

NOTICE OF MEETING

Meeting:	PLANNING COMMITTEE
Date and Time:	WEDNESDAY, 14 FEBRUARY 2018, AT 9.00 AM*
Place:	THE COUNCIL CHAMBER, APPLETREE COURT, LYNDHURST
Telephone enquiries to:	Lyndhurst (023) 8028 5000 012 8028 5588 - ask for Jan Debnam email: 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**

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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 10 January 2018 as a correct record.

2. DECLARATIONS OF INTEREST

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

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

3. PLANNING APPLICATIONS FOR COMMITTEE DECISION

To determine the applications set out below:

- (a) **Abbeyfield House, 17 Herbert Road, New Milton (Application 17/10901) (Pages 1 - 12)**

23 unit sheltered apartments; cycle and bin storage; parking; demolition of existing

RECOMMENDED:

Refuse

- (b) **Rear of 39-41 High Street, Ringwood (Application 17/11139) (Pages 13 - 26)**

Use of outbuilding as 1 dwelling; fenestration alterations; parking

RECOMMENDED:

Grant permission subject to conditions

- (c) **41 Kivernell Road, Milford-on-Sea (Application 17/11736) (Pages 27 - 34)**

Chalet bungalow; shed/bike store; parking; landscaping

RECOMMENDED:

Service Manager Planning and Building Control authorised to refuse permission.

- (d) **Greenbank Farm House, Lower Daggons Lane, South End, Damerham (Application 17/11564) (Pages 35 - 42)**

Field shelter; replacement timber fencing; gate (retrospective)

RECOMMENDED:

Refuse

- (e) **24 Barton Common Lane, Barton-on-Sea, New Milton (Application 17/11576) (Pages 43 - 48)**

Outbuilding

RECOMMENDED:

Service Manager Planning and Building Control authorised to grant permission subject to conditions.

4. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

To:

Councillors:

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

Councillors:

Mrs M D Holding
J M Olliff-Cooper
A K Penson
Mrs A M Rostand
Miss A Sevier
M H Thierry
Mrs B J Thorne
R A Wappet
Mrs P A Wyeth
M L White

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 it is anticipated that the submission of the Local Plan will be reported to the Council in March 2018. Until then, the level of housing need in the District is sufficiently above the level of housing supply to know that a five year supply of housing land when objectively assessed is not currently available.

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

Areas of Outstanding Natural Beauty (AONB's)

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

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

Trees

Section 197. Trees Town and Country Planning Act 1990

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

Biodiversity

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

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

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

Conservation of Habitats and Species Regulations 2010

Under the provisions of the Conservation of Habitats and Species Regulations 2010, the Council has to ensure that development proposals will not have an adverse impact on the integrity of a designated or candidate Special Area of Conservation (SAC), classified or

potential Special Protection Area (SPA), or listed Ramsar site and mitigation will be required.

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

Equality

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

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

Financial Considerations in Planning

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

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

Application Number: 17/10901 Full Planning Permission

Site: ABBEYFIELD HOUSE, 17 HERBERT ROAD, NEW MILTON
BH25 6BX

Development: 23 unit sheltered apartments; cycle and bin storage; parking;
demolition of existing

Applicant: Abbeyfield Wessex Society

Target Date: 16/10/2017

Extension Date: 16/02/2018

RECOMMENDATION: Refuse

Case Officer: Jim Bennett

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Town Council view in part.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up Area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

CS1: Sustainable development principles
CS2: Design quality
CS8: Community services and infrastructure
CS10: The spatial strategy
CS13: Housing types, sizes and tenure

Local Plan Part 2 Sites and Development Management Development Plan Document

DM3: Mitigation of impacts on European nature conservation sites
DM10: Residential accommodation for older people

National Planning Policy Framework - Achieving Sustainable Development

NPPF Ch. 6 - Delivering a wide choice of high quality homes
NPPF Ch. 7 - Requiring good design

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

Housing Design, Density and Character
New Milton Local Distinctiveness SPD (2010)
SPD - Mitigation Strategy for European Sites

6 RELEVANT PLANNING HISTORY

- 6.1 15/11809
27 unit sheltered apartments for the elderly, bin store, outbuilding, parking, demolition of existing - refused April 2016 due to concerns over the visual impacts of the proposal, lack of a transport assessment and lack of detail on extraction facilities associated with the kitchen.
- 6.2 ENQ/16/20582/CMNH
The applicant held a Clarification Meeting with Officers of the Council seeking to clarify the reasons for refusal of 15/11809,
- 6.3 ENQ/16/21218/MARC
Following on from the Clarification Meeting the applicant sought the Council's pre-application advice for a 25 bed sheltered housing unit scheme seeking to overcome the reasons for refusal of 15/11809, which was provisionally supported, subject to some modifications and additional information.

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: strongly object on the following grounds:

1. Inadequate assessment of necessary ventilation system for the kitchen operation.
2. Contrary to New Forest District Council Core Strategy policy CS2 (Design Quality) as it doesn't contribute positively to the local character due to poor design, size, scale and being 3 storeys high, negatively affecting the street scene.
3. Contrary to Local Distinctiveness Study due overdevelopment and spatial setting (page 51).
4. Concern regarding added traffic flow and specifically the lack of parking. The figure offered does not conform with NFDC Parking Standards SPD Table 6 for 'Active Elderly', nor does it provide storage for mobility scooters.
5. Concern regarding the lack of accurate Ecology assessment (Hedgehogs are protected under Schedule 6 of the Wildlife and Countryside Act 1981 and within the NERC Act 2006, the hedgehog is categorised as a 'Species of Principal Importance' for biodiversity.
6. Unneighbourly.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Environmental Design (Urban Design): the applicant has made serious efforts to reduce the appearance of mass and increase gaps between buildings. However, the proposal will not be appropriate and sympathetic to its setting in terms of scale, density (*within the typical grain*), layout, appearance or in its relationship to adjoining buildings. It is therefore unlikely to contribute positively to local distinctiveness and sense of place especially as it includes the loss of a garden with some character and seasonal colour and does not provide appropriate green spaces. Therefore it fails to comply with policy CS2 and is at odds with the local distinctiveness SPD for the area. The car parking is not adequate to prevent the garden from being absorbed into parking. The same amount of parking is proposed for the new building as exists. The garden space therefore does not work. The building is too big in terms of massing as evident from its breadth along the street and its depth. The green setting is not adequate for a building of this scale in this context. Although the applicant has tried very hard to address these issues, the building and its frontage setting are inappropriate. In itself the building does not appear to be unattractive. However, its mass and scale will render it somewhat incongruous within the street scene. Moreover, the lack of greenery and garden setting is a loss of a valued and attractive element of that streetscape.
- 9.2 NFDC Waste Manager: as this is a commercial site NFDC may not be required to carry out the waste collections. If asked to make collections then the on-site staff would present the waste at the location indicated on the plan, which is acceptable.
- 9.3 Environmental Health Section (Pollution): no objections, subject to conditions to address the hours of operation of the kitchen extraction system, the noise levels of the extraction system, installation of plant/equipment and to restrict installation of a cowl on the flue. It is noted from the acoustic report that noise levels associated with the kitchen extraction system will be at or below the existing background noise level and will therefore have a low impact upon neighbouring properties during the highlighted hours of operation. The extraction system will be fitted with a carbon filtration system to control odours and the flue will terminate at least 1 m above the eaves of the building utilising a cowl. This system appears suitable for the type of cooking that will be undertaken, however, the proposed cowl will impede the discharge and force odours downwards, as such it is recommended that an alternative is fitted which doesn't impact on dispersion.
- 9.4 Ecologist: no objections. The ecology report has appropriately surveyed and assessed the site in relation to development and has made generally appropriate recommendations for mitigation and enhancement, particularly in relation to hedgehogs and birds. These details could be secured via a pre-commencement condition and could comprise confirmation of a Biodiversity Mitigation, Compensation and Enhancement Plan.
- 9.5 Hampshire County Council Highway Engineer: no objections, subject to conditions to ensure the proposed arrangements for car, cycle and mobility parking area provided. Also give informative.

- 9.6 Southern Water: no objections but request a condition is attached to the consent requiring details of foul and surface water sewerage disposal to be approved in writing. Also give informatives.

10 REPRESENTATIONS RECEIVED

Fourteen representations have been received to the proposal objecting on the following grounds:

- The scale and character of the building proposed is too great and not in keeping with adjoining properties
- The character of the building proposed is not in keeping with the street scene
- Overdevelopment
- Car parking provision is inadequate
- Timber cladding is not in keeping here
- Too much accommodation is sought
- Loss of light
- Concern raised over noise and odour caused by the kitchen extraction system
- Disturbance caused by building operations
- Boundary treatment to Morant Court needs to be considered
- Ecological disturbance
- The proposal is profit led
- The site does not facilitate access by fire appliances
- Noise and disturbance caused by visits to the premises
- Loss of privacy

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments. Based on the information provided at the time of this report, this development has no CIL liability, being a C2 residential institution.

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 pre-application advice was sought on the form of development proposed. While the Council recognised that redevelopment of the site could be achieved, that view was on the proviso that more contextual analysis of the proposal was provided to demonstrate that it would be acceptable in the street scene and in terms of the character of the area. That contextual analysis was provided with the formal submission in the form of perspective sketches, which considered in the context of the site plan, elevations, the wider context and the views put forward in light of the consultation exercise, has failed to convince officers that the form of development proposed would be acceptable. In this instance due to the level of justifiable harm the proposal would cause, it is not unreasonable to refuse the application.

