom, lounge and kitchen area. Accordingly, there are up to ten residents but they are separated into the two parts of the building, with 6 residents at Northfields House and 4 in Cedars.

14.1.3 In assessing the issue of space standards and possible overcrowding, each resident has their own bedroom and no one person shares a bedroom. The residents also have shared communal rooms. During the day the residents will normally go to workshops, their place of work or education.

- 14.1.4 In terms of staffing & frequency of visits, at any one time, one staff member operates from the 'Cedars' and one member of staff works at 'Northfields'. The staff rota is 07.00 until 17.00 with two members of staff for this period. All residents attend work or classes and both properties are usually empty from 11.00 till 15.00. The residents will normally be taken to their workplace or education by one vehicle. One member of staff covers nights from 21.00 till 07.00. Weekends are manned to the same rota. The number of relatives visiting residents is one or two families at the most during the weekend. Accordingly there are very few visitors during the day at weekdays.
- 14.1.5 In terms of car parking arrangements, the applicant has provided a revised plan which shows the car parking layout. A total of 5 car parking spaces are now provided and this has already been laid out on the site in accordance with the revised plan. The cars must park facing towards the garden. The applicant states that when leaving the property cars must reverse back into the remaining drive (approximately 4.3 m) and leave the property in a forward direction (not reverse on to main road). The bays (5 in total) allow 2 spaces for the house cars (1 for Cedars 1 for Northfields). The remaining 3 spaces are to be used for visitors only. All staff need to find alternative parking. There is a free car park opposite the property (30 metres away). The manager uses this and the staff will be instructed to do so. No parking is to be allowed behind the 5 parked cars (as this would mean reversing on to the main road and use the turning area). The applicant states that signage will be added to make this clear.
- 14.1.6 In relation to the comments that 'the purpose of the original condition was to limit the number of staff and residents which would otherwise create an inappropriate residential environment that would be detrimental to the character of the area and why 10 residents would now be acceptable, it is important to note that staff now work on a shift basis. This means that only two staff members are present at any one time, whereas, previously up to four staff were working from the premises. Moreover, as stated above, the applicant considers that the number of visitors to the premises to be relatively low and any increase in the number of residents will not result in significant activity at the site. The Environmental Health Department have not received any complaints in the past, and no historical concerns have been raised with them. Moreover, the residents all have their separate rooms and no rooms are shared and accordingly their living conditions are not considered cramped.
- 14.1.7 Given the relatively low number of traffic movements in and out of the site during the day, it is not considered that there is an adverse impact in terms of noise and disturbance to the neighbouring properties. The impact on the character of the area is also limited given that the car parking has been laid out and the grassed area outside the site is not available for parking. It is considered that based upon the information submitted, this does not alter Officers recommendation, although the wording of suggested condition No.1 has been amended.

14.2 Officers previous report (13th July 2016)

- 14.2.1 This planning application seeks consent for the variation of condition 2 of planning reference 97730 to allow the residential accommodation at No 144 Northfield Road to be occupied by up to 10 people in need of care.

The premises has been operating as a residential home for up to 6 people in need of care with 4 adult carers since 1996 and this planning application effectively seeks to allow an extra four residents at the premises. The main purpose of the original condition was to limit the number of staff and residents which would otherwise create an inappropriate residential environment that would be detrimental to the character of the area. It has been stated by the applicant that the premises has already been providing residential accommodation for up to 10 people since 2011 and accordingly, this application is effectively retrospective and the use has been operating in breach of the condition.

- 14.2.2 In order to help understand the circumstances at the site, it is important to set out the background and planning history. No 144 was originally used as a four bedroom detached dwelling house and garage, and a planning application was approved in 1988 to demolish the garage and to replace it with an attached building with rooms in the roof to be used as a 'granny annex'. When planning permission was granted, conditions were imposed restricting the use of the addition to only be used in association with the main dwelling. In 1991 a conservatory was added to the dwelling and rooms were added in the roof space to create a fifth bedroom.
- 14.2.3 In 1996 a planning application was granted from the change of use from a dwelling (C3 use Class) to residential accommodation for people in need of care (Class C2) with a total of six bedrooms. When planning permission was granted a condition was imposed which restricted the use to the 'The Sheiling Community' and limited the accommodation to provide self contained residential accommodation for not more than 6 people in need of care, together with 4 adult carers. In 2011, the current owners took over the premises and submitted an application under 97730 for the variation of a condition so that the new owners of the property (The Regard Partnership) could operate from the premises. This was subsequently approved and the same condition was imposed restricting the number of people in need of care to 6 people with 4 care workers.
- 14.2.4 The main issue in this case is whether the increase in residents in need of care from 6 to 10 would be acceptable in this location in terms of the effect on the character and appearance of the area, the intensity of its use, the impact on the living conditions of the adjoining neighbouring properties and public highway safety matters.
- 14.2.5 In assessing the effect on the character and appearance of the area, the site comprises a large building on the corner of Northfield Road and Gorley Road, within the built up area of Ringwood. The site is enclosed by a 2 metre high fence and trees and is slightly set back from the road where there is a grass verge and pavement. There is one vehicular access serving car parking which is accessed from Gorley Road and a separate pedestrian access into the property from Northfield Road. For the most part the premises and car parking is well screened and, from the road, the property appears as one large dwelling house.
- 14.2.6 The character of the area is mixed comprising residential properties, a vets and a dental practice across Northfield Road and a parade of shops nearby situated off Gorley Road. Gorley Road is a relatively busy road running through the north of Ringwood leading to the schools and the residential areas within this part of the town. The proposed variation of

the condition does not propose any external changes to the building. Alterations within the site for car parking have taken place, with new hardsurfacing created. The site already benefits from a reasonable garden area to the front of the building which is sufficient for the residents and staff. Concerns have been expressed from the immediate neighbour at Nadina that the site is overdeveloped and the level of activity from ten residents and carers is unacceptable and the site is overcrowded with cars with a lack of turning facilities.

- 14.2.7 The applicants have stated that while there would be an increase in the number of residents, the number of adult carers would reduce because of the use of shift workers. It has been stated that there has not been a change in vehicular activity and the site has been operating at its current capacity for a number of years. The applicant states that the site has five car parking spaces with scope for a further space if required. The site has two service vehicles for residents and these remain at the home at all times (unless they are in use). The staff usage is between three to four cars at any one time and this will not increase. In the morning two staff vehicles leave the site and up to four staff vehicles arrive at the site with one service vehicle leaving the site during the same period. Therefore during the day, there are up to four staff vehicles on site and one service vehicle. In the evening, the two service vehicles are on site along with two staff vehicles. Staff changeover happens twice a day, morning and evening and no changeover occurs throughout the day.
- 14.2.8 In assessing the impact of the use, the only change is the car parking area has been enlarged in size and formalised. The enlargement of the car parking area was carried out by the applicant recently and this has enabled additional space for vehicles to park and manoeuvre within the site. The Highway Authority has assessed the recent changes to the car parking within the site and does not raise any objections to the proposal in relation to car parking or public highway safety matters. The level of car parking provided is acceptable and there is sufficient space for vehicles to park and turn to enter Gorley Road in a forward gear. Moreover, it is not considered that an increase in four residents would adversely impact on the character of the area. There would be no increase in staff numbers and this would ensure that the level of activity during the day and evening would remain similar to the lawful use, which is for six residents. Overall, the site lies along a busy road through the north of Ringwood which provides access to the primary schools, with a number of other uses, including a group of shops across the road, and dental and vets practices.
- 14.2.9 With regard to residential amenity, the main issue is whether the increase in the number of residents would result in an unacceptable impact on neighbouring properties. Because there are no external changes, the main consideration is the increase in activity at the site and whether this would result in greater noise and disturbance. It is considered that the main residential property that would be affected is the property known as 'Nadina' which lies immediately to the south. This is because the existing access into the site lies adjacent to this neighbouring property and any increase in movements is likely to happen at this point. However, given that there would be no increase in the number of staff and the car parking and access remains unchanged, it is not considered that the increase in four residents would result in a level of impact that would justify a reason for refusal.

14.2.10 In conclusion, the site currently has permission to be used for up to six residents and four staff and this has been operated for over 19 years without any significant impact. The proposal to increase the number of residents by four (which has been the case for 5 years), would not have any adverse impact on the character of the area or the living conditions of the adjoining neighbouring properties and accordingly it is considered acceptable to vary the condition to allow up to ten residents to reside at the premises.

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

15. RECOMMENDATION

GRANT the VARIATION of CONDITION

Proposed Conditions:

1. The building known as the 'Cedars' shall be used to provide self contained residential accommodation for not more than 4 people in need of care and the building known as 'Northfields' shall be used to provide self contained residential accommodation for not more than 6 people in need of care.

Reason: A further increase in the number of people in need of care or to reside in the buildings on this site is likely to create an inappropriate residential and living environment, a detrimental impact on the character and appearance of the area, an impact on residential amenity and conflict with public highway safety which would fail to comply with policies CS2 and CS24 of the Core Strategy for the New Forest District outside the National Park.

2. The spaces shown on the plan identified as "Block Plan" for the turning and parking of motor vehicles shall be retained and kept available for the parking of motor vehicles for the use hereby approved at all times.

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

Notes for inclusion on certificate:

1. This decision relates to amended / additional plans received by the Local Planning Authority on the 13th March 2017.
2. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

Concerns were initially raised by the Highway Authority in relation to the inadequate car parking arrangements within the site and the potential impact of vehicles manourvering on the grass verge and pavement outside the site. The applicant has enlarged the existing car parking area within the site and the Highway Authority is satisfied that sufficient car parking and access facilities have been provided which enable a positive recommendation to be made.

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



Application Number: 16/10602 Full Planning Permission

Site: OLD FORGE, SALISBURY ROAD, BREAMORE SP6 2EA

Development: Use as 1 holiday let; retention of 1st floor side window

Applicant: Miss Blake

Target Date: 06/07/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Parish Council view.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside outside the New Forest
Conservation Area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

CS1: Sustainable development principles

CS2: Design quality

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

CS19: Tourism

CS21: Rural economy

CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan

Document

NPPF1: National Planning Policy Framework – Presumption in favour of
sustainable development

DM1: Heritage and Conservation

DM3: Mitigation of impacts on European nature conservation sites

DM13: Tourism and visitor facilities

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

Achieving Sustainable Development

NPPF Ch. 7 - Requiring good design

NPPF Ch. 12 - Conserving and enhancing the historic environment
Section 72 General duty as respects conservation areas in exercise of planning functions

Planning (Listed Buildings and Conservation Areas) Act 1990

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

Planning (Listed Buildings and Conservation Areas) Act 1990

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPG - Breamore Village Design Statement
SPD - Mitigation of Strategy for European Sites

6 RELEVANT PLANNING HISTORY

6.1 11/97691 - use as holiday let, wrought iron fence. Refused 15.11.12

6.2 10/95978 - use as professional/financial services. Refused 13.10.10

6.3 08/92335 - continued use of building for mixed purposes comprising retail/display/office/residential. Refused 9.7.08

6.4 06/87931 - use as retail/display and dwelling. Refused 3.8.06, appeal dismissed

6.5 05/85801 - use as dwelling. Refused 20.10.05

6.6 03/78910 - use for offices and retail. Granted 24.9.03

7 PARISH / TOWN COUNCIL COMMENTS

Breamore Parish Council - object most strongly - recent documentation contains information which is not correct, there is interest in the property.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

9.1 Drainage - no comment

9.2 Ministry of Defence - no safeguarding objections

9.3 Conservation Officer - support subject to condition

9.4 Estates and Valuations - the property has been adequately exposed to the market but the information provided does not conclusively support the view that there is no viable demand for commercial use

10 REPRESENTATIONS RECEIVED

Two local residents have objected concerned with the following:

- property not marketed properly, the DV should assess
- noise and disturbance through use of courtyard
- drainage problems
- no justification to move away from policy requirements

- marketing undertaken is inadequate and misleading as the applicants have no intention of allowing the building to be used for its lawful use
- the side window should be fixed shut as it overlooks
- no reason to overturn Parish Council's view point
- marketing evidence suggesting that the property is being marketed as a dwelling

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

Clarification of the type of holiday let was sought from the applicant in addition to requesting further details in respect of the marketing of the property and the retention of the side window.

14 ASSESSMENT

Introduction

Members may recall deferring this application at the April meeting where it was agreed to defer consideration pending further consultation responses from the Parish Council, Estate and Valuations and local residents. These views are reported above although nothing further has been received from the Parish Council.

- 14.1 The site lies within the countryside outside the New Forest in the Breamore Conservation Area. It is listed Grade II and has been vacant for several years following several attempts to provide an alternative use to the last lawful use as lawnmower sales/repair. The proposal entails the provision of a holiday let and follows a series of applications for a change of use for the premises. The last application for holiday use was refused by Members in 2012.
- 14.2 As can be seen from above, the property has a lengthy planning history although there have been few approvals in terms of the use of the premises. The application for A2 office use was refused partly for the resultant loss of a retail use. At the time that application was considered, it was understood that there was significant local interest in using the property as a shop following the closure, due to retirement, of the previous village store. However, at the time of its consideration, the planning department had not received any enquiries from anyone in respect of this suggestion. The marketing information supplied for this application confirms some interest in the reuse of the property but none which would be specifically A1 use, rather a mix of studio or workshop/residential use which would require planning permission. The Parish Council suggests some of this information is incorrect but do not provide any further details. Objections received from local residents (and the Parish Council) relate primarily to the marketing of the property. While this may have played a bigger part in the determination of previous applications at this address, policy and legislation has changed over the years to be more flexible. There are now greater permitted development rights which would result in the loss of retail uses such as this to alternative uses like restaurants, offices, mixed uses (e.g. shop with accommodation above), assembly and leisure and residential. Further, policy CS19 supports new tourist provision.
- 14.3 In principle, a holiday let would be acceptable in this location as the property is suitable for conversion without significant alteration. While the proposed use is not commercial, it does provide economic benefits and would secure the future of the listed building. As stated above, there are permitted development rights for the conversion of retail (A1) premises to C3 (residential). These rights do not apply here by virtue of the property's listed status and its location within a Conservation Area. However, in terms of the principle of the loss of the commercial use, it would be difficult to resist given these rights which are only removed due to the heritage interest of the building. The granting of listed building consent and the lack of objection from the Conservation Officer in respect of the proposed change of use support the reuse of the building.

- 14.4 With regard to residential amenity, the proposed use is unlikely to give rise to unacceptable impacts. The property has a small terrace to the rear which would be used by guests. This would be sandwiched between two gardens and could have less of an impact on residential amenity than some potential commercial uses where open storage or the moving around of crates could cause amenity issues. It is noted however, that interest expressed in the recent marketing campaign suggests quieter commercial uses are more likely in this property e.g. art dealers.
- 14.5 The side window at first floor level is an existing window and listed building consent has been granted for its retention. While approval was granted for a replacement window some time ago, it was not implemented in accordance with the approved details and is not fixed shut as required by condition. However, the window is obscure glazed and has an opening top light. Views from the small opening section allow limited visibility across the adjacent neighbouring garage towards the garden but this is restricted in view of the angle and the rear dormer window offers more 'overlooking' of the neighbours garden. The proposal is not considered to adversely affect residential amenity.
- 14.6 There are no concerns in respect of the change of use from a conservation or listed building point of view. It is considered that the property would make a better holiday let than permanent residential dwelling by virtue of the limited amenity space and lack of a full wall between the two upper rooms. The frontage is in need of refurbishment and a condition is suggested in order to improve the appearance of the site as a whole. The Conservation Officer supports this proposal which would bring this building into beneficial use which is currently suffering from damp due to many years of no use.
- 14.7 Bearing this in mind, the fact that the proposed use is supported by part (d) of policy CS19 of the Core Strategy, it would have a limited impact on the residential amenities of the adjoining residential properties and it would bring an empty listed building back into use, the proposal is considered to be acceptable in policy terms.
- 14.8 The site is able to accommodate a car and being sited within a layby, there is adequate parking for holiday occupants.
- 14.9 As the property would be a holiday let, CIL is not applicable. However, 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.
- 14.10 In conclusion, it is considered that the proposed use as a holiday let would be appropriate in this location and would achieve significant benefits by bringing the listed building back into use. The suggested conditions make it clear that a dwelling would require a separate consent.

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

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: Design and Access Statement, 03016 1, supporting letters.

Reason: To ensure satisfactory provision of the development.

3. The building hereby approved shall only be used for the purpose of self-catering holiday accommodation and shall not be occupied by the same person or persons for more than one month in any one calendar year, and shall at no time be used as a dwellinghouse falling within Class C3 of the Use Classes Order 1987 (as amended and revised).

