

NOTICE OF MEETING

Meeting: PLANNING COMMITTEE

Date and Time: WEDNESDAY, 14 MARCH 2018, AT 10.00 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

*Please note
amended
start time*

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 14 February 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) **Glendalyn, Fernhill Lane, New Milton (Application 16/11586) (Pages 1 - 20)**

Three-storey 57 bed care home; landscaping; parking; demolition of existing

RECOMMENDED:

Grant permission subject to conditions

- (b) **2 South Street, Hythe (Application 17/11646) (Pages 21 - 32)**

1 block of 43 retirement apartments; communal facilities; access; parking and landscaping

RECOMMENDED:

Refuse

- (c) **24 Fernhill Road, New Milton (Application 17/11685) (Pages 33 - 38)**

Roof alterations and side dormers in association with new first floor; outbuilding

RECOMMENDED:

Grant permission subject to conditions

- (d) **37 Sycamore Drive, Holbury, Fawley (Application 17/11727) (Pages 39 - 44)**

Raise ridge height in association with new first floor

RECOMMENDED:

Refuse

- (e) **The Eaglewood School, Culver Road, New Milton (Application 17/11771) (Pages 45 - 52)**

Variation of condition1 of Planning Permission 15/11742 to allow continued siting of buildings until 31st August 2019

RECOMMENDED:

Grant permission subject to conditions

- (f) **Uplands, Pless Road, Milford-on-Sea (Application 18/10009) (Pages 53 - 60)**

Outbuildings for use as residential annex

RECOMMENDED:

Grant permission subject to conditions

4. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

To:	Councillors:	Councillors:
	W G Andrews (Chairman)	Mrs M D Holding
	P J Armstrong (Vice-Chairman)	J M Olliff-Cooper
	Mrs S M Bennison	A K Penson
	Mrs F Carpenter	Mrs A M Rostand
	Ms K V Crisell	Miss A Sevier
	A H G Davis	M H Thierry
	R L Frampton	Mrs B J Thorne
	A T Glass	R A Wappet
	L E Harris	Mrs P A Wyeth
	D Harrison	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: 16/11586 Full Planning Permission

Site: GLENDALYN, FERNHILL LANE, NEW MILTON BH25 5SX

Development: Three-storey 57 bed care home; landscaping; parking; demolition of existing

Applicant: Redland Care Group

Target Date: 03/03/2017

Extension Date: 16/03/2018

RECOMMENDATION: Grant Subject to Conditions
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Case Officer: Jim Bennett

1 REASON FOR COMMITTEE CONSIDERATION

Deferred by this Committee on 10th January 2018 at the Applicants request.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up Area

TPO no. 19/98/1

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Local Plan Part 1 (Core Strategy) 2012:

CS1: Sustainable development principles

CS2: Design quality

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

CS5: Safe and healthy communities

CS6: Flood risk

CS8: Community services and infrastructure

CS10: The spatial strategy

CS13: Housing types, sizes and tenure

CS24: Transport considerations

CS25: Developers contributions

Local Plan Part 2 Sites and Development Plan Management Document

DM2: Nature conservation, biodiversity and geodiversity

DM3: Mitigation of impacts on European nature conservation sites

DM4: Renewable and low carbon energy generation

DM10: Residential accommodation for older people

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 Document

Parking Standards Supplementary Planning Document (SPD)

SPD - Mitigation Strategy for European Sites

6 RELEVANT PLANNING HISTORY

ENQ/15/21825/LDNF – a pre-application enquiry for a 60 bed care home facility concluded that while it is likely that the site can hold a significant building, the Council was not in a position to support a structure of the mass and scale proposed due to its harmful character impacts and uncertain tree impacts. The applicant was requested to identify the importance of retaining and bolstering trees in the landscape, accepting the removal of some specimens, balanced against the importance of locating this building for the best townscape quality and efficient use of land.

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: strongly object for the following reasons:

- (1) Lack of on-site parking, in an area commonly used by commuter parking for the rail station 300yds away.
- (2) Highway safety. When travelling northbound on Fernhill Lane there is a dip and bend on the approach to the junction with Barrs Avenue. This increases the risk for those egressing Barrs Avenue, which will be higher in number due to the development.
- (3) The three storey nature of the development is a) a privacy issue for the nearby residents of Barrs Avenue and Ballard Close, with perceived or direct overlooking; and b) sees the northward migration of intensive urbanisation
- (4) The loss of a good quality tree numbered 10 (Wellingtonia) and 2 moderate quality trees (Beech, Cedar or Wellingtonia) which form part of the Tree Preservation Order 19/98.
- (5) The loss of a large lawned area and its negative affect on character, as per Local Distinctiveness Study page 39 'Green Infrastructure'
- (6) Loss of an Edwardian design building in large grounds, one of the few left in New Milton and so important to the towns heritage.
- (7) Potential negative affect to residents to the east from the siting of the kitchen, plant and waste disposal.
- (8) Negative impact to summer roosting bats.

8 COUNCILLOR COMMENTS

Cllr J Cleary: raises concern that contractors will want to park close by, i.e. all the surrounding roads during this development, which needs to be addressed.

