

NOTICE OF MEETING

Meeting: PLANNING DEVELOPMENT CONTROL COMMITTEE

Date and Time: WEDNESDAY, 11 OCTOBER 2017, AT 9.00 AM*

Place: THE COUNCIL CHAMBER, APPLETREE COURT,
LYNDHURST

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

PUBLIC PARTICIPATION:

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

Bob Jackson
Chief Executive

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

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

AGENDA

Apologies

1. MINUTES

To confirm the minutes of the meeting held on 13 September 2017 and of the Special Joint Meeting with the Environment Overview and Scrutiny Panel held on 6 September 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) **Land at rear of 4-12 Shaftesbury Street, Fordingbridge (Application 17/10222) (Pages 1 - 10)**

House; boundary wall; pedestrian access

RECOMMENDED:

Grant permission subject to conditions

- (b) **2 High Street, Ringwood (Application 17/10538) (Pages 11 - 22)**

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

RECOMMENDED:

Grant Listed Building Consent subject to conditions

- (c) **1 Whitefield Road, Holbury, Fawley (Application 17/10802) (Pages 23 - 28)**

Access, parking

RECOMMENDED:

Grant permission subject to conditions

- (d) **34 Arnwood Avenue, Dibden Purlieu, Hythe (Application 17/10960) (Pages 29 - 34)**

Single-storey front extension; roof alterations

RECOMMENDED:

Grant permission subject to conditions

- (e) **Land at Flaxfields End, Fordingbridge (Application 17/10961) (Pages 35 - 52)**

2 pairs of link-attached houses; bike stores; associated parking

RECOMMENDED:

Grant permission subject to conditions

- (f) **Chessel House, Fernhill Lane, New Milton (Application 17/10973) (Pages 53 - 60)**

Roof alterations; dormer and roof lights in association with new flat; 1 additional parking space

RECOMMENDED:

Grant permission subject to conditions

- (g) **Top End, Chapel Lane, Blackfield, Fawley (Application 17/10975) (Pages 61 - 68)**

Variation of Condition 2 of Planning Permission 16/10286 to allow additional window to side elevation

RECOMMENDED:

Grant permission subject to conditions

- (h) **9 Bingham Drive, Lymington (Application 17/11038) (Pages 69 - 74)**

Single-storey and two-storey front, rear and side extensions

RECOMMENDED:

Grant permission subject to conditions

- (i) **41 Kingfisher Way, Marchwood (Application 17/11072) (Pages 75 - 80)**

Two-storey side and front extension

RECOMMENDED:

Refuse

- (j) **Forest Gate Business Park, Christchurch Road, (Former Wellworthy Site), Ringwood (Application 17/11080) (Pages 81 - 96)**

Four-storey block, 84 bedroom hotel; parking; landscaping, overflow car park

RECOMMENDED:

Grant permission subject to conditions

4. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

To:

Councillors:

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

Councillors:

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

STATUTORY TESTS

Introduction

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

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

The Development Plan

The Development Plan Section 38

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

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

Listed Buildings

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

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

Conservation Areas

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

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

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

Considerations relevant to applications for residential development

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

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

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

Areas of Outstanding Natural Beauty (AONB's)

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

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

Trees

Section 197. Trees Town and Country Planning Act 1990

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

Biodiversity

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

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

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

Conservation of Habitats and Species Regulations 2010

Under the provisions of the Conservation of Habitats and Species Regulations 2010, the Council has to ensure that development proposals will not have an adverse impact on the

integrity of a designated or candidate Special Area of Conservation (SAC), classified or potential Special Protection Area (SPA), or listed Ramsar site and mitigation will be required.

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

Equality

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

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

Financial Considerations in Planning

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

New Forest District Council adopted a CIL charging schedule on 14 April 2014. The implementation date for the charging schedule is 6 April 2015. The New Homes Bonus Grant is paid to the Council by the Government for each net additional dwelling built in the District. The amount paid depends on the Council tax banding of the new dwellings and ranges between £798 and £2,304 per annum for a six year period. For the purposes of any report it is assumed that all new dwellings are banded D (as we don't actually know their band at planning application stage) which gives rise to grant of £1,224 per dwelling or £7,344 over six years.

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Application Number: 17/10222 Full Planning Permission

Site: Land at rear of 4-12, SHAFTESBURY STREET,
FORDINGBRIDGE SP6 1JF

Development: House; boundary wall; pedestrian access

Applicant: Crownshade Ltd

Target Date: 12/04/2017

RECOMMENDATION: Grant Subject to Conditions

Case Officer: Vivienne Baxter

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Town Council view.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area
Town Centre

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

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

Local Plan Part 2 Sites and Development Management Development Plan Document

- NPPF1: National Planning Policy Framework – Presumption in favour of sustainable development
- DM1: Heritage and Conservation
- DM3: Mitigation of impacts on European nature conservation sites
- DM16: Within town centres, outside Primary Shopping Areas and Secondary Shopping Frontages

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

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

6 RELEVANT PLANNING HISTORY

15/11077 - 1 pair of semi-detached dwellings, new access. Refused 15.9.15

7 PARISH / TOWN COUNCIL COMMENTS

Fordingbridge Town Council - recommend refusal and would not accept a delegated approval. Out of character due to scale of proposed dwelling, loss of parking, impact on terrace, lack of parking for occupier.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer - no objection
- 9.2 Conservation Officer - the proposal works in context and would sit comfortable with the surrounding buildings.
- 9.3 Southern Gas Networks - offer advice

10 REPRESENTATIONS RECEIVED

Objections have been received from local residents who are concerned that the notification came through with limited time before the Town Council meeting to properly consider the plans in addition to the following:

- no access
- no proper street frontage
- flooding and drainage concerns
- sewer is already over-stretched
- loss of already limited long stay parking spaces
- loss of light
- land should be returned to garden

- site is only an eyesore due to the negligence of the owner/applicant
- loss of outlook
- overlooking
- overshadowing

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive a New Homes Bonus of £1,224 in each of the following four years, subject to the following conditions being met:

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

Based on the information provided at the time of this report this development has a CIL liability of £4,502.77.

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.

The application followed pre-application discussion with regard to the design and size of the proposed building and this has continued during the course of the application. The proposal is now considered to address the previous reasons for refusal.

14 ASSESSMENT

- 14.1 The site lies within the built up area of Fordingbridge behind a row of terraced properties and adjacent to the long stay section of the main public car park in the town. It is presently very overgrown and is separated from the gardens of the terraced houses, adjacent pub car park and main car park by fencing or brick walls. It was previously the end of each garden to the terrace which is at a lower level than the site. The site is also within the Fordingbridge Conservation Area.
- 14.2 The proposal entails the provision of a pedestrian access from the car park and a single storey dwelling comprising hall, bedroom, bathroom and open plan kitchen/dining/lounge area. It follows the refusal of permission for a scheme of two dwellings where concerns were raised in respect of the amenity of adjoining occupiers and the visual impact of the proposed building. Other reasons for refusal related to contributions and are either no longer relevant or dealt with in an alternative manner. The main issues to consider are the impact of the proposal on the character and appearance of the Conservation Area, residential amenity and access.
- 14.3 Starting with the latter, the proposal includes a pedestrian only access onto the site from the adjacent car park, with no car parking provision. The car park does not provide a viable alternative to on site parking and there are also street parking time regulations and double yellow lines in the vicinity of the site. However, as the site is located close to the town centre with access to amenities and public transport links, the Highway Authority has not raised any objection to the proposed car free development.
- 14.4 The concern raised in respect of the loss of long stay car parking spaces is a separate matter which would need to be resolved outside of the planning process.
- 14.5 With regard to residential amenity, the proposed dwelling would be between 12.4-12.7m from the ground floor addition at the rear of the terrace and with the 2m high close boarded fence separating the two, the proposal would not give rise to unacceptable overlooking. This boundary would also minimise any intrusion of privacy to the proposed dwelling from the terrace. It is noted that there are first floor windows in the rear projection to no.14/16 although given the angles involved, any intrusion to the proposed dwelling would be minimal.
- 14.6 Objections have been received suggesting a loss of light to adjoining properties. The proposed dwelling would be to the north of the adjacent terrace and at a distance of over 12m, would not impact on sunlight to the rear of the terrace. The outlook from the rear of the terrace would obviously change although the part of the proposal which would be visible (the roof), would be sloping away from the adjoining properties and the impact would therefore be within acceptable limits.

- 14.7 The design of the proposed dwelling is the result of much discussion at pre-application stage following the previous refusal. It reflects the scale and form of a run of outbuildings which might be found to the rear of frontage properties in an historic town like Fordingbridge and is considered to sit comfortably with the surrounding buildings. There are some elements which are considered to require further refining although such details can be achieved through appropriately worded conditions.
- 14.8 The boundary between the site and adjoining terrace is comprised of a variety of different fences and heights, while it is disappointing from a conservation point of view that a wall is not proposed along this division, the proposed fence would regularise the boundary and provide a neat edge to the site.
- 14.9 Concerns have been raised in relation to drainage and flooring in the area, the Drainage Engineer has been consulted about this issue and his comments will be the subject of an update at the Meeting.
- 14.10 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.
- 14.11 In conclusion the proposed dwelling is considered to be appropriate in this sensitive location in the Conservation Area with no unacceptable impacts on neighbours or highway safety
- 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 there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

Section 106 Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Habitats Mitigation			
Financial Contribution	£2,050		

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	54		54	54	£80/sqm	£4,502.77 *
Subtotal:	£4,502.77					
Relief:	£0.00					
Total Payable:	£4,502.77					

* 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: Planning Statement, SBA.3470-7-2 C, SBA.3470-7-1 K.

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, 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 protect the character and architectural interest of the Listed Building in accordance with Policy DM1 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

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

- a) all external joinery details at a scale of 1:10 and 1:5),
- b) large scale details of window cill and heads, eaves and verges, and
- c) the new gate and gate piers, capping bricks and walling bonds

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

Reason: To protect the character and appearance of the Conservation Area in accordance with Policy DM1 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

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

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

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

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

7. 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).

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

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

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

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

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

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.

Notes for inclusion on certificate:

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

The application followed pre-application discussion with regard to the design and size of the proposed building and this has continued during the course of the application. The proposal is now considered to address the previous reasons 1 and 2 for refusal.

2. In discharging condition No. 8 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/>

Further Information:

Vivienne Baxter

Telephone: 023 8028 5588



New Forest
DISTRICT COUNCIL

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

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

**Planning Development
Control Committee**

October 2017

Item No: 3a

Land at rear of
4-12 Shaftesbury Street
Fordingbridge
17/10222
SU1414

Scale 1:1250

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



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Application Number: 17/10538 Listed Building Alteration

Site: 2 HIGH STREET, RINGWOOD BH24 1AF

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

Applicant: Mr Wood

Target Date: 15/06/2017

Extension Date: 12/07/2017

RECOMMENDATION: Grant Subject to Conditions

Case Officer: Julie Parry

1 REASON FOR COMMITTEE CONSIDERATION

Deferred from July Committee.

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Plan Area

Conservation Area: Ringwood Conservation Area
Listed Building Grade: Grade II 552.28.051

Plan Policy Designations

Primary Shopping Area
Town Centre Boundary
Built-up Area

National Planning Policy Framework

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

Core Strategy

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

Local Plan Part 2 Sites and Development Management Development Plan Document

DM1: Heritage and Conservation

Supplementary Planning Guidance And Documents

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

3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

4 RELEVANT SITE HISTORY

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

5 COUNCILLOR COMMENTS

No comments received

6 PARISH / TOWN COUNCIL COMMENTS

Ringwood Town Council: recommend permission.

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

7 CONSULTEE COMMENTS

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

Following receipt of the further information in respect of retaining the mechanism within the cupboard but positioned to the side the Conservation Officer has advised that the detachment of the mechanism would result in a loss to the significance of the Listed Building and its contribution to the social history of Ringwood. Therefore the objection to this scheme still remains in place.

- 7.2 **Council Solicitor:** any requirement to keep the clock mechanism in a suitable place for posterity would not comply with the requirements of Section 106 of the Town and Country Planning Act 190 and Regulation 122 of the Community Infrastructure Levy Regulations 2010.
- 7.3 **Environmental Health - Pollution:** The noise impact reported by the applicant is understood not to affect neighbouring properties. In respect of such noise within the application site itself, consideration might be given to works of sound insulation.

REPRESENTATIONS RECEIVED

Total Number of Representations Received in favour: 20

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

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

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

They have not commented on the amended views

9 CRIME & DISORDER IMPLICATIONS

None relevant

10 LOCAL FINANCE CONSIDERATIONS

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

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

11 WORKING WITH THE APPLICANT/AGENT

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

The applicant did not use the Pre-application advice service available from the Council. The Conservation Officer's comments were published on the Council's website as well as the initial briefing that set out the Case Officer's concerns with the proposal. An initial extension of time was agreed with the applicant to allow for consideration of this application by the Planning Development Control Committee in July. Following consideration by Members in July the application was deferred for further consideration of the options available for renovation of the clock.

12 ASSESSMENT

12.1 Members will recall that this application was considered at their meeting on 12th July 2017 (Item 3h). It was deferred from this meeting to allow further consideration of the options available to restore the clock and its mechanism in situ.

12.2 Update on options available:

Since this application was discussed at the July Committee there has been communication with the applicant to gain further information and to produce a list of options for consideration. It has therefore been established that the possible options for the clock face and mechanism are as follows:-

a. Installing an electric motor into the existing mechanism.

The applicant's representative has advised that the mechanism would have to be removed to allow the installation of an electric motor which needs to be centrally placed immediately behind the centre of the clock face. Grayson Time management systems who have quoted on the works, have confirmed that they would not be able to carry out their works without moving the clock mechanism away from behind the clock face.

Following further consideration the applicant has advised that an electric motor could be installed and the clock movement housed within the cupboard with the pendulum although there is a chance they may need separating. They will be sited very close to their original position and if possible the two items will remain attached but as space is tight this cannot be confirmed until works have taken place.

b. Restore the existing clock mechanism.

It is understood that costs have been explored and are showing to be very expensive which means that this is not a practical proposition. The cost would be in excess of £7,000 which is vastly more than the just over £3,500 that has been raised.

Furthermore, the clock would need to be wound and this is unreasonable for someone renting the room. The potential noise issue, is not something that can be judged without the clock working. The mechanism is a 22 hour mechanism and cannot be wound up until it had virtually run down. This mechanism is situated in a privately rented flat and it is unrealistic to expect any occupier to wind and adjust the clock. In addition, some key part of the mechanism appear to be missing.

c. Remove the mechanism and install an electric motor.