Reason: Permission is granted in this case in order to support sustainable rural tourism, in an area in which housing would normally be resisted in accordance with Policies CS19 of the New Forest District Council Core Strategy and having regard to the objectives of the NPPF.

4. Before the occupation of the holiday let hereby permitted, a scheme of landscaping of the front of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :

(a) the existing trees and shrubs which have been agreed to be retained;

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

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

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

5. The first floor window on the side elevation of the approved building shall remain glazed with obscure glass.

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

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

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

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

Notes for inclusion on certificate:

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

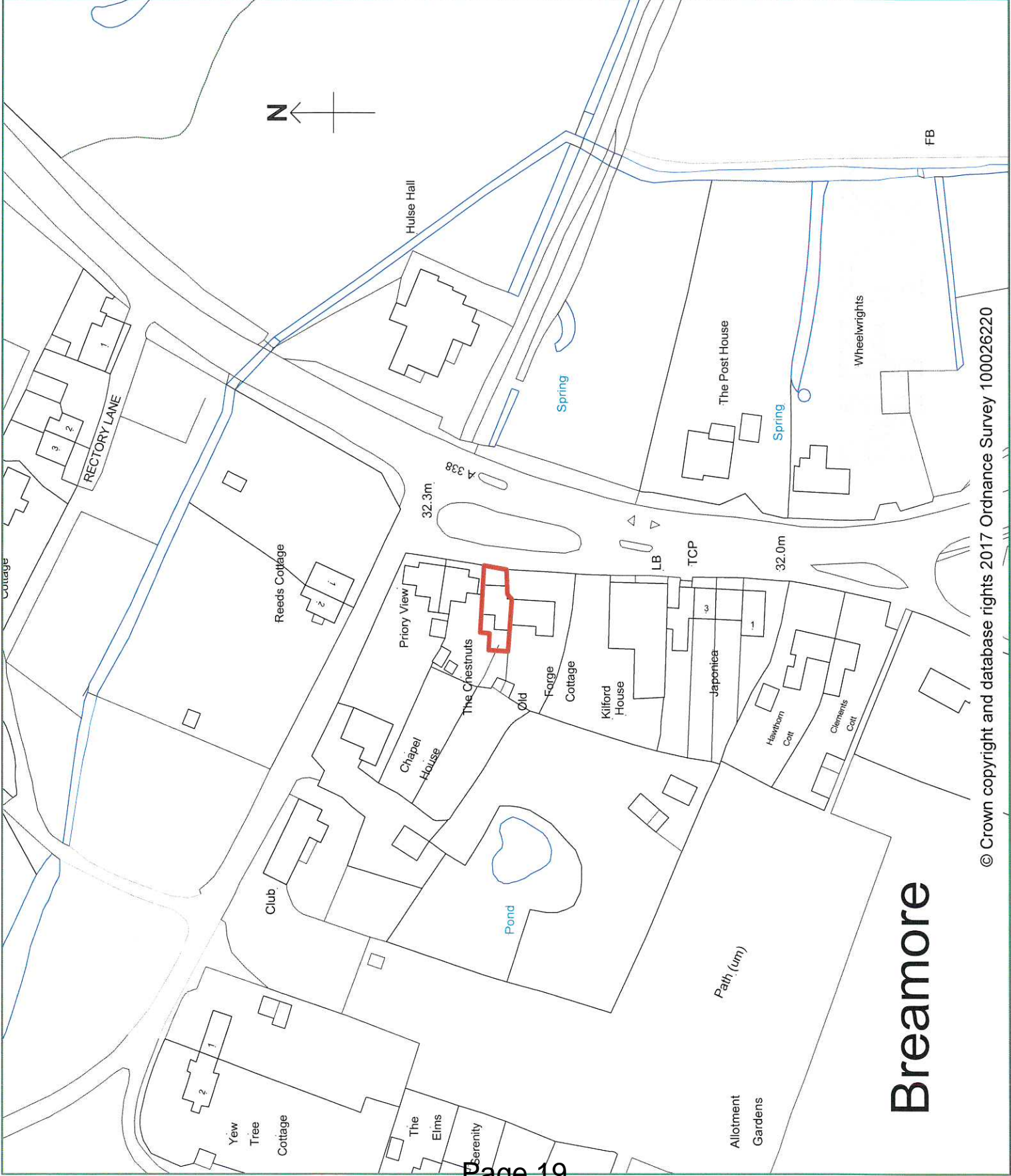
Clarification of the type of holiday let was sought from the applicant in addition to requesting further details in respect of the marketing of the property.

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

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



Breamore

This page is intentionally left blank

Application Number: 17/10036 Full Planning Permission

Site: FIELD REAR OF PADDOCK CLOSE, DARK LANE,
HINTON ST MICHAEL, BRANSGORE

Development: Agricultural storage barn

Applicant: Mr Harrod-Evans

Target Date: 20/03/2017

Extension Date: 14/04/2017

1 REASON FOR COMMITTEE CONSIDERATION

Deferred by Committee in April 2017; Contrary Parish Council view and objection from Local Ward Councillor

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Plan Area

Aerodrome Safeguarding Zone

Plan Policy Designations

Green Belt

Countryside

National Planning Policy Framework

- Section 3: Supporting a prosperous rural economy
- Section 7: Requiring good design
- Section 9: Protecting Green Belt Land
- Section 11: Conserving and enhancing the natural environment

Core Strategy

CS1: Sustainable development principles

CS2: Design quality

CS10: The spatial strategy

CS21: Rural economy

Local Plan Part 2 Sites and Development Management Development Plan

Document

DM22: Employment development in the countryside

3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

- Section 3: Supporting a prosperous rural economy
- Section 7: Requiring good design

- Section 9: Protecting Green Belt Land
- Section 11: Conserving and enhancing the natural environment

4 RELEVANT SITE HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
15/11774 Animal shelter	17/02/2016	Refused	Appeal Decided	Appeal Dismissed
13/11422 Field shelter	06/01/2014	Granted Subject to Conditions	Decided	

5 COUNCILLOR COMMENTS

Councillor Richard Frampton objects to the application for the following reasons; There is already a building here without permission which was lost on appeal and this additional barn would compound the loss of amenities to both residential properties, by way of visual intrusion.

I would not object to the building being placed along the hedge line to the North West of the current proposed location as it would not be visually intrusive and would blend in more with the surroundings.

I suspect , as with the previous stable application, it will be built here anyway and lead to enforcement action.

6 PARISH / TOWN COUNCIL COMMENTS

Bransgore Parish Council: Refusal. The siting of an additional building as proposed would add to the loss of visual amenity of the nearby properties. The building could be sited where the effect on the character of the area would be less obtrusive.

7 CONSULTEE COMMENTS

- 7.1 Southern Gas Networks (previously National Grid Transco): no objection
 7.2 Land Drainage: recommend approval

8 REPRESENTATIONS RECEIVED

Total Number of Representations Received: 3

Comment(s): In Favour: 0 Against: 3

Raising objection on the following grounds;

- Refer to the similarities between the previously refused building, that now proposed and works which have taken place on site without planning consent
- Question the clarity of the development being applied for in the description of development proposed and whether this would in fact be seeking retrospective consent or consent to modify the current building.
- A building closer to the house would offer a better solution for any security problems

- The use of any conditions to restrict the use of the building for livestock could prove ineffective given the applicant and Councils actions in respect of unauthorised development on this site to date
- Residential amenity, the barn would attract vermin which would be close to Little Hinton.
- Visual impact, would be seen from rear of Little Hinton
- There are alternative sites which would avoid any visual and amenity intrusion to third parties
- Any drainage provision should be contained within the applicant's land

Comments in full are available on website.

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.

In this case further information was sought from the applicants to clarify matters raised during the application's consideration.

12 ASSESSMENT

12.1 Members deferred consideration of this application in order for information on the future location for the structure currently sitting on the application site and to ascertain whether additional landscaping could be introduced to further limit any impacts from the proposed building on the adjacent property. A meeting was held with the applicants and, as a result, the following additional information has been submitted.

12.2 In terms of the structure already on the site the applicant/agent advise that it will be moved when the proposed barn is erected. They stress that the proposed barn will not house animals, this being the only reason the previous building was resisted at appeal. The structure that will be used to house sick or vulnerable animals for short periods will be moved so it will be located away from the boundary with the neighbour into a location that respects certain locational and physical requirements. It will initially go to the area on the western boundary currently occupied by chickens and bees but will also be located (it is, to a degree, mobile) in the eastern half of the field as required.

- 12.3 It is intended to restock the hedge behind the proposed building with traditional trees and bushes. The planting of this hedge and its future retention can be secured by an appropriate condition.
- 12.4 The previous report to Committee is set out below. Members are asked to note that an additional condition regarding landscaping has been added.
- 12.5 The site is located in the countryside within the Green Belt. The site comprises a field which occupies land to the rear of residential properties along Dark Lane and the B3055 Bashley Road. The land is generally flat with existing boundary hedgerows and trees affording a reasonable degree of screening from the road, neighbouring land and wider rural landscape.
- 12.6 The land is currently used as grazing for Alpacas. Along the southern boundary of the field there is an existing shelter (granted under PA 13/11422) with other temporary structures which provide storage for hay / straw and machinery / equipment associated with this agricultural business.
- 12.7 There are neighbouring residential premises adjacent to the site along Dark Lane. That to the south, Little Hinton, is in closest proximity, with screening from the site afforded by some modest height hedgerow trees and a timber panel fence.
- 12.8 The application seeks consent for the erection of a new barn that would be used for agricultural storage, of stock feed, bedding and equipment. It would be located on an existing concrete slab laid in 2016 which is in part occupied by a timber shelter. For the purposes of this application the applicants have confirmed that the proposal is for a completely new agricultural building and the application is being treated as such. The application also includes the retention of the slab, this being indicated on the submitted drawings.
- 12.9 In respect of the existing timber shelter this is subject to separate investigation by the Council whereby it has to be determined whether, as a result of its size, permanency and attachment, this constitutes an unauthorised building. The applicants who claim that the shelter is a mobile unit and not a building, advising in further supporting information the intention is to move this to other locations around the field.
- As the proposed new shelter would be sited on the base currently occupied by the unauthorised building the Council will consider the expediency of any actions in relation to this building following further consultations with the owner.
- 12.10 Pertinent to this case is the planning history for this site. A previous application (reference 15/11774) for an animal shelter in this location of the same size and external materials as the building now proposed was refused and subsequently dismissed on appeal in 2016. This appeal was dismissed on the grounds of the developments potential impacts on the living conditions of neighbouring occupiers. The Inspector considered that the storage of hay and other items would unlikely generate a great deal of disturbance. However, they considered that the potential noise generation from distressed animals within the building, as a consequence of its proposed use for livestock requiring isolation, would

result in material harm to the living conditions of occupiers at a neighbouring property Little Hinton. As part of this decision it is also noted the Inspector considered the development being for the purposes of agriculture, to be appropriate within the green belt and that the effect on the character and appearance of the area would be acceptable.

- 12.11 The proposed development would again be for the purposes of agriculture and although having some differences in nature and design of openings on the north and east elevation, would be of the same siting, size and external materials as the building formerly proposed. As such the context of the development in its relationship to the surrounding landscape would remain unchanged and with reference to the appeal decision, it is again considered the development would be acceptable in its effect on the character and appearance of the area and represent appropriate development within the green belt. It is however noted that the application drawings have not specified the final external finished colour for the cladding materials but this can be appropriately addressed by condition.
- 12.12 The building would be close to the boundary with a neighbouring residential property 'Little Hinton' to the south of the site, however intervening screening is provided by existing hedgerow trees, albeit rather sparse and more significantly by a timber panel fencing in the neighbouring garden area. Considering the scale of the building, relative separation, and orientation it is not considered that this development would lead to any harmful impacts as a result of visual intrusion or loss of light. Furthermore given the nature of the development it is also considered that this would not result in any harm to the privacy of neighbouring occupiers.
- 12.13 Given the nature of the building's intended use this would not result in a level of activity generation that would result in harm through disturbance to neighbouring occupiers, as was recognised in the previous appeal decision. However, the potential future use of the building for livestock accommodation would have the potential to result in harmful impacts. This matter can be addressed by condition which would ensure that the building is not used at any time for the accommodation of livestock. The secured nature of the building and separation from neighbouring properties does not give rise to any significant concerns over potential vermin infestations.
- 12.14 The application proposes to discharge surface water from the new building into an existing more recently installed drainage system. The plans submitted detail that this directs water to the west of the site through the applicants land and Council's Land Drainage Team consider this to be acceptable.
- 12.15 In response to other matters raised by representation it is recognised that the building could be placed elsewhere on the applicants land. However as with any submitted application, the development falls to be considered on the basis of the proposals put forward. In respect of any future failure to comply with conditions attached to any lawfully implemented consent these would be investigated by the Council at that time and the appropriate action taken.

12.16 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: Location Plan; 1; 2.

Reason: To ensure satisfactory provision of the development.

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

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

4. The building hereby permitted shall only be used for agricultural storage purposes and shall at no time be used by or for the accommodation of any animals.

Reason: In the interests of ensuring that activity generation from the building does not result in harm to the living conditions of neighbours in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park.

5. Before development commences a scheme of planting of the new hedge behind the building hereby approved shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :
 - a) the existing trees and shrubs which have been agreed to be retained;
 - b) a specification for new planting (species, size, spacing and location);
 - c) areas for hard surfacing and the materials to be used;
 - d) other means of enclosure;
 - e) a method and programme for its implementation and the means to provide for its future maintenance.

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

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

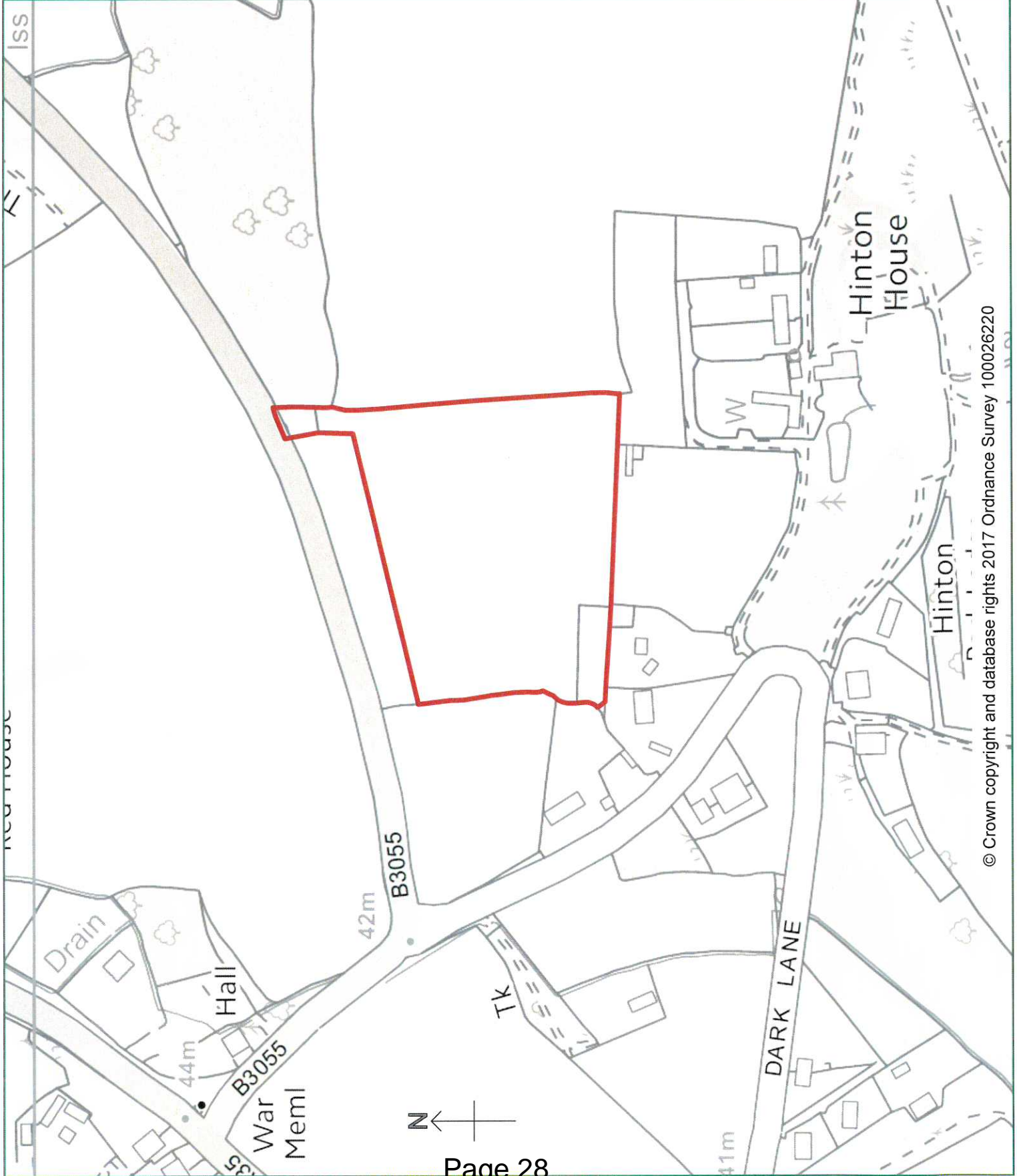
Notes for inclusion on certificate:

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 further information was sought from the applicants to clarify matters raised during the application's consideration.