9 CONSULTEE COMMENTS

- 9.1 Environmental Design Team (Urban Design): subject to conditions to secure final landscaping arrangements, building details (including window reveals and eaves) and materials (including rainwater goods), the design would result in a development which is in accordance with Policy CS2.
- 9.2 Environmental Health Section (Pollution): no objection subject to a condition to ensure the kitchen extraction system is installed, operated and maintained in accordance with the submitted document.
- 9.3 Environmental Health Section (Contaminated Land): recommended that conditions are imposed.
- 9.4 Tree Officer: acceptable subject to conditions. The amended Arboriculture Report provides all the relevant details and processes to be undertaken with regards to the retention of existing trees on site. There are several trees marked to be removed and while the loss of these trees is regrettable, if a well-designed building and landscaping can be achieved and mitigating tree planting is carried out this may be acceptable. Given the nature of the site, and the scale of the development there is a high possibility of damage to retained trees, however if the submitted Arboricultural Report is adhered to for the duration of the development, the proposed scheme would be acceptable, subject to tree protection conditions.
- 9.5 Hampshire County Council Highway Engineer: no objection subject to conditions. The applicant has resubmitted plans for car parking provision, which now shows 24 spaces. The Highway Authority would be satisfied with this quantum. The application form states that a total of 34 cycle spaces would be provided at the site however the plans indicate 10, the applicant should therefore provide further information to ensure that a suitable number of cycle parking spaces are provided. A Construction Method Statement is required for the development to ensure no detrimental impact on the local road network. As the proposals include the modification of the existing access onto the highway the applicant should be made aware of the requirement to carry out any works on the highway to the appropriate standard laid down by and under a licence agreement with the Highway Authority. The plans also indicate that a new length of footway would be provided linking the site with the existing footway on the northern side of Barrs Lane in order to improve pedestrian access to the site in line with the aims of the Travel Plan Statement.
- 9.6 Hampshire County Council Drainage: consider that insufficient information is provided on surface water discharge from the site to make comment.
- 9.7 Southern Water: no objections, subject to a surface water discharge condition and informatives.

9.8 Ecologist: holding objection pending clarification of the status of the submitted ecology reports from the applicant to demonstrate accordance with policy.

9.9 Southern Gas Networks: no objections, but give informatives.

10 REPRESENTATIONS RECEIVED

Thirty representations have been received to the proposal. One in support; five making comments only and twenty three objecting. The following concerns are raised by notified parties:

- Proximity of car parking area to dwellings on Ballard Close and Barrs Avenue, which should be screened;
- Insufficient off-street parking availability will lead to on-street parking;
- It is not clear where the access from Barrs Avenue will be in relation to Lakeside Pines;
- Access from Barrs Avenue is unacceptable;
- Increased vehicle movements in the locality;
- There is no indication of where deliveries will be taken;
- Over-intensification of site use for commercial activity;
- The bin store location will cause disruption;
- The building is too large and too close to adjoining properties;
- Overlooking;
- Loss of trees;
- Disruption caused by construction traffic and activity;
- Inadequate drainage;
- The kitchen will cause noise and odour;
- The proposal will require an emergency generator, which will cause noise;
- The building should be retained as a children's home;
- Air pollution caused by traffic;
- A traffic regulation order is required to control parking on Barrs Avenue.

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

No CIL will be payable in respect of this proposal as it does not provide self contained accommodation.

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.

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

In this case the applicant sought the Council's pre-application advice on a similar form of development to that proposed. While the form of the proposal originally submitted was not considered to be acceptable, the subsequent submission of documents and amended plans has overcome the initial concerns.

14 ASSESSMENT

Introduction

This application was deferred by this Committee on 10th January 2018 at the request of the applicant to enable them to make further changes to be negotiated that would meet the operational requirements of the end user. The changes include very modest alterations to the footprint of the proposed building, minor fenestration alterations, slight changes to roofing arrangement, alterations to paths and footways around the building and internal alterations to facilitate the addition of 3 rooms (totalling 57).

14.1 The Site and Proposal

- 14.1.1 The current site of Glendalyn, Fernhill Lane, New Milton has a single large building with several extensions and minor outbuildings to the east. It was formerly used as a children's home, though is currently vacant. The surrounding grounds are extensive and consist of open lawn, hard surfacing to the north and west of the building and heavy tree cover throughout. Much of the site's western boundary is occupied by protected trees, separating the site from Fernhill Lane. The site is within the Built-up Area of New Milton and is bound by a two storey dwelling to the north, bungalows to the east and Lakeside Pines (a block of flats up to 3 storeys high) to the south, across Barrs Avenue.
- 14.1.2 The proposal was initially for the demolition of the existing building and erection of a new 60 bedroom care home. However the scale, design, footprint, car parking and tree impacts of the proposal have been altered extensively during the course of negotiations, including a reduction in the number of bedrooms to 57. It is proposed to provide care home accommodation for the elderly in a building of three storeys

in height and of an Arts and Crafts style design, over and beyond the footprint currently occupied by Glendalyn. The proposed accommodation would fall within Use Class C2 (residential institution). A new access would be formed onto Barrs Avenue and the existing vehicular and pedestrian accesses onto Fernhill Lane would be stopped up. Off-street parking for 24 cars would be provided from the new Barrs Avenue access. The application is supported by a suite of documents including design and access statement, planning statement, tree survey, transport statement and ecological survey.

- 14.1.3 The site is within the Built-up Area of New Milton where a presumption in favour of development exists, subject to other material planning considerations, including access, amenity impacts, tree constraints, ecological impacts and visual impact.
- 14.1.4 The form, scale and mass of building proposed is still significant and it needs to be considered whether the applicant has balanced the level of tree removal proposed, character impacts, highway impacts, residential amenity impacts and visual impacts against the importance of locating this building for the proposed use and making the most efficient use of available land.