This would involve moving the clock mechanism to a location on the ground floor or an alternative location as agreed, or the clock could be gifted to the Town Council.

The applicant's representative has advised that removing the mechanism and installing an electric motor is the only practical option. Mr Wood would be happy to enter into an agreement for the mechanism to be placed on public display (for example in the ground floor of the premises) or to gift the mechanism to the District or Town Council or a museum. If this option was to be agreed the applicants solicitor has advised that an alternative form of agreement could be entered into to ensure the mechanism was retained in an appropriate place for posterity.

d. To do nothing.

This is obviously not ideal in terms of providing a working clock in Ringwood Town Centre. However it would retain the mechanism and clock in situ within the Listed Building. There could be an opportunity in the future, should the use of the room change, for the mechanism to be restored and retained in its location.

The applicant's representative has advised that there is a public interest and strong support for having a working clock in Ringwood and therefore it is unrealistic to suppose that the use of the room might change or that a future landlord would be sufficiently altruistic to go to the expense of restoring the clock.

12.3 The Conservation Officer comments as follows:

- a. Installing an electric motor into the existing mechanism:** Parts of the clock would need to be removed which would not be acceptable. To house the clock movement and pendulum in the cupboard would result in the mechanism being detached from the building which would result in a loss of significance of the Listed Building and its contribution to the social history of Ringwood
- b. Restore the existing clock mechanism:** This would be the ideal situation in terms of Conservation and retaining the historic fabric of the Listed Building.

- c. **Remove the mechanism and install an electric motor.** This would take the mechanism out of context with the clock face, and could not be supported.
- d. **To do nothing:** This would retain the mechanism and clock in situ within the Listed Building.

12.4 The applicant's representative has questioned the legal implications in terms of the Listing as the only mention at that time was in respect of the clock face. Therefore he has questioned whether the mechanism actually forms part of the listing and if the application to electrify the mechanism was unnecessary especially as the wooden frame which holds the mechanism is not part of the original fabric of the building.

The Conservation Officer has responded that the clock mechanism is Listed by virtue of it being attached to the Listed Building. The spindle goes through the brickwork and is attached to the hands which are an integral part of the clock on the front elevation of the building. The clock and its mechanism were in place at the time of Listing and therefore, the clock mechanism forms part of the Listed structure. Having had the opportunity to view the clock mechanism in place it is confirmed that there is an attachment of the clock mechanism to the hands and the exit of the spindle is through the brickwork.

Re-assessment following consideration of the options

- 12.5 A balance needs to be struck between public benefit and harm to the character of the Listed Building.
- 12.6 The Conservation officer remains of the view that this application should be refused. Whilst they support the restoration of the clock face, they comment that until technology has moved on that allows a smaller motor to power the hands that is able to sit in front of the existing mechanism without causing it to be removed the scheme is unacceptable
- 12.7 As discussed at Planning Committee, there is no planning obligation once the mechanism is removed to retain it within the building but, even if there were one, if the mechanism is taken entirely out of context, the significance of it and its contribution to the character of the Listed Building has been lost for ever.
- 12.8 Given that a renovated working clock face would be a benefit to the town it has been concluded, despite the Conservation Officers concerns, that option (a) which would involve electrifying the clock and moving the mechanism and pendulum to either side but retaining them within the cupboard, to allow for the new motor to be fitted, would be an acceptable compromise solution.
- 12.9 The retention of the mechanism in close proximity to the clock face and within the same cupboard would result in limited loss of historic fabric. Therefore, on balance, whilst the Conservation Officer's continued objection is acknowledged, having explored the options available, the overall impact on the Listed Building would be acceptable. As such the application is recommended for approval with conditions to cover the submission of details of the exact position of the original movement and pendulum along with exact details of the dial and hands to be submitted and approved prior to any work commencing.

July 2017 Committee Report:

- 12.10 The property is an eighteenth century Listed Building within the Ringwood Conservation Area. It is located in the High Street with a large clock on the front face at first floor. The building was Listed in 1964 and the clock is mentioned within the List description as being placed within a blind opening on the property. Being on the junction of High Street and Christchurch Road the clock is very visible within the street scene and an important part of the character of the Listed Building as well as being part of the social history of the town.
- 12.11 The application is for Listed Building consent for the renovation and replacement of the front face and hands along with the replacement of the mechanism to electrify the clock. The main consideration when assessing this application is the impact on the historic integrity and fabric of the Listed Building.
- 12.12 The principle of a functional renovated clock in Ringwood is welcomed and supported as a positive addition to the town. However, the impact on the integrity of the Listed Building must be carefully considered in making a balanced assessment of the issues.
- 12.13 The Conservation Officer has advised that their main concern is that the mechanism is an integral part of the fabric of the Listed Building. It is clear that the mechanism has an association with a past owner of the property and therefore has a social importance to the town and the building forming a large part of what makes the building special to Ringwood. It is understood that the clock dates from the nineteenth century and was built by the owner of the property and proprietor of the clock shop that operated from the downstairs room as the time, Mr Hext. The mechanism contains a pendulum and is mechanically powered and requires winding every 20 hours. It is attached directly to the clock hands through a hole in the brickwork and the whole mechanism is contained within a cupboard in the bedroom of the property.
- 12.14 The proposed scheme would involve the electrification of the clock hands and the placement of a new mechanism behind the hands. The hands would be replaced in the same style as the existing and the existing mechanism would be removed from its attachment to the hands. The removal of the mechanism from the hands would constitute a loss of historic fabric. The possibility of retaining the existing mechanism and to get it functioning again could be possible albeit at further cost. Grayson Time Management Systems - on behalf of the applicants - have confirmed that the mechanism would be able to be repaired and that there is a possibility of the hands being powered by electricity with the existing mechanism still in place and this would need to be investigated further.
- 12.15 The redecoration and replacement of the clock face and hands with a black face with gold hands is acceptable in principle. However, the proposal would involve a new mechanism which, being attached to the hands, would constitute a loss of historic fabric. It is clear that the clock represents an important feature to the town but it is the mechanism that is as important to the character of the building.

- 12.16 The applicant has responded to the Conservation Officer's comments to advise that the extra cost of renovating the actual timepiece would be excessive and would require further fund raising. He would be happy to donate the original workings to a local museum or keep them on site. The applicant's view is that the main outcome is to have a working clock, that does not look an eyesore, which would be better for the town than waiting many more years for its restoration.
- 12.17 The applicant has advised that the original workings of the clock are very noisy within the tenant's bedroom. Without a noise assessment it is difficult for this to be considered. However the Council's Environmental Health Officer was consulted to establish if there were any concerns in terms of noise pollution. He has advised that the noise is likely to be within the application site itself and therefore consideration could be given to works of sound insulation if necessary.
- 12.18 There has been a suggestion that the clock workings could be retained on the site or displayed in a shop or museum. This would be a way of retaining the mechanism but it is the mechanism's location that gives it its historic importance. Furthermore, a condition which would retain these items in a certain place for posterity would be inappropriate and difficult to enforce. The alternative would be a legal agreement, however, a Section 106 Agreement would not be appropriate in this case as any requirement to keep the clock mechanism in a suitable place for posterity would not comply with the requirements with Section 106 of the Town and Country Planning Act 190 and Regulation 122 of the Community Infrastructure Levy Regulations 2010.
- 12.19 It is commendable that much time, effort and financial fundraising for this scheme has been undertaken both by Ringwood Town Council, the applicant and the local community. The community support and donations towards fundraising for this project are appreciated and the local support for the application is acknowledged. However while a renovated working clock face would be of benefit to the town, removing the mechanism - which is an important part of the history of the building - from its original location would result in a loss of the character and significance of the Listed Building. Therefore, on balance, despite the positive benefits of the scheme, the justification for the loss of the historic fabric involved cannot be substantiated in this case. As such the application is recommended for refusal.
- 12.20 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that 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 LISTED BUILDING CONSENT

Proposed Conditions:

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

Reason: To comply with Section 18 of the Town & Country Planning (Listed Buildings & Conservation Areas) 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 plans and details received with the application on 20th April 2017

Reason: To ensure satisfactory provision of the development.

3. Before development commences, detailed drawings of the position of and method in which the pendulum and mechanism of the clock will be retained within the cupboard. These details should include the way in which the pendulum will be removed from the mechanism and details of how and where the mechanism and pendulum will be stored. The development shall then be carried out in accordance with the approved details and retained in this position for perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the character and architectural interest of the Listed Building in accordance with Policy DM1 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

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

- a) Exact details and fixings of the new electric motor including details of all electrical wires that will power the electric motor and their location.
- b) Exact details of the paint to be used on the clock face including the colour.
- c) A specification of repair for the clock hand or exact details and materials for the replacement of the clock hands.

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

Reason: To protect the character and architectural interest of the Listed Building in accordance with Policy DM1 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.

The applicant did not use the Pre-application advice service available from the Council. The Conservation Officer's comments were published on the Council's website as well as the initial briefing that set out the Case Officer's concerns with the proposal. An initial extension of time was agreed with the applicant to allow for consideration of this application by the Planning Development Control Committee in July. Following consideration by Members in July the application was deferred for further consideration of the options available for renovation of the clock.

Further Information:

Julie Parry

Telephone: 023 8028 5588



New Forest
DISTRICT COUNCIL

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

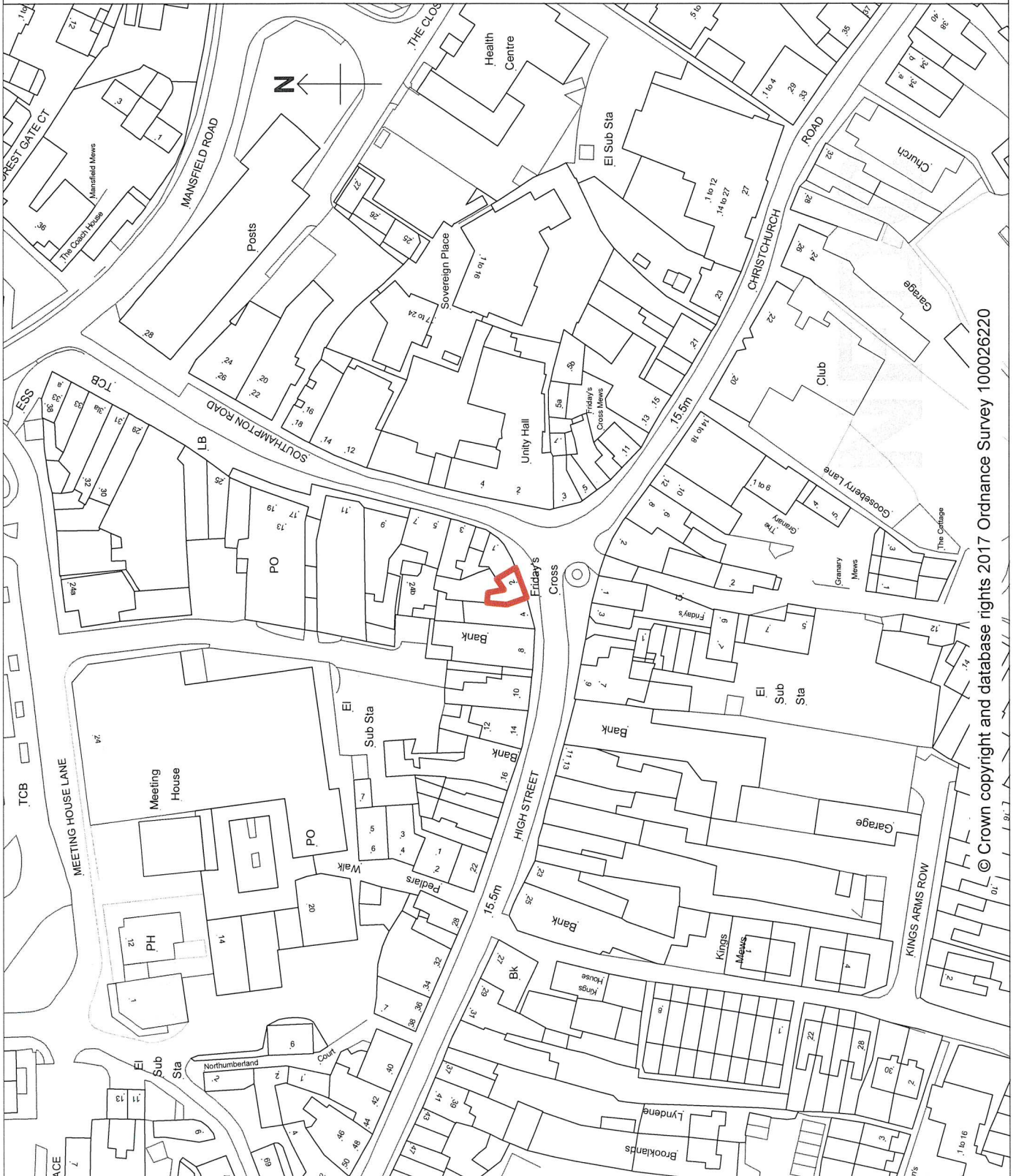
David Groom
Service Manager
Planning and Building Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

Planning Development
Control Committee
October 2017

Item No: 3b
2 High Street
Ringwood

Scale 1:1250

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Application Number: 17/10802 Full Planning Permission

Site: 1 WHITEFIELD ROAD, HOLBURY, FAWLEY SO45 2HP

Development: Access, parking

Applicant: Miss Christie

Target Date: 24/08/2017

Extension Date: 16/10/2017

RECOMMENDATION: Grant Subject to Conditions

Case Officer: Kate Cattermole

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Policy due of loss of public open space.

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Plan Area
HSE Consultation Zone
Aerodrome Safeguarding Zone

Plan Policy Designations

Built-up Area
Public Open Space Existing

National Planning Policy Framework

Section 7

Core Strategy

CS2: Design quality
CS24: Transport considerations

Local Plan Part 2 Sites and Development Management Development Plan Document

DM8: Protection of public open space, private playing fields and sports grounds and school playing fields

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
XX/NFR/13650 Erection of 296 houses and garages, 6 shops with maisonettes over, together with roads and sewers.	02/11/1964	Granted Subject to Conditions	Decided	

5 COUNCILLOR COMMENTS

Cllr Alvey: supported the original proposal:

This entrance will allow the resident to park their car off the road and thereby improve road safety. This area of Holbury suffers from an abundance of road side parking and congestion, and anything we can do to improve this will help. Hampshire CC have already approved the dropped kerb for this entrance. The resident has proposed the use of "grasscrete" or similar, and this could be a Condition of Approval. If Officers recommend refusal I would like this application to go to Planning Committee.