Further Information:

Householder Team
Telephone: 023 8028 5345 (Option 1)



Application Number: 17/10298 Full Planning Permission

Site: THE LODGE, 1 KERRY GARDENS, SANDLEHEATH SP6 1QW

Development: Erection of a timber store/shed

Applicant: Mr Bennett

Target Date: 09/05/2017

Extension Date: 14/06/2017

1 REASON FOR COMMITTEE CONSIDERATION

Contrary view to Parish Council

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Plan Area
Meteorological Safeguarding
Planning Agreement
Aerodrome Safeguarding Zone
Tree Preservation Order: 13/96

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
NFDC/98/64925 Dwelling & garage	23/11/1998	Granted Subject to Conditions	Decided	

5 COUNCILLOR COMMENTS

No Comments Received

6 PARISH / TOWN COUNCIL COMMENTS

Sandleheath Parish Council

After a short discussion at Sandleheath Parish Council meeting on 23rd March 2017, the following decision was resolved.

We recommend permission, for the reasons listed below.

The application would have no adverse effect on the street scene

7 CONSULTEE COMMENTS

Tree officer: no objection

Comments in full are available on website.

8 REPRESENTATIONS RECEIVED

The applicant has written informing the Authority that he is chairman of the Sandleheath Community Association and needs the proposed shed to store several gazebos, a large tent, two barbecues, a large generator and many other items associated with the annual Sandleheath Fete and November 5th bonfire on its behalf.

9 CRIME & DISORDER IMPLICATIONS

None Relevant

10 LOCAL FINANCE CONSIDERATIONS

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

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

11 WORKING WITH THE APPLICANT/AGENT

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

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

12 ASSESSMENT

- 12.1 The property is positioned on a corner plot at the entrance to a row of properties. The garden to the side of the property also fronts Station Road and is therefore prominent in this location. Within this garden there are an existing detached garage and potting shed which are sited behind the perceived building line of the row of properties.
- 12.2 The proposal is for the erection of a timber framed shed within the front garden of the dwelling and the main considerations were the impacts on visual amenities and the resulting effect on the street scene.
- 12.3 There are protected trees within the vicinity of the proposed development. The Arboriculture officers was consulted and advised that the proposed shed would be a suitable distance from the protected tree and therefore raised no objection.
- 12.4 The proposed shed would be sited forward of the existing garage and to the front of the building line, consequently the proposed development would be prominent on the entrance to this road. Furthermore, taking into consideration the existing structures in this part of the garden, the addition of the proposed development would extend the built form further forward and create a form of development which would appear cramped on the plot to the detriment of the open character at the entrance to the road. The proposed development would be a visually intrusive form of development to the detriment of the street scene and that of the character of the area.
- 12.5 The stated personal needs of the applicant, to store equipment on behalf of the Sandheath Community Association is not considered sufficient in this case to override adopted planning policy which seeks to protect the character and appearance of the area from harmful development. The application is recommended for refusal.
- 12.6 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

13. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposed shed by reason of its siting to the front of the property on a corner plot would be visually intrusive in the street scene and detrimental to the character and appearance of the surrounding area. Furthermore as there are already two outbuildings in close proximity to the proposed shed the additional built form would create a cramped form of development to the detriment of the open character at the entrance to the road. As such the proposal would be contrary to policy CS2 of the Core Strategy for the New Forest District outside the National Park.

Notes for inclusion on certificate:

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

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

Further Information:

Householder Team
Telephone: 023 8028 5345 (Option 1)



This page is intentionally left blank

Application Number: 17/10320 Full Planning Permission

Site: 19 DEERLEAP WAY, NEW MILTON BH25 5EU

Development: Single-storey side & rear extensions to garage

Applicant: Mr & Mrs Caputo

Target Date: 08/05/2017

Extension Date: 16/06/2017

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view.

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Plan Area
Aerodrome Safeguarding Zone
Planning Agreement
Tree Preservation Order: 13/05

Plan Policy Designations

Built-up Area

National Planning Policy Framework

Section 7

Core Strategy

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

Supplementary Planning Guidance And Documents

SPD - New Milton Local Distinctiveness
SPD - Parking Standards

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
NFDC/78/11166 48 houses and garages with construction of pedestrian/vehicular access and layout of estate roads.	22/05/1979	Granted Subject to Conditions	Decided	

5 COUNCILLOR COMMENTS

No Comments Received

6 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: Object (Non-Delegated)

- (1) Contrary to the New Milton Local Distinctiveness Study document regarding character, specifically page 34 (Build up of Building Line) and its poor design.*
- (2) Back land development*
- (3) Sets a precedent*
- (4) Threat to nearby TPO'd trees*
- (5) This is subdivision for residential purposes and not an outbuilding extension.*

7 CONSULTEE COMMENTS

7.1 Tree Officer: no objection subject to planning conditions for the protection of trees during the construction period.

8 REPRESENTATIONS RECEIVED

No comments received

9 CRIME & DISORDER IMPLICATIONS

None Relevant

10 LOCAL FINANCE CONSIDERATIONS

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

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

11 WORKING WITH THE APPLICANT/AGENT

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

In this case an extension of time letter was sent to the agent to extend the time required to determine this application due to the illness of the original case officer. This was agreed. In addition, a request was made for the applicant to clarify the need for this extension, as the proposed accommodation would provide the potential for a self sufficient unit. Clarification and the reasoning behind the alterations was sent by the applicant confirming that it was intended to provide accommodation for a family member who could have some reliance on the existing dwelling.

12 ASSESSMENT

12.1 This application site consists of a detached chalet bungalow with a detached double garage set to the side and forward of the principal elevation with off-street parking space between. Surrounding properties are varied, with some immediately adjacent dwellings matching the steep roof-pitch and dormers of 19 Deerleap Way, while other properties have a more traditional two-storey built-form.

12.2 The application is for single-storey side and rear extensions to the existing detached garage. The reasons outlined by the applicant for these extensions is to create a sperate annex for use by an elderly family member. The potential impacts of this application were identified to be the impact of the development upon the street scene and the impact of the application upon nearby protected trees.

12.3 Due to the siting of the proposed development and relationship with neighbouring properties there are no concerns in terms of detrimental impacts upon the amenity of neighbours.

12.4 The applicant sought pre-application advice prior to the submission of this planning application. The advice focussed upon the design of the scheme, its potential impact upon the surrounding area and the relationship of the proposals with the host dwelling. The recommendations that were made by officers were complied with in the new scheme.

12.5 The initial concerns regarding the height of the garage in relation to the host dwelling and the impact of this upon the street and uniform character of other detached garages in the street have been overcome and there is no proposal in this application to increase the ridge height of the garage. The extensions to the side and rear are not excessive in height, nor is their footprint disproportionate to that of the garage as existing. The side elements are also well screened from the street by way of closed-boarded fencing. As a result, no harm upon the character and appearance of street scene will arise.

- 12.6 The nearby protected trees were identified to be an area of potential concern. Accordingly, a consultation has been carried out with the National Park Tree Officer who raises no objections subject to the inclusion of two conditions to secure the protection of the tree during the construction period.
- 12.7 New Milton Town Council raised objection regarding the proposed use of the garage as a "subdivision for residential purposes". In view of this objection officers have sought clarification of the proposed use. In response, the applicant has written to confirm that, while there is a requirement for this proposal to create a reasonably self-sufficient residential annex for the mother of the applicant, the outbuilding will be part and parcel of the main residential use. The occupant will use the host dwelling for a number of shared residential uses such as some meals, laundry, garden use and childcare. Given the potential for the proposed accommodation to be used as a separate dwelling, it is considered appropriate to apply a planning condition restricting the use of the development to that of an extended family unit.
- 12.8 It is noted that this proposal will result in the loss of a garage space (which might reasonably be perceived as parking) and the creation of a fourth bedroom within this residential unit. This increases the required number of on site parking spaces 2.5 to 3.0. The hardstanding at the front of this property offers sufficient existing provision for this increase. In addition, on-street parking at this address would not create any highway safety concerns. The available parking on site therefore accords with New Forest District Councils' Parking Standards SPD.
- 12.9 Taking into account the compliance with pre-application advice and the clarification of use submitted by the applicant, the proposed development is consistent with the Core Strategy policies and objectives. As a result the application is recommended for permission
- 12.10 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

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: 2015/157/1, 2015/157/2, 2015/157/3, 2015/157/4, 2015/157/5, 2015/157/6, 1000.

Reason: To ensure satisfactory provision of the development.

3. No development, demolition or site clearance shall take place until a plan showing: Location of site compound and mixing areas; Tree Protection Plan in accordance with BS 5837: 2012; Arboricultural Method Statement in accordance with BS 5837: 2012 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.

4. Prior to the commencement of works (including site clearance and demolition) 3 working days' notice shall be given to the Local Planning Authority to attend a pre-commencement site meeting to inspect all tree protection measures as detailed in Tree Protection Plan that is to be submitted and approved in writing.

Reason: To protect the said trees in the interests of the visual amenities and character of the locality, in accordance with Policy CS2 of the Local Plan for the New Forest District outside of the National Park (Core Strategy).

5. The development hereby approved shall only be used in conjunction with the existing accommodation as an extended family unit ancillary to the use of the site as a single dwelling house and at no time shall a separate dwelling be created, unless otherwise formally agreed in writing by the Local Planning Authority.

Reason: To provide the Planning Authority with the opportunity to properly assess the planning implications of subdivision of the property and whether it would be harmful to the amenities of the area, contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

Notes for inclusion on certificate:

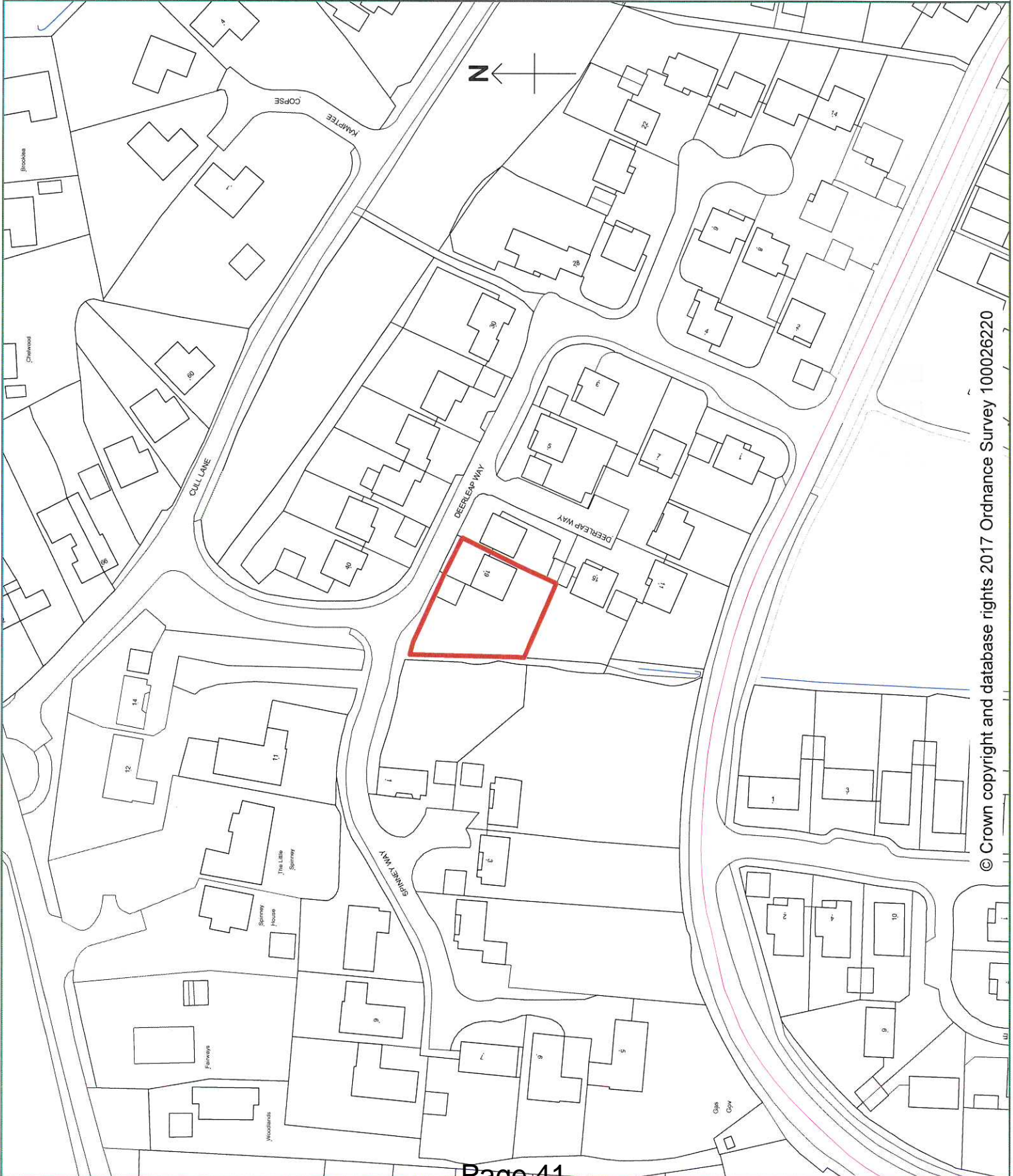
1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising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

In this case an extension of time letter was sent to the agent to extend the time required to determine this application due to the illness of the original case officer. This was agreed. In addition there was a request made to clarify the requirement for this extension, as the garage is proposed to be used as an annex for a family member resulting from the alterations proposed in this application. The clarification and reasoning behind the alterations was sent by the applicant.

Further Information:

Householder Team

Telephone: 023 8028 5345 (Option 1)



This page is intentionally left blank

Application Number: 17/10346 Variation / Removal of Condition

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

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

Applicant: Mr Robinson

Target Date: 04/05/2017

Extension Date: 14/06/2017

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council View
(Deferred from the previous Planning Committee Meeting)

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Aerodrome Safeguarding Zone
Meteorological Safeguarding
Plan Area
Flood Zone

Conservation Area: Ibsley Conservation Area

Plan Policy Designations

Countryside

National Planning Policy Framework

Section 7

Core Strategy

CS2: Design quality

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

Local Plan Part 2 Sites and Development Management Development Plan Document

DM1: Heritage and Conservation

DM20: Residential development in the countryside

Supplementary Planning Guidance And Documents

SPG - Residential Design Guide for Rural Areas

3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

4 RELEVANT SITE HISTORY

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

5 COUNCILLOR COMMENTS

None received

6 PARISH / TOWN COUNCIL COMMENTS

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

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

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

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

7 CONSULTEE COMMENTS

Natural England - no comments

8 REPRESENTATIONS RECEIVED

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

9 CRIME & DISORDER IMPLICATIONS

None Relevant

10 LOCAL FINANCE CONSIDERATIONS

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

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

11 WORKING WITH THE APPLICANT/AGENT

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

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

12 ASSESSMENT

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

12.2 The application was deferred from the previous planning Committee (10th May 2017) as it was not advertised in the local newspaper during the application process as is required for development within the Conservation Area. The application has now been appropriately advertised in the Salisbury Journal with an expiry date for comments of 8 June 2017. A further site notice was also displayed to indicate that the application affected a property within the Conservation Area. No further public comment has been received since the last Planning Meeting.

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

12.4 In the case of this approved development the floorspace as proposed by 16/10786 would see a 28% increase. Although within the 30% policy limitations the property would normally still benefit from the potential to further enlarge in the future under its permitted development rights. Such further enlargement could be contrary to the aforementioned policy objectives and there would be no planning control available. On this basis it was considered to be appropriate for permitted development rights to be removed in order to control future extensions and as such

condition (No 4) was applied to the approval. The condition is precisely worded and it should be noted that it anticipates the potential re-enactment of legislation.