14.2 Design and Character Considerations

- 14.2.1 Policy CS2 of the Core Strategy states that new development will be required to be well designed to respect the character, identity and context of the area's towns. The New Milton Local Distinctiveness Document requires proposals for development to contribute positively to local distinctiveness and character of the area. Specifically the Distinctiveness Document picks up on the importance of the tree group all along Fernhill Lane, which has been a fundamental issue in drawing up the scheme now proposed. However, some lesser trees might be better removed and possibly replaced in order to achieve better all round health of the more significant trees, a more appropriate form of development and more efficient use of land.
- 14.2.2 The applicant has engaged in negotiations with the Council resulting in the form of the current proposal. The applicant has adopted much of what has been asked for by the Council, but there is a tendency for the roof form of the bulkier elements of the building to appear as too similar in height, losing something of the distinct character that such a large building might bring to the area. The applicant has therefore amended the southern most wing in terms of omitting the trough between the double pile roof so that the ridge appears higher and a hierarchy of forms is then created relieving the skyline somewhat. A fairly attractive building (and at least one large tree), would be lost and replaced by a larger new building, but one which, subject to good quality details, materials and planting, would offer a large scale building in a suitably grand setting. It is acknowledged that the existing building has some visual merit, however it is not listed and the form, appearance and detailing of the replacement structure is considered to be acceptable. Scale and mass are now reasonable in the setting of the large forest scale trees and reasonably wide spaces between buildings. The building is large and grand and with good detailing should offer a strong sense of style to add character to the area. A proper landscape design/framework is needed to be certain that the site can accommodate this building.

- 14.2.3 Subject to conditions to secure final landscaping arrangements, building details and materials, the design would result in a development which makes efficient use of available land and complies with the character provisions of Policy CS2 and the New Milton Local Distinctiveness Document.

14.3 Highway Impacts

- 14.3.1 A significant level of objection has been received to the proposed point of access to the site, parking and related highway concerns. The Highway Engineer raises no objections to the proposed point of access from Barrs Avenue and it is the view of your officers that an access via a distributor route such as Barrs Avenue is preferable and safer to an access from an arterial route like Fernhill Lane. It has not been suggested that a traffic regulation order is required to control parking on Barrs Avenue.
- 14.3.2 The Highway Engineer considers that on site parking provision of 24 spaces for a 57 bed care home would be acceptable and amended plans have been submitted showing that level of provision. Concern is raised over the level of cycle parking proposed and the Highway Engineer has been requested to comment on whether this matter should be addressed by condition or by an updated Travel Plan. It should be noted that a rudimentary Travel Plan has been submitted by the applicant outlining how they intend to reduce reliance upon the private motor car by staff accessing the site. This plan needs to be extended to visitor, delivery and other service vehicle movements, so a condition should be imposed requiring a full Travel Plan to be prepared for the proposal.
- 14.3.3 No objections are raised by the Highway Authority, subject to conditions to ensure access, parking and turning is provided in accordance with the approved plans, to ensure closure of the existing access with Fernhill Lane, to ensure details of a construction method statement are submitted and details of measures to prevent surface water discharging onto the highway are provided

14.4 Site Drainage

- 14.4.1 Southern Water and the County Drainage Authority raise issues over the potential for the proposal to exacerbate existing flooding problems in the locality. Given the amount of land available to the applicant, a comprehensive approach to dealing with water on site could be achieved, meeting the requirements of Policies CS2 and CS4, which state that all new buildings should be designed to meet sustainable building standards and utilise Sustainable Urban Drainage systems (SUDS) wherever feasible. Conditions are proposed requiring the applicant to provide full details of a sustainable foul and surface water drainage strategy for the site and to ensure its future maintenance.

14.5 Residential Amenity Impacts

- 14.5.1 Policy CS2 requires the Planning Authority to consider the impact of development proposals upon adjoining amenity and upon the amenity of future occupiers of the new units.
- 14.5.2 In respect of the physical impacts of the building upon the amenity of adjoining occupiers, although the form of structure proposed here is admittedly large, it is set within a very generous curtilage, with mature

vegetation towards its boundaries. The closest element of the proposed structure to the bungalows on Ballard Close is in fact the lowest element of the proposal at 10m to the ridge. The highest windows here are at 8m above ground level and the degree of separation (19m to the boundary and 34m to windows) is well above the accepted rule of thumb of 21m. There is also an opportunity to bolster existing planting on the eastern boundary of the site with extra heavy standards, to ensure that intervisibility between the proposal and dwellings on Ballard Close is limited further. This may be ensured by the suggested landscape condition. The highest element of the scheme is 29m away from the boundary with dwellings in Ballard Close. Consequently, the proposed development would have no adverse impacts upon the amenity of adjoining occupiers in terms of loss of privacy or overbearing impacts.

- 14.5.3 The planning application shows a large kitchen within the third floor roofspace to serve three dining rooms and a cafe on the ground, first and second floors. This indicates that significant cooking operations will be undertaken on the site. A kitchen of such scale will require an extraction system to remove heat and moisture during the cooking process. The applicant has submitted a document which identifies how the kitchen extract system will be installed, operated and maintained in respect of noise and odours. The Environmental Health Officer is satisfied that the document addresses noise and odour emissions from the kitchen, subject to a condition being applied to ensure the system is installed and operated in accordance with the agreed scheme.
- 14.5.4 Deliveries will be taken from the only point of access to the site, via Barrs Avenue, following the stopping-up of the existing Fernhill Lane access. It should be noted that the location of deliveries and the bin store have been moved to the western side of the site away from existing dwellings, to limit disturbance. While it is accepted that use of the site will be more intensive than the existing use, the main use of the site will remain residential and it is not anticipated that disturbance would be such as to constitute any significant loss of residential amenity.
- 14.5.5 Concern has been raised that car parking would cause noise and disturbance to neighbours. The closest car parking to dwellings on Ballard Close and Barrs Avenue would be 6.5m to the boundary and 11.5m from the gable of no. 9 Barrs Avenue, which is an acceptable degree of separation. Appropriate screen planting between the two would be ensured by the landscaping condition.
- 14.5.6 Subject to conditions to ensure appropriate boundary planting is implemented and to control noise and odour emissions from the kitchen, the impacts of the proposal comply with the amenity related provisions of Policy CS2 of the Core Strategy.