No further comments made on the amended scheme.

6 PARISH / TOWN COUNCIL COMMENTS

Fawley Parish Council: recommend permission

7 CONSULTEE COMMENTS

- 7.1 Hampshire County Council Highway Engineer: no objection subject to condition
- 7.2 New Forest National Park Authority: no Objection
- 7.3 NFDC Landscape Team: no objection. The revised scheme accommodates the footpath position on the ground, resulting in a proposal that basically widened the existing footpath route to accommodate a vehicle width. In doing so it retains the grass verge intact and therefore limits the proposals impact on both visual amenity and the street scene character of wide green verges.

Although the proposal is contrary to policy due to the loss of public open space - the loss is very small sterile grassed area adjacent to an existing footpath and will not diminish the public amenity provided by this piece of public open space.

8 REPRESENTATIONS RECEIVED

No comments received

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.

Amended plans were accepted to overcome the objections relating to the alignment of the driveway, which would have been over an area of designated open space. The revised plans are supported at officer level, but as part of the driveway would still encroach on the open space, it would be contrary to Policy DM8 and therefore needs to be referred to the Planning Development Control Committee. Due to the acceptance of amended plans and the need to refer this item to committee, the application could not be determined within the 8 week timescale of the application, but extensions of time have been agreed with the applicant.

12 ASSESSMENT

- 12.1 The existing semi-detached property is set back from Whitefield Road, and there is a grassed area separating the property from the highway. There is also a similar grassed area on the opposite side of the junction with Stonymoor Close, as well as a much larger grassed area opposite.
- 12.2 These are designated areas of existing public open space, as identified on the accompanying map for the Local Plan Part 2: Sites and Development Plan, and as such Policy DM8 is applicable. Policy DM8 does not allow development in these areas and therefore the introduction of an access cutting across this existing area would be contrary to Policy.
- 12.3 The current proposal is to create an access over a small part of the public open space in front of the dwelling to serve a hard standing and parking area within the residential curtilage. The original access scheme would have cut across the open space. An amended proposal has been accepted which utilises the existing footpath alongside the open space. Although the proposal would still encroach onto the grassed area this is only a small triangular piece of land approx. 2.7 square metres in size and is much more limited than the original scheme.
- 12.4 The additional area required for the cross over would be tarmac to match the existing footpath. This revised layout allows the grass verge to stay intact and therefore limits the proposals impact on both visual amenity and the street scene which has distinctive wide green verges. Although this proposal is contrary to policy, the loss of public open space is modest and involves a very small, sterile grassed area adjacent to an existing footpath and therefore it is not considered to diminish the public amenity of the Public Open Space.

- 12.5 HCC Highways have already approved a vehicle crossing at this site. They have confirmed that the revised vehicular access is acceptable, subject to a condition to ensure that the parking and turning arrangements within the curtilage are provided to ensure that vehicles can turn around, together with an informative advising of the need for a revised road opening licence.
- 12.6 Cllr Alveys' comments refer to the original scheme, no further comments have been received on the amended proposal. Fawley Parish Council objected to the original scheme as contrary to Policy, however they have recommended permission to this revised scheme.
- 12.7 The applicant included an email from Southern Gas Services to confirm that the works would not adversely affect the gas kiosk which is sited to the other side of the footpath.
- 12.8 Overall, despite the fact that this proposal is contrary to Policy DM8, it relates to a very small area of open space and its loss would not diminish the functionality or purpose of this open space. Overall, no objection is raised and therefore planning permission is recommended.
- 12.9 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

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: Rev B, Drawing no 002PR Rev B, 001PR Rev B
Reason: To ensure satisfactory provision of the development.

3. Before use of the development is commenced provision for parking and turning shall have been made within the site in accordance with plan 001PR Rev B, and shall be retained thereafter for that purpose.

Reason: To ensure adequate turning is provided within the site 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. A revised road opening licence is required for these works, and any works on the highway must be undertaken to the appropriate standard laid down by and under the licence agreement with the Highway Authority.
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.

Amended plans were accepted to overcome the objections relating to the alignment of the driveway, which would have been over an area of designated open space. The revised plans are supported at officer level, but as part of the driveway would still encroach on the open space, it would be contrary to Policy DM8 and therefore needs to be referred to the Planning Development Control Committee. Due to the acceptance of amended plans and the need to refer this item to committee, the application could not be determined within the 8 week timescale of the application, but extensions of time have been agreed with the applicant.

3. This decision relates to amended plans received by the Local Planning Authority on 30th August 2017

Further Information:

Kate Cattermole

Telephone: 023 8028 5588



New Forest
DISTRICT COUNCIL

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

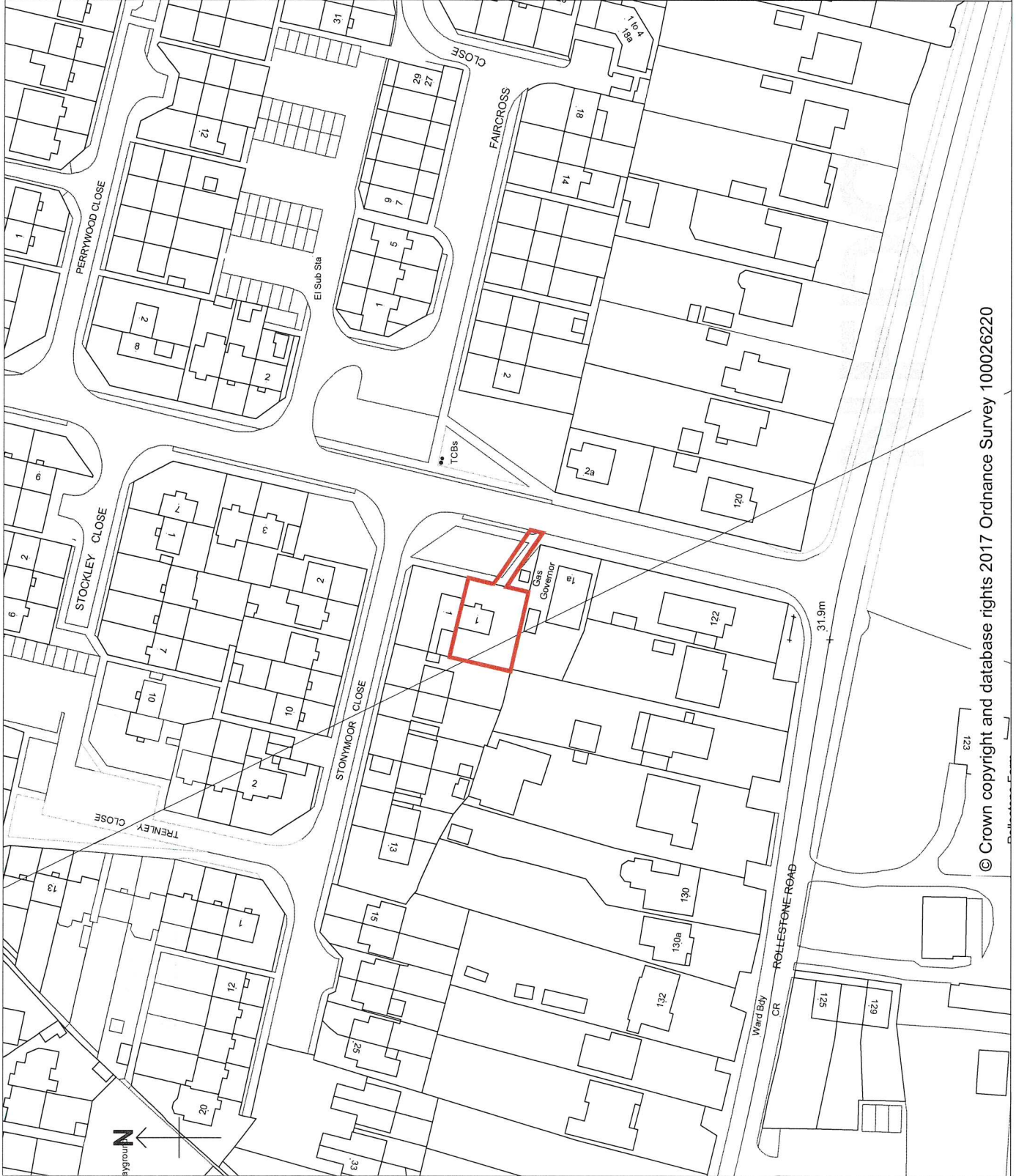
David Groom
Service Manager
Planning and Building Control
New Forest District Council
Appletree Court
Lynchhurst
SO43 7PA

**Planning Development
Control Committee**
October 2017

Item No: 3c
1 Whitefield Road
Holbury
Fawley
17/10802
SU

Scale 1:1250

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Application Number: 17/10960 Full Planning Permission

Site: 34 ARNWOOD AVENUE, DIBDEN PURLIEU, HYTHE SO45 4HN

Development: Single-storey front extension; roof alterations

Applicant: Mr & Mrs Rae

Target Date: 30/08/2017

RECOMMENDATION: Refuse

Case Officer: Kate Cattermole

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Aerodrome Safeguarding Zone
Plan Area

Plan Policy Designations

Built-up Area

National Planning Policy Framework

Section 7

Core Strategy

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

Supplementary Planning Guidance And Documents

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

Hythe & Dibden Parish Council: recommend PERMISSION.

7 CONSULTEE COMMENTS

No comments received

8 REPRESENTATIONS RECEIVED

No comments received

9 CRIME & DISORDER IMPLICATIONS

None Relevant

10 LOCAL FINANCE CONSIDERATIONS

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

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

11 WORKING WITH THE APPLICANT/AGENT

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

No pre application advice was sought prior to the application being submitted. Concerns were raised at the initial briefing stage, but the Parish Council supports the proposal. Although the Parish Council comments have been taken into consideration, the development is judged to be sufficiently harmful to justify a refusal in this instance.

12 ASSESSMENT

12.1 The site is situated in a street of similar uniform development which remains mainly unaltered and despite the addition of side extensions, still presents a pleasant and unimposing frontage development. The proposed extension would project forward of the existing front elevation by 1.9 metres and incorporates a flat roofed porch. The main body of the

extension involves the forward projection of the existing side extension and an increase in the height of its lean-to roof. The resulting building would have an awkward relationship with the existing building and by way of its forward projection, inappropriate design form and height would create a visually intrusive and jarring feature in the street scene to the detriment of the character and local distinctiveness of the area.

- 12.2 Although the adjoining property, no 32, is set further forward than the dwelling on the application site, the proposed extension would be situated to the north-west and given its orientation and the intervening neighbour's driveway, would not result in any harmful overshadowing or loss of light. Furthermore, as no windows are proposed in the side elevation, no overlooking of that neighbour would occur.
- 12.3 The support of the Parish Council for this proposal is noted. However, the identified harm to the character and appearance of the dwelling, the street scene and wider area, is considered significant enough to justify a refusal in this instance.
- 12.4 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that 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 extension would have an awkward relationship with the existing building and by reason of its forward projection, inappropriate design form and height, would create a visually intrusive feature within the street scene to the detriment of the character and local distinctiveness of the area. As such it would be contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park, and Chap 7 of the National Planning Policy Framework.

Notes for inclusion on certificate:

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

No pre application advice was sought prior to the application being submitted. Concerns were raised at the initial briefing stage, but the Parish Council supports the proposal. Although the Parish Council comments have been taken into consideration, the development is judged to be sufficiently harmful to justify a refusal in this instance.

Further Information:

Kate Cattermole

Telephone: 023 8028 5588



New Forest
DISTRICT COUNCIL

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

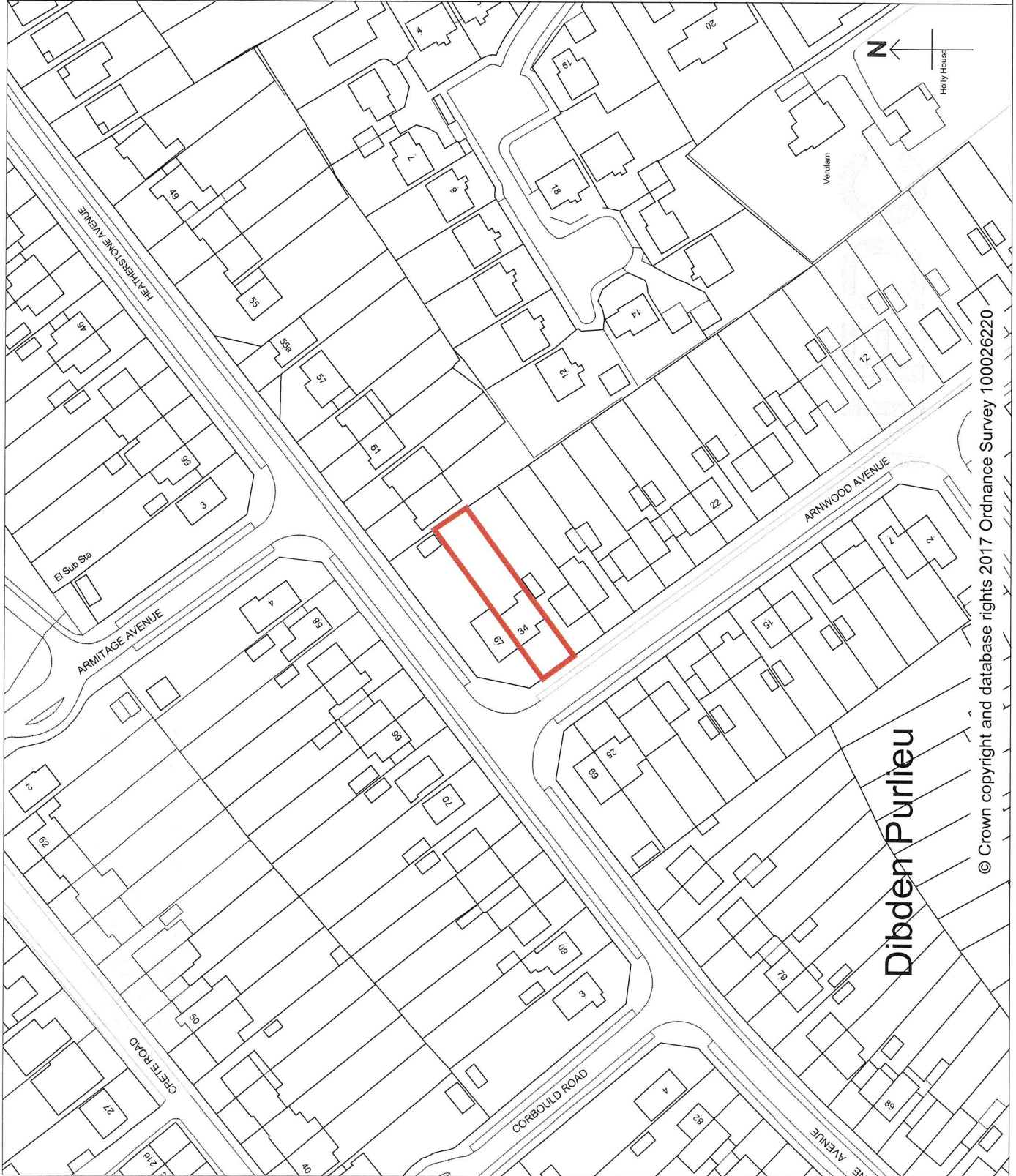
David Groom
Service Manager
Planning and Building Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee**
October 2017