- 12.5 In granting planning permission the Local Planning Authority are able to impose such conditions as they think fit as specified under Section 70(1)(a) of the Town and Country Planning Act 1990. For the reasons noted above it was considered appropriate with reference to the adopted policy objectives under DM20 to apply this condition which meets with the relevant Government tests. It is noted that such conditions restricting permitted development rights are regularly used throughout the District where considered relevant, having regard to the current development plan.
- 12.6 This application seeks to remove condition No 4 on the grounds that it fails to meet the "6 tests" set by Government for the use of conditions in planning permissions. Furthermore the applicant states that such a condition was not imposed on similar developments along Mockbeggar Lane. Some 32 cases are specified dating back to 1986. However, of that 32 cases, 29 were decided before 2008 when fundamental changes to the way "permitted development" should be calculated were made. That legislation and subsequent amendments now provide a more generous potential for permitted development making it more critical for restrictive planning conditions to be used.
- 12.7 The applicant has specifically identified two of these properties in support of his case. In the case of the adjacent property, now known as Kookaburra, which was originally classed as a small dwelling, the retrospectively approved development appeared not to fully utilise the permissible floorspace under Policy DM20. In that case, it would appear that a condition was not considered necessary as the approved development effectively negated any future permitted development from being implemented at ground floor level, while the relatively shallow main roof similarly provides limited scope, if any for future useable floorspace.
- 12.8 The second case for the development at Springfield (further east) was approved in 1998 . A further extension was added in 2003 but this was in the form of a conservatory. That development was initially for a new roof form over an existing ground floor extension which appears to have been judged as part of the original dwelling. No additional floorspace was therefore proposed and apparently it was considered to be too onerous to remove permitted development rights given the policy position at that time. The later proposal for a replacement conservatory again appears not to have generated any additional floorspace.
- 12.9 Although officers have not researched all 32 cases put forward by the applicant in support of his case these historic decisions to grant permission without conditions restricting permitted development rights do not undermine the current justification to do so. With the significant changes in legislation since 2008 that provide a considerable potential increase in the floorspace that can be built without planning permission, it has become increasingly important to control future development by way of planning conditions. Without the use of such planning conditions, Policy DM20 would become ineffective and the aims and objectives of that policy to protect the countryside would be lost.

- 12.10 In conclusion, each application has to be considered on its own merits and while the condition was not applied to planning approvals on a neighbouring properties this does not set a precedent for the area. The Parish Council has implied that there is a lack of clear guidance given as there is not a management plan for this location. However it should be noted that the adopted Local and Government policies for residential development within the Countryside outside the New Forest are clear on the matters arising from this case. Overall the long term protection of the Countryside is paramount and the restriction of further development on the property is considered justified and appropriate to maintain a mix of housing stock and to restrict the impact on the local area. Therefore the application to remove condition 4 on planning permission 16/10786 is contrary to policy and is recommended for refusal.
- 12.11 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

13. RECOMMENDATION

REFUSE the VARIATION of CONDITION

Reason(s) for Refusal:

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

Notes for inclusion on certificate:

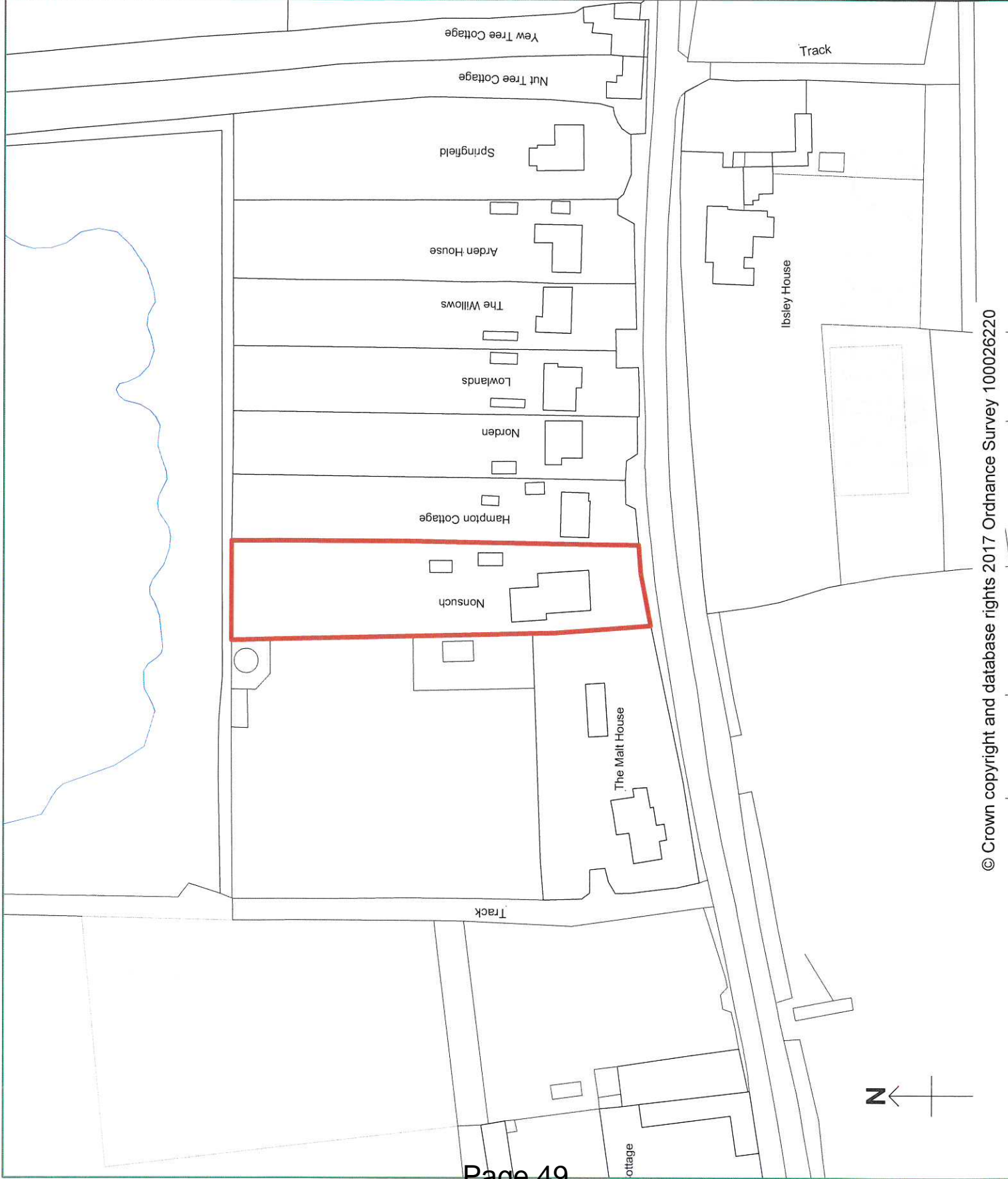
1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising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

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

Further Information:

Householder Team

Telephone: 023 8028 5345 (Option 1)



This page is intentionally left blank

Application Number: 17/10350 Full Planning Permission

Site: 9 MOXHAMS, FORDINGBRIDGE SP6 1JE

Development: Dropped kerb and access gate (PART RETROSPECTIVE)

Applicant: Mr & Mrs Pottinger

Target Date: 19/05/2017

Extension Date: 14/06/2017

1 REASON FOR COMMITTEE CONSIDERATION

Contrary view to Town Council

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Flood Zone
Meteorological Safeguarding
Aerodrome Safeguarding Zone
Plan Area
Historic Land Use

Conservation Area: Fordingbridge Conservation Area

Plan Policy Designations

Built-up Area

National Planning Policy Framework

Section 7

Core Strategy

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

Local Plan Part 2 Sites and Development Management Development Plan Document

DM1: Heritage and Conservation

Supplementary Planning Guidance And Documents

No relevant documents

3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

4 RELEVANT SITE HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
XX/RFR/12980/1 10 houses with integral garages and construction of access.	17/02/1970	Granted Subject to Conditions	Decided	
XX/RFR/12980/2 Construction of new street.	17/02/1970	Granted	Decided	
XX/RFR/12980 10 houses with integral garages (existing buildings to be demolished).	25/08/1969	Granted Subject to Conditions	Decided	

5 COUNCILLOR COMMENTS

No Comments Received

6 PARISH / TOWN COUNCIL COMMENTS

Fordingbridge Town Council: recommend refusal as the design of the gate is inappropriate in this setting in a conservation area and concern over the inclusion of the public footway within the scheme and lack of consultation with the Highway Authority

7 CONSULTEE COMMENTS

- 7.1 Conservation Officer: no objection
- 7.2 Environmental Health Contaminated Land: no objection
- 7.3 Natural England: no objection
- 7.4 Hampshire County Council Highway Engineer: objection to an additional access onto a site where there is already a vehicle access.

8 REPRESENTATIONS RECEIVED

Total Number of Representations Received: 4

Comment(s): 0 In Favour: 0 Against: 4

Four letters of objection have been received from neighbours at numbers 3, 5 and 8 Moxhams, and 68 Abbotsbury Road. The main reason for these objections are the loss of the parking area to the front of the gate.

9 CRIME & DISORDER IMPLICATIONS

None Relevant

10 LOCAL FINANCE CONSIDERATIONS

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

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

11 WORKING WITH THE APPLICANT/AGENT

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

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

12 ASSESSMENT

- 12.1 The property is a relatively modern semi-detached property within a cul de sac of similar properties. The property benefits from an integral garage to the front with vehicle access from the road. There are high hedges along the front boundary where a pedestrian gate has been replaced with a wider five bar wooden gate, which is the subject of this application.
- 12.2 The main considerations when assessing this application were the impact on the street scene, Conservation Area and highway safety.
- 12.3 The proposal includes the introduction of a new vehicular access and given that this estate road is not a Classified road the installation of a new access does not require planning consent as it would be considered to be permitted development. The original planning approval contained a condition restricting the height of any development to the front of the properties to maintain an open plan design estate and therefore the gate, even though it is not in excess of 1 metre in height, does require planning consent.
- 12.4 The Highways Authority was consulted and has advised that their guidance for dropped kerbs resists the introduction of a second access onto a site when there is already a vehicle access, unless highway safety improvements can be established. Given that the dropped kerb and new access do not require planning permission the refusal of this application on these grounds would not be appropriate. The creation of the dropped kerb will however require the consent of the Highway Authority separate to planning.
- 12.5 The Conservation Officer has advised that the work has minimal impact on the character and appearance of the conservation area and that they have no objection.

- 12.6 The neighbours at numbers at numbers 3, 5 and 8 Moxhams, and 68 Abbotsbury Road have objected to the new access and gate in that they would restrict the use of the road to the front of the gate for parking. There are no restrictions on the original planning permission requiring this area of highway to be continually used for the parking of vehicles and therefore the loss of parking is not within planning control. The Highway's Officer has not highlighted any parking issues within their consultation response.
- 12.7 The openness of the land to the front of the properties has been eroded over the years with hedging and a pedestrian gate and therefore the newly erected gate, which is limited in height and open in its design, does not have a significant adverse impact on the spatial characteristics of the street scene or detract from the Conservation Area. Therefore the application is recommended for approval.
- 12.8 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

13. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: POT1/100, POT1/101, POT1/102, POT1/103, POT1/104 & POT1/105

Reason: To ensure satisfactory provision of the development.

Notes for inclusion on certificate:

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

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

Further Information:

Householder Team

Telephone: 023 8028 5345 (Option 1)

Application Number: 17/10359 Full Planning Permission

Site: BUS STATION, HIGH STREET, LYMINGTON SO41 9AF

Development: 17 sheltered apartments for the elderly; retail unit; communal facilities; access; underground carparking; bin store; landscaping; demolition of existing

Applicant: Renaissance Retirement Ltd & the Go Ahead Group PLC

Target Date: 10/07/2017

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view in part

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Lymington Conservation Area
Built up area
Primary Shopping Area
Town Centre

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS5: Safe and healthy communities
- CS7: Open spaces, sport and recreation
- CS9: Settlement hierarchy
- CS10: The spatial strategy
- CS13: Housing types, sizes and tenure
- CS14: Affordable housing provision
- CS15: Affordable housing contribution requirements from developments

CS17: Employment and economic development
CS20: Town, district, village and local centres
CS24: Transport considerations
CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

NPPF1: National Planning Policy Framework – Presumption in favour of sustainable development
DM1: Heritage and Conservation
DM3: Mitigation of impacts on European nature conservation sites
DM4: Renewable and low carbon energy generation
DM5: Contaminated land
DM10: Residential accommodation for older people
DM14: Primary shopping frontages
LYM8: Lymington town centre opportunity 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.2 - Ensuring the vitality of town centres
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. 12 - Conserving and enhancing the historic environment
Section 72 General duty as respects conservation areas in exercise of planning functions
Planning (Listed Buildings and Conservation Areas) Act 1990
Section 66 General duty as respects listed buildings in exercise of planning functions.
Planning (Listed Buildings and Conservation Areas) Act 1990

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

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

6 RELEVANT PLANNING HISTORY

- 6.1 16/10754 17 sheltered apartments for the elderly; retail unit; communal facilities; access; underground car parking; bin store; landscaping; demolition of existing refused 15-12-16 appeal lodged.
- 6.2 17/10608 remediation works to party wall (Application for Listed Building Consent) current application.

7 PARISH / TOWN COUNCIL COMMENTS

Lymington and Pennington Town Council: recommend refusal: This Council remains opposed to any development of this nature at the bus station which remains designated as such within the District Development Plan. We have considered the future use of the site within our Neighbourhood Plan and believe there is a strong argument to support the notion that it would be beneficial to this town for its use to be for retail / residential should the site not continue to be used as a bus station.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

- 9.1 Conservation Officer: recommends refusal: while acknowledging the changes that have been made since the refusal of planning permission last year and recognising that the site would benefit from some form of redevelopment the proposal would not be appropriate in this sensitive location. The scheme moves so far away from the prevailing character and context it is felt to have a significantly damaging effect on local attributes.
- 9.2 Hampshire County Council Highway Engineer: no objection subject to conditions.
- 9.3 Hampshire County Council Flood and Water Management Team: require further information/clarification on the proposals.
- 9.4 Ecologist: no objection subject to condition.
- 9.5 Archaeologist: no objection subject to condition.
- 9.6 Southern Gas: advise of the presence of gas mains in this area.
- 9.7 Southern Water: advise of the presence of a public sewer within the site.
- 9.8 Estates and Valuations: recognises the fact that commercial development on the main part of this site would be considered unlikely in view of the narrow access which results in the majority of the site being obscured from view and the fact that there is no through route resulting in no opportunity to create pedestrian flow as would be required for a retail/commercial arcade. It is also noted that the property has been marketed by a national commercial agent and that this has not resulted in commercial development propositions coming forward.
- 9.9 Environmental Health (Contaminated Land) no objection subject to conditions.

10 REPRESENTATIONS RECEIVED

- 10.1 16 letters of objection have been received (including one on behalf of the Friends of Lymington Bus station and one on behalf of the Lymington Society) raising the following concerns: the objections to the previous

scheme have not been overcome, loss of the bus station and associated facilities which leads to congestion on the High Street, the loss of the bus station as a vital community asset, the buildings are too high, loss of light and outlook, disturbance during construction, impact on existing businesses during construction, too many flats for the elderly in the area and need more affordable homes.

10.2 Two letters of support stating that the proposal is the perfect answer for aged persons accommodation.

10.3 One letter raising concerns about the condition of alleyway to the side and rear of the site.

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission and the dwellings built, the Council will receive £20,736 in each of the following six years from the dwellings' completion, and as a result, a total of £124,416 in government grant under the New Homes Bonus will be received.

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 £176,616.

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

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

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

In this case no pre application advice was sought prior to the submission of this application and the concerns raised in relation to the previous application have not been adequately addressed as a result there is no scope to further amend the proposals within the timescales for determination of this application.

14 ASSESSMENT

- 14.1 This site is located on the south side of the High Street within the Lymington Conservation Area with listed buildings adjoining. To the sides and rear of the site are residential properties with their associated residential curtilages. The site contains a range of single/two storey functional buildings (all proposed to be demolished) and has a limited frontage to the High Street which is occupied by the access to the bus station. The boundary of the site is currently formed by existing buildings and brick walls ranging in height from about 2 metres up to 4 metres. Development fronting the High Street is between two and three stories high with development to the rear being up to two stories and the scale of development generally reduces down from the properties fronting the High Street.
- 14.2 The proposal is to develop the site with 17 retirement apartments (16x2 bed and 1x3 bed) in buildings to be constructed around the site boundaries between one, two and three stories high. A retail unit is also proposed at ground floor level fronting the High Street. Underground parking is proposed for 17 cars which would be accessed by two car lifts. The application has been supported with the following documents: Planning Statement, Affordable Housing Statement, Contamination Statement, Drainage Impact Assessment, Heritage Statement, Historic Environment Statement, Transport Statement, Ecology Report and Design and Access Statement.
- 14.3 This application follows the refusal of a similar scheme last year (see paragraph 6.1 above). The previous application was refused for four reasons relating to its adverse impact on the character and appearance of the Conservation Area and nearby Listed Buildings as a result of the developments excessive size, the harm to the setting of a number of Grade II Listed Buildings, no mechanism to secure the required affordable housing contribution and the failure to establish the archaeological potential of the site and the significance of any surviving archaeological deposits on the site.