14.6 Tree Impacts

- 14.6.1 The proposal is constrained by protected trees within the site and the design has evolved around these tree constraints, to maximise the built form of the development, while avoiding root protection areas. The Council's Tree Officer offers specific comments on tree impacts above and accepts that some specimens may be removed, to free up space to facilitate a more appropriately sited and acceptable form of development. Importantly the large Wellingtonia, originally earmarked

for removal is retained under the amended scheme. The Tree Officer has commented in relation to the premature removal of a tree as informed by the Town Council on 9th February 2018, the tree was located on the highway verge and was removed as the result of the County Council carrying out highway works.

14.7 Ecology Impacts

- 14.7.1 The Council's Ecologist raises a holding objection pending clarification of the status of the submitted ecology reports. A revised Ecology Report has been provided, which the Council's Ecologist has been requested to comment on.
- 14.7.2 In terms of the species protection provisions of the Habitats Directive, as implemented by the conservation (Natural Habitats Etc.) Regulations 1994 and the three "derogation tests", subject to receipt of satisfactory clarification of the ecology reports, the Ecologist comments that the favourable conservation status of protected species will be maintained, subject to the suggested condition. Officers are satisfied that there is no satisfactory alternative to the form of development proposed, considering the requirement to meet the accommodation needs of the elderly in accordance with the provisions of Policies CS8, CS13 and DM10. Finally Officers are satisfied that the activity to be licensed is for imperative reasons, in light of the poor condition of the existing building and the need for its replacement with a viable new development. The development complies with the nature conservation provisions of Policy CS3 of the Core Strategy and Policy DM2 of the Local Plan Part 2.

14.8 Other material considerations

- 14.8.1 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, again, be balanced against other material considerations. The proposal is supported by a statement from Hampshire County Council (HCC) explaining why the former facility closed and why the site is now surplus to HCC requirements. Furthermore, the level of housing need in the District is sufficiently above the level of housing supply to know that a five year supply of housing land is currently unavailable. This situation will be addressed through the emerging local plan, but until the new Local Plan is adopted, paragraph 14 of the NPPF advises that planning permission for housing development should normally be granted unless any planning harm identified would "*significantly and demonstrably outweigh the benefits*". This is known as the 'tilted balance' in favour of sustainable development. In this case, it is considered that the adverse impacts of development set out above do not significantly and demonstrably outweigh the benefits and therefore the tilted balance in favour of granting permission is a material consideration in assessing this application.

While this Town Council have raised concerns over parking, highway safety, privacy, tree loss, character impacts, loss of the existing building, impacts of the commercial kitchen and ecology, these matters have been addressed by the applicant as outlined above.

14.8.2 With regard to concerns raised by notified parties and consultees which are not addressed above, disruption caused by construction traffic and activity often arises as a consequence of new development and cannot be used as a reason for refusal in isolation. However, it will be a condition of any approval that a construction management plan is submitted, which will detail the access, parking and hours of operation arrangements for construction vehicles and workers and ensure that disruption to neighbours is minimised.

14.8.3 It is suggested that the proposal will require an emergency generator, which will cause noise. No details are submitted of any such equipment, although it is pointed out that as a residential institution falling under Class C2, the development would not benefit from any permitted development rights, so if such equipment is proposed in future, it may need to be the subject of a separate planning application, which would be notified to neighbours.

14.9 Contributions Required as a Result of Development Proposed

14.9.1 As a proposal for extra care housing for the elderly, the proposed development is considered to be a residential institution falling under Class C2 of the Use Classes Order, for which there is no Community Infrastructure Levy, Habitats Mitigation or affordable housing liability.

14.10 Conclusion

14.10.1 The proposed development has satisfied concerns raised over design, highways, drainage, residential amenity, trees and ecology, following the receipt of amended plans and additional information to satisfy the concerns of consultees and notified parties. Consequently the application is recommended for approval, subject to the imposition of conditions.

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

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: 1:200 Site Survey Drawing, 15-31/00A- Location Plan, 15-31/01A -Existing Site Plan Block Plan, 15-31/202A - Proposed Site Plan, 15-31/203B - Ground Floor Plan, 15-31/204A - First Floor Plan, 15-31/205A - Second Floor Plan, 15-31/206 - Third Floor Plan, 15-31/208C - East Elevation, 15-31/209C - West Elevation, 15-31/210B - South Elevation, 15-31/211A - North Elevation, 15-31/212A - East Elevations over the Boundary, 15-31/213A - West Elevations from Fernhill Ln, 15-31/214B - South elevation from Barrs Ave, 15-31/215A - North Elevation over the Boundary, 15-31/216A - East Elevation with Height Overlay, 15-31/217A - West Elevation with Height Overlay, 15-31/220A - Streetscape Montage, Arboricultural Report (JS Tree Services - Nov 2017), Headline Market Analysis (Carterwood - May 2016), Phase 1 and 2 Geo-Environmental Site Assessment (e3P - June 2016), Great Crested Newt and Bat Survey Report (Wildwood Ecology - Jan 2017), Planning Statement (Hunter Page - Sept 2016), Design and Access Statement (glg Lang Architects - Nov 2016), Transport Statement and Appendices (Highgate Transportation Nov 2016), Travel Plan (Highgate Transportation Nov 2016), Kitchen Extract Noise and Odour Assessment (Acoustic Air - Mar 2017) and Kitchen Extract Statement (Harniss - Nov 2017).

Reason: To ensure satisfactory provision of the development.