14 ASSESSMENT

14.1 The Site and Proposal

- 14.1.1 The site lies within the built up area of New Milton in a residential area characterised by small flatted developments to either side, detached dwellings to the rear and detached bungalows opposite. With the exception of the application site, housing in the locality is of relatively recent construction. The existing building is of pre-war construction and appears to have started life as a large detached dwelling within a generous garden curtilage. Over the years single storey additions have been made to the property to facilitate its use as sheltered accommodation for the elderly. The building has ceased use for this purpose and is currently vacant. Notwithstanding the adhoc additions made to the property over the years, it is set within one of the more generous garden curtilages in the locality, with off-street parking for approximately six vehicles provided to the front of the site. It is understood the existing use accommodates 14 separate units of sheltered accommodation for the elderly. The curtilage of the property is predominantly bound by established vegetation.
- 14.1.2 The proposal entails demolition of existing structures on the site and erection of a larger structure in terms of depth, width and height. That said the structure now proposed is for 23 units (which are not self contained) and is reduced in scale from a proposal refused in 2016 for a 27 unit scheme. The ridge of the current submission has been reduced in height from the refused scheme, as has the depth of footprint, with more space retained around the building. An amended

plan received during the course of determination, recessed a portion of the rear of the building, seeking to reduce the massing and perspective of the development when viewed on approach along Herbert Road, from the south. Retention of the front garden area is important for this scheme, as the character of Herbert Road is more informed by deep front gardens than gardens to the rear. The use of the site would remain the same, although the intensity of use would increase, by virtue of the increase in unit numbers to twenty three. Accommodation would be provided on three levels, roof space being utilised. Off-street parking for six vehicles would be provided in a similar position to the existing parking area. The building would be finished in a mix of timber cladding, brick and clay tiles.

14.2 Main Considerations

14.2.1 Consideration needs to be given to the scale and mass of the development in relation to its impact on the local street scene and character against the relevant provisions of Policy CS2 and the New Milton Local Distinctiveness SPD. Consideration must also be given to the impacts of the proposal on the amenity of adjoining residents, in line with the amenity guidance offered by Policy CS2. Highway safety and ecological impacts also need to be considered, all balanced against the needs of the local community and elderly in accordance with the provisions of Policies CS8, CS13 and DM10.

14.3 Character Impacts

14.3.1 Consideration needs to be given to the scale and mass of the development, particularly where the existing building's setting may be eroded through introduction of a much larger building and whether this would be to the detriment of local street scene and character. The character impacts of the proposal need to be considered against the relevant provisions of Policy CS2, the NPPF and the New Milton Local Distinctiveness SPD, which identifies the site within Character Area 5: South and East New Milton. Paragraph 64 of the NPPF states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area'.

14.3.2 The SPD explains the need to consider the setting and particularly the green setting as important elements of the character here. The adjoining street to Herbert Road (Spencer Road) is very similar in character to Herbert Road, which is picked out for particular guidance on these aspects as follows:

14.3.3 *"On the approach to the centre up Spencer Road, many of the houses and bungalows have given way to flatted developments sometimes with the unfortunate tendency through their design to pick out overarticulated and disproportionate roofs and extensions to try to articulate the buildings as a way of trying to disguise their bulk. It rather tends to emphasise their incongruous bulk whereas an honest design of flats in a proportionate setting is shown to have worked admirably... for example, these large flatted blocks have replaced inter-war suburban plots but each block reveals a consistent appearance in a green setting. Building line and consistent form and massing have also been important in their success."*

- 14.3.4 Modest suburban development on Herbert Road, like Spencer Road, has given way to flatted developments in more recent years and the proposal would sit within a row of more modern flatted developments on the east side of Herbert Road. While the flats on Herbert Road are not of the same scale as those on Spencer Road, the proposed development, by virtue of its long frontage, depth and height would be substantially larger than any building, including flatted developments, on Herbert Road. Furthermore, its 'green setting' would be considerably less than most plots in the locality, including the larger flatted developments on Spencer Road. Notwithstanding efforts to reduce its scale, the proposal would still have a much longer front elevation than is typical of surrounding buildings, a much deeper plan form and a lack of green setting, which in conjunction with a high ridge line and flat roof, would lend the proposal a very substantial scale and bulk in comparison with that of other buildings in the locality. The resulting expanse of built form across the site would make the proposal appear disproportionately large and out of scale with the size and bulk of buildings typical to the locality and it would not sit comfortably in its surroundings. The building has a full third storey which would be at odds with other structures in the locality, which is characterised by two and one storey development. The building would be open to views in the immediate street scene, where it would appear as an unduly dominant and incongruous feature on account of its substantial size and bulk. This is confirmed through submission of the sketch perspectives showing the proposed building's excessive depth and scale when seen obliquely, alongside its neighbours. The sketch perspectives, considered in conjunction with the elevations, site plan and wider pattern of development in the locality demonstrate how the building would dominate the street scene here.
- 14.3.5 The proposal is too large for the site and the spatial setting is still small in relation to surrounding properties, perhaps exemplified by the very modest level of off-street parking. While the level of off-street parking provided is not considered sufficient to warrant a highway objection or reason for refusal, it is symptomatic of the overdeveloped form of development proposed here.
- 14.3.6 The proposed development is considered to be overdevelopment of the site, which would fail to take the opportunity to improve the character and quality of the area, local distinctiveness and street scene, due to its overly wide and deep footprint, height, mass, scale and erosion of green setting, contrary to the provisions of Policy CS2, the New Milton Local Distinctiveness Document and Paragraph 64 of the NPPF.

14.4 Amenity Impacts

- 14.4.1 Consideration must be given to the impacts of the proposal on the amenity of adjoining residents and future occupiers, in terms of overbearing presence, outlook, loss of privacy, loss of light and amenity space. In these respects the proposal will be determined in line with the amenity guidance offered by Policy CS2.
- 14.4.2 The proposal has a close relationship to its side and rear boundaries. To the sides, the proposal adjoins existing flatted developments, whereas to the rear it bounds the rear curtilages of existing dwellings on York Avenue. It is not considered that the scale or proposed fenestration arrangements would impact directly upon the amenity of

existing occupiers of Morant Court or Trevone, as the proposal would impact predominantly upon blank elevations and hardsurfaced car parking and turning areas.

- 14.4.3 To the rear, the proposal would present a much more heavily massed structure than the existing buildings, with first and second floor windows facing the rear elevations of dwellings on York Avenue. However, the closest element of the proposal to the rear of no. 20 York Avenue would be single storey, which would have no significantly greater impact upon the outlook from existing properties than existing structures on site. While the three storey element of the proposal would be more visible, it would be more recessed into the site and the degree of separation, at a minimum of 33m, is well beyond the accepted privacy distance of 21m for window to window intervisibility. Due to the degree of separation, it is not considered that the scale or proposed fenestration arrangements of the proposal would impact directly upon the amenity of existing occupiers of York Avenue or Herbert Road, in terms of loss of privacy, light loss or overbearing impact
- 14.4.4 The level of open space retained for use by future occupiers is considered to be acceptable. Due to the nature of the proposal, for occupation by the elderly, the amenity space provided would be adequate for quiet enjoyment by residents.
- 14.4.5 The proposed land use is the same as the current land use, for C2 residential purposes. It is accepted that there would be some intensification of use of the site, and there would be more movements to the front of the premises by staff, deliveries, residents and visitors. Comings and goings to the front of the site on Herbert Road would not result in significant adverse impacts on residential amenity and the nature of the use, for housing the elderly, is unlikely to be such that would cause significant disturbance to adjoining amenity to the side or rear of the site.
- 14.4.6 The Environmental Health Section advise that noise levels associated with the kitchen extraction system would be at or below the existing background noise level and would therefore have a low impact upon neighbouring properties. The extraction system would be fitted with a carbon filtration system to control odours and the flue would terminate at least 1 m above the eaves of the building. The system is suitable for the type of cooking that would be undertaken, subject to conditions to address the hours of operation, noise levels, installation of plant/equipment and to restrict installation of a cowl on the flue.
- 14.4.7 In light of the above, the proposal complies with the amenity related provisions of Policy CS2.

14.5 Highway Issues

- 14.5.1 The Highway Authority note it is generally accepted that residents are unlikely to own a car, meals would be provided to residents, the apartments would be fully serviced and the site is located close to the centre of town with access to amenities and good public transport links. In addition, on street parking is time regulated during the daytime and double yellow lines exist in the vicinity to prevent parking in areas where it is undesirable for safety reasons and there are a number of public car parks within short walking distance of the site. Consequently

it is considered that any shortfall in parking provision could be accommodated within existing facilities without adversely affecting the safety or convenience of users of the highway. Given the above and that the parking SPD does not seek to set minimum/maximum standards, the Highway Authority consider that an objection based upon an under-provision of parking would be neither appropriate nor sustainable in this instance. Consequently no highway concerns are raised over the proposal.

14.6 Biodiversity Impacts

14.6.1 The Ecologist notes that the ecology report has appropriately surveyed and assessed the site in relation to development and has made generally appropriate recommendations for mitigation and enhancement, particularly in relation to hedgehogs and birds. These details could be secured via a pre-commencement condition and could comprise confirmation of a Biodiversity Mitigation, Compensation and Enhancement Plan.

14.7 Meeting the needs of the Elderly

14.7.1 The proposed development needs to be balanced against the needs of the local community and elderly in accordance with the provisions of Policies CS8, CS13 and DM10. While it is recognised that provision of suitable accommodation for older people needs to be made, those needs must be balanced against other material considerations. In this case the balance weighs in favour of protecting the character of the area, which dictates that the form of development proposed here is unacceptable.