Item No: 3d
34 Arnewood Avenue
Dibden Purlieu
Hythe
177/10960
SU4105

Scale 1:1250

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



Dibden Purlieu

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Application Number: 17/10961 Full Planning Permission

Site: Land at FLAXFIELDS END, FORDINGBRIDGE SP6 1RT

Development: 2 pairs of link-attached houses; bike stores; associated parking

Applicant: Vivera Property Ventures Ltd

Target Date: 31/08/2017

Extension Date: 13/10/2017

RECOMMENDATION: Grant Subject to Conditions
--

Case Officer: Jim Bennett

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up Area
Flood Zone 1

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

CS1: Sustainable development principles
CS2: Design quality
CS6: Flood risk
CS10: The spatial strategy
CS15: Affordable housing contribution requirements from developments
CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

DM3: Mitigation of impacts on European nature conservation sites

National Planning Policy Framework

Chapter 10 - Meeting the Challenge of Climate Change, Flooding and Coastal Change

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 - Mitigation Strategy for European Sites
SPD - Parking Standards
SPD - Fordingbridge Town Design Statement

6 RELEVANT PLANNING HISTORY

- 6.1 16/10681: Two pairs of semi-detached houses, bike stores and associated parking; refused August 2016, due to concerns over character impacts, amenity impacts, highway impacts and flood risk. Subsequent appeal dismissed only on grounds of the failure to provide satisfactory information on flood risk.
- 6.2 16/10111: Two pairs of semi-detached houses, bike store and associated parking; refused March 2016, due to concerns regarding overdevelopment, adjoining amenity, lack of affordable housing contribution and highway safety. Appeal dismissed on grounds that it would result in harm to the character and appearance of the area and would be harmful to the living conditions of the occupiers of 15 Flaxfields End, and to those of intended occupiers. It also failed to provide satisfactory information on flood risk.
- 6.3 12/99301; One pair of semi-detached houses; 1 detached house (affordable housing) (Outline Application with details only of access) - approved September 2013

7 PARISH / TOWN COUNCIL COMMENTS

Fordingbridge Town Council: recommend refusal due to concerns over flooding, access (including the loss of existing parking spaces) and the adverse impact on the amenity of existing neighbouring properties.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Land Drainage: Having viewed the Surface Water Drainage Study (SWDS), prepared by Ambiental Technical Solutions dated May 2017, the following comments are offered on the proposals:-
- The stated discharge rate of no more than 1.0 l/s, in all storm events, is acceptable in principal
 - All the onsite SUDS + drainage are to be privately maintained and a schedule has been suggested. This is also acceptable and should be strictly adhered to.
 - The flow exceedance route away to the west, predominantly taking water away from both proposed and existing property, is acceptable.
 - The EA have declined to comment on the basis of the Development Management Procedure Order (DMPO) and also that the site lies almost exclusively within flood zone 1. Furthermore, HCC Surface Water Management team have also declined to comment based on the fact that the development is for fewer than 10 dwellings. My view on this is that neither authority has any major concern with the proposals for surface water discharge.

- Whilst flood zones may take on a slightly different guise in the near future leading from the submission of the Strategic Flood Risk Assessment (SFRA), it has been made clear that the existing EA flood zones are those that must be currently referred to. Hence, the proposed site is considered at low risk of significant flooding.
 - Essentially, I am largely satisfied that the applicant has given due consideration to the disposal of surface water from the site in a manner which does not significantly increase flood risk in the immediate vicinity.
- 9.2 Environment Agency: advise that the flood risk information that is coming out of NFDC's local plan review and SFRA information should not be used as this information still has to be verified by them.
- 9.3 Hampshire County Council Drainage: as this application relates to a development of fewer than 10 dwellings, there is no need for us to comment on it at this time. However, the applicant should be directed to their website for further information on recommended surface water drainage techniques.
- 9.4 Hampshire County Council Highway Engineer: given that the application is for less than 5 dwellings with no direct vehicular access onto the highway, the proposals in respect of the internal layout may be evaluated by the Local Planning Authority in accordance with guidance contained within the standing advice adopted in April 2017. The Highway Authority would have no objections to the proposed new vehicular access which would be via an existing private parking area. This parking area has an existing access onto the highway in Flaxfields which would remain unchanged and would be considered adequate to accommodate any additional vehicular traffic associated with the proposed development.
- 9.5 Environmental Health (Land Contamination): no objection subject to conditions.
- 9.6 Natural England: no objection subject to habitat mitigation contribution.

10 REPRESENTATIONS RECEIVED

Three representations and a petition bearing the names of 36 individuals have been submitted objecting to the proposal on the following grounds:

- Trees belonging to homeowners in Reeder Close were removed which has opened up the back of these properties to overlooking.
- The houses would be built close to adjoining boundaries and block out light
- Increased traffic generation
- Lack of parking
- Car parking adjoining the fence will cause extra noise.
- Increased risk of flooding
- Disturbance caused by building operations

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive New Homes Bonus £4896 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 £29,656.00.

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 following requests for clarification of drainage arrangements and receipt of amended plans to address the impact of the development on adjoining occupiers, the proposal was considered to be acceptable.

14 ASSESSMENT

14.1 The Site

- 14.1.1 The site is rectangular in shape and has recently been cleared of vegetation. It occupies some 0.064 hectares that used to be associated with no. 24 West Street, but was always physically remote from that property, being connected only by a narrow track that runs for some distance to the rear of development in Flaxfields End. The existing land lies at a lower ground level than the neighbouring sites, forming a depression in the local topography, which is reportedly subject to localised flooding. Rear gardens of the neighbouring residential properties back onto the application site, although the site directly fronts onto an area of green open space and car parking courtyard.
- 14.1.2 The site is accessed through Flaxfields End and lies within the built up area boundary of Fordingbridge. The context of the area is residential, which predominately comprises terraced two storey dwellings, although there are some residential flats in the area and semi-detached dwellings. The surrounding residential area is a planned development of closely knit dwellings positioned around short cul-de-sacs with intervening parking spaces, courtyards, gardens and landscaping. Property types are fairly uniform in their design, style and use of materials.

14.2 The Proposal

- 14.2.1 This planning application proposes four two-storey link-attached dwellings on the site, of similar design and appearance to those at Flaxfields End and Reeder Close. Access into the site would be gained through an existing car parking courtyard. The proposed layout of the site, shows that the dwellings would be provided to the east and west flanks of the site, at right angles to existing dwellings to the north and south site. Off street parking for eight vehicles would be provided to the centre of the site, with small areas of landscaping.
- 14.2.2 A fundamental difference between the current application and one refused and dismissed at appeal under ref. 16/10681 is that the land level will be raised by approximately 1m in order to lift the proposed dwellings above the level of suggested localised flood risk - the only reason the previous appeal was dismissed for. The plans have also changed in that the hipped roofs are now proposed rather than gable ends.

14.3 The Principle of Development

- 14.3.1 In terms of the principle of development for residential use, given that the site lies within the built up area and is situated within a predominately residential area, there is no objection. However, the main issues to consider are flood risk, whether the proposal would impinge upon the character of the area, whether the development could be achieved without compromising the living conditions of the adjoining neighbouring properties and future occupiers and matters of public highway safety.

14.4 Character Impacts

- 14.4.1 Consideration needs to be given to the impact of the proposed development on the character and appearance of the area, in line with Policy CS2 and the Fordingbridge Town Design Statement.
- 14.4.2 It is material to consideration of the current application that the Planning Inspector raised no concerns over the character impacts of ref. 16/10681, which was only refused on flood risk grounds. The current proposal is exactly the same in terms of form and layout as the proposal refused under 16/10681, save for the level of the site being raised by 1m. The design, materials, layout and two storey form, with articulated roof was considered by the Inspector to be acceptable in relation to the character of the area. Concerns were raised in determining the application and appeal under ref. 16/10111 that the central courtyard would be harmful to the character of the area as it was devoid of any landscaping. Amendments were made to the subsequent application (16/10681) to alter the parking arrangements, allowing more space for landscaping within the central courtyard, which the Inspector was satisfied with. The landscaping arrangements for the courtyard are replicated in the current submission. Consequently it is not considered that a reason for refusal can be substantiated on the basis of harmful character impacts.
- 14.4.3 Full details in respect of landscaping, materials, finishes and boundary treatments will be important in determining the current submission. Should permission be forthcoming on this site, it would be prudent to attach a landscaping and boundary treatment condition.

14.5 Impact Upon Residential Amenity

- 14.5.1 With regard to residential amenity, windows are arranged within the buildings without compromising the privacy of the adjoining neighbouring properties. The first floor windows to the rear of Plot 4 are bathroom windows, which would be obscure glazed and so would not directly overlook the rear curtilage of no. 15 Flaxfields End, which was previously a concern. Their obscure glazing and fixing shut other than top quarter lights would be a condition of any approval.
- 14.5.2 In terms of the physical relationship of the proposed buildings, they would be close to the rear gardens of dwellings of both Reeder Close and Flaxfields End and the impact upon the outlook of these properties needs to be considered, under the provisions of Policy CS2. The Inspector previously considered that this relationship was acceptable, as the distance between the gables of the development and surrounding properties was acceptable. However, it should be noted that the proposed change in ground level raises the height of the facing gables by 1m in comparison with previously refused schemes, so the matter needs to be re-visited. In light of the raised ground level, the applicant has hipped the roofs of the dwellings to diminish any overbearing impact the development may have on adjoining occupiers to the north and south.
- 14.5.3 The private open space arrangements for future occupiers of the proposed development are of limited depth (4.5m), but reasonably wide (7.5m). While the gardens cannot be described as generous, they are wider than the dwellings themselves and are the same size as those

considered adequate by the Inspector in determining 16/10681 and similar to the indicative garden sizes previously approved by the Council under outline ref.12/99301. The private open space arrangements for future occupiers of the development are therefore considered to be appropriate.

14.6 Flood Risk

14.6.1 While the site is within Flood Zone 1 (considered to be at low risk of flooding), it became apparent during the course of determination of the most recent application and appeal (16/10681) that the site may be subject to a degree of flood risk from other more localised sources. In determining the appeal, the Inspector concluded that residential development could not be allowed due to the failure to provide satisfactory information on flood risk. The current submission is accompanied by a Flood Risk Assessment (FRA) and a Surface Water Drainage Study (SWDS), which seek to address flood risk and drainage concerns in two main ways:

- by raising the ground level so that water can continue to percolate and be infiltrated into the ground, and
- to incorporate swales to attenuate the effects of any extreme condition occurring during the lifetime of the development.

14.6.2 Having reviewed the FRA and SWDS, the Council's Drainage Section consider the stated discharge rate to be acceptable and the flow exceedance route away to the west, predominantly taking water away from both proposed and existing properties, is acceptable. They have confirmed that there is no reason to believe that this development will have a significant detrimental effect on the flood risk in the immediate vicinity.

14.6.3 The flood risk information emerging from the Local Plan Review including a Strategic Flood Risk Assessment (SFRA) indicates that the site lies within Flood Zones 2 and 3. However the Environment Agency advise that the flood risk information has yet to be verified by them and should not be used in determining this application. While the flood risk status of the site may change in future, the EA advise the Council to continue using the current flood risk maps for assessing planning applications. On this basis the application must be assessed on the basis that the site itself is within defined Flood Zone 1 and at low risk of flooding. The proposal site, like much of Fordingbridge, is only accessible by vehicle through Flood Zone 2 and to this end the applicant states that this can be managed in the future by residents signing up for the Environment Agency's flood warning scheme, where they will be notified when the local highways are affected by surface water flooding. This may be addressed by an informative applied to any consent. It should be noted that evacuation of the site could be undertaken on foot, without passing through Flood Zone 2. In this instance, in light of the information submitted in support of the application, that the site is not within Flood Zones 2 or 3, that it may be evacuated on foot without passing through Flood Zone 2 and does not have critical drainage problems, it is not considered necessary to apply the Sequential Test.

14.6.4 The EA and HCC Surface Water Management team have declined to comment specifically on the scheme. The Council's Drainage Section conclude that the applicant has given due consideration to the disposal of surface water from the site in a manner which does not significantly increase flood risk in the immediate vicinity. Consequently, provided the drainage measures are implemented and maintained appropriately, it is not considered that either existing or proposed developments would be at risk of flooding.

14.7 Highway Impacts

14.7.1 The Highway Authority raises no objections to the proposed new vehicular access which would be via an existing private parking area. This parking area has an existing access onto the highway in Flaxfields which would remain unchanged and is adequate to accommodate any additional vehicular traffic associated with the proposed development. Given that the application is for less than 5 dwellings with no direct vehicular access onto the highway, the Highway Authority consider that the proposals in respect of the internal layout may be evaluated by the Local Planning Authority. In this respect the proposal provides 8 no. parking spaces for 4 no. two bed dwellings, where the Council's adopted parking standards seek 2 no. off street parking spaces for each dwelling. The adopted Parking Standards are therefore met. Adequate turning provision is made for the proposed parking arrangements. The proposal is therefore considered to provide adequate access and parking arrangements.