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

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

4. Notwithstanding the external works suggested in submitted layout drawings and before development commences, the details and final designs for landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :

- (a) the existing trees and shrubs which have been agreed to be retained;
- (b) a specification for new planting (species, size, spacing and location);
- (c) areas for footpaths, car parking and other hard surfacing and the materials to be used;
- (d) boundary treatments and other means of enclosure;

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

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

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

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

6. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions relating to contamination nos. 7 to 9 have been complied with.

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition no. 9 relating to the reporting of unexpected contamination has been complied with in relation to that contamination.

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

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

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

8. Where a remediation scheme has been approved in accordance with condition no. 7, the approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

9. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition no. 7, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

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

Reason: To ensure adequate on-site car parking provision for the approved development in accordance with Policy CS24 of the Core Strategy for the New Forest District outside the National Park.

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

Reason: To ensure adequate provision within the site in accordance with Policy CS24 of the Core Strategy for the New Forest District outside the National Park.

12. Before use of the development is commenced provision for turning to enable vehicles to enter and leave in a forward gear shall have been provided within the site in accordance with the approved plans and shall be retained thereafter.

Reason: In the interest of highway safety in accordance with Policy CS24 of the Core Strategy for the New Forest District outside the National Park.

13. Before use of the development is commenced the existing access from the site to Fernhill Lane shall be permanently stopped up and effectively closed with the verge reinstated, in accordance with details which have been submitted to and approved by the Planning Authority.

Reason: In the interests of highway safety in accordance with Policy CS24 of the Core Strategy for the New Forest District outside the National Park.

14. No development shall start on site until a construction method statement has been submitted to and approved in writing by the Planning Authority, which shall include:

- (a) A programme of and phasing of construction work;
- (b) The provision of long term facilities for contractor parking;
- (c) The arrangements for deliveries associated with all construction works;
- (d) Methods and phasing of construction works;
- (e) Access and egress for plant and machinery;
- (f) Protection of pedestrian routes during construction;
- (g) Location of temporary site buildings, compounds, construction material, and plant storage areas;

Demolition and construction work shall only take place in accordance with the approved method statement.

Reason: In order that the Planning Authority can properly consider the effect of the works on the amenity of the locality, in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

15. No development shall start on site until details of a scheme to prevent surface water from the site discharging on to the adjacent highway have been submitted to and approved in writing by the Planning Authority. The development works shall be carried out in accordance with the approved details before any part of the development is occupied and shall be retained thereafter.

Reason: To ensure adequate provision for surface water drainage and avoid discharge of water onto the public highway in accordance with Policy CS6 of the Core Strategy for the New Forest District outside the National Park.

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

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

17. Before development commences details of the means of disposal of foul and surface water from the site and an implementation timetable shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved details.

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

18. Before development commences details of the means of the future maintenance of the sustainable urban drainage system shall be submitted to and approved in writing by the Local Planning Authority. The maintenance arrangements must be confirmed to planning by the applicant prior to occupation of the development.

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

19. The trees on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works of any kind in accordance with the measures set out in the submitted John Shutler Arboricultural Report dated 10/11/2017 and in accordance with the recommendations as set out in BS5837:2012.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park

20. Prior to the commencement of the removal of any trees on site 3 working days notice shall be given to the Local Planning Authority Tree Officer to attend a site meeting and agree those trees to be removed as specified within page 12 of the John Shutler Arboricultural Report dated 10/11/2017

Reason: To safeguard trees and natural features which are important to the visual amenities of the area in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park

21. Prior to the installation of the new surfacing, hardstanding and parking bays within the areas marked as no dig construction, 3 working days notice shall be given to the Local Planning Authority Tree Officer to attend site supervision of the installation of a cellular confinement system as detailed within Section 3.3.2, 3.3.3 and 3.3.4 of the John Shutler Arboricultural Report dated 10/11/2017

Reason: To safeguard trees and natural features which are important to the visual amenities of the area in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park

22. No development, demolition or site clearance of any kind shall take place until the following information has been submitted to and approved in writing by the Local Planning Authority:

1. Detailed engineers drawings and specifications for the construction of the no dig construction surfacing (Cellular confinement based system is required for all construction within root protection areas) Drawings are to include the method of edge retention for such a system and a construction method statement for its installation
2. Samples of the exact cellular confinement to be used for the above mentioned no dig construction
3. Location of contractors parking area within the site (Should be situated outside of all root protection areas)

Development shall only take place in accordance with these approved details.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park

23. The kitchen extraction system shall be installed, operated and maintained in accordance with the document entitled 'New Milton – Kitchen Extract Statement' carried out by Harniss Building Services Solutions (November 2017) unless the prior written approval of the Local Planning Authority is forthcoming.

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

24. Prior to the commencement of development, details of biodiversity mitigation and enhancement, in respect of bats, nesting birds, amphibians, invertebrates, lighting and measures for any boundary treatments that might otherwise impede wildlife movement, shall be carried out by an appropriately qualified consultant and submitted to and approved in writing by the Local Planning Authority. The approved measures of mitigation and enhancement shall be implemented in accordance with an approved programme of works.

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

25. No development hereby permitted shall be occupied until a Full Travel Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the Travel Plan shall be implemented in accordance with the agreed details.

Reason: To ensure the development accords with sustainable transport policies, to reduce reliance upon the private motor car for access and in the interests of highway safety, in accordance with Policy CS24 of the Core Strategy for the New Forest District outside the National Park.

Notes for inclusion on certificate:

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

In this case the applicant sought the Council's pre-application advice on a similar form of development to that proposed. While the form of the proposal originally submitted was not considered to be acceptable, the subsequent submission of documents and amended plans were considered to be acceptable.