- 14.4 This site is subject to a site specific policy LYM8 which states that the site should be developed with retail/bus station uses. The bus station is now closed and a retail use is proposed on the High Street frontage which would go some way towards addressing this policy. The applicant has stated that the bus station use ceased in May 2015 and that replacement bus stops have been provided on the High Street. They also advise that the bus company no longer wish to retain this site and that there is no possibility of it being sold to another bus operator. In addition the property was marketed in 2013 and no formal offers were received for any commercial or retail uses. They feel that the provision of a retail unit on the High Street frontage would satisfy the policy aims for the site. On balance it is considered that this is a reasonable approach which is supported by the Estates and Valuation Officer, having regard to the narrow site entrance, lack of public access through the site and the lack of interest in the site for commercial development following the marketing exercise which has been carried out. In addition policy DM10 supports the provision of residential accommodation for older people on sites appropriate for residential development. This reflects the stance that was taken in respect of the previous application in relation to this issue.
- 14.5 The main changes between this scheme and that previously refused are in relation to the height of the buildings. The application has been supported by a plan that illustrates the difference between the two schemes. This shows that the height of some parts of the buildings have been reduced in terms of ridge and eaves heights, particularly towards the rear of the site. Other parts of the development remain of the same height as was considered previously. The footprint of the buildings and layout of the site remains essentially as considered previously although there has been a modest reduction in the footprint of Block C at the north-west corner of the building and an area of soft landscaping would be replaced with a paved area. In addition some elevations have been adjusted and more vertically proportioned windows have been introduced. While these changes are acknowledged it is considered that they do not go far enough to overcome the previous reasons for refusal and the proposed development would result in a built form that would be inappropriate in this sensitive context for the reasons set out below which are essentially the same concerns that were raised in respect of the previous scheme.
- 14.6 This site is in a very sensitive location within the Conservation Area and in very close proximity to a number of important Listed Buildings. There is clearly scope to provide a significant enhancement on this site having regard to the poor quality of the existing buildings, however, in this context, it is important that any development proposal has regard to its sensitive setting. The Conservation Officer has continued to raise concerns about the scale of this revised scheme and how it relates to the listed buildings and the conservation area. This location is of high heritage value and, as such, development of the highest contextually responsive urban design and architectural quality would be expected. This area is characterised by a strong linear burgage plot character and building to space ratio which the submitted layout fails to respond to. While this site has lost some of this character through clearance the prevailing character of the surrounding area still retains this contextual linear pattern. The proposed overly large roof profiles, the dominance of built form, the uniform height, overly wide gables and the lack of meaningful green space all contribute to a scheme that is seeking a

degree of built form which fails to respond to its context. The dominance and footprint of the scheme creates harm to the heritage assets and as a result is far in excess of what the site can reasonably accommodate. In this location the scheme would be expected to present a more responsive broken up linear built form that reduces in height, mass and width as it moves back from the High Street. In general, rear developments are around two storey with the occasional smaller element at three. There should be a more varied contextual roofscape to provide reference to the plots around it and create visual interest. The proposed large roofs with very similar pitches, width and height do not pick up on or respond to locally distinctive forms of development within the designated conservation area. In addition the wide footprints to each building result in creating awkward flat roofed elements within the scheme which are another feature which detracts from the varied and much lower and slimmer roof forms to the rear of the High Street. The failure in the analysis accompanying the application to recognise the importance of green spaces around the site, gaps between buildings and views through the site, all of which are common in this part of the conservation area, has resulted in a scheme which delivers none of these contextual attributes.

- 14.7 The proposed development would appear almost like a series of long dock or commercial style buildings possibly more akin to an edge of waterfront location. The elevations lack the more intimate nature and design of Lymington courtyard developments. The dimensions, details and articulation of the buildings proposed make little reference to the locally distinctive elements of Lymington, be that in traditional or modern interpretation. The lack of interest, variation and detailing in the scheme all indicate a standard approach rather than a site specific one. The elevations still look like they respond to the internal plan form requirements of the buildings rather than the elevational architecture of Lymington High Street and the designated conservation area.
- 14.8 The attachment of the development to listed buildings adjoining the site is not covered in any great detail and neither is the loss of more historic boundary walls around the site which also gives cause for concern.
- 14.9 The proposal includes the provision of a retail unit on the High Street frontage and the principle of this is seen as a positive element of the scheme. The architecture of the frontage building would be acceptable (no concerns were raised in respect of the previous application in relation to this element of the scheme). The punched vertical arrangement of windows evident on the High Street is now picked up on and referenced to bays on adjacent buildings both in scale and arrangement. The height of this block moving back into the site should step down and become more subservient to the frontage element of the building and this aspect still dominates and has not been altered. The front elevation of the retail unit has become a more positive addition which represents a better quality building which closes this gap in the High Street frontage.
- 14.10 While the proposed development would lead to less than substantial harm to the significance of the conservation area and the setting of listed buildings, that is not the same as a less than substantial objection. In accordance with the advice of paragraph 132 of the NPPF, great weight should be given to the conservation of heritage assets. In assessing this issue, consideration has been given to the benefits of the scheme which

include the provision of housing which is of significance given the lack of 5 years supply of housing land (paragraph 14 of NPPF), providing specialist housing which would contribute to an acknowledged need and the proposals would bring forward the development of a site which does not contribute positively to the area.

- 14.11 In terms of neighbour implications, it is important to recognise the fact that the level of residential amenity in a densely developed town centre location such as this is not as high as in a more suburban location. However, the residential properties to the rear and sides of the site do have a relatively high level of privacy as there are no windows presently overlooking these properties from this site. No concerns were raised in respect of neighbour impacts in relation to the previous scheme and this proposal similarly gives rise to no adverse impacts as set out below.
- 14.12 Gleivins to the west of the site is a substantial detached dwelling with a large garden, to the front and rear, there is a substantial wall (up to about 4 metres high) along the common boundary of the site. The proposed development would result in buildings (Block B) very close to this boundary at a similar height to the wall with roofs sloping away from the boundary, as such the bulk of the buildings would be likely to have an acceptable impact on this property. Windows facing Gleivins would be such that no unacceptable overlooking would result having regard to the height of the wall, the location of the windows and the fact that they do not serve habitable rooms, apart from some rooflights.
- 14.13 With regard to residential properties to the rear, there are three dwellings known as Maitlands, Gladwins and La Colleta. Maitlands immediately abuts the rear boundary of the site and is a two storey dwelling with a private rear garden. The rear elevation of Block B would be two storeys on the boundary with no windows facing Maitlands. As such no overlooking would result. However a balcony is proposed at first floor level which would allow views to the south over the rear garden of this neighbour. A privacy screen is proposed that would reduce any possibility of overlooking. The bulk of the building would not result in an overshadowing impact as it would be to the north of this property.
- 14.14 Gladwins is centrally located on the rear boundary of the site with an alley between. The proposals are such that there would be no building directly on the boundary (apart from a small part of Block C). As such no overbearing impact would arise. Balconies are proposed at first floor level in Block C which would have privacy screens that would protect this neighbour's privacy. A first floor lounge window would face this property at a distance of 5.5 metres from the boundary (14 metres from the rear elevation of Gladwins). This distance would be within acceptable limits in this town centre location.
- 14.15 La Colleta is also a two storey dwelling located to the rear of the site with an alley between. Block C would abut the rear boundary at a height of two storeys. There would be no windows in the south elevation and as a result no overlooking would result. Other windows further from the boundary would result in an acceptable impact, having regard to this town centre location. In addition, as the proposed development would be to the north of this property, no overshadowing impact would result.

- 14.16 To the east of the site is the garden of La Colleta and a garden associated with a residential property at Solent Mews. Block C would be located close to this boundary at a height of two storeys with roofs sloping away from this boundary. The vertical walls of this block would be at a very similar height to the existing structures on this boundary and as a result no significant increased overbearing impact would result. Windows in this east elevation would serve non-habitable rooms that could be glazed with obscure glass. There would be windows close to the side boundary serving bedrooms facing north and south, however, these would offer oblique views which would be acceptable in this location. Properties in Solent Mews have windows at first and second floor level facing south into the site. The proposed development would have some impact on the outlook from these windows, however, there is already a two storey building on this part of the site and the change in outlook would not be so significant as to justify a refusal of planning permission.
- 14.17 Londesborough House is a three storey listed building in office use immediately to the north of Block C, this property does have significant windows facing south into the site which would be affected by the proposed development, the outlook from these windows would be reduced as a result of the development. However, outlook from commercial property is not given such a high level of protection as residential property and it is not considered that this impact is of such significance to justify a refusal of planning permission in its own right, although this negative impact weighs against the scheme to a modest degree.
- 14.18 In terms of highway matters, the Highway Engineer has commented that the level of parking proposed would meet our guidelines of 1 space per unit, 17 spaces are proposed in the underground car park. The applicants have demonstrated that the level of trip generation of the proposed development (196 trips per day) would be lower than that generated by the previous bus station use (220 trips per day) and as such no objection is raised to the level of traffic generation proposed. The width of the access would be acceptable and turning space would be provided on site to enable all vehicles to enter and leave the site in a forward gear.
- 14.19 In terms of archaeological issues the Archaeologist has raised no objection to this application following the submission of further documentation which assesses the likely archaeological potential of the site which overcomes reason for refusal No. 4 of the previous application. Conditions would be necessary to ensure that the archaeological significance of this site is recorded/retrieved prior to commencement of works.
- 14.20 The Ecologist has raised no objection to the proposals and states that that further details could be secured by condition.
- 14.21 Other matters raised by interested parties which are not referred to in the assessment above include concerns that the bus station should be designated as an Asset of Community Value. This has been considered formally by this Council and the decision has been made that this site is not worthy of this designation. The matter of the loss of the bus station is beyond the control of any decision on this application as it has already

been closed by the Bus Company who have made alternative arrangements for the service. Disturbance during construction of new development, while understandably of concern to local residents, is not a determining factor in the assessment of this application. Similarly, maintenance of the alleys is an ownership issue which is not relevant to the consideration of the application. Comments have also been made that there are too many flats for the elderly in this area and that the site should be developed for first time buyers. However, planning policies encourage development for both of these forms of housing and a refusal of planning permission on this basis could not be justified.

- 14.22 This proposal generates the need to make a contribution toward affordable housing in accordance with policy CS15 of the Core Strategy. In this case the requirement would normally be 50% of the number of units to be provided on site. However, having regard to the difficulties associated with managing a mixed flats development an off site contribution is appropriate in this case and this is the established approach adopted in respect of sheltered housing developments elsewhere in the District and was also accepted in relation to the previous application. The required contribution would be £256,589.30. This figure takes into account the vacant building credit which has included a discount of 16.4% based on the proposed floorspace with the existing floorspace discounted. While the applicant has agreed to this level of contribution, in the absence of a completed Section 106 Agreement this needs to form a further reason for refusal of permission.
- 14.23 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. The applicant has agreed to fund the Council's Mitigation Projects which would require a contribution of £53,050.
- 14.24 In conclusion, in balancing the issues, the social benefits of providing specialist housing for the elderly and the economic benefits of the re-use of this brownfield site, and the provision of retail floorspace are not considered to outweigh the harm that would be caused in respect of the very sensitive context of this site in the Conservation Area close to Listed Buildings because of the size and layout of the development as described above. For these reasons the recommendation is to refuse the application. The impact of the development on neighbours, highway issues and other matters referred to above would be acceptable.
- 14.25 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that 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			
Financial Contribution	£256,589.30	£256,589.30	0
Habitats Mitigation			
Financial Contribution	£53,050	£53,050	0

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
------	----------------------------	----------------------------	-----------------------	------------------------------	------	-------

Dwelling houses	2394	387	2007	2007	£80/sqm	£176,616.00 *
------------------------	------	-----	------	------	---------	---------------

Subtotal:	£176,616.00
Relief:	£0.00
Total Payable:	£176,616.00

* 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 a combination of buildings that would be of an excessive size by virtue of their height, width, depth, overly large roof profiles, close proximity to the site boundaries and lack of meaningful green space in this area which would not respect local distinctiveness. The site lies within the Lymington Conservation Area close to many listed buildings and the proposals would fail to recognise this sensitive context and fail to preserve and enhance the character and appearance of the Conservation Area. As a result the proposals would fail to comply with policies CS1, CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park, policy DM1 of the Local Plan Part 2 (Sites and Development Management DPD), Lymington Local Distinctiveness SPD, Lymington Conservation Area Appraisal and the National Planning Policy Framework.
2. The proposed development would have an adverse impact on the setting of adjacent heritage assets in the form of a number of grade II listed buildings, in particular buildings at nos. 30, 31, 32, 33, 36 and 37 High Street, Londesborough House and the Nat West Bank High Street. These buildings would suffer direct harm to their setting from the rear and in views across to and from these buildings. As a result the development would fail to comply with policy CS3 of the Core Strategy for the New Forest District outside the National Park, policy DM1 of the Local Plan Part 2 (Sites and Development Management DPD) and the National Planning Policy Framework.
3. Notwithstanding the applicants commitment to make the required affordable housing contribution, in the absence of a mechanism to ensure the agreed contribution is paid, the proposed development would fail to make any contribution toward addressing the substantial need for affordable housing in the District. The proposal would therefore conflict with an objective of the Core Strategy for the New Forest District outside the National Park 2009 and with the terms of Policies CS15 and CS25 of the Core Strategy.

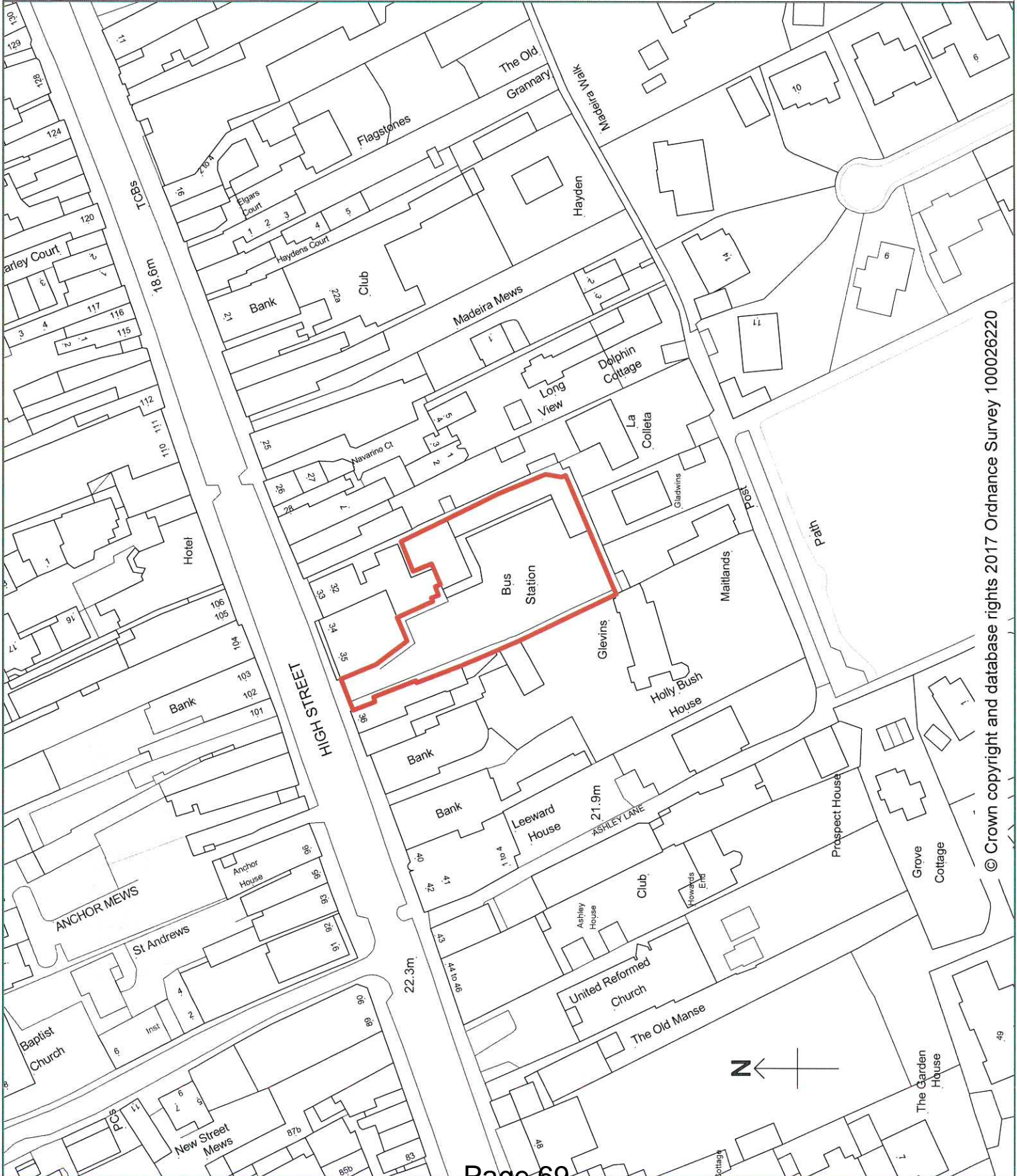
Notes for inclusion on certificate:

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

In this case no pre application advice was sought prior to the submission of this application and the concerns raised in relation to the previous application have not been adequately addressed as a result there is no scope to further amend the proposals within the timescales for determination of this application.