14.8 Financial Considerations

14.8.1 An affordable housing contribution is not required, on the basis that the units of accommodation are not individual dwellings. While laid out as individual apartments, no cooking/kitchen facilities would be provided in the units, meals being provided from a communal kitchen. Case law establishes what constitutes a dwelling, which needs to be a self-contained unit containing all the essential facilities required for day to day living, including cooking facilities. The proposal does not include independent kitchen areas, units are not for individual sale and it has been established that other premises run by the applicant do not provide such facilities. On this basis the Council is satisfied that an affordable housing contribution would not be required in this instance. Had permission been forthcoming, a condition preventing provision of cooking and kitchen facilities in the apartments would have been applied.

14.8.2 Paragraph 7.13 of the Mitigation Strategy states that mitigation requirements apply to all forms of new residential development and including sheltered housing and extra care housing. However, the proposals are for use within Class C2 which are not independent dwellings and, therefore, a contribution is not required in this case.

14.9 Other material considerations

- 14.9.1 With regard to the representations of neighbouring properties, not addressed above, loss of view is not material to consideration of proposals for planning permission. 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. Had permission been granted full details of boundary treatment to adjoining curtilages could have been addressed by condition. Whether or not the proposal is profit led is not a material planning consideration. Access to the site by fire appliances could adequately be achieved directly from the frontage of Herbert Road.
- 14.9.2 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 significantly and demonstrably outweigh the benefits and therefore the tilted balance in favour of granting permission does not apply.

14.10 Conclusion

- 14.10.1 In light of the character concerns highlighted over the scale of building proposed and the overdeveloped form of development, the application is recommended for refusal.
- 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 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 can only be safeguarded by the refusal of permission.

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposed built form across the site would result in a building which would be disproportionately large and out of scale with that of other buildings in the locality and would not sit comfortably in its surroundings. As a result the proposed development would result in overdevelopment of the site, failing to take the opportunity to improve the character and quality of the area, local distinctiveness and street scene, due to its overly wide and deep footprint, its height and heavy bulk and massing and erosion of green setting, contrary to the provisions of Policy CS2 of the Core Strategy for the New Forest District outside the National Park (2009), the New Milton Local Distinctiveness Document and Paragraph 64 of the NPPF.

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 pre-application advice was sought on the form of development proposed. While the Council recognised that redevelopment of the site could be achieved, that view was on the proviso that more contextual analysis of the proposal was provided to demonstrate that it would be acceptable in the street scene and in terms of the character of the area. That contextual analysis was provided with the formal submission in the form of perspective sketches, which considered in the context of the site plan, elevations, the wider context and the views put forward in light of the consultation exercise, has failed to convince officers that the form of development proposed would be acceptable. In this instance due to the level of harm the proposal would cause, it is not unreasonable to refuse the application.

Further Information:

Jim Bennett

Telephone: 023 8028 5588



New Forest DISTRICT COUNCIL

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

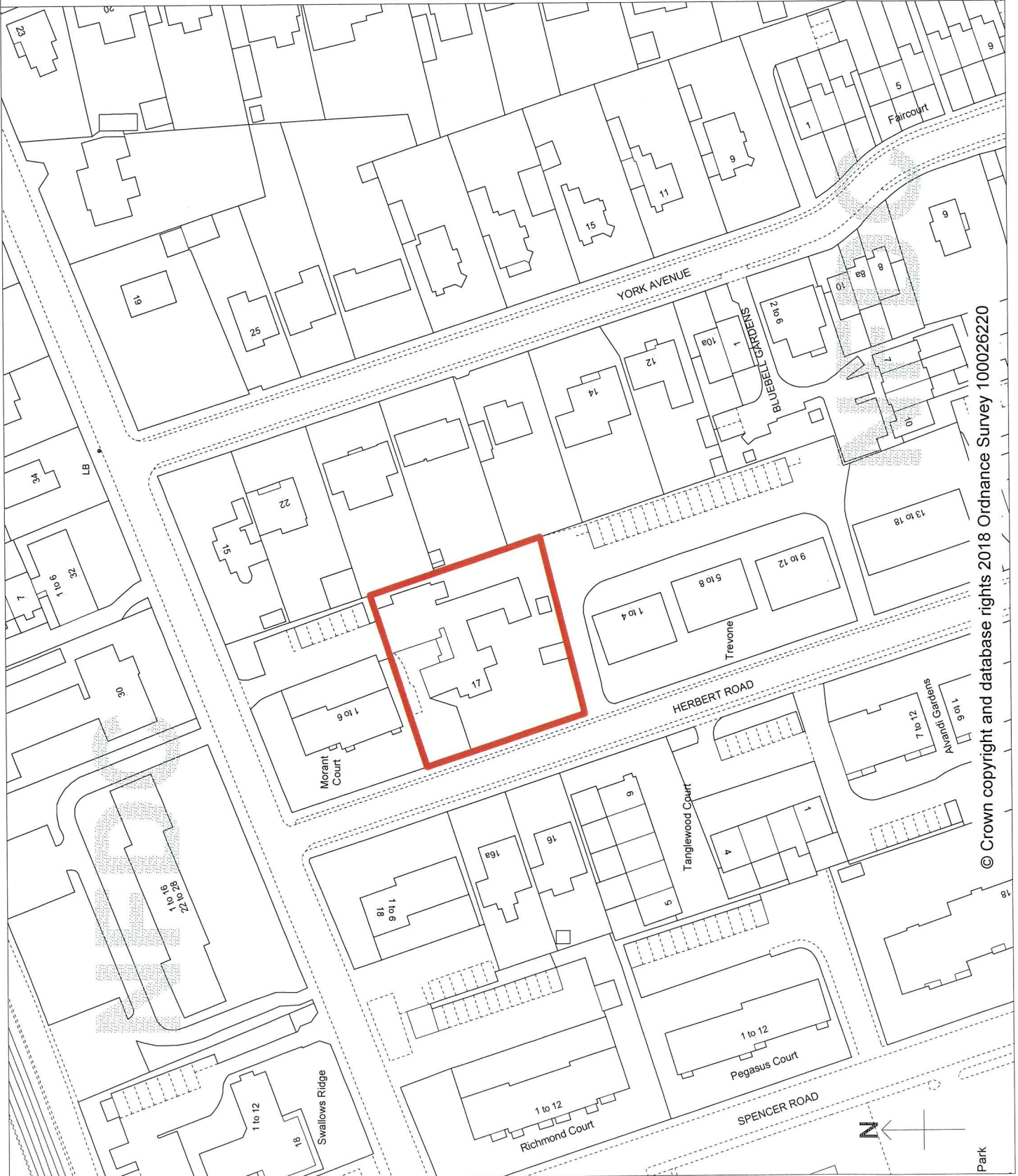
David Groom
Service Manager
Planning and Building Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee**
February 2018

Item No: 3a
Abbeyfield House
17 Herbert Road
New Milton
17/10901
SZ2495

Scale 1:1250

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



Application Number: 17/11139 Full Planning Permission

Site: Rear of 39-41 HIGH STREET, RINGWOOD BH24 1AD

Development: Use of outbuilding as 1 dwelling; fenestration alterations; parking

Applicant: St. Peter's Ltd.

Target Date: 10/10/2017

Extension Date: 22/01/2018

RECOMMENDATION: Grant Subject to Conditions

Case Officer: Peter Burridge

1 REASON FOR COMMITTEE CONSIDERATION

Interpretation of Policy

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Plan Area
Primary Shopping Area
Town Centre Boundary
Archaeological Site
Built-up Area
Aerodrome Safeguarding Zone

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

CS1: Sustainable development principles
CS2: Design quality
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
CS10: The spatial strategy
CS24: Transport considerations

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
Technical housing standards - nationally described space standard

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

Parking Standards
Mitigation Strategy for European Sites
Ringwood Local Distinctiveness
Ringwood Town Access Plan
Housing Design, Density and Character

6 RELEVANT PLANNING HISTORY

17/11140	Cavity wall; stud walls; mezzanine to create first floor; fenestration alterations; roof lights.	Decision Pending
15/10951	Use of first and second floors as 2 flats; roof light; new soil vent pipe; bin and cycle store.	Granted: 12 November 2015
15/10952	Remove stud walls; create doors; new stud walls; insulate and line walls; new ceilings; roof light; new soil vent pipe; bin and cycle store (Application for Listed Building Consent)	Granted: 26 October 2015
10/95569	Alterations to store to include reinstatement of door and two windows; replacement of double door with single; two windows; roof lights; mezzanine floor (Application for Listed Building Consent)	Refused: 8 July 2010 Appeal Allowed with Conditions
10/95568	Alterations to store to include reinstatement of door to 2 windows, replacement of double door with single, 2 windows, roof lights; mezzanine floor	Refused: 22 June 2010 Appeal Allowed with Conditions

7 TOWN / PARISH COUNCIL COMMENTS

Ringwood Town Council: recommend refusal but would accept the decision reached by the DC Officers under their delegated powers. There is a need to address the concerns of the Conservation Officer, in respect of an assessment of the historic fabric of the building and provision of further details to support the proposed DPC and cement floor. Members would not necessarily be against the conversion of the outbuilding to a dwelling.