2. An extract of Southern Gas Networks mains records of the proposed work area is available to view on the Council's website for your guidance. This plan only shows the pipes owned by SGN in their role as a Licensed Gas Transporter (GT). Please note that privately owned gas pipes or ones owned by other GTs may be present in this area and information regarding those pipes needs to be requested from the owners. If they know of any other pipes in the area they will note them on the plans as a shaded area and/or a series of x's. The accuracy of the information shown on this plan cannot be guaranteed. Service pipes, valves, siphons, stub connections etc. are not shown but you should look out for them in your area. Please read the information and disclaimer on these plans carefully. The information included on the plan is only valid for 28 days.

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

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

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

3. The County Highway Authority advise that as the proposals include the modification of the existing access onto the highway and a new length of footway linking with the northern side of Barrs Avenue that the applicant should be made aware of the requirement to carry out any works on the highway to the appropriate standard laid down by and under a licence agreement with the Highway Authority.
4. Southern Water advise that a formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

The results of an initial desk top study indicates that Southern Water currently cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the surface water sewerage system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the National Planning Policy Framework.

Alternatively, the developer can discharge surface water flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the surface water system. You will be required to provide a topographical site survey and/or a CCTV survey with the connection application showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed surface water flow will be no greater than the existing contributing flows.

The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. The applicant/developer should contact Southern Water, in order to progress the required infrastructure.

It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order:

1. Adequate soakaway or infiltration system
2. Water course
3. Where neither of the above is practicable sewer

Southern Water supports this stance and seeks through appropriate Planning Conditions to ensure that appropriate means of surface water disposal are proposed for each development. It is important that discharge to sewer occurs only where this is necessary and where adequate capacity exists to serve the development. When it is proposed to connect to a public sewer the prior approval of Southern Water is required. Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water.

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

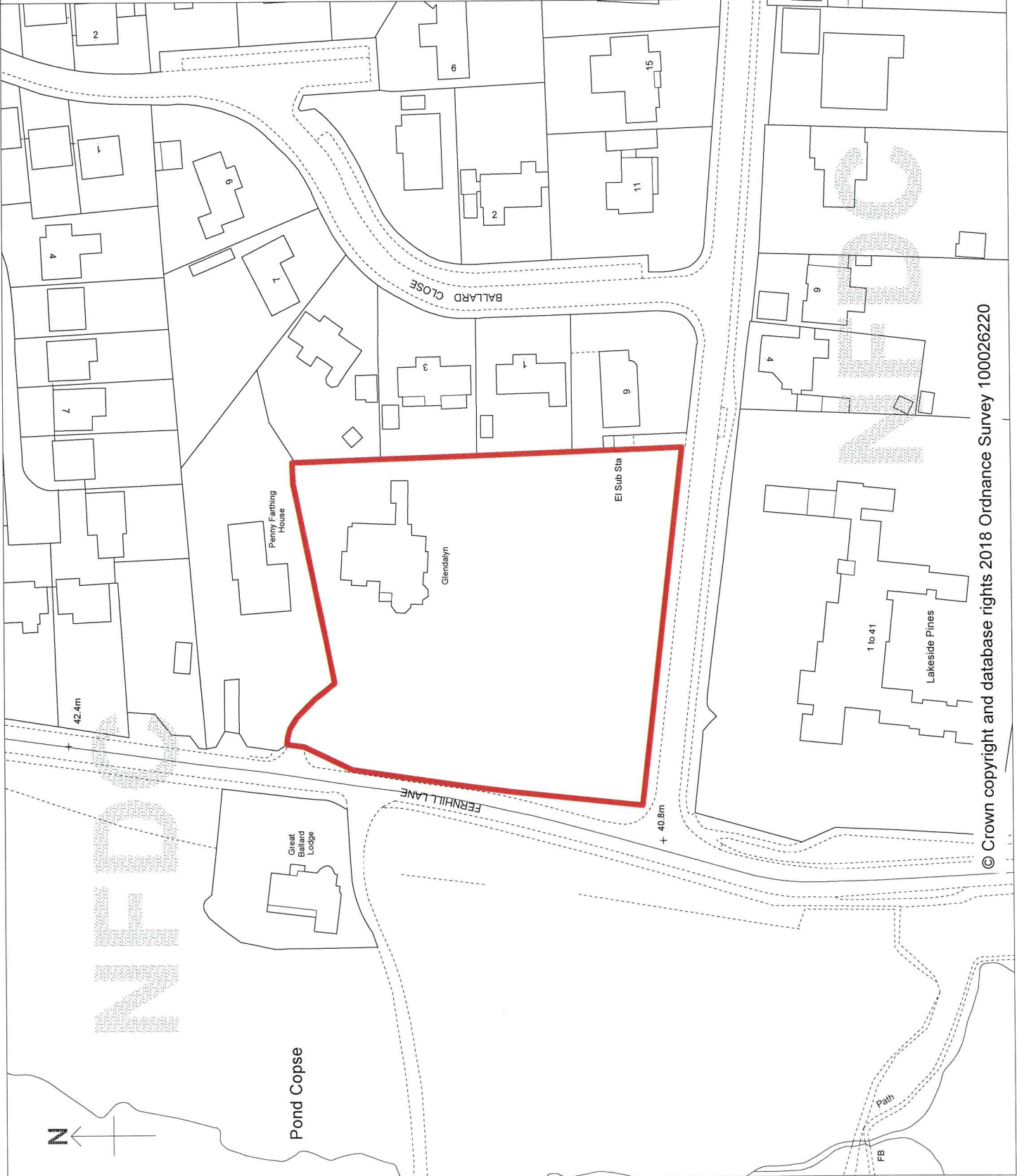
March 2018

Item No: 3a

Glendalyn
Fernhill Lane
New Milton
16/11586
SZ2495

Scale 1:1250

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



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Application Number: 17/11646 Full Planning Permission