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)



This page is intentionally left blank

Application Number: 17/10372 Full Planning Permission

Site: OAKWOOD, 7 ROOKES LANE, LYMINGTON SO41 8FP

Development: House; access alterations; landscaping; parking

Applicant: Miss Hemsley

Target Date: 19/05/2017

Extension Date: 14/06/2017

1 REASON FOR COMMITTEE CONSIDERATION

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
- Section 197 Trees
- Town and Country Planning Act 1990

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Housing Design, Density and Character
SPD - Design of Waste Management Facilities in New Development
SPD - Lymington Local Distinctiveness
SPD - Parking Standards
SPD - Mitigation of Impacts on European Sites

6 RELEVANT PLANNING HISTORY

15/11442 - house, access alterations, parking. Refused 13.1.16, appeal dismissed.

7 PARISH / TOWN COUNCIL COMMENTS

Lymington and Pennington Town Council - recommend permission subject to resolving neighbours concerns.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

Southern Gas Networks - offer advice

10 REPRESENTATIONS RECEIVED

Objections have been received from 3 local residents concerned with the following:

- consider that the planning statement contains many inaccuracies
- the proposed house has not been amended to minimise impact on the neighbour as suggested by officers
- over bearing impact
- loss of light
- potential loss of hedge
- over development of the site
- negative impact on Rookes Lane

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

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

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

Based on the information provided at the time of this report this development has a CIL liability of £16,544.00.

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

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

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

14 ASSESSMENT

- 14.1 The site lies within the built up area of Lymington in a residential area although there is a park opposite. 7, Rookes Lane is set to the rear of the site at a slightly higher level than the road and has recently been extended and refurbished. There is a mature hedge along the front boundary and between the site and no.9. Along the western boundary is a row of statutorily protected trees.
- 14.2 The proposal entails the provision of a detached dwelling comprising study, kitchen, living room, utility, WC and garage at ground floor level with four bedrooms, three with dressing areas and all with access to one of three ensuite bathrooms at first floor level. The existing access to no.7 would be moved slightly to the east and widened leading to both dwellings and a new parking area for that proposed.

- 14.3 The application follows an appeal for the same scheme and which was dismissed due to the impact the proposal would have on European sites. 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. The condition would require the completion of a Section 106 Agreement to secure the necessary payment and on this basis, the Council is satisfied that the proposal addresses the Inspector's concern in this respect.
- 14.4 The local residents are concerned that the proposed dwelling would adversely affect the residential amenities of the immediate neighbours. However, the Inspector concluded that the proposed dwelling would not result in a material loss of light or outlook and 'consequently, the living conditions of the neighbouring occupiers would not be materially affected'. With regard to the proximity of the proposed dwelling to the mature boundary hedge, the Inspector concluded that appropriate conditions would ensure the hedge could be protected during construction and supplemented should it become damaged. Subsequent to the appeal decision, officers suggested that the applicant might wish to consider moving the proposed dwelling away from this boundary hedge in the interests of appeasing the neighbours, there have been no changes to the proposed design or siting of the proposed house and given the Inspector's comments in her decision letter, "it would not be appropriate to refuse permission for the proposal on the grounds of its impact on visual or residential amenity.
- 14.5 The Inspector also considered the impact of the development on the character and appearance of the area. She concluded that the house would be appropriate and sympathetic to its setting and design, and its relationship to adjoining buildings and landscape features would be acceptable" It would therefore be difficult to justify a refusal of planning permission for these reasons.
- 14.6 In light of recent changes to national planning policy, it is considered inappropriate to secure a contribution towards affordable housing in respect of schemes of 10 residential units or fewer. In essence, national planning guidance would now outweigh the Council's own policies on this particular issue.
- 14.7 In conclusion, as the Inspector did not raise any concerns with the merits of the proposal in terms of neighbour or character impacts and the Habitats Mitigation issue can be resolved by condition, the application is therefore recommended for approval.
- 14.8 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the

rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	188		188	188	£80/ sqm	£16,544.00 *
Subtotal:	£16,544.00					
Relief:	£0.00					
Total Payable:	£16,544.00					

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

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

Where:

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

R = the levy rate as set in the Charging Schedule

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

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: 2014-31-15D, 2014-31-13, 2014-31-16A.

Reason: To ensure satisfactory provision of the development.

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

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

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

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

5. The dwelling hereby approved shall not be occupied until plans and particulars showing details of the provision for cycle storage within the site have been submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before the dwelling is first occupied and shall be retained thereafter.

Reason: In the interests of securing sustainable development and in accordance with policy CS2 of the New Forest District Council Core Strategy.

6. The development hereby permitted shall not be occupied until the spaces shown on plan 2014-31-15 rev.D for the parking and garaging of motor vehicles have been provided. The spaces shown on plan 2014-31-15 rev.D for the parking and garaging of motor vehicles shall be retained and kept available for the parking and garaging of motor vehicles for the dwellings hereby approved at all times.

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

7. The works hereby approved shall be undertaken in full accordance with the provisions set out on Plan AC2 Tree Protection Plan reference D1503AIA or as may otherwise be agreed in writing with the Local Planning Authority.

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

8. 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.

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

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

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

Notes for inclusion on certificate:

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

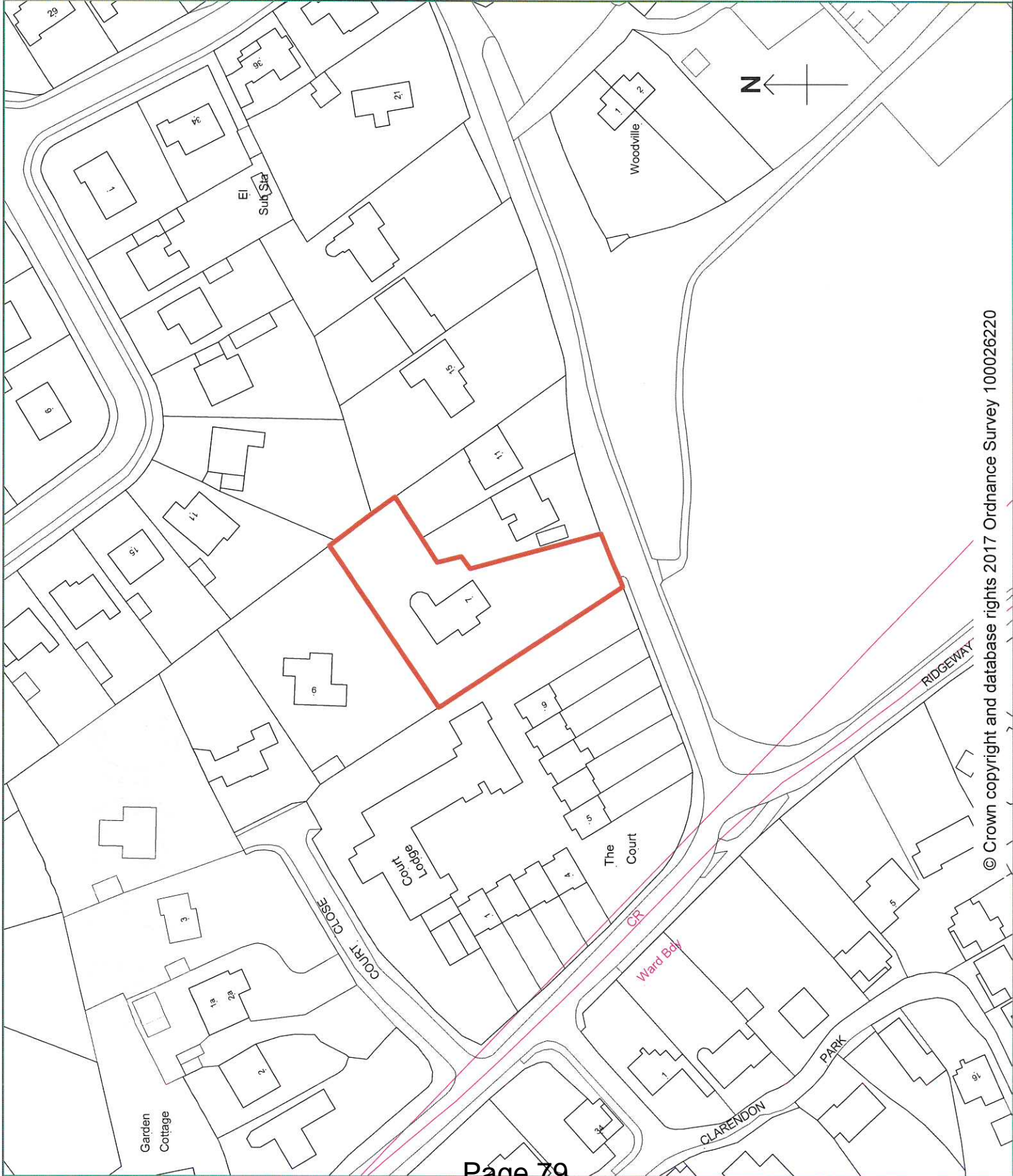
In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

2. In discharging condition No. 9 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:

Major Team

Telephone: 023 8028 5345 (Option 1)



This page is intentionally left blank

Application Number: 17/10426 Full Planning Permission

Site: FORDINGBRIDGE CLUB, ROUNDHILL, FORDINGBRIDGE SP6 1AQ

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

Applicant: Northshore Homes Ltd

Target Date: 05/06/2017

1 REASON FOR COMMITTEE CONSIDERATION

Policy interpretation

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

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

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

Core Strategy 2009

- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS8: Community services and infrastructure
- CS10: The spatial strategy
- CS15: Affordable housing contribution requirements from developments
- CS20: Town, district, village and local centres
- CS24: Transport considerations
- CS25: Developers contributions

DM1: Heritage and Conservation

DM2: Nature conservation, biodiversity and geodiversity

DM3: Mitigation of impacts on European nature conservation sites

DM14: Primary shopping frontages

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Fordingbridge Town Design Statement

SPD - Mitigation Strategy for European Sites

SPD - Parking Standards

SPG - Fordingbridge - A Conservation Area Appraisal

SPD - Housing Design, Density and Character

6 RELEVANT PLANNING HISTORY

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

7 PARISH / TOWN COUNCIL COMMENTS

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

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

9.1 Hampshire County Council Highway Engineer: no highway objections

9.2 Conservation Officer: supports subject to conditions

9.3 Archeologist: No objection subject to condition

9.4 Estates and Valuations: The public car park and a small strip of land adjacent to the eastern boundary of the site is owned by New Forest District Council. The strip of land to the east would be for landscaping and outside amenity space. There should be no vehicular access to the public car park to the north, and it is not desirable to permit additional legal rights of way onto the Councils car park as this could hinder future land usage in the longer term. It is noted that the proposed layout suggests a pedestrian link to the public car park, this is something that

would be considered on a non permanent basis only and if permitted would require a pedestrian access licence from the council giving permission that could be revoked at any time, therefore, the development should not be designed in a way that would require permanent pedestrian access rights to the Councils car park.

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

10 REPRESENTATIONS RECEIVED

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

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive New Homes Bonus £9792 in each of the following four years, subject to the following conditions being met:

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

Based on the information provided at the time of this report this development has a CIL liability of £30,512.

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

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

14 ASSESSMENT

14.1 The site and surrounding context

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

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

14.2 The proposal

- 14.2.1 The proposal seeks to demolish all existing buildings on the site and to construct a development comprising 8 two bedroom residential units and a retail unit. The proposal also seeks to provide on site car parking and landscaping. The proposed development is designed as a 'courtyard' ranging from single to two storeys in height, with varying interconnecting roof forms.
- 14.2.2 The proposed building would be sited closer to Roundhill than the existing building and be positioned close to and up to the other boundaries of the site. A two storey building with a ground floor retail unit and flat above would front onto Roundhill.
- 14.2.3 The proposed development is arranged so that pedestrian and vehicle access would be gained from Roundhill through an 'undercroft' within the building. The proposed development is designed to address the internal courtyard with window openings addressing the public areas. A narrow strip of land between the north elevation of the proposed building and public car park, which is owned by New Forest District Council would form part of the outside amenity space for future residents. It is proposed that the buildings would be constructed from traditional materials including brick, render, clay tile and slate roofs.

14.3 The assessment of the proposals

Policy

- 14.3.1 Policy CS8 of the Core Strategy for the New Forest District is applicable and relates to community facilities. The policy generally sets out a presumption against the loss of publically provided community facilities and services. However, in this case, the existing building was being occupied by a private members club and accordingly, this presumption would not need to apply. Moreover Fordingbridge Club has remained closed for a few years and there has been limited interest for a new community facility in the building.
- 14.3.2 Policy CS20 of the Core Strategy for the New Forest District is applicable and seeks to maintain active ground floor frontages within local centres. It allows for new retail and other commercial, service and leisure uses that help meet the day to day needs of the local community. The policy also seeks to protect the primary retailing role of the defined primary shopping areas, within the context of maintaining a broader mix of uses, including service, office and entertainment uses. Local Plan Part 2 Policy DM14 is also applicable and relates to Primary Shopping Frontages. The policy states that residential uses are not permitted at ground floor level.
- 14.3.3 In assessing the proposal against these policies, the shopping frontage only extends across the frontage to Roundhill. There is no policy requirement to provide active retail or commercial frontages fronting onto the public car park. The proposal would not result in the loss of any existing retail or commercial floor space. The proposal would create an active shopfront and retail use fronting onto Roundhill which would accord with the policy. Indeed this area currently offers no active frontage and the proposal would provide an interesting addition to Roundhill and accordingly is seen as an improvement.

- 14.3.4 Residential uses at ground floor level within Primary Shopping Areas are not normally permitted where the building immediately fronts onto the shopping street. This is not the case here. Moreover, residential uses at ground floor level are not normally permitted in cases which involve the loss of existing retail and commercial uses which again is not the case here. While it is unfortunate that the proposal does not provide a higher amount of retail and commercial floor space at ground floor level, the policy does not specifically state that a certain level of retail or commercial floor space should be provided, nor does it state that retail uses should extend throughout the whole of the site.
- 14.3.5 Accordingly in balancing out the issues, it is considered that the overall benefits the proposal would bring to the town including significant visual improvements and new housing within a sustainable location, outweigh the need to provide additional retail or commercial floor space in this case.
- 14.4 Impact on the character and appearance of the Conservation Area and setting of adjacent listed buildings
- 14.4.1 The Fordingbridge Club is located in the core of the Fordingbridge Conservation Area and within the setting of several listed buildings. The Fordingbridge Conservation Area Appraisal identifies the site as an opportunity for improvement through redevelopment, or improvement of the appearance of the existing buildings.
- 14.4.2 The site is located in the core of the Fordingbridge Conservation Area and within the setting of several listed buildings, including those which back onto Round Hill fronting High Street (Nos. 2, 4 and 8-10), No. 5-7 Shaftesbury Street and Nos. 24 and 26 High Street. Situated either side of the site are locally significant buildings; the pair of Victorian cottages Nos. 1 and 2 Round Hill and the former Auction Rooms (both are identified as such in the Conservation Area Appraisal).
- 14.4.3 The Conservation Area Appraisal recognises that the linear shape and form of the site possibly relates to a former burgage plot or post medieval development plot and has a random arrangement of buildings across its extent. It is the middle section of the building which has the appearance of a former warehouse or industrial use and is constructed from brick under a slate roof which potentially dates back to the 18th and 19th Century. It is considered that the middle section of the building makes a positive contribution to the character and appearance of the Conservation Area. It is acknowledged that single storey elements fronting onto Roundhill and the large single storey flat roof section facing the public car park comprise the modern and poorer quality additions. This said the site does respond to the scale, grain and plot development of the Conservation Area.
- 14.4.4 In assessing the loss of the existing buildings on the site, it is considered that they were historically important to this site and have some functions associated with former trades and industry within the town. These links however are not of high enough significance or clarity to make them exceptional examples. Furthermore the exterior and the interior of the buildings have been significantly compromised over the years along with their setting, including the replacement buildings on either end of the site which have introduced harmful design elements to the Conservation Area. It is therefore concluded that the loss of the

buildings would result in less than substantial harm to the designated heritage asset. However due to the elements of significance this loss would need to be mitigated by a high quality design to replace the existing buildings. This will ensure that there is a balance between the enhancement of the site against the loss of these structures.