8 COUNCILLOR COMMENTS

No comments received

9 CONSULTEE COMMENTS

- 9.1 Conservation Officer: initial concerns regarding the use of the outbuilding as a dwelling remain; other issues have been resolved or can be conditioned (see paragraphs 14.8 to 14.10 of the assessment).
- 9.2 Archeologist: further information required, can be conditioned (see paragraph 14.15 of the assessment).
- 9.3 Environmental Health (Contaminated Land): no concerns
- 9.4 Ecologist: condition requested (see paragraph 14.16 of the assessment).

10 REPRESENTATIONS RECEIVED

- 10.1 Ringwood Society: the building is dilapidated and we consider that it should be renovated to have a useful future. Whilst we support the application there is concern about the size of the accommodation and whether it meets fitness standards etc.
- 10.2 One further comment received:
- The sleeping area is not fit for purpose;
 - Can the building be repaired for its original purpose?

11 CRIME & DISORDER IMPLICATIONS

Not applicable

12 LOCAL FINANCE CONSIDERATIONS

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

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

Based on the information provided at the time of this report this development has a CIL liability of £1,350.83.

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, the agent has been contacted and a number of revised plans have been submitted in an attempt to address the concerns which have been raised.

14 ASSESSMENT

- 14.1 This application relates to a single-storey outbuilding behind 39-41 High Street, Ringwood and seeks permission for its change of use to a dwelling. 39-41 High Street is Grade II Listed and a further application for listed building consent has been submitted. The site is within the Ringwood Conversation Area but outside of the Primary Shopping Area. A previous appeal decision comments:

'The outbuilding is of simple construction and design and was constructed as a coach house for the main building. The outbuilding is of interest due to its association with the grander frontage building which was originally a house. It reflects the functional relationship and the historic development to the rear of the main buildings' (para 7).

The Conservation Officer notes that its small scale and simple elevations are an integral part of its character as a curtilage listed building and it is considered to make a positive contribution to the character of the Conservation Area by virtue of its simplicity.

- 14.2 The outbuilding is used as a store ancillary to the estate agency (at 39-41 High Street) but is in a dilapidated state with a tarpaulin covering parts of the roof; the Heritage Statement advises that the roof is in a particularly bad state and works are required irrespective of this proposal. The building crosses two ownerships with a small part of the structure behind 37 High Street and there is an internal subdividing brick wall. Beyond the store, the site extends to include a graveled car park

with vehicular access via Lynes Lane. There is a private right of way across the car park to the rear of 37 High Street. A footpath adjoins the west of the site running through from Lynes Lane to the High Street.

- 14.3 The proposal would comprise a one bedroom unit with a 'sleeping gallery' at first floor within the roof space served by two new roof lights. Accommodation would comprise an open plan living/ kitchen with a small bathroom to one side and a 'sleeping gallery' at first floor. Two existing parking spaces immediately in front of the building would be allocated to the new dwelling. The remainder of the car park would be used for staff within the main office with the application advising that there is spare capacity. Further to the receipt of amended plans, the existing courtyard between the frontage building and this building would now be shared space for use by these occupants and staff
- 14.4 In terms of the impact with Policy, the application site falls within the town centre where policy DM16 applies. This advises that residential development will be permitted where it does not result in the loss of employment or business uses appropriate to a town centre or sites which are being satisfactorily used as such. It is considered that the building might reasonably be used for a business and the agent has been advised that evidence should be provided to show why the building can not be used in this way (i.e. through a marketing exercise).
- 14.5 In reply, the agent writes that since the adoption of policy, there has been a shift towards maximising opportunities for residential uses and this was recognised when planning permission was granted for the upper floors and that the Council should be consistent in their approach. Permitted development rights exist to allow the change of use of A1/ A2 uses to residential uses and such might be applied to this building if it was not listed or within a conservation area. On this basis, it is reasoned that the Council should support the proposal and not insist that a business use firstly be considered.
- 14.6 These considerations weigh in favour of the proposal and on this basis, it is considered that any associated refusal reason would not be sustainable. As such, on balance, the proposal is considered to be acceptable on this basis.
- 14.7 On design, it is noted that the previous appeal decision allowed changes to the building including fenestration alterations, a mezzanine floor and 2 roof lights. The Inspector concluded that this scheme would not alter the character of the outbuilding and that it would retain its overall form and the appearance of an ancillary function. Whilst it is important to have regard to these changes, significantly the building remained as an ancillary use to the frontage building maintaining the existing relationship.
- 14.8 This application has been subject to a succession of revised plans in an attempt to address the concerns which have been raised; primarily by the Conservation Officer. In respect of the most recent plans received, the Conservation Officer advises her initial concerns surrounding the new use of the building remain given that this proposal would effectively subdivide the use of the plot which it is considered, would have an adverse effect on the character and the setting of the Listed building. It is considered that this results in a somewhat contrived scheme that would fail to offer a good standard of living for future occupants; primarily by

reason of the proposed relationship with the frontage building, the lack of private amenity space and the lack of privacy for future residents. In this regard, it is acknowledged that the new boundary wall initially proposed that would have subdivided the courtyard into two to create a private garden has been removed as part of the amended plans given that any new physical boundary in this location is considered to be unacceptable.

- 14.9 Notwithstanding the above, the further changes have allowed a more favourable scheme to help maintain the ancillary appearance of the building and these weigh in favour of the scheme. In this regard, the roof lights have been resited to the rear roof slope (as per the appeal scheme) and the large area of glazing to the front originally proposed has been replaced with workshop doors. In the event that planning permission is granted however, it would be necessary to add conditions to control joinery details, these doors, details of all external materials including roof tiles, rainwater goods and vent tiles and full details of the Conservation roof lights that are to be used. With regards to the concerns that have been raised, it has been established that a damp proof course and cement floor are already in place.
- 14.10 In view of the above, despite the concerns raised by the Conservation Officer on the proposed use (concerns which are shared by Officers), on balance, further to the changes that have been made, it is considered that it would be difficult to sustain a refusal reason based on the perceived erosion of this historical relationship because the building would now largely retain its ancillary character and appearance and having regard also to the changes that were proposed as a part of the previous application.
- 14.11 On residential amenity, it is not considered that the proposal would cause any significant adverse impact on the residential amenities of existing surrounding occupiers but instead, as cited above, the main concern relates to the residential amenities of the proposed occupiers (and also those of the permitted flats) given the proximity of the frontage building to the host building, the shared communal space proposed and with an overlooking window set within the boundary wall of the adjoining outbuilding. On these issues, the frontage building contains a number of rear facing windows which the agent has confirmed serve an office (ground floor), a landing and store (first floor) and office and store room (second floor) while the courtyard provides emergency access. However, permission 15/10951 would change these to first floor landing and kitchen windows and second floor bathroom and kitchen windows. This results in concerns regarding inter visibility but on balance, given the differing heights of the windows, the nature of these windows (i.e. kitchen/ bathroom/ landing) and the town centre location where expectations of privacy would be less, the proposal is considered to be acceptable.
- 14.12 The window of the neighbouring outbuilding provides an unusual feature which already allows direct views into the courtyard. This relationship would not alter and there would be no direct overlooking from the new proposal.
- 14.13 With regards to the size of the proposal (and having regard to the concerns raised), the proposal provides some 48m² of floorspace, albeit this is reduced to some 35m² if only accounting for the full height area of the sleeping gallery. It is acknowledged that this would provide a small

unit of accommodation but, on balance, it is considered that it would be difficult to sustain refusal of the application on this basis. In this regard, the proposal is more likely to be occupied by a single person and less likely to be occupied as a sole residence. Further, the Government's Technical housing standards provides a minimum floor area of 37m² for a one person (1 storey) unit which the proposal, having regard to the floor space as a whole, would adhere to.

- 14.14 On highway safety, the proposal would not alter the existing parking/ access arrangements but with the two parking spaces in front of the building allocated to the dwelling. This arrangement is considered to be acceptable but with a condition recommended in respect of bin and cycle storage.
- 14.15 The Archaeologist advises that the development is within an area of archaeological potential and a full archaeological assessment will be required. These comments suggest that this information could be secured by a suitably worded condition.
- 14.16 The ecology officer advises that while the dilapidated condition of the building means that parts may be a little too light for some species, overall there are opportunities for nesting birds and possibly bats in other parts of the structure which would be affected by the proposal. The proximity to the Millstream also contributes to the likelihood of presence and there are landscape links such as trees and open spaces. It is considered that accordance with policies CS3 and DM2 would be assisted if the applicant took relevant professional advice and implemented works according to a biodiversity mitigation and enhancement plan (e.g. avoiding ivy removal during bird nesting season unless suitable professionals have first checked for nesting birds, physical check for bats, timing of works, provision of modest nesting/roosting replacement opportunities). It is considered that this could form the basis of a suitably worded condition in the event that planning permission is granted.
- 14.17 In accordance with the Habitat Regulations 2010 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard.
- 14.18 In conclusion it is considered that this proposal would result in a much needed additional dwelling without adverse implications for the Listed Building or residential amenity. Permission is therefore recommended.
- 14.19 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the

like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
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Dwelling houses	16.2		16.2	16.2	£80/sqm	£1,350.83 *
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Subtotal:	£1,350.83
Relief:	£0.00
Total Payable:	£1,350.83

* 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. Before development commences, samples or exact details of all external materials to be used including roof tiles, rainwater goods and vent tiles 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 to the building and safeguard the character and architectural interest of the Listed Building in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park and Policy DM1 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

3. Prior to the commencement of development, full details of the new rooflights hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter development shall strictly accord with these approved details.