Site: 2 SOUTH STREET, HYTHE SO45 6EB

Development: 1 block of 43 retirement apartments; communal facilities; access; parking and landscaping

Applicant: Churchill Retirement Living Limited

Target Date: 13/03/2018

RECOMMENDATION: Refuse

Case Officer: Ian Rayner

1 REASON FOR COMMITTEE CONSIDERATION

To agree a reduction in the affordable housing contribution and contrary to Parish Council view in part.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up area, Town Centre, Conservation Area (in part)

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS6: Flood risk
- CS10: The spatial strategy
- CS13: Housing types, sizes and tenure
- CS15: Affordable housing contribution requirements from developments
- CS20: Town, district, village and local centres
- CS24: Transport considerations
- CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

- DM1: Heritage and Conservation
- DM3: Mitigation of impacts on European nature conservation sites
- DM10: Residential accommodation for older people
- DM16: Within town centres, outside Primary Shopping Areas and Secondary

Shopping Frontages
HYD4: Hythe town centre opportunity sites
HYD5: Car park extensions

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPG - Hythe - A Conservation Area Appraisal
SPD - Mitigation Strategy for European Sites
SPD - Parking Standards

6 RELEVANT PLANNING HISTORY

6.1 1 block of 36 sheltered apartments; communal facilities; access; parking and landscaping (16/11639) - granted 11/5/17

7 PARISH / TOWN COUNCIL COMMENTS

Hythe & Dibden Parish Council: Recommends refusal - insufficient on-site parking; adverse impact on privacy of neighbouring dwellings (across the street); the amount of 3-storey development is excessive and would be visually incongruous alongside the more historic buildings within the Conservation Area; the railings and perimeter wall will make the judgement of traffic more difficult and therefore more hazardous; wall would compromise safety of pedestrians and people on mobility scooters; poor quality main entrance; concerns that the car park shelter would be an anti-social attraction; consider some affordable housing would be viable.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer: no objection subject to conditions.
- 9.2 Environment Agency: no objection - it is for the Local Planning Authority to consider Sequential Test issues.
- 9.3 Natural England: no objection subject to appropriate mitigation being secured
- 9.4 Waste Management: no objection. Refuse sacks will need to be put on the edge of the footpath on collection day.
- 9.5 Hampshire County Council (Surface Water Drainage): the general principles for surface water drainage are acceptable. Further information should be submitted as part of a more detailed design phase.

- 9.6 Southern Water:- no objection subject to condition; advise that cannot currently accommodate the needs of the application without the development providing additional local infrastructure. Alternatively, the development will need to discharge foul and surface water flows so as to be no greater than existing levels.
- 9.7 Ecologist: no objection subject to condition
- 9.8 Conservation Officer: recommends refusal; does not support. The proposal would cause harm to the setting of adjacent Listed Buildings and the character and appearance of the Hythe Conservation Area. A redesign and a reduction in height is needed if the development is to respond to the Conservation Area and its context.
- 9.9 District Valuer: advise that the full affordable housing contribution would not be viable; however, advise (provisionally) that the scheme would still be viable if an affordable housing contribution of £73,270 were to be secured.

10 REPRESENTATIONS RECEIVED

- 10.1 10 letters of concern / objection from local residents:- insufficient on-site parking, which would lead to additional parking and congestion on local roads to the detriment of highway safety; overdevelopment of the site; three-storey sections would be too high and out of character with the area; loss of an employment site; poor and unsympathetic design; concerns about safety of access; concerns about disruption during demolition; adverse impact on drainage and sewerage infrastructure; concerns at lack of affordable housing

11 CRIME & DISORDER IMPLICATIONS

See Assessment Report below

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive a New Homes Bonus amounting to £52,632 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 £233,939.11.

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 application proposals were not the subject of paid pre-application advice. The objections that have been identified are of a significant nature and would not be capable of being fully resolved as part of this current application. The applicant is aware of the recommendation.

14 ASSESSMENT

Introduction & background to application

- 14.1 This is a prominent corner site in the centre of Hythe that is currently occupied by the company PC Building Supplies, who are a local building, timber and plumbing merchants. The main building on site is an unattractive 2-storey building dating from the 1970s. Around this building is an area for parking, as well as an enclosed storage yard area. Overall, the site is visually unappealing and detrimental to the qualities of this part of the centre of Hythe. The site has vehicular access onto South Street, beyond which are some fairly traditional 2-storey dwellings at 8 and 10 South Street. The application site extends to the rear of these 2 dwellings onto an area of land which includes a low corrugated metal building.
- 14.2 The application site is bounded on its northern side by the St John's Street public car park, as well as a further yard area occupied by PC Building Supplies. These areas to the north of the site have been granted planning permission to be redeveloped with a Lidl retail store. The wider area surrounding the application site is mixed in character, but includes a significant residential element, with many traditional buildings in residential use fronting onto the adjacent roads at South Street, St John's Street, and Shore Road. The site bounds the Hythe Conservation Area on its north-eastern, south-eastern and south-western sides, with a small area of the site, including the access and an area of land immediately to the rear of 10 South Street, actually being within the Conservation Area. A group of buildings opposite the corner of the site (37-44 Sir Christopher Court and 1-3 Shore Road) are Grade II Listed.