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

14.6 Other matters

14.6.1 With regard to residential amenity, there is a detached two storey building to the south known as Roundhill Pilates and Physiotherapy Centre which occupies the ground floor and there is a residential flat above. To the rear of the building there is a garden area and rear terrace to the flat. The existing building is for the most part enclosed along the north and west boundary by a high brick wall which forms the boundary to Fordingbridge Club. Part of the existing wall rises to approximately 3.5 metres, but the height of the wall increases as it extends to the rear with the pitched roof rising above part of the building. The height of the wall on the rear boundary is about 3 metres high. On the ground floor of the physiotherapy centre, there are two windows facing north which comprise a treatment room and main workout area. The workout area also receives light from the rear. On the upper floor, there are two windows (facing north) in the residential flat which provide light into a dining room and lounge area.

14.6.2 The proposal to remove the buildings from the boundaries would be a significant improvement to their outlook. The proposed building fronting onto Roundhill and units identified as 2 and 3, including the car port are sited a reasonable distance away from the side boundary of the neighbouring property to the south. Given the proposed buildings are set further away from the boundary compared to the existing building, the physical relationship of the buildings to these neighbouring properties would be an improvement. The proposed building identified as unit 8 would be site on the rear boundary of this neighbouring

property, however given that there is already a building in this location and the proposed building would have a narrower building form, it is considered that the relationship is likely to be acceptable.

- 14.6.3 In terms of overlooking, the proposal has been designed to minimise overlooking to this neighbouring property. A first floor window is proposed on the south elevation of unit 1, however given the distances involved and the slightly oblique view, it is not considered to result in unacceptable overlooking to the Roundhill Pilates and Physiotherapy Centre and first floor flat. A number of first floor windows are proposed on the south elevation of unit 3, which would overlook the neighbouring property to the south. These are secondary windows and it would be reasonable to impose a condition for the lower part of these windows to be fitted with obscure glass.
- 14.6.4 Concerning the neighbouring property at No 1 Roundhill, this is a residential property which has its south boundary along the application site. For the most part the existing brick wall (which also forms part of the building) to Fordingbridge Club runs along the side garden to No 1. The wall rises to just over 3 metres in height but the taller building element lies along the far end of the garden. The proposed development has carefully considered this neighbouring property. Although ground and first floor windows to unit 2 would face into their rear garden area, these windows have been shown to be fitted with obscure glass, which would maintain a reasonable level of privacy. In terms of the physical relationship of the proposed development to No 1, it is considered, on balance, that the proposal would not unacceptably compromise the available light or outlook of that neighbour. It is accepted that a larger two storey building would be sited closer to No 1, and there would be a degree of overshadowing and visual impact however, this has to be balanced against the removal of the larger two storey element which lies at the end of the rear garden to No 1. This section of the building would be replaced by a single storey car port, which would have a roof that slopes away from the common boundary.
- 14.6.5 In terms of access and car parking, the existing social club has a total floor space of some 640 square metres. The proposal would provide 8 dwellings with a 21 square metre retail unit. A total of three car parking spaces would be provided which would be accessed from the highway in Roundhill. The application contains no details of any cycle parking facilities to be provided. Based upon the adopted Parking Standards Supplementary Planning Document, the recommended provision is 2 car parking spaces for each of the 8 proposed two bedroom dwellings and 1 space for each 20 square metres of retail space. Applying the above standards, this would result in a total on site car parking requirement of 17 spaces. The proposals would therefore result in a shortfall of 14 spaces.
- 14.6.6 The site is located close to the town with access to amenities and public transport links. Public off street car parking provision does exist in close proximity to the site although this does not present a viable alternative to on site facilities as maximum time restrictions apply. On street parking is time regulated during the daytime and double yellow lines exist in the vicinity to prevent parking in areas where it is undesirable for safety reasons. Given the nature and scale of the proposals it is considered that in this instance the shortfall in off street parking provision would not result in any detrimental effect on users of the local highway network. Having due regard to the location of the site, together

with the fact that the parking Supplementary Planning Document does not set minimum car parking standards, the Highway Authority consider that an objection based upon an under provision of car parking would be neither appropriate nor sustainable.

- 14.6.7 The public car park and a small strip of land adjacent to the eastern boundary of the site is owned by New Forest District Council. The strip of land to the east would be for landscaping and outside amenity space and this would be acceptable. The Council's Estates and Valuations Department states that there should be no vehicular access to the public car park to the north, and it is not desirable to permit additional legal rights of way onto the Council's car park as this could hinder future land usage in the longer term. In response, vehicular access is only gained from Roundhill and there will be no direct vehicular access from the Public car park.
- 14.6.8 The Council's Estates and Valuations Department also comment that the proposed layout suggest a pedestrian link to the public car park, this is something that would be considered on a non permanent basis only and if permitted would require a pedestrian access licence from the council giving permission that could be revoked at any time, therefore, the development should not be designed in a way that would require permanent pedestrian access rights to the Council's car park.
- 14.6.9 In accordance with the Habitat Regulations 2010 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard.
- 14.6.10 In the light of recent changes to national planning policy, it is considered inappropriate to secure a contribution towards affordable housing in respect of schemes of 10 residential units or fewer. In essence, national planning guidance would now outweigh the Council's own policies on this particular issue.
- 14.6.11 Concerns have been raised that there is a Quaker Burial ground on the site. The Council's Environmental Health Officer advises that other legislation applies and separate approval is required either from the Secretary of State or the Church of England, depending on what is found.
- 14.6.12 In conclusion it is considered that the proposal would make a positive contribution to the character and appearance of the Conservation Area and would provide a collection of new residential units within a sustainable location. While it is unfortunate a higher quantity of retail or commercial space has not been provided within the proposal and that the private community facility would be lost, a new retail unit would front onto Roundhill creating an active frontage, and the club has been vacant for a considerable length of time.

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

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
------	----------------------------------	----------------------------------	-----------------------------	------------------------------------	------	-------

Dwelling houses	381.4		381.4	-225.01	£80/ sqm	-£19,800.95 *
Shops	21		21	-12.39		£0.00 *

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

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

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

Where:

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

R = the levy rate as set in the Charging Schedule

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

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

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

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

Reason: To ensure satisfactory provision of the development.

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

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

4. Before development commences, the following details (large scaled drawings) shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

- a) the external facing materials to include all bricks, roof tiles, cast metal rainwater goods,
- b) typical joinery details including window/doors
- c) the details of the windows and timber doors
- d) the details of the rooflights with central glazing bar, and their siting shown in situ
- e) the details of the eaves and verge, window cills, window headers, elevational details
- f) the details of the chimneys
- g) the details of the porches
- h) the details of the dormer windows
- i) the details of the timber post and openings for the car port
- j) the joinery details shown in situ of the shop windows/doors and fascia,
- k) the details of existing boundary wall to be retained/ repaired where necessary on the southern boundary and proposed boundary walls and boundary treatments

Reason: To ensure an acceptable appearance of the building within the Conservation Area in accordance with Policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park and policy DM1 of Local Plan Part 2 Sites and Development Management Document.

5. Before development commences, a sample panel of brickwork showing the brick, bond, mortar and joint details shall be made available on site for the inspection and approval by the Local Planning Authority. Development shall only take place in accordance with those details that have been approved.

Reason: To ensure an acceptable appearance of the building within the Conservation Area in accordance with Policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park and policy DM1 of Local Plan Part 2 Sites and Development Management Document.

6. Notwithstanding the submitted site plan and before development commences a detailed scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :
- a) the existing trees and shrubs which have been agreed to be retained;
 - b) a specification for new planting (species, size, spacing and location);
 - c) areas for hard surfacing and the materials to be used;
 - d) the details of existing boundary wall to be retained on the southern boundary including its height and the repair work where necessary;
 - e) the new boundary walls and boundary treatments;
 - f) a method and programme for its implementation and the means to provide for its future maintenance.

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

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

7. All planting, seeding or turfing comprised in the approved details of landscaping as set out in condition 6 shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.

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

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

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

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

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

10. Before first occupation of the development hereby approved, a surface water sustainable drainage system (SuDS) shall be designed and installed to accommodate the run-off from all impermeable surfaces including roofs, driveways and patio areas on the approved development such that no additional or increased rate of flow of surface water will drain to any water body or adjacent land and that there is capacity in the installed drainage system to contain below ground level the run-off from a 1 in 100 year rainfall event plus 30% on stored volumes as an allowance for climate change as set out in the Technical Guidance on Flood Risk to the National Planning Policy Framework. Infiltration rates for soakaways are to be based on percolation tests in accordance with BRE 365, CIRIA SuDS manual C753, or a similar approved method.
- In the event that a SuDS compliant design is not reasonably practical, then the design of the drainage system shall follow the hierarchy of preference for different types of surface water drainage system as set out at paragraph 3(3) of Approved Document H of the Building Regulations.
- The drainage system shall be designed to remain safe and accessible for the lifetime of the development, taking into account future amenity and maintenance requirements.

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

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

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

12. No development shall be carried out until proposals for the mitigation of the impact of the development on the New Forest and Solent Coast European Nature Conservation Sites have been submitted to and approved in writing by the local planning authority, and the local planning authority has confirmed in writing that the provision of the proposed mitigation has been secured. Such proposals must:
- a) Provide for mitigation in accordance with the New Forest District Council Mitigation Strategy for European Sites SPD, adopted in June 2014 (or any amendment to or replacement for this document in force at the time), or for mitigation to at least an equivalent effect;
 - b) Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing maintenance and monitoring of any Suitable Alternative Natural Green Spaces which form part of the proposed mitigation measures together with arrangements for permanent public access thereto.

- c) The development shall be carried out in accordance with and subject to the approved proposals.

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

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

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

14. No development shall commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

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

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

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

Reason: In view of the intensity of the development and the site's sensitive historic context and amenity issues affecting the site, this is a site where small scale alterations could potentially have a significant impact, and the Local Planning Authority would therefore wish to ensure that any future development proposals do not adversely affect the amenities of the area and the site's historic context, contrary to Policy CS3 of the Core Strategy for New Forest District outside of the National Park and Policy DM1 of the Local Plan Part 2: Sites and Development Management.

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

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

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

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

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

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

Notes for inclusion on certificate:

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.
2. In discharging condition No 11 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/>
3. This decision relates to amended / additional plans received by the Local Planning Authority on the 24th May 2017.
4. The Burial Act 1857 has been amended by the Church of England (Miscellaneous Provisions) Measure 2014.

From the 1 January 2015, approval is required from **either** the Secretary of State **or** the Church of England, depending on the current location of the remains.

- Exhumations from land which is subject to the Church of England's jurisdiction will need the Church's authorisation (a faculty or the approval of a proposal under the Care of Cathedrals Measure 2011). This includes consecrated ground in cemeteries.
- Exhumations from land which is *not* subject to the Church of England's jurisdiction will need a licence from the Secretary of State.

On receipt of lawful permission to exhume the body of a deceased person the Burial Authority will notify the Environmental Health Officer so that they can be present at the exhumation site.

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)



New Forest
DISTRICT COUNCIL

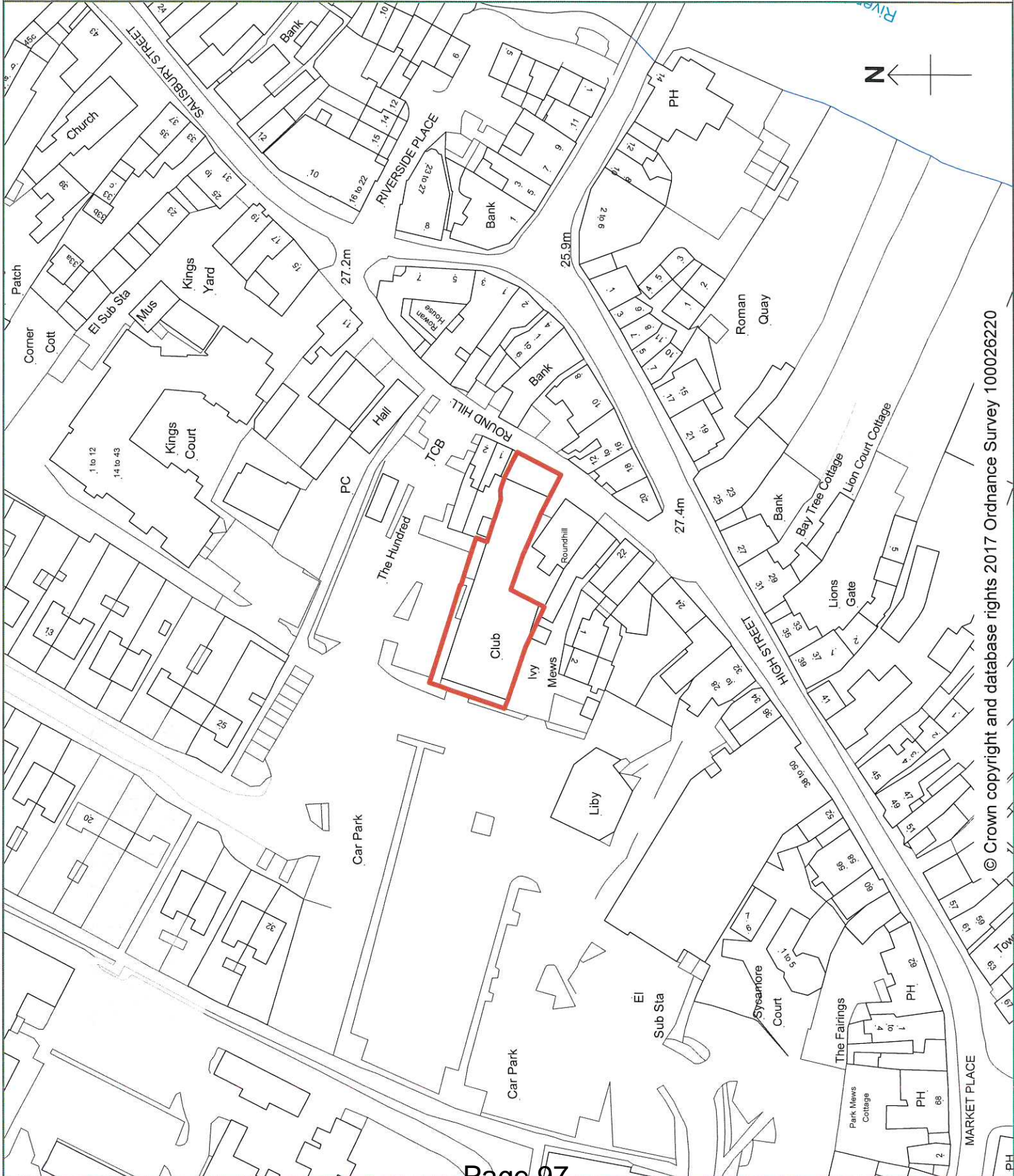
Tel: 023 8028 5000
www.newforest.gov.uk

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

**Planning Development
Control Committee
June 2017**

Item No: 3j
Fordingbridge Club
Roundhill
Fordingbridge
17/10426
SU1414

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



© Crown copyright and database rights 2017 Ordnance Survey 100026220

This page is intentionally left blank

Application Number: 17/10428 Advertisement Consent

Site: ST BARBE MUSEUM AND ART GALLERY, NEW STREET,
LYMINGTON SO41 9BH

Development: Display 1 non illuminated fascia sign; 1 non illuminated wall
mounted avatar; 1 non illuminated wall mounted information sign;
2 non illuminated totem signs; 2 digital poster signs
(Application for Advertisement Consent)

Applicant: The Lymington Museum Trust

Target Date: 29/05/2017

Extension Date: 16/06/2017

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Town Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area
Lymington Conservation Area
Town Centre

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

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

Local Plan Part 2 Sites and Development Management Development Plan Document

DM1: Heritage and Conservation

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPG - Lymington - A Conservation Area Appraisal
SPD - Lymington Local Distinctiveness
SPG - Shopfront Design Guide

6 RELEVANT PLANNING HISTORY

- 6.1 Serpentine wall and outside seating area terrace to eastern facade; landscaping (15/10297 granted 12-6115).
- 6.2 Variation of Condition 8 of Planning Permission 15/10297 to allow amended plan numbers to alter serpentine wall (16/11225 granted 13-12-16).
- 6.3 Informal advice was given in respect of these proposals when the proposed digital poster signs on the totem and the poster board were not supported. It was suggested that a poster sign would be acceptable displayed inside the front window of the museum. The proposed digital posters were not considered appropriate in this sensitive location as a result of a combination of their excessive size, inappropriate materials and illumination/moving images. It was suggested that a more appropriate form of advertising should be considered.