Reason: To ensure an acceptable appearance to the building and safeguard the character and architectural interest of the Listed Building in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park and 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, full joinery details at a scale of 1:10 including door and window sections showing the cill and glazing details shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, development shall strictly accord with these approved details.

Reason: To ensure an acceptable appearance to the building and safeguard the character and architectural interest of the Listed Building in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park and Policy DM1 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

5. Notwithstanding the details hereby approved, prior to the commencement of development, revised details in respect of the workshop doors shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter strictly accord with these approved details. For the avoidance of doubt, the panel should appear as if there were opening doors and a mullion should be added to the windows in order to provide the appearance of workshop doors.

Reason: To ensure an acceptable appearance to the building and safeguard the character and architectural interest of the Listed Building in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park and Policy DM1 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

6. Prior to the commencement of development, full details of all flues and vents shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, development shall strictly accord with these approved details.

Reason: To ensure an acceptable appearance to the building and safeguard the character and architectural interest of the Listed Building in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park and Policy DM1 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

7. No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

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

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

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under paragraph (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under paragraph (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

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

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any re-enactment of that Order) no extension (or alterations) otherwise approved by Classes A, B, C, D or H 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, to ensure an acceptable appearance to the building, safeguard the character and architectural interest of the Listed Building and to ensure that any future development proposals do not adversely affect the amenities of neighbouring properties all in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park and Policy DM1 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

9. Prior to the commencement of development, full details of the cycle storage and bin storage facilities to be provided shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, development shall strictly accord with these approved details.

Reason: To ensure an acceptable appearance and safeguard the character and architectural interest of the Listed Building in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park and Policy DM1 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

10. Prior to the commencement of development an ecological survey, undertaken at an appropriate time of the year, in respect of bats and nesting birds, shall be carried out by an appropriately qualified consultant and submitted to the Local Planning Authority. The survey should establish, in sufficient depth, the presence or absence of any protected species. Full details of mitigation and compensation measures in respect of any protected species found shall also be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and the approved measures of mitigation and compensation shall be implemented in accordance with an approved programme of works.

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

11. 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.

12. The two car parking spaces shown on drg no. 4188: 17 (dated December 2017) shall be retained and kept available for the parking of motor vehicles for the dwelling 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).

13. The development permitted shall be carried out in accordance with the following approved plans:

Site Location Plan

Existing Plans and Elevations: drg no. 4188:15 (dated October 2016)

Proposed Plans and Elevations; drg no. 4188:17B (dated December 2017)

Reason: To ensure satisfactory provision of the development.

Notes for inclusion on certificate:

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

In this case, the agent was contacted and a number of revised plans submitted to address the concerns which were raised originally.

2. In discharging condition No. 11 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/>

Further Information:

Peter Burrige

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

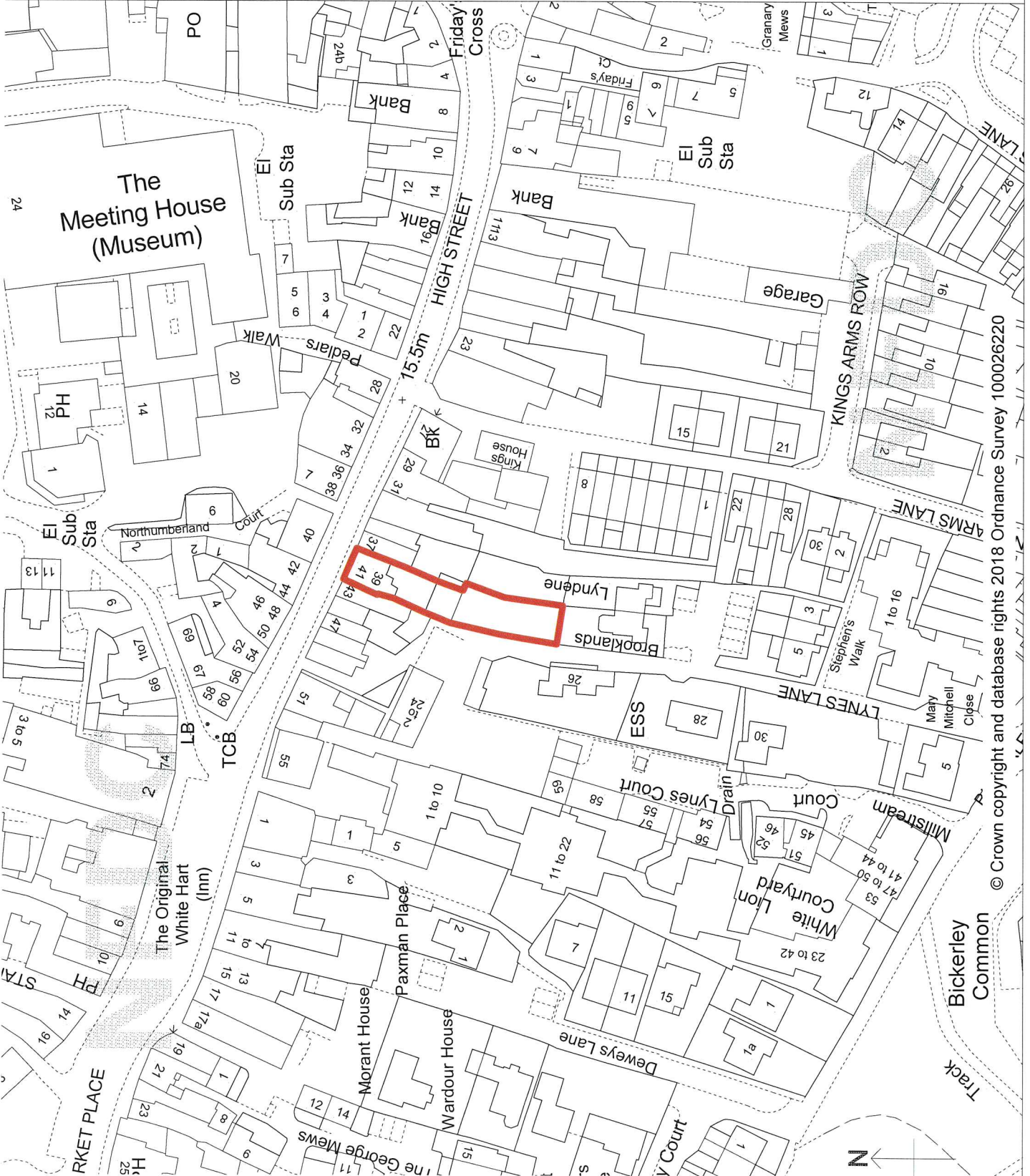
February 2018

Item No: 3b

Rear of 39-41
High Street
Ringwood
17/11/139
SU1405

Scale 1:1250

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



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Application Number: 17/11736 Full Planning Permission

Site: 41 KIVERNELL ROAD, MILFORD-ON-SEA SO41 0PP

Development: Chalet bungalow; shed/bike store; parking; landscaping

Applicant: Mr & Mrs Cooke

Target Date: 09/02/2018

Extension Date: 20/02/2018

RECOMMENDATION: Service Manager Planning & Building Control Refuse

Case Officer: Vivienne Baxter

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Parish 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
6. Towns, villages and built environment quality

Policies

CS1: Sustainable development principles

CS2: Design quality

CS15: Affordable housing contribution requirements from developments

CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan

Document

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

DM3: Mitigation of impacts on European nature conservation sites

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

Achieving Sustainable Development

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

NPPF Ch. 7 - Requiring good design

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Housing Design, Density and Character
SPD - Mitigation Strategy for European Sites
SPG - Milford-on-Sea Village Design Statement
SPD - Parking Standards

6 RELEVANT PLANNING HISTORY

None

7 PARISH / TOWN COUNCIL COMMENTS

Milford on Sea Parish Council - recommend permission and would not accept a delegated refusal.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Surface Water: no comment
- 9.2 Hampshire County Council Highway Engineer: no objection
- 9.3 Southern Water - request informative

10 REPRESENTATIONS RECEIVED

None

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

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

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

Based on the information provided at the time of this report this development has a CIL liability of £5,931.59.

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 advice and while some elements of concern have been addressed, the proposal is still not considered to be appropriate in this location.

14 ASSESSMENT

- 14.1 The site lies within the built up area of Milford on Sea in a residential area characterised by detached dwellings in their own plots. The site is different in that it contains a single storey semi-detached property which is situated on the highway rather than being set back from the road. There is mature boundary hedging (in excess of 2m high) to the northern and western boundaries with further vegetation to other boundaries and within the site. To the south of the site is the side elevation of a terrace of 2-storey flat roofed houses and there is a pedestrian access to these properties to the east of the site.
- 14.2 The proposal entails the demolition of the existing garage and associated lean-to additions and the provision of a detached dwelling comprising WC, hall and open plan kitchen/dining/living room at ground floor level and two bedrooms and a bathroom at first floor level. The existing access would be altered to allow parking provision for both existing and proposed dwellings and the new dwelling would have a shed in the south eastern corner.
- 14.3 Although new residential development can be acceptable within the built up area, this particular site has a significant amount of vegetation which would be lost should permission be granted. Kivernell Road has a very

green feel to it and the majority of dwellings, while visible from the street, have substantial vegetation to their front boundaries and garden areas. The proposal would result in the loss of mature hedging to the front corner of the site as well as the vegetation to the frontage which would adversely impact the appearance of the site within this setting.