14.8 Other material considerations

14.8.1 With regard to the representations of notified parties, which are not addressed above, it is not anticipated that the location of 4 no. car parking spaces adjoining the rear fences of Reeder Close would cause significant additional noise, although the details of the final landscaping and boundary treatment scheme in this location will need to be carefully assessed during the discharge of the landscaping condition. Disturbance caused by building operations is an unfortunate consequence of new development but cannot reasonably be used as a reason to refuse planning permission, given that disturbance will be relatively short lived.

14.8.2 The level of housing need in the District is sufficiently above the level of housing supply to know that a five year supply of housing land is currently unavailable. This situation will be addressed through the emerging local plan, but until the new Local Plan is adopted, paragraph 14 of the NPPF advises that planning permission for housing development should normally be granted unless any planning harm identified would "*significantly and demonstrably outweigh the benefits*". This is known as the 'tilted balance' in favour of sustainable development. In this case, it is considered that the adverse impacts of development set out above do not significantly and demonstrably outweigh the benefits and therefore the tilted balance in favour of granting permission is a material consideration in assessing this application.

14.9 Contributions

14.9.1 In accordance with the Habitat Regulations 2010 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard.

14.9.2 The proposed development would require contributions towards CIL and habitat mitigation as outlined in the tables below. Being a residential development of under ten dwellings, there is no longer a requirement for an affordable housing contribution.

14.10 Conclusion

14.10.1 The application has addressed the main considerations, being flood risk, character impacts, the living conditions of adjoining properties and future occupiers and matters of public highway safety. Consequently it is recommended for approval.

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

Section 106 Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Habitats Mitigation			
Financial Contribution	£2200 if CIL paid in full	£2200 if CIL paid in full	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	337		337	337	£80/sqm	£29,656.00 *
Subtotal:	£29,656.00					
Relief:	£0.00					
Total Payable:	£29,656.00					

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

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

Where:

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

R = the levy rate as set in the Charging Schedule

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

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: 15-T2394/105A, 15-T2394/101A, 15-T2394/102B, 15-T2394/103D and 15-T2394/104C

Reason: To ensure satisfactory provision of the development.

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

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

4. The development shall only take place in accordance with the approved details for the means of disposal of surface water from the site as outlined in the Surface Water Drainage Study prepared by Ambiental Technical Solutions and dated May 2017.

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

5. The development shall take place in accordance with the future maintenance arrangements for the sustainable urban drainage scheme as outlined in the Surface Water Drainage Study prepared by Ambiental Technical Solutions and dated May 2017. The drainage maintenance arrangements must be confirmed to and agreed in writing by the Local Planning Authority by the applicant prior to occupation of the penultimate dwelling.

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

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

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

7. The first floor windows in the eastern elevation of Plot 4 shall at all times be glazed with obscure glass and fixed shut at all times unless the parts that can be opened are more than 1.7m above the floor. The aforementioned windows should be fitted with obscure glass with a minimum obscurity of level 3 glazing and not an applied film.

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

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

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

9. The development hereby permitted shall not be occupied until the spaces shown on plan 15-T2394/104C for the parking of motor vehicles and cycles have been provided. Thereafter the spaces shown on plan shall be retained and kept available for the parking of motor vehicles and cycles for the dwellings hereby approved at all times.

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

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

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

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

Reason: To 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).

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

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

12. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions relating to contamination no. 13 to 16 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 16 relating to the reporting of unexpected contamination has been complied with in relation to that contamination.

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

13. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- i) a survey of the extent, scale and nature of contamination;
- ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;

- iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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

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

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

- 15. Where a remediation scheme has been approved in accordance with condition no. 14, the approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

16. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 13, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 15, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 15.

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

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 following requests for clarification of drainage arrangements and receipt of amended plans to address the impact of the development on adjoining occupiers, the proposal was considered to be acceptable.

2. Hampshire County Council Drainage Section advise the applicant to visit their website:

<https://www.hants.gov.uk/landplanningandenvironment/environment/flooding/planning>

for further information on recommended surface water drainage techniques.

3. New Forest District Council has adopted a Community Infrastructure Levy (CIL) charging schedule and any application now decided, including those granted at appeal, will be CIL Liable. CIL is applicable to all applications over 100sqm and those that create a new dwelling. Under Regulation 42A developments within the curtilage of the principal residence are likely to be exempt from CIL so CIL may not be payable provided the applicant submits the required exemption form prior to commencement of the development.
4. In discharging condition no. 8 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/>
5. The applicant is reminded that the site is only accessible by vehicle through Flood Zone 2 and to this end the applicant is advised that they must notify future residents of the development to sign up for the Environment Agency's flood warning scheme, where they will be notified when the local highways are affected by surface water flooding.

Further Information:

Jim Bennett

Telephone: 023 8028 5588



New Forest DISTRICT COUNCIL

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

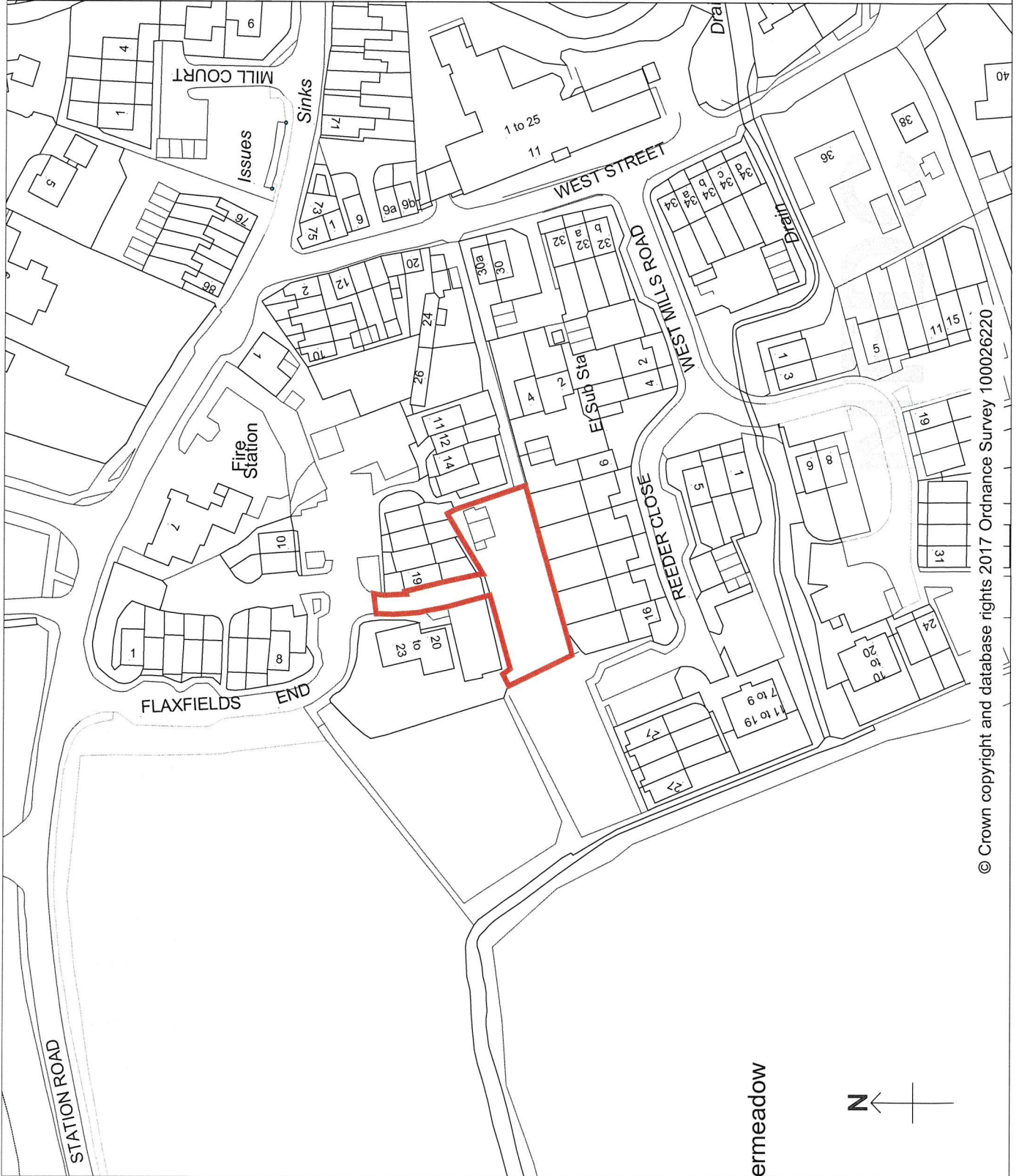
David Groom
Service Manager
Planning and Building Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee**
October 2017

Item No: 3e
Land at
Flaxfields End
Fordingbridge
17/10961
SU1414

Scale 1:1250

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scale.



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Application Number: 17/10973 Full Planning Permission

Site: CHESSEL HOUSE, FERNHILL LANE, NEW MILTON BH25 5WR

Development: Roof alterations; dormer and roof lights in association with new flat; 1 additional parking space

Applicant: Jackson Developments Ltd

Target Date: 01/09/2017

Extension Date: 13/10/2017

RECOMMENDATION: Grant Subject to Conditions

Case Officer: Vivienne Baxter

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Town Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

CS1: Sustainable development principles

CS2: Design quality

CS15: Affordable housing contribution requirements from developments

CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

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

DM3: Mitigation of impacts on European nature conservation sites

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

Achieving Sustainable Development

NPPF Ch. 6 - Delivering a wide choice of high quality homes

NPPF Ch. 7 - Requiring good design

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - New Milton Local Distinctiveness
SPD - Mitigation Strategy for European Sites
SPD - Parking Standards

6 RELEVANT PLANNING HISTORY

- 6.1 06/88112 - one block of 6 flats (amendments to 87324). Refused 14.9.06, appeal allowed
- 6.2 06/87324 - 1 block of 5 flats, 1 block of 8 flats, demolition of existing buildings. Granted 17.5.06
- 6.3 05/85408 - 13 flats with parking and access alterations. Refused 7.10.05, appeal dismissed
- 6.4 05/84554 - 13 flats with parking and access alterations. Refused 31.5.05

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: object and would not accept a delegated approval. Concerns with highway safety, request all windows should be obscure glazed and advise the additional parking space is already in situ.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer: no objection; any additional traffic that might be generated at the existing access onto Fernhill Lane would not be likely to have any significant adverse affect on the safety or convenience of users of the highway.

10 REPRESENTATIONS RECEIVED

Objections have been received from 3 households concerned with the following:

- previous schemes were refused for bulk and massing reasons
- inadequate visibility (due to protected trees) will be exacerbated
- loss of privacy
- developer has always intended to increase the number of flats on the site
- over development
- turning within the site is difficult if all spaces are in use
- inadequate parking for so many flats
- there have been accidents in the area recently as there is more traffic than when the flats were originally approved

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

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

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

Based on the information provided at the time of this report this development has a CIL liability of £3,960.00.

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 New Milton in a residential area close to the town centre. It contains two blocks of flats built around 10 years ago with associated parking and landscaping. There are statutorily protected trees along the road frontage which curves between Fernhill Lane (where the vehicular access is) and Avenue Road. The proposal entails the provision of an additional 1-bed flat in the northern most block. This includes a dormer window to the southern elevation and roof lights to the north and west. The plans also indicate an additional parking space although it should be noted that the site already contains this additional space.
- 14.2 In visual terms, the proposed changes to the building are limited and reflect existing dormer and roof light features. They are not considered to adversely affect the character of the building or area and would have a limited impact on the bulk and massing of the building.
- 14.3 With regard to residential amenity, concern has been expressed with regard to the roof lights in the western elevation towards 4, Avenue Road. It is accepted that there may be some oblique views towards this garden, the boundary of which is approximately 13m away adjacent to adjoining property's out building. Given the set back nature of roof lights in relation to the footprint of the building, the proposed western roof lights would be about 21m from the nearest corner of the actual dwelling. Further, there are other windows in this elevation and given the distances referred to above, it is not considered that the additional roof lights would significantly affect adjoining occupiers.
- 14.4 The front dormer would look across the front garden of the site and those roof lights to the rear (north) would be some 24m from the nearest dwelling and across the access for the site such that no adverse impact would result. There would be no loss of light as a result of this proposal.
- 14.5 Parking provision and access difficulties have also been raised as a concern. However, the proposal would result in there being a single parking space for each dwelling. This was considered acceptable when the Inspector determined the appeal for the scheme to allow a 6th flat in the block of 5, allowing a total of 14 units and 14 parking spaces. It would appear that the site has always accommodated 15 car parking spaces (the proposed space is already in situ), and on this basis, it would be difficult to sustain a reason for refusal. Similarly, there are no proposed changes to the access or turning provisions and the Highway Engineer has raised no objection to the proposals.
- 14.6 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.

- 14.7 In conclusion, the proposal would provide an additional unit of accommodation with minimum alterations to the building and site layout. Although the concerns expressed with regard to additional traffic and a loss of amenity have been noted, it is not considered that the addition of a one bedroom unit would exacerbate highway safety matters or result in a loss of residential amenity to an extent which would warrant refusal.
- 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.

Section 106 Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings	0	0	
Financial Contribution	0	0	
Habitats Mitigation			
Financial Contribution	£2,050		

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	45	0	45	45	£80/sqm	£3,960.00 *
Subtotal:	£3,960.00					
Relief:	£0.00					
Total Payable:	£3,960.00					

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

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

Where:

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

R = the levy rate as set in the Charging Schedule

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

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: 8893/100, 8893/101, 8893/102.

Reason: To ensure satisfactory provision of the development.

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

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

4. No 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. 4 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/>

Further Information:

Vivienne Baxter

Telephone: 023 8028 5588



New Forest
DISTRICT COUNCIL

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

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

**Planning Development
Control Committee**
October 2017

Item No: 3f
Chessel House
Fernhill Lane
New Milton
17/10973
SZ2495

Scale 1:1250

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Application Number: 17/10975 Variation / Removal of Condition

Site: TOP END, CHAPEL LANE, BLACKFIELD, FAWLEY SO45 1YY

Development: Variation of Condition 2 of Planning Permission 16/10286 to allow additional window to side elevation

Applicant: Mr R Gray

Target Date: 15/09/2017

RECOMMENDATION: Grant Subject to Conditions
--

Case Officer: Richard Natt

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council View

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area
HSE Consultation Zone

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

CS2: Design quality
CS10: The spatial strategy

Local Plan Part 2 Sites and Development Management Development Plan Document

None

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

None

6 RELEVANT PLANNING HISTORY

6.1 House, detached garage - demolition of existing (16/10268) Granted with conditions on the 27th April 2016

7 PARISH / TOWN COUNCIL COMMENTS

Fawley Parish Council: Recommend refusal as we feel this is not neighbourly and contrary to approved plans. We note the contents of the on line objection regarding the additional window on what appears to be a premeditated retrospective application.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

None

10 REPRESENTATIONS RECEIVED

10.1 1 letter of objection concerned with overlooking from the proposed first floor window

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

Based on the information provided at the time of this report this development has a CIL liability of 0. Self build exemption.