7 PARISH / TOWN COUNCIL COMMENTS

Lymington and Pennington Town Council: recommend permission and would not accept a delegated refusal.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer: no objection, none of the proposals would have an adverse affect on the safety or convenience of users of the highway.
- 9.2 Conservation Officer: does not support the proposal due to the imposition of clutter (namely the two large digital poster signs on the totem and the information sign) and the incongruous nature of the digital poster signs in the Conservation Area.

10 REPRESENTATIONS RECEIVED

- 10.1 12 letters of support have been received stating that the signage is needed to draw attention to the museum and that it would be appropriate to the area.
- 10.2 One letter of objection has been received stating that the brightly lit poster signs would spoil this special area.
- 10.3 Two comments have been submitted stating that the multi layered avatar sign would be difficult to maintain and raising concerns about the possibility of light pollution.

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

In this case the applicant has not followed pre application advice in respect of the digital signs and the information sign. As a result a split recommendation is made as further negotiation would not be likely to result in the signs of concern being deleted from the application or amended such that they would be acceptable.

14 ASSESSMENT

14.1 This is a prominent building located on the west side of New Street on the corner of School Lane within Lymington Conservation Area. The building was originally built as a school in 1835, subsequent wing extensions took place in the mid 19th century with later extensions to the east and west which provide for a varied built form. Work is well advanced on the site pursuant to planning permission for a new facade

to the building (see section 6 above) in the form of a serpentine wall and a totem constructed from brickwork. Although this is not a statutory listed building it is a building of local historic interest and a local landmark in the Conservation Area.

- 14.2 The new frontage (which is not yet complete) creates a prominent feature in the street. This area is very mixed in character comprising commercial and residential uses with the public conveniences located immediately to the south of the site in New Street.
- 14.3 The proposal is for the following advertisements:
- i. a non illuminated fascia sign above the main glazed entrance to the building in the form of 3D brushed stainless steel letters 336mm high;
 - ii. a non illuminated avatar sign above the fascia sign on the serpentine wall 1.6 x 2 metres in coloured powder coated steel;
 - iii. a non illuminated wall mounted acrylic faced information sign 0.9 x 1.2 metres on the serpentine wall containing 4 A3 removable posters;
 - iv. 2 non illuminated signs (one on either side of the totem) of brushed stainless steel lettering up to 300mm high, and
 - v. 2 digital poster signs (one either side of the totem) measuring 1.2 x 2.4 metres.
- 14.4 The issues for consideration in respect of advertisement proposals are visual amenity (including impact on the character and appearance of the Conservation Area) and highway safety.
- 14.5 The Highway Engineer has confirmed that the proposed signage would not have an adverse affect on the safety or convenience of users of the highway, as a result the proposals are acceptable in this respect.
- 14.6 The proposed avatar and stainless steel lettering on the main facade and the stainless steel lettering on either side of the totem are considered to be appropriate to the character and appearance of the conservation area and the modern appearance of the new building frontage. While the materials proposed are of a more modern appearance this is considered appropriate having regard to the design of the new museum frontage, this view is supported by the Conservation Officer.
- 14.7 With regard to the information sign the applicant was advised that this should be sited inside the glazed frontage of the building in order to reduce the amount of clutter. The sign would be prominent on the otherwise relatively clean brick facade of the building and add unnecessary clutter in this sensitive location. The sign is therefore considered to be visually intrusive. The Conservation Officer was involved in the pre application enquiry when he raised these concerns with the applicant and he also objects to this element of the proposals.
- 14.8 The proposed digital poster signs either side of the totem would measure 1.2 metres wide by 2.4 metres high by 90mm deep, applied to the face of the totem with a flat face which has the appearance of plastic in an aluminium cabinet. The brightness of the display panels can be set to that of an illuminated poster or no more than a standard television. The

Shopfront Design Guide Supplementary Planning Document (SPD) offers guidance in respect of signage and states that internally illuminated box signs, fascias and individual signs, neon and fluorescent signs will not normally be appropriate in Conservation Areas. While the proposed digital displays do not fall within the definition of traditional illuminated signs they would have a similar appearance with little control over the level of brightness nor whether moving images would be included (which would also be outside the control of this application). The Conservation Officer has also raised concerns about these elements of the proposal which are considered to be incongruous within the Conservation Area for the reasons stated above.

- 14.9 The Conservation Officer has advised that the level of harm which would arise from the digital poster signs and the information board would be less than substantial (although still significant) which gives rise to a statutory presumption that consent should be refused for these elements of the scheme.
- 14.10 In conclusion, while the stainless steel lettering and the avatar signs are considered to be appropriate to the visual amenities of the area and the character and appearance of the Conservation Area the proposed digital posters and the information sign would be visually harmful and result in excessive clutter on this prominent building in the Conservation Area. As a result a split decision is recommended which also means that both human rights paragraphs are included below.
- 14.11 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.
- 14.12 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.

15. RECOMMENDATION

Split Decision

Grant Permission for non illuminated sign above the main entrance, non illuminated avatar above the main fascia and 2 non illuminated signs either side of the totem

Standard Conditions

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

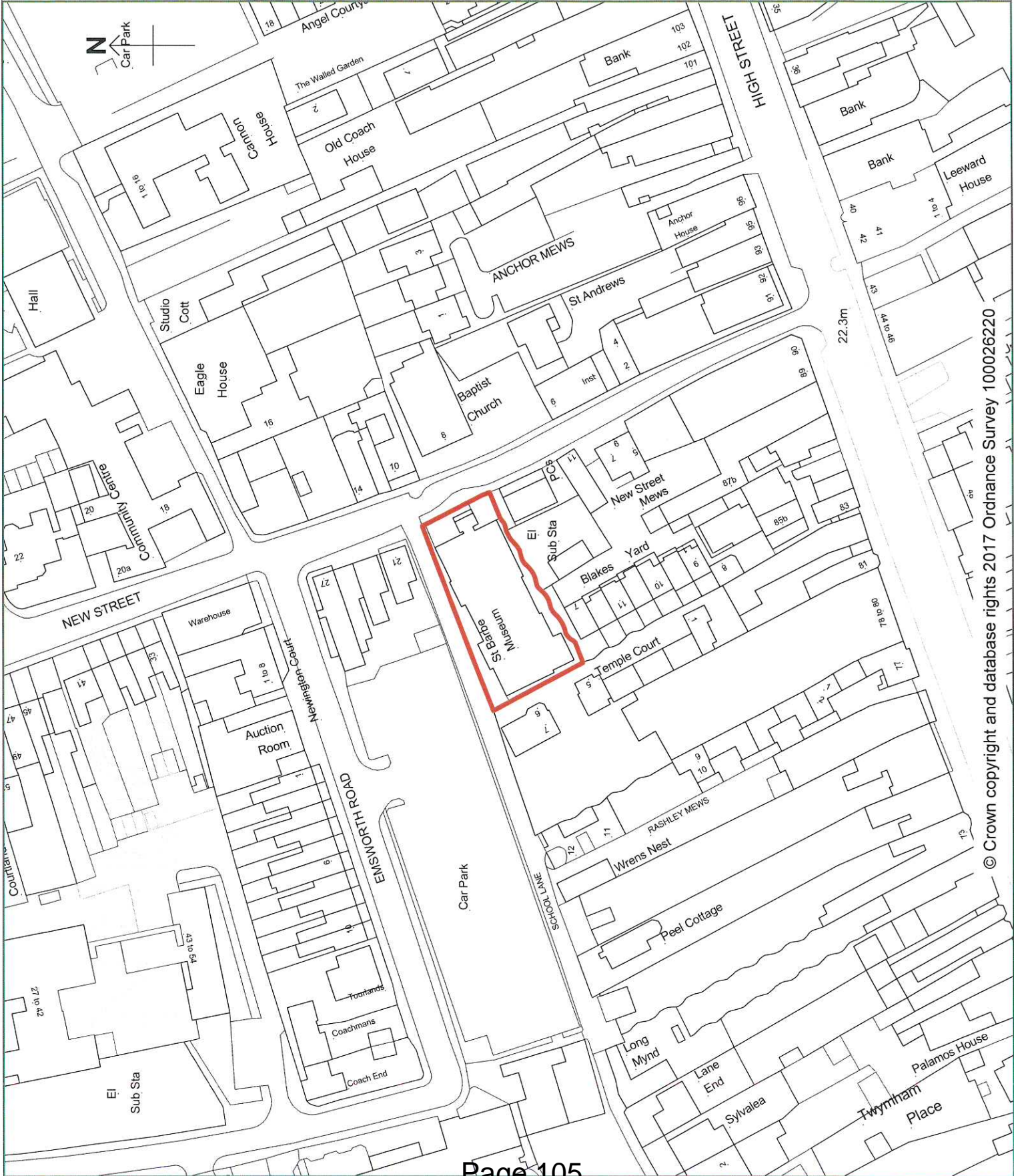
Refuse Permission for non illuminated wall mounted acrylic faced information sign and 2 digital poster signs on totem

Reason(s) for Refusal:

1. The proposed digital poster signs and the proposed information board would result in excessive clutter and be of an inappropriate size, design and materials on this prominent building in the Lymington Conservation Area. As a result these signs would fail to comply with Policy CS3 of the Core Strategy for the New Forest District outside the National Park, Policy DM1 of the Local Plan Part 2, Lymington Local Distinctiveness Document, the Shopfront Design Guide and the National Planning Policy Framework.

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)



© Crown copyright and database rights 2017 Ordnance Survey 100026220

This page is intentionally left blank

Application Number: 17/10439 Full Planning Permission

Site: 14A CARRINGTON LANE, MILFORD-ON-SEA SO41 0RB

Development: Single-storey rear extension; lantern rooflight; roof alterations to front porch; garage alterations; fenestration alterations

Applicant: Mr & Mrs Lane

Target Date: 19/05/2017

Extension Date: 19/06/2017

1 REASON FOR COMMITTEE CONSIDERATION

NFDC employee

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

None relevant

5 COUNCILLOR COMMENTS

No Comments Received

6 PARISH / TOWN COUNCIL COMMENTS

Milford On Sea Parish Council: recommend permission but would accept the decision reached by the DC Officers under their delegated powers.

7 CONSULTEE COMMENTS

No Comments Received

8 REPRESENTATIONS RECEIVED

No Comments Received

9 CRIME & DISORDER IMPLICATIONS

None Relevant

10 LOCAL FINANCE CONSIDERATIONS

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

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

11 WORKING WITH THE APPLICANT/AGENT

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

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

12 ASSESSMENT

12.1 The proposed rear extension would span the full width of the host dwelling and would be set back from the southern and northern boundaries. Due to its single storey form and flat roof form design, and relationship with neighbouring properties there would be no adverse impact on their amenities.

- 12.2 The existing dwelling has a detached single storey garage to the side of the house, but when viewed from the front, it appears part of the existing dwelling due to the existence of a flat roofed overhang which extends the width of the existing garage and continues over the front door, creating an open porch.
- 12.3 Internal alterations would result in the garage being attached to the house, but due to the introduction of a shallow false hipped roof which will also span the garage and existing front door, this would not be externally apparent (with the exception of the loss of the second entrance door on the front elevation).
- 12.4 The rear extension would span the width of the existing house, and by reason of its siting would not impact on the street scene.
- 12.5 The application site has a reasonable sized rear garden which could accommodate the proposed extension. There are examples of varying styles of single storey rear extensions on neighbouring properties. The form of the proposed extension would be an acceptable addition to the main dwelling. Taking all of these points into consideration, the resulting extension would be appropriate to the character of the area.
- 12.6 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

13. RECOMMENDATION

Grant 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: 14a/CL/001, 14a/CL/002, 14a/CL/003

Reason: To ensure satisfactory provision of the development.

Notes for inclusion on certificate:

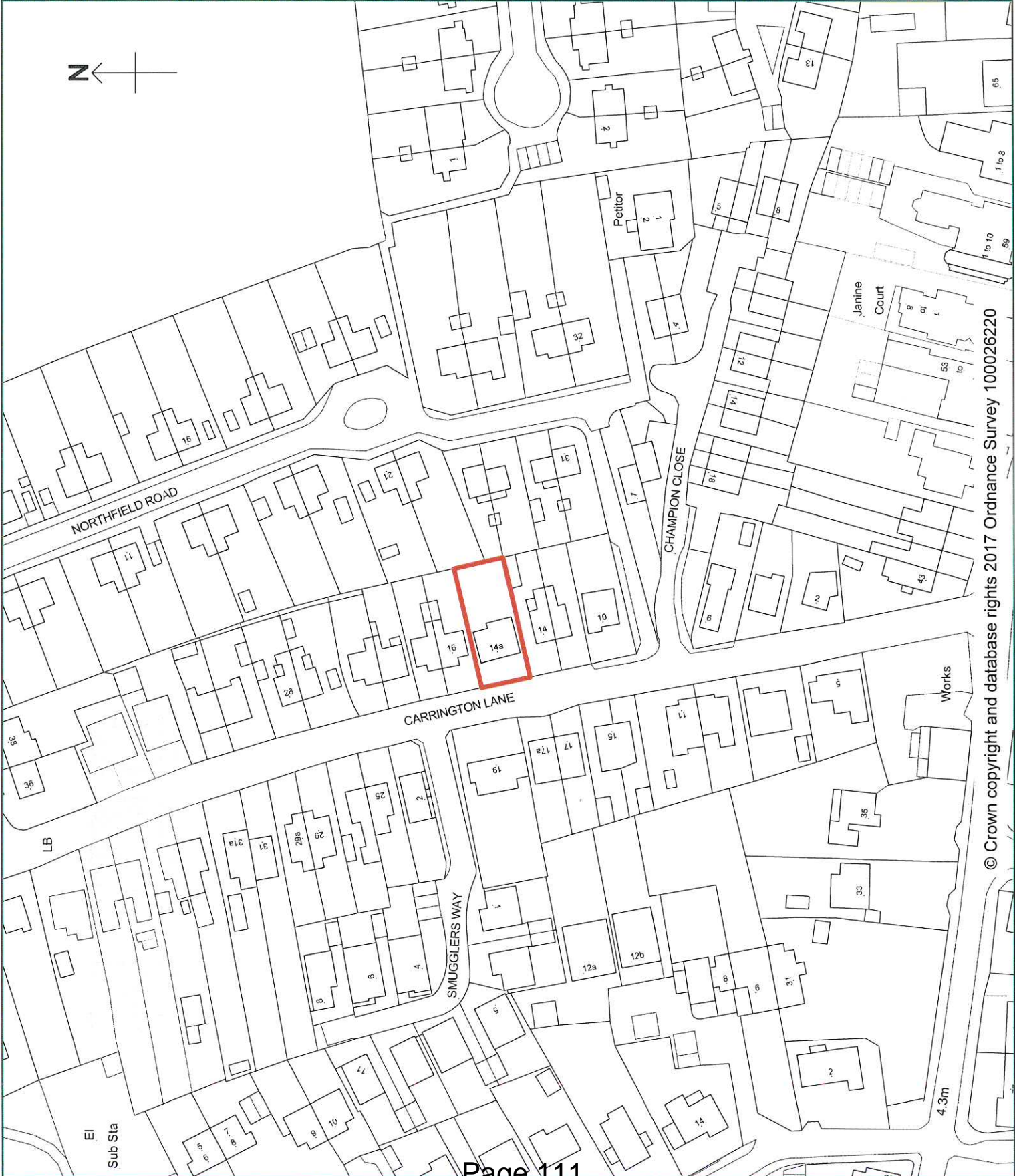
1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising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

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

Further Information:

Householder Team

Telephone: 023 8028 5345 (Option 1)



This page is intentionally left blank