- 14.4 The siting of the proposed dwelling would be 1.6m behind the front boundary wall and be close to the side boundaries. This position does not relate well to either the host dwelling or the adjacent bungalow to the east which is some 18m back from the road, and would be seen as an awkward addition in the street scene. This is compounded by the height and form of the dwelling which would not be typical of other dwellings in this area, particularly having regard to its close proximity to the road frontage, associated with the limited potential for soft landscaping, which could not provide a setting typical of this area.
- 14.5 With regard to residential amenity, the dwelling itself has been designed to have a limited impact with either high level or obscure glazed windows to the rear. However, the host dwelling has large windows to the east side adjacent to the drive. While this is the existing drive for the property, it would become a combined access for both properties just 1.2m from these windows. In combination with this, the host dwelling would lose some of its rear garden as well as the whole of its side garden through the provision of the parking spaces, which would be separated from the garden by a close boarded fence, reducing the amenity level further. While these issues are not considered sufficient to warrant refusal in their own right, it is considered that they add together to demonstrate the inappropriate nature of the proposal.
- 14.6 The site includes adequate space for parking and turning within the site and on this basis, there are no objections from the Highway Authority although it is noted above that this provision has other implications. The proposal also includes the provision of a new pedestrian access onto the highway and should permission be granted, an informative could be included in relation to the relevant standards to be applied to such works.
- 14.7 Other material considerations
- 14.7.1 The level of housing need in the District is sufficiently above the level of housing supply to know that a five year supply of housing land is currently unavailable. This situation will be addressed through the emerging local plan, but until the new Local Plan is adopted, paragraph 14 of the NPPF advises that planning permission for housing development should normally be granted unless any planning harm identified would "*significantly and demonstrably outweigh the benefits*". This is known as the 'tilted balance' in favour of sustainable development. In this case, it is considered that the adverse impacts of development set out above significantly and demonstrably outweigh the benefits and therefore the tilted balance in favour of granting permission does not apply.
- 14.7.2 In accordance with the Habitat Regulations 2010 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse

effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard.

14.7.3 Further neighbour notification has been undertaken and the consultation expires on 10th February 2018, as a result a decision cannot be issued until after this date.

14.7.4 It has not been demonstrated that a dwelling of this nature can be satisfactorily accommodated on site without harming the visual and residential amenities of the area and refusal is recommended accordingly.

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

Section 106 Contributions Summary Table

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

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	77.59	16	61.59	61.59	£80/sqm	£5,931.59 *
Subtotal:	£5,931.59					
Relief:	£0.00					
Total Payable:	£5,931.59					

* 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 2018 this value is 1.2

15. RECOMMENDATION

That the Service Manager Planning and Building Control be **AUTHORISED TO REFUSE PERMISSION** subject to no new material comments to the application before 20th February 2018

Reason(s) for Refusal:

1. By virtue of the height and form of the dwelling, the loss of mature vegetation to the northern and eastern boundaries of the site and the limited potential to provide further plantings, the siting of the dwelling and the layout of the site limiting the current level of amenity enjoyed by the host dwelling, the proposal is considered to represent a poor form of development unsympathetic to its setting and one which would not contribute in a positive way to local distinctiveness. The proposal is therefore contrary to policy CS2 of the New Forest District Council Core Strategy.

Notes for inclusion on certificate:

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

The application followed pre-application advice and while some elements of concern have been addressed, the proposal was still not considered to be appropriate in this location.

Further Information:

Vivienne Baxter

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David Groom
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Planning and Building Control
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Lynchhurst
SO43 7PA

Planning Development Control Committee

February 2016

Item No: 3c

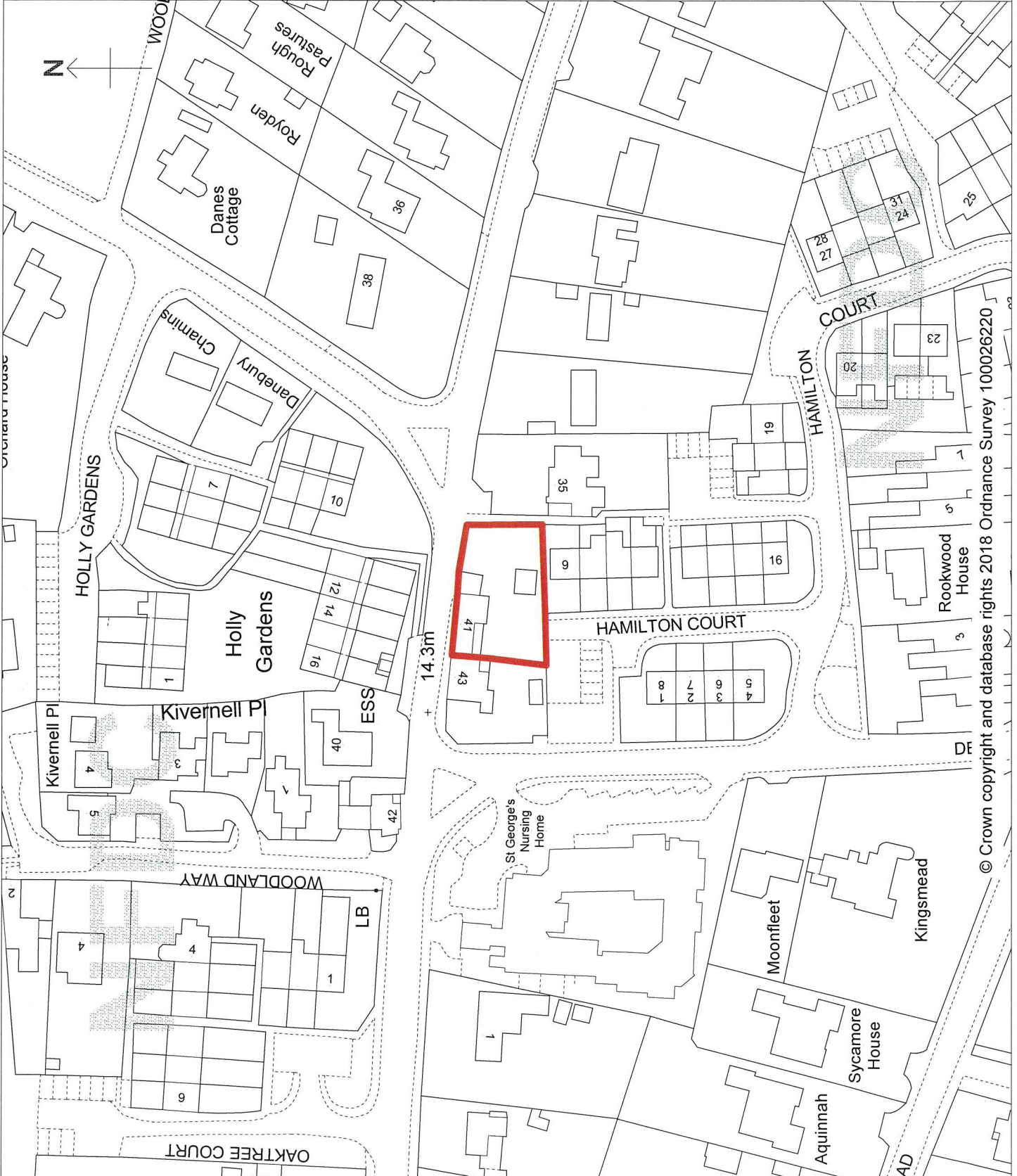
41 Kivernell Road
Milford on Sea

17/11736

SZ2891

Scale 1:1250

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Application Number: 17/11564 Full Planning Permission

Site: GREENBANK FARM HOUSE, LOWER DAGGONS LANE,
SOUTH END, DAMERHAM SP6 3HE

Development: field shelter; replacement timber fencing; gate (retrospective)

Applicant: Ms Stacey

Target Date: 09/01/2018

Extension Date: 14/02/2018

RECOMMENDATION: Refuse

Case Officer: Julie Parry

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

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

Plan Policy Designations

Countryside outside the New Forest

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
DM20: Residential development in the countryside

Supplementary Planning Guidance And Documents

SPG - Residential Design Guide for Rural Areas

3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

4 RELEVANT SITE HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
14/10740 Use of outbuilding as ancillary living accommodation (Lawful Development Certificate that permission is not required for proposal)	04/06/2014	Was Lawful	Decided	
14/10471 Use of outbuilding as ancillary living accommodation (Lawful Development Certificate that permission is not required for proposal)	14/05/2014	Was Not Lawful	Appeal Decided	Appeal Withdrawn
14/10469 Fenestration alterations and refurbishment of outbuilding (Lawful Development Certificate that permission is not required for proposal)	09/05/2014	Was Lawful	Decided	
14/10098 Siting of mobile home for temporary period of 1 year	01/05/2014	Granted Subject to Conditions	Decided	
84/NFDC/26706 Addition of dormer window and pitched roof to existing dormer.	25/06/1984	Granted Subject to Conditions	Decided	

5 COUNCILLOR COMMENTS

No comments received

6 PARISH / TOWN COUNCIL COMMENTS

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

- The Parish Council feel the Conservations Officer's comments are not particularly helpful given the support from Hampshire County Council Highways and the Planning Officer for the siting of the field shelter.

7 CONSULTEE COMMENTS

7.1 Conservation Officer: the style of the field shelter along with its form and scale is not appropriate for this location. Even if painted a more recessive colour due to the height of the land and the position of the

building on the site it would still dominate this corner of the land. Therefore they are unable to support the scheme due to the unacceptable visual impact on the character and appearance of the Conservation Area.

7.2 Tree Officer: although the erection of a field shelter in this location is not ideal any further disturbance that may come as a result of re-siting the field shelter in the rooting area of the trees may cause further damage. No objections .