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 Planning permission was recently granted to demolish a detached bungalow and to replace it with a two storey dwelling and garage under planning reference 16/10286. Works are well under way in which the garage is completed and the dwelling constructed including the window openings, however, there is still scaffolding around the building to complete the development.
- 14.2 The dwelling has not been built in accordance with the approved plans. An additional first floor window opening has been created on the side (south) elevation of the dwelling which was not shown on the approved drawings. Accordingly, this current application seeks to regularise the situation and proposes to vary condition 2 of planning permission 16/10286 to amend the plan No's to allow the additional first floor window on the side elevation.
- 14.3 The main issue in this case is whether the addition of a first floor bathroom window on the side elevation would unacceptably impact on the living conditions of the neighbouring properties. The first floor window would overlook the rear garden areas of Nos 2, 3 and 4 Hampton Gardens. The neighbouring property most greatly effected by the first floor window could be No 3.
- 14.4 The distance from the first floor window to the rear boundary to the dwellings in Hampton Gardens measures 3 metres. The distance from the first floor window to the rear elevation of the dwellings at Hampton Gardens measures 22 metres. Based upon these distances, the window would result in unacceptable overlooking of the rear garden areas to these dwellings.
- 14.5 However, the submitted plans show that the window will be glazed with obscure glass and would serve a bathroom. It is considered that if the window is glazed with obscure glass and fixed shut, this would mitigate against any overlooking to the neighbouring properties. This can be secured by a planning condition. While it is accepted that the window would increase the perception of overlooking, the window is a small opening and the distance to the dwellings at Hampton Gardens measures 22 metres. Moreover, it is not uncommon for bathroom windows to be installed at first floor on the side elevation of dwellings.

- 14.6 As this proposal is for a replacement dwelling there is no requirement for Habitats Mitigation and the scheme is not CIL liable as it has a self build exemption
- 14.7 In conclusion it is considered that the installation of the first floor bathroom window on the side elevation would not result in unacceptable overlooking to the neighbouring properties, provided that the window is glazed with obscure glass. The submitted plans indicate the window would be fitted with obscure glass and given that the window serves a bathroom, it would be reasonable to impose a condition to secure the window to be both fixed shut and obscurely glazed. While it is unfortunate that the window opening has already been created, the applicant seeks to regularise the situation and the application should be assessed on its individual merits.
- 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.

15. RECOMMENDATION

GRANT the VARIATION of CONDITION

Proposed Conditions:

1. The development permitted shall be carried out in accordance with the following approved plans: gr sht 3 Rev X, elevations 1, elevation 2, ground floor and first floor plan .

Reason: To ensure satisfactory provision of the development.

2. The first floor bathroom window on the side [south] elevation 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).

3. The landscaping scheme shall be fully implemented in accordance with the submitted Landscape Design Drawing LD Rev 1 and details set out in e-mail of the 13th October 2016 by the end of the planting and seeding season 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 a similar size or species, unless the Local Planning Authority gives written consent to any variation.

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).

4. The surface water drainage shall be fully implemented in accordance with the drainage details set out on Wessex Drainage Solutions LTD Soakaway Design Data sheet prior to the occupation of the buildings or the completion of the development whichever is the sooner, unless otherwise agreed in writing by the Local Planning Authority.

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

5. The first floor bedroom window on the side [south] elevation of the approved building shall at all times be glazed with obscure glass.

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

6. The works hereby approved shall be undertaken in strict accordance with the Ecological Survey methodology, recommendations and details set out in the Ecological Surveys Ltd dated January 2016 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.

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

Further Information:

Richard Natt

Telephone: 023 8028 5588



New Forest
DISTRICT COUNCIL

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

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

**Planning Development
Control Committee**

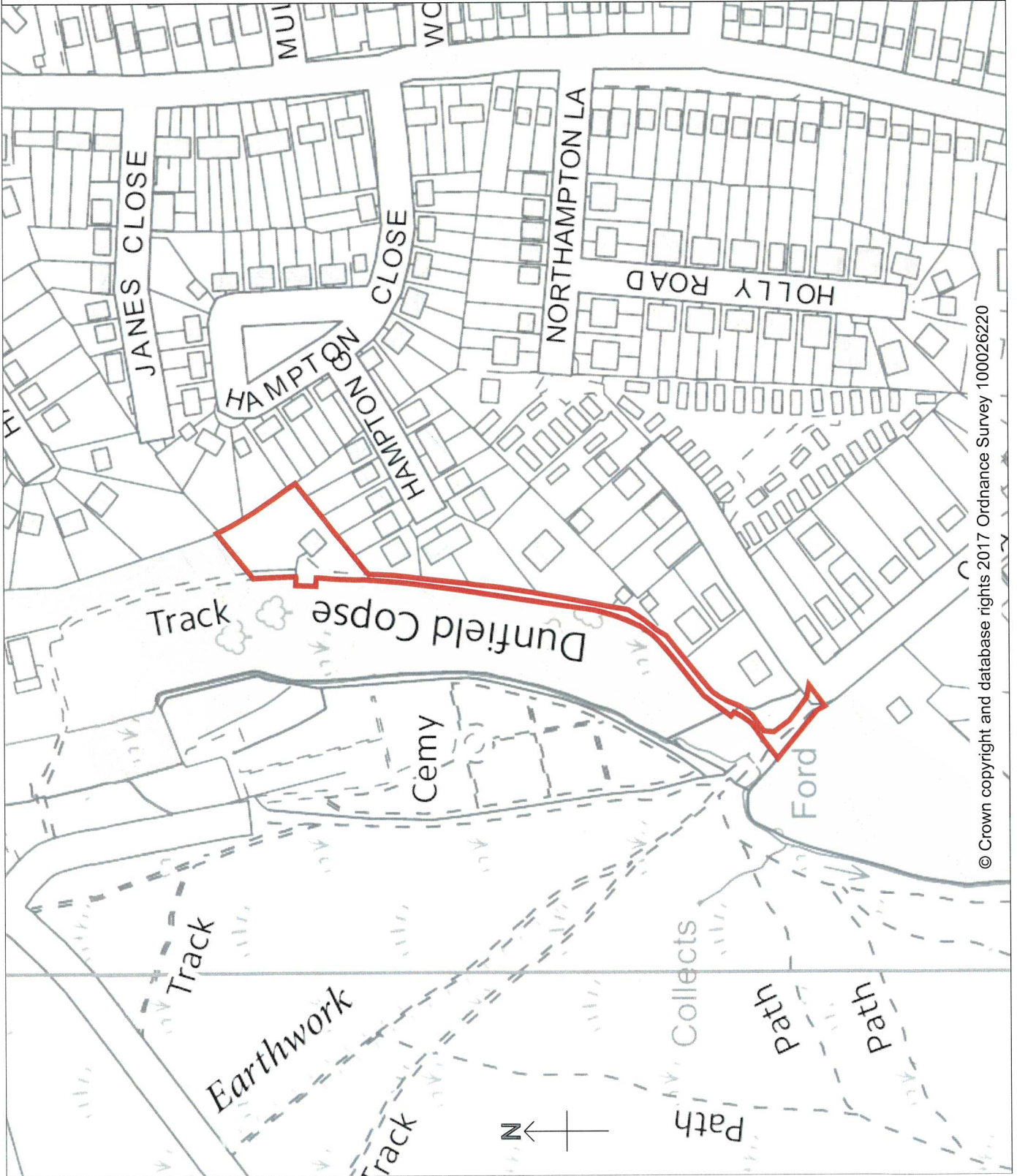
October 2017

Item No: 39

Top End
Chapel Lane
Blackfield Fawley
1710975
SU4401

Scale 1:2500

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scale.



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Application Number: 17/11038 Full Planning Permission

Site: 9 BINGHAM DRIVE, LYMINGTON SO41 3PR

Development: Single-storey and two-storey front, rear and side extensions

Applicant: Mr & Mrs Koenig

Target Date: 13/09/2017

RECOMMENDATION: Grant Subject to Conditions
--

Case Officer: Kate Cattermole

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Aerodrome Safeguarding Zone
Plan Area

Plan Policy Designations

Built-up Area

National Planning Policy Framework

Section 7

Core Strategy

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

Supplementary Planning Guidance And Documents

SPD - Lymington Local Distinctiveness

3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

4 RELEVANT SITE HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
17/10355 Single-storey and two-storey front, rear and side extensions	05/05/2017	Granted Subject to Conditions	Decided	
78/NFDC/10262 Alterations and addition of a living room.	05/06/1978	Granted	Decided	

5 COUNCILLOR COMMENTS

No comments received

6 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council: recommend refusal. The use of cladding on this property would be out of keeping within a neighbourhood of brick faced buildings and not acceptable.

7 CONSULTEE COMMENTS

No comments received

8 REPRESENTATIONS RECEIVED

Two in favour:

- No 12 already rendered
- difficult to match the 3 different bricks already on property

9 CRIME & DISORDER IMPLICATIONS

None Relevant

10 LOCAL FINANCE CONSIDERATIONS

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

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

11 WORKING WITH THE APPLICANT/AGENT

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

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 Planning permission was granted in May for a single storey and two storey front, rear and side extensions (Ref 17/10355) The only difference between the current application and this recent planning permission is change to the proposed materials with the introduction of cladding to the side and rear of the extended dwelling and render to the front. These changes in materials could not be undertaken as a minor amendment to the original consent and so this planning application was required. As such this change in materials is all that falls to be considered, as the principle of the extension has already been accepted.
- 12.2 The site is located within the Lymington Local Distinctiveness SPD Character Area 3 (Green Mansions). No specific reference is made to particular characteristic materials or the need to presume consistency within this although general guidance states that : " Where consistency is important to the local character, a replacement of materials or a new build in different materials can destroy the clarity of character".
- It does however go on to say that variety is important. Proposals should however seek out the main underlying material use in the relevant building groups and respect these in their design.
- 12.3 Notwithstanding this guidance, the road is characterised by brick built dwellings, with the exception of no 12 Bingham Drive which has been part rendered. The recent planning permission included an element of cladding at first floor level on the front and side of the extension, with the remainder of the development to be in brick to match the existing. It is now proposed to replace the proposed brick with render as well as further cladding on the side and rear elevations. The remainder of the exterior of the dwelling would be rendered.
- 12.4 Due to the variety of designs of dwelling within Bingham Drive the change from brick to render and additional cladding would not be detrimental to this group of properties or local distinctiveness of the area. Furthermore, there are no constraints relating to the area that would prohibit changes to the exteriors of neighbouring properties. These changes could have been undertaken as permitted development if they were not associated with the proposed extensions to the property and this needs to be considered as the fallback position.. As such a refusal solely on these grounds would not be justified in this instance.
- 12.5 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that 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: KOEN008

Reason: To ensure satisfactory provision of the development.

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

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

4. Before development commences, samples or exact details including the colour finish of the render and cladding 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.

Notes for inclusion on certificate:

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

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

Further Information:

Kate Cattermole

Telephone: 023 8028 5588



New Forest
DISTRICT COUNCIL

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

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

**Planning Development
Control Committee**
October 2017

Item No: 3h
9 Bingham Drive
Lymington

17/11038
SZ3295

Scale 1:1250

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Application Number: 17/11072 Full Planning Permission

Site: 41 KINGFISHER WAY, MARCHWOOD SO40 4XS

Development: Two-storey side and front extension

Applicant: Mr & Mrs Newnham

Target Date: 21/09/2017

Extension Date: 16/10/2017

RECOMMENDATION: Refuse

Case Officer: Kate Cattermole

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view (in part)

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Aerodrome Safeguarding Zone
Plan Area
Flood Zone

Plan Policy Designations

Built-up Area

National Planning Policy Framework

Section 7

Core Strategy

CS2: Design quality
CS6: Flood risk

Local Plan Part 2 Sites and Development Management Development Plan Document

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
Section 197 Trees
Town and Country Planning Act 1990

4 RELEVANT SITE HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
78/NFDC/09206 80 houses and garages with construction of roads and access, foul water drainage, landscaping, maintenance and adoption plans.	30/03/1978	Granted Subject to Conditions	Decided	

5 COUNCILLOR COMMENTS

Clr Alison Hoare: In response to the last agent's email dated 30th August 2017 in which he states that "the side extension will be replacing part of the side boundary wall" I wish to object to this application, I believe that the extension will be too close to the road, only 1.20m. The curve of the road will make this very dominant in the street scene and totally out of character with the layout of the street, where the houses are all set back from the road.

I must as the District Councillor declare an interest as I live at number 45.

6 PARISH / TOWN COUNCIL COMMENTS

Marchwood Parish Council: recommend refusal.

Refuse, the proposed extension will be out of keeping and will have a detrimental effect on the street scene. The rendering effect is not in keeping with the surrounding properties and the proposed side wall will be very over bearing. There is also concern about reduced sight lines when exiting from the cul-de-sac. The application is therefore not in accordance with policy CS2 of the New Forest District Council Local Development Framework Core Strategy adopted October 2009.

7 CONSULTEE COMMENTS

7.1 Natural England: no Comment

7.2 NPA Trees, New Forest National Park Authority: no objections

7.3 Hampshire County Council Highway Engineer: no objection and no conditions. The proposed side extension would not have a significant adverse affect on the visibility currently available at the shared access to the south which serves 27 - 41 Kingfisher Way.

8 REPRESENTATIONS RECEIVED

Two objections:

- New driveway access has potential to be a road safety hazard
- use of render to the front of the extension is out of keeping with the dwellings in the surrounding area

One comment:

- concern expressed about parking of existing boat which is kept on site
- no harm should be done to ash tree to rear of site, in front of No. 43
- if any of the walls to be moved or damaged during building works to be replaced together with any planting to the outside of wall
- any noise/disruption to be confined to working days

9 CRIME & DISORDER IMPLICATIONS

None relevant

10 LOCAL FINANCE CONSIDERATIONS

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

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

11 WORKING WITH THE APPLICANT/AGENT

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

No pre application advice was sought prior to the application being submitted. As there is identified justifiable harm to both the street scene and the general character of the area, and the application falls to be determined, a refusal is justifiable in this instance.