7.3 Hampshire County Council Highway Engineer: the gate is for pedestrian and horse use only and as such will not be used for vehicular access. No detrimental impact either direct or indirect. No objection or conditions.

8 REPRESENTATIONS RECEIVED

8.1 One letter of support from neighbour at Wath Cottage who as immediate neighbours give their full support to the application. The field shelter has been created to provide care and welfare for the horses and the fencing work enhances the appearance of the 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.

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

12 ASSESSMENT

12.1 The application site is located within an area designated as Countryside outside the New Forest, an Area of Outstanding Natural Beauty and the Damerham Conservation Area. The field shelter and fence which is the subject of this application has already been erected. The field shelter is

for keeping 2 horses and located within the front corner of the field to the side of the property, close to the vehicle access to the front garden and the Lane. Alongside the field shelter is a large tree which being within the Conservation Area, is protected. A new fence has been erected around the field with a widened access gate for the use of pedestrians and horses. The boundaries to the paddock have been cleared of low level vegetation making the site more open than it used to be. There is an existing garage and other outbuildings set back further on the plot.

- 12.2 The main consideration when assessing this proposal was the impact on the street scene and designated areas. The applicant has advised that the field to the side of the property is used as part of the garden. Old maps appear to show that this area of land was not part of the original curtilage of the property and is therefore likely to be outside of the domestic curtilage, although the applicant has stated that it is located within their garden. The remaining part of this land is used for keeping a variety of livestock, including chickens, ducks, goats and guinea fowl.

There are two distinct parts of this proposal that are considered in turn below:

- 12.3 Field shelter: The field shelter is constructed of timber. It is 6.25 m long and 3.65 m deep with an overhanging roof of 1.13 m (total 4.75m). It is 2.96m high and has been placed on top of a hardcore base which has been used to level the land closest to the road. The field shelter is constructed on skids so could be removed. However, as the applicant does not intend to move the building he wants it to be considered as a permanent structure. It is in a corner location, close to the front boundary and due to the topography of the site, is significantly higher than the road. As such, it is highly visible in the street scene from both the front and the north side (across the access) and it would appear very prominent in its location, as a dominant feature within the street scene.
- 12.4 Furthermore, the style of the building, its form and scale are not appropriate in this location. The site is surrounded by buildings of traditional proportions and materials that contribute positively to the character of the Conservation Area. Even if the building was painted or stained a more recessive colour, due to the height of the land and position of the building on the site it would dominate this corner piece of land that historically has provided an important visual gap.
- 12.5 There is some screening from existing vegetation and while additional planting could be used to provide further mitigation given the close proximity to the front boundary and its location under a large protected tree any additional planting is unlikely to be substantial enough to offer an effective screen to overcome this identified visual harm. While staining the timber a dark brown or black could make the field shelter less conspicuous given its size and elevated position it is concluded that this would, in this instance make the structure more dominant in this location.
- 12.6 It has been suggested to the applicant that the field shelter is moved back further on the site but they have advised that the current siting is the most appropriate as it has better drainage and the bottom of the garden gets water logged. Furthermore there is a large septic tank in the middle of the garden.

- 12.7 Therefore it is concluded that the field shelter, by reason of its elevated position, form and scale, along with its close proximity to the boundary with the highway, results in a building that is visually intrusive in the street scene. As such, it is detrimental to this countryside setting and has an unacceptable impact on the character and the appearance of the Conservation Area and Area of Outstanding Natural Beauty. Therefore, for these reasons, planning permission for the field shelter is recommended for refusal.
- 12.8 Fence: The fence around the boundary of the site was erected following the removal of vegetation. The removal of hedging does not need planning permission although it has resulted in a stark difference between this site and the rest of the street scene. While some vegetation is likely to become re-established over time, ideally further planting should be undertaken to assimilate the site back into the street scene as quickly as possible.
- 12.9 The fence that has been erected around the field is 1.2 metre high and has an open timber structure with stock proof metal mesh infills. This allows views through the fence of the trees planted within the fields and countryside beyond. Therefore due to its limited height and form it is considered to be appropriate in this rural location.
- 12.10 The new gate is of a 5 bar design and it is 2.4 m wide. The gate appears appropriate to its location. The gate is only wide enough to be used for pedestrians and horses and not cars. Therefore the Highway Authority have advised that there would be no direct or indirect detrimental impact or highway safety concerns and as such have no objection.
- 12.11 Therefore, the fence and gate do not have a significant adverse impact on the Conservation Area or Countryside and are acceptable. However as a split decision cannot be issued and there are legitimate concerns about the field shelter, as set out above, the application is recommended for refusal.
- 12.12 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

13. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The field shelter, by reason of its elevated position, form and scale, along with its close proximity to the boundary with the highway, results in a building that is visually intrusive in the street scene and as such detrimental to this countryside setting. Furthermore the field shelter has an unacceptable impact on the character and the appearance of the Conservation Area and Area of Outstanding Natural Beauty. The development is therefore contrary to Policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park, Policies DM1 and DM20 of the Local Plan Part 2: Sites and Development Management Plan and Sections 7 and 12 of the National Planning Policy Framework.

Notes for inclusion on certificate:

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

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

Further Information:

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Lyndhurst
SO43 7PA

**Planning Development
Control Committee**

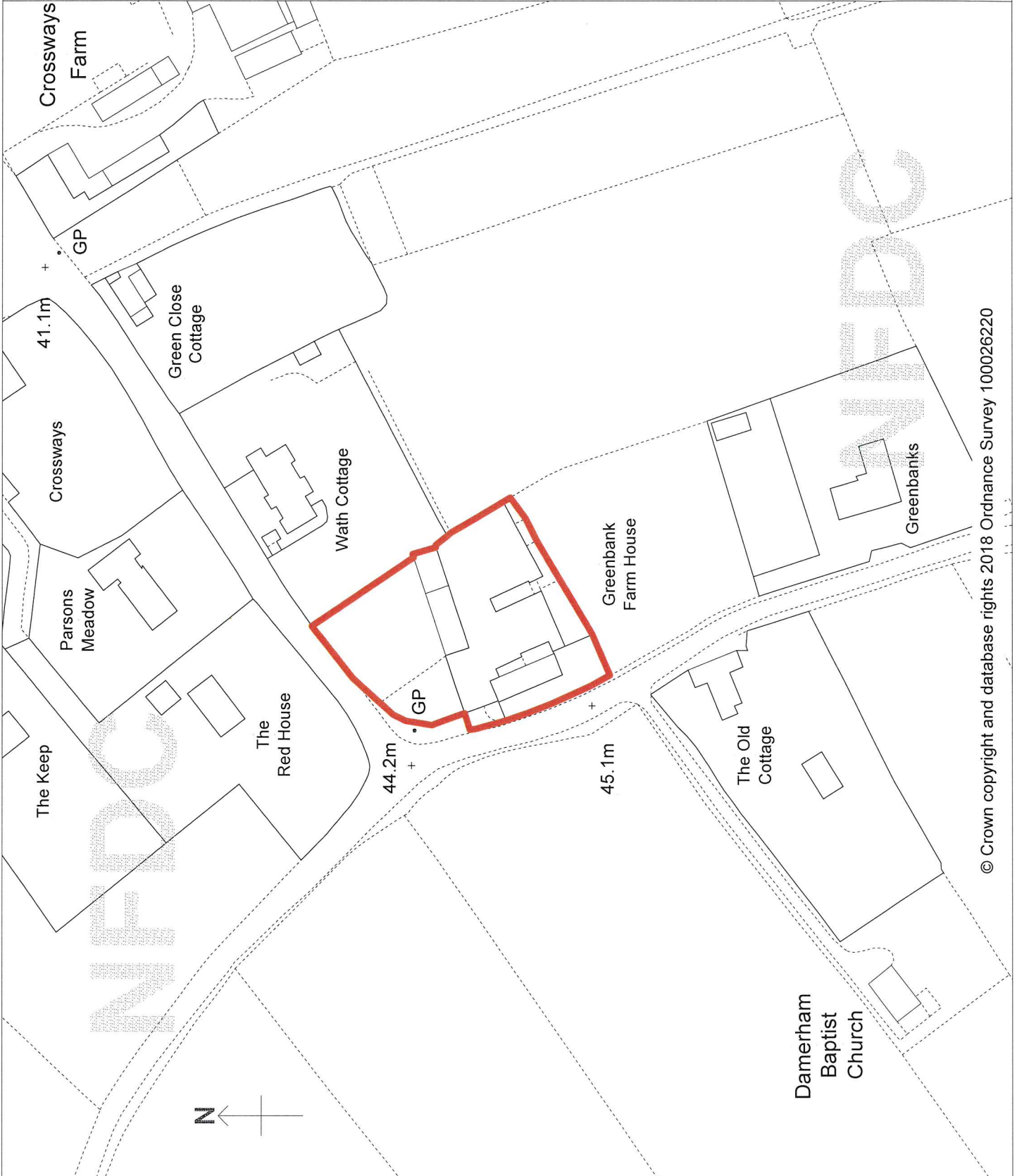
February 2018

Item No: 3d

Greenbank Farm House
Lower Daggons Lane
South End Damerham
17/11564
SU1015

Scale 1:1250

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scale.



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Application Number: 17/11576 Full Planning Permission

Site: 24 BARTON COMMON LANE, BARTON-ON-SEA, NEW MILTON
BH25 5PS

Development: Outbuilding

Applicant: Mr Salter

Target Date: 05/01/2018

Extension Date: 17/01/2018

RECOMMENDATION: Service Manager Planning & Building Control Grant
--

Case Officer: Rosie Rigby

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to statutory Consultee comments.

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 - New Milton 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
14/10015 Single-storey side extension with lantern light	27/02/2014	Granted Subject to Conditions	Decided	
13/11027 Two-storey rear extension with pitched roof dormers; single-storey front extension; single-storey side extension; pitched roof extension to side and rear & pitched roof to existing rear dormer	21/10/2013	Granted Subject to Conditions	Decided	
13/10633 Detached garage	15/08/2013	Granted Subject to Conditions	Decided	

5 COUNCILLOR COMMENTS

No comments received

6 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: acceptable (delegated)

7 CONSULTEE COMMENTS

Conservation Officer: objection due to impact on Smugglers Cottage (a Grade II listed building) and the character of the area with its size and visibility. The thin band of foliage at the boundary would only screen the lower half of the proposal leaving the roofline visible to Smugglers Cottage through the trees.

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.

Discussions were held with the applicants agent regarding reducing the size of the outbuilding to overcome the conservation officer's objections, amended plans were submitted and accepted that reduced the width and height of the summerhouse, however this reduction does not overcome the objection of the Conservation Team. The application now falls to be decided on the basis of the amended plans. For the reasons set out while a Conservation objection remains the application is recommended for approval.

12 ASSESSMENT

- 12.1 The application site consists of a detached house in the built up area of New Milton, the house has benefited from several previous extensions. Barton Common Lane has been in existence since the 1870's. It is narrow and has no pavements and is characterised by hedgerows and trees, with a great variety of architectural styles, including a thatched cottage, Smugglers Cottage, opposite which is a Listed Building.
- 12.2 Barton Common Lane is recognised in the New Milton Local Distinctiveness Supplementary Planning Document adopted June 2010 as one of the original roads in the area with the informal road edges, verges and remnant hedgerows, banks and trees which still characterise the lane giving the experience of a more rural past.
- 12.3 The proposed outbuilding would be set within a walled garden forward of the principle elevation of the property, hence the requirement for this application. The level of the land rises up from the road to the property. The plot is large and the front garden is well enclosed by high walls. There is tall vegetation in existence which would largely screen views of the proposed wooden structure, furthermore it would not be closer to the road than No 26. As such the impact on the street scene would be acceptable.
- 12.4 Smugglers Cottage is a thatched cottage opposite the application site, the dense boundary treatment of trees and hedging would provide some shielding of the summer house, however the Conservation Officer has objected to the proposal on the grounds of its size and the steep pitch of its roof being visible to Smugglers Cottage through the trees which it is considered would impact on the setting of this listed building. Despite amended plans that indicate a reduction in the height and width of the building this was not sufficient to address the Conservation Officer's concerns.
- 12.5 The importance of the area is set out in the Local Distinctiveness document and the setting of the listed building is an important material consideration. However, the proposal would not be inconsistent with the form of development in the area and would not be considered to be detrimental to local distinctiveness.

- 12.6 Notwithstanding the Conservation Officer's objection, the site is not within a conservation area and the objection relates solely to the potential impact on the setting of the listed building. While the protection of heritage assets is an important issue, in this case that impact would be limited by reason of the small scale nature of the building and mature screening provided by the boundary vegetation. Furthermore, a condition is proposed to retain and maintain these trees and shrubs along this sensitive boundary in order to ensure that the current mature screening is protected in the future.
- 12.7 A path linking a neighbouring residential development, The Willows, with Barton Common Lane runs along the eastern boundary close to where the proposed outbuilding would be sited. This path also separates the site from No 26 Barton Common Lane. The high brick wall to the boundary and tall vegetation provides screening of the outbuilding so its visual impact would be acceptable .
- 12.8 The proposal has a separation of 11 metres from the front of Smugglers Cottage and 13 metres from the side of No 26 Barton Common Lane. With the proposed roof height of 3.6 metres and eaves at 2.1 metres the outbuilding would not impact on neighbouring amenity.
- 12.9 The materials proposed for the construction would include natural materials, timber boarding and a slate roof, which would add to the local character of the New Forest and fit with the varied character of the lane.
- 12.10 Overall the proposed development would be consistent with Core Strategy policies and objectives and despite the objections made by the Conservation Officer the application is recommended for permission.
- 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 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

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

- i) the receipt of no new material objections following expiry of the press notice on 23rd February 2018 (affecting setting of a Listed Building).
- ii) the imposition of the conditions set out below.

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: 1117.01/01 Rev A & 11170.01/02 Rev A.

Reason: To ensure satisfactory provision of the development.

3. The existing trees and plants on the north boundary of the site with Barton Common Lane as indicated on the approved plan shall be retained and maintained. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.

Reason: To protect the character and setting of the development in relation to the adjacent listed building and the street scene and to comply with Policy CS2 of the Local Plan for New Forest District outside the National Park (Core Strategy) and 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.

Discussions were held with the agent regarding reducing the size of the outbuilding to overcome the conservation officer's objections, amended plans were submitted and accepted that reduced the width and height of the summerhouse, however this reduction does not overcome the objection of the Conservation Team. The application was decided on the basis of the amended plans. For the reasons set out, while a Conservation objection remained the application was recommended for approval.

2. This decision relates to amended / additional plans received by the Local Planning Authority on 5 January 2018.

Further Information:

Rosie Rigby
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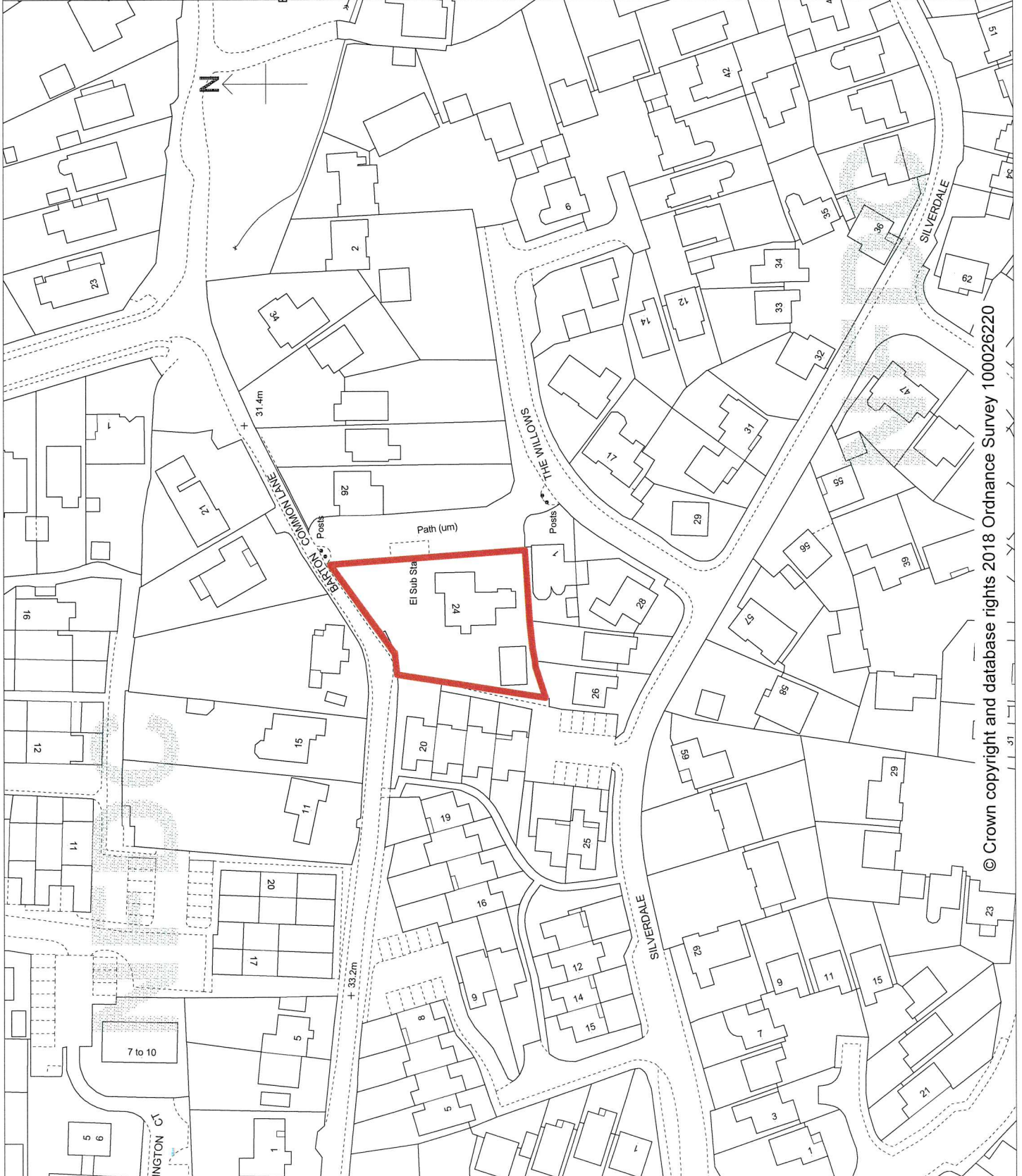
David Groom
Service Manager
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Lyndhurst
SO43 7PA

**Planning Development
Control Committee**
February 2018

Item No: 3e
24 Barton Common Lane
Barton on Sea
New Milton
17/11576
SZ2493

Scale 1:1250

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