12 ASSESSMENT

12.1 Kingfisher Way forms part of an established residential road accessed off Tavells Lane. The development pattern of Kingfisher Way consists of dwellings fronting the road, as well as small groups of dwellings situated in cul-de-sacs off the main section of the road.

12.2 The application site is located on the entrance to one of the cul-de-sacs, and consists of a brick built detached house, with detached garage to the rear. There are a variety of house types within the immediate vicinity including gable fronted dwellings. As such the introduction of a gable feature to the front elevation would not detract from the street scene, and its small forward projection would provide some articulation to the front elevation, which would complement the appearance of the existing dwelling.

- 12.3 The existing dwelling is side on to the main section of Kingfisher Way, and its boundary wall encloses the rear garden and extends along the side of the dwelling. A narrow verge separates the road from the boundary and has a couple of trees planted along it. The agent has advised that the verge is not within the ownership of the applicant and furthermore that the side wall would in part be replaced by the extension. To the front of the site are two conifer trees which are sited at the entrance to the cul-de-sac.
- 12.4 The current pattern of built form is set away from the road, and the established hedging and planting contributes to the existing pleasant character of the road. The side extension would extend out to the existing verge, and as such would be highly visible within the main section of Kingfisher Way. The position of the extension at a 2 storey height (5m to its eaves and 7.3m to its ridge), would be a conspicuous, intrusive and overbearing form of development in this location that would adversely impact upon the street scene and detract from the spatial characteristics of the area, and a refusal on this ground would be justified in this instance.
- 12.5 Marchwood Parish Council have recommended refusal on the grounds of the development being overbearing, and this view is supported as identified in 12.4. They also though refer to the proposed rendering of part of the front elevation being out of keeping with the surrounding properties, and this has also been raised by third parties. Currently the property is brick throughout, as are other dwellings within the cul-de-sac and the wider area.
- 12.6 Nevertheless, the proposed render would only be applied to the front elevation of the extension, so the dwelling would remain predominately brick. There are no constraints on this area restricting the application of render and therefore the appearance of the dwelling could be changed without the requirement of planning permission. The introduction of a render finish to part of the dwelling would draw attention to this feature, but as the remainder of the property would remain as brick, a reason for refusal on this basis is not justified.
- 12.7 Further concerns have been raised by the Parish about sight lines, but the dwelling is set back from the entrance and views at the exit are already obscured by the presence of two large conifer trees close to the entrance of the cul-de-sac. The Highways authority have been consulted and they raise no objection as the proposed side extension would not have a significant adverse affect on the visibility currently available at the shared access to the south which serves 27 - 41 Kingfisher Way. As such refusal on this ground is not justified.
- 12.8 Reference has been made to a new access to the site. This was shown on the original block plan, but did not form part of the application. This has been subsequently removed from the plans, and therefore does not fall to be considered under this application.
- 12.9 By reason of the siting of the extension, there would be no impact on neighbour amenity.
- 12.10 There is an Ash tree to the rear of the property, sited just outside the rear boundary wall and to the front of No. 43 but this is far enough away not to be impacted upon by the proposed development. The small trees

and shrubs along the south east boundary are likely to be lost through this development, but on consulting the NPA tree team these trees are not significant enough to form a constraint to the proposed development.

- 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

Reason(s) for Refusal:

1. By reason of the siting and height of the two storey side extension it would introduce built form closer to Kingfisher Way, which would result in an intrusive and overbearing form of development that would adversely impact upon the street scene, would disrupt the existing pattern of development and as such would detract from the spatial characteristics of the area. As such it would be contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park, and Chap 7 of the National Planning Policy Framework.

Notes for inclusion on certificate:

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

No pre application advice was sought prior to the application being submitted. As there is identified justifiable harm to both the street scene and the general character of the area, and the application falls to be determined, a refusal is justifiable in this instance.

Further Information:

Kate Cattermole

Telephone: 023 8028 5588



New Forest
DISTRICT COUNCIL

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

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

**Planning Development
Control Committee**
October 2017

Item No: 3i
41
Kingfisher Way
Marchwood
17/11072
SU3810

Scale 1:1250

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Application Number: 17/11080 Full Planning Permission

Site: FOREST GATE BUSINESS PARK, CHRISTCHURCH ROAD,
(FORMER WELLWORTHY SITE) RINGWOOD BH24 3FE

Development: Four-storey, 84 bedroom hotel; parking; landscaping,
overflow car park

Applicant: GP Commercial Investment Ltd

Target Date: 08/11/2017

RECOMMENDATION: Grant Subject to Conditions
--

Case Officer: Richard Natt

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council View

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area
Contaminated land

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Local Plan Part 1 (Core Strategy) 2012:

Policy CS2 - Design quality
Policy CS4: Energy and resource use
Policy CS10: The spatial strategy
Policy CS17: Employment and economic development
Policy CS24 - Transport considerations
Policy CS25 - Developer Contributions

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

DM5: Contaminated land
RING1: Land east of Christchurch Road - employment land allocation

Other policy documents

SPD - Ringwood Local Distinctiveness
SPD - Ringwood Town Access Plan
SPD - Parking standards (NFDC 2012)

National Planning Policy Framework

Policy NPPF1 - Presumption in favour of sustainable development
Achieving sustainable development
Requiring Good design (chapter 7)

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 - Ringwood Town Access Plan
SPD - Ringwood Local Distinctiveness
SPD - Parking Standards
SPG - Access for Disabled People

6 RELEVANT PLANNING HISTORY

- 6.1 Construct buildings for industrial, storage and business use, new roundabout (Use Classes B1, B2 and B8) Outline application with details only of access (97377) Granted August 2013
- 6.2 Office and warehouse - Unit 9 - (11454) Granted with conditions on the 24th Oct 2016
- 6.3 Various approved Reserved Matters Applications for office, business and storage development throughout the site.

7 PARISH / TOWN COUNCIL COMMENTS

Ringwood Town Council: Recommend refusal

1) Visual Impact

The proposal appears too bulky and crammed into the space available, the design and height being considered unsympathetic to the context of its setting.

The Ringwood Local Distinctiveness SPD advises against an increase in larger buildings at odds with the towns roofscape and valley landscape, citing that "a continuation of such imposing skylines would inevitably have a dramatic impact on the character of this part of Ringwood.? This view is supported by the Council.

2) Parking Provision

The Council does not accept that the proposed provision meets the requirements of the Parking Standards SPD, which states that there should be 1 parking space per bedroom (84). The proposals show only 68 spaces

designated for use by hotel guests and employees, with a further 41 being provided on a separate plot for "overflow parking" and "for the use of the wider business park. In order to meet the Standards, there must be 84 spaces designated for Premier Inn use only.

3) Contributions

As the proposed use is different to the uses approved for the site in the outline application (11/97377), it is suggested that there is a case to seek contributions to improve the infrastructure in the surrounding area, as the proposal would have an impact on the wider area, not just the immediate vicinity. Contributions should therefore be sought from the applicant.

It should be noted that some of the statements made in the applicants Design and Access Statement regarding the availability of other accommodation in the locality are factually incorrect.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer: no objection subject to condition
- 9.2 Environmental Health (historic land use): no objection subject to contamination
- 9.3 Environmental Health (pollution): no objection in principle subject to conditions
- 9.4 Economic Development Manager: no objection. The introduction of this hotel could impact locally owned business albeit providing a local need, particularly amongst business customers and/or contractors who seek this type of accommodation considers the location is reasonable and that this has the potential to provide a range of local employment opportunities.

10 REPRESENTATIONS RECEIVED

6 letters of objection (including from "Go New Forest"), concerned there are already other hotels including bed and breakfasts, White Hart, The Star Inn and Tyrrells Ford Hotel, which are all in the heart of or close to Ringwood Town Centre. There are already 10 Premier Inn hotels within 16 miles of Ringwood. The proposal would adversely effect existing tourism businesses in the area. Concerns in relation to lack of car parking. The applicant should make contributions towards infrastructure. The poor appearance and quality of the building. Such a large hotel controlled by a global company will destroy existing hospitality businesses in Ringwood and negatively impact on visitor accommodation all over the forest. There are budget hotels with spare capacity on the A31 close to Ringwood and these are around 6,300 bed nights currently unsold in the Ringwood area every year. The Premier Inn would provide 30,600 additional bed night which would significantly increase the unsold bed nights. No economic benefits would result from this development.

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.

The originally submitted planning application showed a ridge height rising to a maximum height of 16.2 metres. Officers raised concerns that the proposed height of the building would not be acceptable and would be considerably taller than the existing neighbouring buildings within the business park.

Following discussions with the applicants agent, the planning application has been amended and the ridge height of the building has been reduced to approximately 13.7 metres which is a result of changes to the roof design. This has effectively resulted in a reduction in the overall height of the building by 2 to 3 metres. It is considered that the scale and design of the proposed building is now acceptable in this context.

It should be noted that the revised plans were re-advertised. Ringwood Town Council have not commented on the revisions made and their comments still relate to the originally submitted application.

14 ASSESSMENT

14.1 The site and location

- 14.1.1 This full planning application seeks consent to construct a four storey 84 bedroom hotel (Class C1 use) together with associated car parking and landscaping on a vacant piece of land on part of the former Wellworthy site, along Christchurch Road in Ringwood. It is also proposed to provide an overflow car parking area on a vacant piece of land within the far east corner of the site, which would be adjacent to the proposed hotel complex.
- 14.1.2 Outline consent was originally granted on the former Wellworthy site for a new roundabout and access and employment uses in 2013 to include Classes B1, B2 and B8. Since then, the roundabout and internal roads, now known as Wellworthy Way and Yeoman Road have been constructed and several reserved matters applications have been approved to develop on parts of the site, the majority of which have been implemented and are now occupied.
- 14.1.3 The business park is now well established and comprises a mixture of offices, light industrial, storage uses and a Lidl retail store. The application site is now one of the few remaining undeveloped sites which lies to the south of a large storage building with offices known as 'Comax' building and to the north of the recently partly developed office building used by 'Colten Care'. On the rear boundary of the site is a recently built but not fully completed storage and office building with an existing neighbouring office complex known as 'Pullman Business Park'. Along the eastern boundary is a range of large industrial units which form part of the neighbouring Crow Arch Lane Industrial Estate.

14.2 The proposal

- 14.2.1 The proposed building would rise to four storeys and would be a long rectangular building set back from the road, positioned slightly forward of the neighbouring 'Comax' building. The proposed layout of the site has been designed so that the building would front onto both Wellworthy Way and Yeoman Road, with car parking situated to the front, side and rear of the building. Window openings would be installed throughout the building. The layout plan shows substantial new tree planting on the front, side and rear boundaries.
- 14.2.2 Visually, the proposed building would rise to four storeys, although the front section of the fourth floor would be set a considerable distance back from the front elevation. The proposed building seeks to replicate a simple building form using similar materials to those that have been used within the business park. Large areas of glazing would be used on the ground floor front and side elevations facing the two roads, with the silver composite cladding used on the upper levels. A darker colour finish would be used for the fourth floor recessed element, which helps break up the massing of the building.
- 14.2.3 Internally on the ground floor of the proposed building, there will be a reception area, lobby, restaurant and bar together with associated ancillary facilities including a plant room, office, kitchen and laundry related to the hotel function. Although there are bedrooms provided on the ground floor, the upper floors would be used solely as bedrooms.

14.3 Policy

- 14.3.1 There are several relevant local and national planning policies. Local Plan Policy Ring 1 relates to Land East of Christchurch Road. The policy allocates the whole of the Former Wellworthy site for employment development in accordance with Policy CS17 of the Core Strategy. This policy seeks to retain existing employment sites where they are capable of continuing or providing in employment use. Clearly, the site is capable of continuing in employment use. However, in many circumstances, an alternative commercial scheme would be acceptable where the proposed use would be appropriate to the location. Under subheading 2.85 of the Local Plan Part 2, it states that uses which are appropriate on employment sites include industrial, office, business, storage and distribution, and other uses which are compatible with those listed and which also generate employment include leisure, hotel and retail development. The proposal is located within a sustainable location and therefore accords with this policy.
- 14.3.2 Core Strategy Policy CS19 relates to tourism and the strategy seeks to support local tourism by encouraging tourism and provision for visitors which is appropriate to the Districts settlements. The strategy seeks to support new tourist provision and initiatives in towns and villages. The subtext to the policy states that tourism such as hotels is one of the largest employment sectors in the District and also supports facilities and amenities which benefit local communities. The main focus for tourism includes historic towns including Ringwood. These areas can provide facilities and amenities which will complement and relieve visitor pressures on the National Park, as well as being visitor destinations in their own right. The proposal would comply with this policy.
- 14.3.3 Local Plan Part 2 Policy DM13 relates to tourism and visitors facilities and states that within defined built up areas, new serviced visitor accommodating and facilities will be permitted outside of the primary shopping areas, having regard to the compatibility with adjoining uses and the need to avoid unacceptable impacts. The proposal would accord with this policy.
- 14.3.4. In the supporting statement accompanying the application, it states that the proposed hotel would be located within a sustainable location just outside the town centre and within a business park where the use will support and enhance the attractiveness of local business operations and contribute significantly to the local economy. The availability of hotel accommodation within Ringwood is limited and the nearest hotel facility is the Travelodge at St Leonards, 4KM to the south west. The Burley Manor Hotel is 6.3 km to the east and further afield the Premier Inn at Ferndown. The supporting statement highlights the importance of hotels on business parks in providing a valuable asset for the business park and wider locality. The hotel would be attractive to business travellers and also for general tourism use.
- 14.3.5 While representations have been made that there are other hotels locally and within Ringwood town centre, and it is accepted that the proposal could impact on existing local tourism uses such as bed and breakfast and guest houses, generally local plan policies are supportive of new tourism uses and competition is not a planning matter. In summary it is considered that the principle of a hotel is acceptable and accords with policy. A hotel would provide employment opportunities and its use would

be of a substantial benefit to the other employment operators of the Forest Gate Business Park and the other trading estates along Christchurch Road and around Ringwood and would provide wider benefits for the town and local economy.

14.4 Design matters

- 14.4.1 The main issues in this case are scale, design, landscaping and layout matters. The most prominent views of the site will be from Christchurch Road and within the business park. In assessing the effect on the character of the area, careful consideration will need to be given to how the proposed development relates to both Forest Gate Business Park and the surrounding development in Pullman Way and Crow Arch Lane. Equally it is important to ensure that significant new tree planting is provided throughout the site.
- 14.4.2 The proposed building has been designed to reflect the form, style and materials of the surrounding buildings. Because of the location of the site within an existing business park, the proposal to create a building which follows this theme is considered to be the correct design approach. A number of features have also been added into the design to break up the buildings appearance through the use of different materials, setting back the fourth floor and a large number of window openings.
- 14.4.3 It is also considered that the proposed layout of the site is contextually appropriate as the proposed building would face onto both roads and there would be sufficient space to provide significant new tree planting around the perimeter of the site. In addition, the siting of the proposed building would screen the existing views onto the large side elevations of the neighbouring buildings.
- 14.4.4 In terms of scale, the proposed building would rise to 13.7 metres in height, which would equal the height of the tallest buildings within the business park, which is the neighbouring three storey office building to the south. The neighbouring 'Comax' building rises to 12.2 metres in height, although the building has a much larger footprint. The 'Eberspacher' building also has a larger footprint and its ridge height reaches 12.6 metres.
- 14.4.5 It is evident that a building of this size and scale would have a significant impact on the context of the area. The setting back of the fourth floor from the front elevation would also reduce the scale of the building. However, the site is one of the more prominent sites within the business park being positioned on the corner of Yeoman Road and Wellworthy Way and there is an opportunity to create more of a 'landmark' building. The proposed building would achieve this and would be wholly appropriate in this context. It should also be noted that the creation of a larger building on this site is considered to be appropriate, given the scale and size of the neighbouring buildings.
- 14.4.6 Overall it is considered that the proposed development would make a positive contribution to the existing business park on this important corner plot and the significant planting of trees throughout the site would help soften the appearance of the building and create a pleasant and well designed layout. While the building may be visible from distant views from the forest it would be seen in the context of an industrial estate with other buildings of a similar scale, as such, it would be appropriate with no significant adverse implications.

14.5 Highway matters

14.5.1 In terms of highway related matters, the Highway Authority do not raise any objections. A total of 109 car parking spaces would be provided, 68 of these (including 4 disabled spaces) would be located within the hotel complex and a further 41 spaces would be provided on a separate site a short distance away from the north eastern corner of the business park which is also subject of the current application.

14.5.2 The adopted New Forest District Councils Car Parking Standards Supplementary Planning Document recommends that 1 car parking space should be provided for each letting bedroom which would result in a total car parking requirement for 84 spaces. It is noted that although the application form states that 109 spaces would be provided 41 of the spaces would be for shared use to accommodate any overflow demand for parking that might be generated by the use of other industrial units at the site. Although this would leave only 64 spaces allocated for the sole use of the hotel it is considered that the peak demand for parking at the hotel would be likely to occur at weekends and evenings when the potential demand for any overflow parking facilities within the business park as a whole would be at a minimum. It is therefore considered that the overflow car park would be largely free for the use of the hotel at weekends and evenings and would also provide additional parking should this be required for users of the business park as a whole. The Highway Authority does not raise any objection to the proposed parking arrangements but would wish to see all areas indicated for the parking of vehicles shown on the plans to be conditioned to remain in perpetuity to avoid the possibility of the parking area to the north east being lost in the future.

14.5.3 The plans indicate facilities for delivery vehicles to enter and leave the site in a forward gear via a one way system within the site which would be considered acceptable to the highway authority.

14.5.4 In terms of traffic that might be generated at the site, it is considered that there would be no demonstrable change in the impact of the site on the local highway network resulting from the use of the site as a hotel compared with that which might be expected should the site be developed for Use Classes B1, B2 and B8 as per the extant permission.

14.6 Residential amenity

14.6.1 With regard to the impact on residential amenity, there are no residential properties that bound the application site. The nearest residential properties are located more than 110 metres away (73 and 74 Willow Drive). The building itself would not give rise to any unacceptable impact on neighbouring properties.

14.6.2 The main issue is the impact of noise and disturbance from the proposed use, which include deliveries and refuse collections, freezer, air conditioning and chiller units etc. Given that the proposed development lies within a site which has consent for employment purposes, it is anticipated that some level of noise from the different uses is expected. A hotel use is not a use which is normally associated with excessive noise, especially compared to an industrial use, or storage use where there are many deliveries.

14.6.3 In terms of deliveries and refuse collection, this would take place on the north side of the building adjacent to the 'Comax' building. It is anticipated that one or two deliveries will be made during the day, which would be wholly appropriate in this location on an allocated employment site. A condition would need to be imposed to ensure that deliveries take place only during the day.

14.6.4 In terms of the proposed chiller and air conditioning units, these would be sited on the ground floor north elevation, adjacent to the refuse collection and loading bay. It is considered that the location of the equipment is appropriate because the equipment would largely be screened by the side elevation of the 'Comax' building. The extract system for the kitchen is designed to rise through the private service areas of the building and to exhaust at roof level. It is considered that a noise and odour report can be required as part of a planning condition.

14.7 Other matters

14.7.1 Representations have been made that because the proposed use is different to the approved uses including Classes B1, B2 and B8 as set out in the outline application (11/97377), it is suggested that there is a case to seek contributions to improve the infrastructure in the surrounding area. However, as stated above it is considered that there would be no demonstrable change in the impact of the site on the local highway network resulting from the use of the site as a hotel compared with that which might be expected should the site be developed for Use Classes B1, B2 and B8 as per the extant permission. Accordingly it is not reasonable to seek further contributions in this case.

14.8 Conclusion

14.8.1 Overall, the proposed development is considered to be consistent with Core Strategy policies and objectives. The proposed development would be of an acceptable design and scale appropriate to the existing business park and there would be no adverse impact on the living conditions of the adjoining or nearby properties. The proposal would have an acceptable impact on highway safety. It is felt that the development could be implemented without adversely affecting the amenities of the wider area. As such, the application is recommended for permission.

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

15. **RECOMMENDATION**

Grant Subject to Conditions

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: 10E, 11B, 07H(1), 07H(1), 04G, 08J, 06K, 05K, 06B, 02Q, 09H, 01S

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

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

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

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

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

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

7. The development hereby permitted shall not be occupied until the spaces shown on plan 01S for the parking of motor vehicles have been provided. The spaces shown on plan 01S for the parking of motor vehicles shall be retained and kept available for the parking of motor vehicles for the hotel and as an overflow car park for the business park 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).

8. Before any development commences (involving the commencement of work on the building hereby approved), a detailed option appraisal and remediation strategy together with remediation verification plan must be prepared giving full details of the remediation measures required and how they are to be undertaken. This must demonstrate that the development at the site can be brought to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, including protection of controlled waters. The remediation options appraisal and remediation strategy are subject to the approval in writing of the Local Planning Authority, and must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The remediation strategy must consider that no infiltration of surface water drainage into the ground or foundation design using penetrative methods (e.g. piling) is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. A verification plan is required to demonstrate how the remediation strategy will be verified as being effective. This must provide details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete, and identify any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the Local Planning Authority. The scheme must ensure that the development will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation and shall be implemented as approved.

Reason: To protect controlled waters and to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policies CS5 and CS6 of the Core Strategy for the New Forest District outside the National Park.

9. If during development contamination not previously identified is found to be present, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the developer and approved by the Local Planning Authority until the developer has submitted and obtained approval from the Local Planning Authority for recommencement of development. An investigation and risk assessment must be undertaken, and if this finds remediation to be necessary, a remediation strategy and verification plan must be provided detailing how this unsuspected contamination shall be dealt with and approved by the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and with the same considerations as detailed within Condition 89. The remediation shall be implemented and verified with the same consideration as detailed within Condition 9, and approved by the Local Planning Authority.

Reason: To protect controlled waters and to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policies CS5 and CS6 of the Core Strategy for the New Forest District outside the National Park.

10. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. The approved remediation scheme (that has been approved as part of any submitted reserved matters application) must be carried out in accordance with its terms. Following completion of measures identified in the approved remediation scheme, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long term monitoring and maintenance plan) for longer term monitoring of pollutant linkages maintenance and arrangements for contingency action as identified in the verification plan and for the reporting of this to the local planning authority. The long term monitoring and maintenance plan shall be implemented as approved.

Unless otherwise agreed in writing by the Local Planning Authority, the verification report must be completed and approved in writing by the Local Planning Authority either:

- prior to the commencement of development, other than that required to carry out remediation, or
- if the development is required to carry out the remediation, it must be carried out prior to the occupation of any buildings or use of the land as the proposed end use

Reason: To protect controlled waters and to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy CS5 and CS6 of the Core Strategy for the New Forest District outside the National Park.

11. No delivery activity shall take place on the site in connection with the approved use other than between the hours of 8:00am and 21:00 Monday to Fridays, and 8:30 am and 17:00 on Saturdays not including recognised public holidays and Sundays.

Reason: To safeguard the amenities of nearby residential properties in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

12. Prior to the first use of the development, a noise assessment shall be submitted considering noise from any external plant or equipment in accordance with BS4142:2014. This shall consider the Rating Level of the noise against the background (LA90) level at the boundary of the nearest residential properties. Where the rating level is found to exceed the background level, mitigation measures shall be proposed. The scheme shall be agreed in writing by the Local Planning Authority and shall be installed, retained, and maintained in accordance with the approved scheme.

Reason: To safeguard the amenities of nearby residential properties in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

13. Prior to the first use of the development, a scheme detailing the odour control measures to be provided for the kitchen extraction system shall be submitted to and shall be approved in writing by the Local Planning Authority. The scheme shall have regard to DEFRA 'Guidance on the control of odour and noise from commercial kitchen exhaust systems' and shall therein be implemented in full and retained and maintained in accordance with the approved scheme.

Reason: To safeguard the amenities of nearby residential properties in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

14. Before development commences, details of the proposed external lighting shall be submitted to and approved 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 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 originally submitted planning application showed a ridge height rising to around 16.2 metres and 15.6 metres to the majority of the building. Officers raised concerns that the proposed height of the building would not be acceptable and would be considerably taller than the neighbouring building within the business park.

The planning application has now been amended and the ridge height of the building has been reduced to approximately 13.7 metres. This has effectively resulted in a reduction in the height of the building by between 2 and 3 metres, which is considered to be more acceptable in this context.

2. This decision relates to amended/additional plans received by the Local Planning Authority on 29th August 2017.

Further Information:

Richard Natt

Telephone: 023 8028 5588



New Forest
DISTRICT COUNCIL

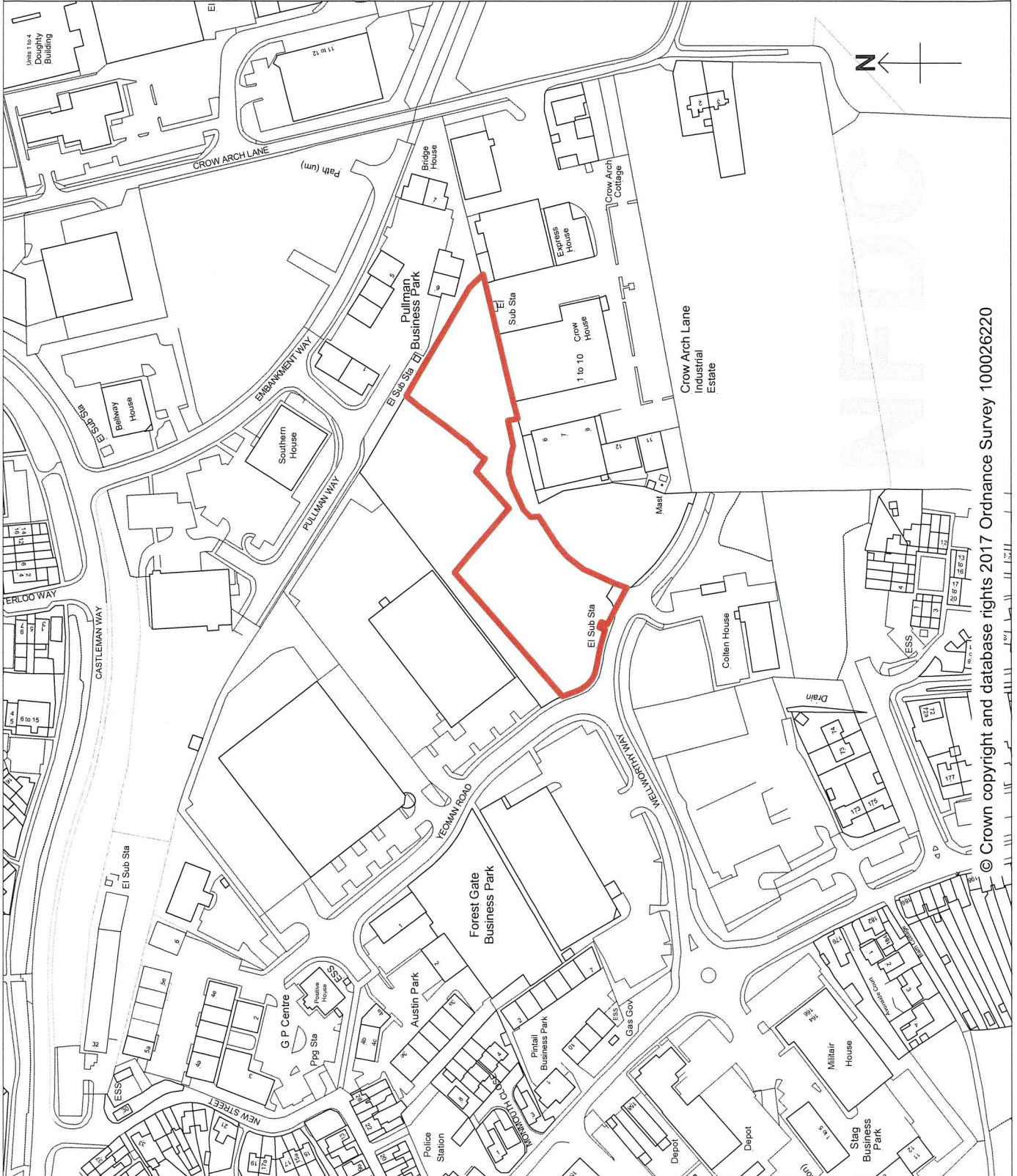
Tel: 023 8028 5000
www.newforest.gov.uk

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

**Planning Development
Control Committee**
October 2017

Item No: 3j
Forest Gate Business Park
Christchurch Road
Ringwood
17/11080
SU1504

Scale 1:2500
N.B. If printing this plan from
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