- 14.3 Last year, the Local Planning Authority granted planning permission for the redevelopment of the application site with a block of 36 sheltered apartments, communal facilities, access, parking and landscaping. The applicants have reviewed this permission and have come to the view that implementation of this permission would be compromised by the Department for Communities and Local Government's review of leases and ground rents, which they claim will have a negative impact on specialist retirement developers' ability to deliver housing. Because of this review, the applicants consider they have no option but to put forward a larger development that they are sure can be commenced and delivered at a price acceptable to purchasers. Thus, the larger scheme that this new application proposes is a development for 43 sheltered apartments within a single block that would include communal facilities. The proposed development would have vehicular access onto South Street that would serve 15 on-site car parking spaces.

Design and Heritage Considerations

- 14.4 The principle of developing this application site for residential purposes has already been accepted. Therefore, the key issue is whether the larger building that is proposed and the associated design changes would result in a building that would still have an acceptable impact on its surroundings.
- 14.5 Although the larger building that is now proposed has some similarities to the scheme approved last year, there are also some fundamental differences. The proposed changes to the site's South Street frontage are particularly striking, because here the entirely 2-storey scale that was proposed previously is now proposed to be replaced with 2.5 to 3-storey elements of built-form, meaning that the development would now have a much more significant scale and mass to the site's South Street frontage. The scale of the proposed St John's Street elevation has not been altered to the same degree. However, significant changes are still proposed to the roof design and to the window and door details, meaning the elevation fronting St John's Street would be of a very different appearance to the approved scheme. Significant changes to the building's roof form and its detailed appearance are also proposed to the facade facing the St John's Street car park. Within the internal courtyard 2-storey elements of built form have been replaced by elevations that would be a full 3-storeys high, giving the internal aspects of the development a much greater scale. The main entrance elevation has also been significantly reworked, with increased elements of 3-storey built-form, and the undercutting of parts of the building so as to achieve additional car parking. Externally, additional areas of hardstanding are proposed to provide access to the undercroft parking, and to provide additional areas for storage.
- 14.6 In approving the scheme for 36 units at this site last year, it was recognised that the development was quite intensive, with a depth of built-form that would be somewhat at odds with the surrounding context. Because of this it was accepted that the development would cause less than substantial harm to adjacent heritage assets, albeit that the harm was felt to be at the low end of the harmful spectrum. When weighing the scheme's total benefits against the scheme's harm, it was felt the proposed development was an acceptable one with a justified impact.

- 14.7 As indicated above, the development now proposed would have a much greater scale and mass than the scheme approved last year. This greater scale and mass would be very uncomfortable and intrusive in this historic context. The centre of Hythe, as the Hythe Conservation Area Supplementary Planning Guidance notes, has a very strong 2-storey scale. With the previous scheme, it was felt that a limited amount of 3-storey built-form was justified as there are a small number of taller individual buildings within the Conservation Area. However, the substantial 3-storey elements that this latest application proposes would result in a building whose scale and mass would be highly discordant and wholly out of keeping with the more modest scale of development that typifies the Conservation Area. The building's South Street frontage would be particularly inappropriate as its scale and mass would harmfully dominate the more traditional and historic buildings to the south and across the street. The development, as a whole, would, quite simply, be too large and imposing, and without sufficient variation in height, and would therefore cause material harm to the character and appearance of the adjacent Conservation Area, as well as detracting from the setting of the adjacent group of Listed Buildings.
- 14.8 The design of the development would be poor not just in terms of its scale and mass, but also in terms of its detailed appearance. The proposed changes to the roof form of the building would result in some awkward roof arrangements. The changed roof design to the St John's Street elevation and the adjacent car park would be particularly unfortunate. The pyramidal roof to the northern corner of the development would be awkward and weak, and this, together with the associated elevational changes, would result in a weakly proportioned element of built-form in a highly visible location. Furthermore, the proposed changes to the window, door and porch detailing throughout the development have the effect of watering down the scheme's overall design quality. The more traditional detailing that was proposed previously has been replaced with standard detailing that would be weak and unsympathetic in this historic context. The changes to the main entrance elevation have also served to significantly weaken the building's design quality. This important elevation would have a disjointed and poorly proportioned appearance. The undercroft parking would result in a weak elevation, most particularly where an undercroft parking space has been sited immediately adjacent to the building's main front entrance, which would result in what would constitute, in both visual and functional terms, a very poorly designed main entrance. The suggested materials would also not have the necessary quality that one would expect immediately adjacent to the Conservation Area (although if this were the sole design concern, this could be resolved by condition).
- 14.9 Overall, the development that is now proposed, through its intrusive scale and mass and its unsympathetic appearance, would be a poor design that would be inappropriate to its historic context. Whilst the previously approved development would have caused some limited harm to the setting of adjacent Listed Buildings and the character and appearance of the Hythe Conservation Area (which was considered justified when balanced against other considerations), the development now proposed would result in a much greater level of harm. Having regard to the negative impact of the existing buildings that would be demolished, the harm is considered to be "less than substantial" when considered against the guidance in the National Planning Policy Framework (NPPF). However, the term "less than substantial harm"

means that there is still harm, and in this case, the level of harm is deemed to be at the higher end of the spectrum of "less than substantial harm" for the reasons set out above. The NPPF is very clear that any harm should "require clear and convincing justification" and where "less than substantial harm" is identified, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. These matters are considered further in the concluding section below that weighs up the overall planning balance.

Neighbour Amenity Considerations

- 14.10 The development would result in a change to the outlook of a number of dwellings, and with respect to adjacent properties in South Street the impact would be greater than was the case with the previously approved scheme. However, the development would still be of a scale that would not cause material harm to the light and outlook of adjacent dwellings, having regard to the town centre context. Furthermore, any overlooking of neighbouring properties would be across streets and the public realm, and would therefore be acceptable, again taking into account the site's town centre location. Given the levels of activity associated with the existing commercial use, it is felt that the impact of the access and parking areas on the amenities of 8 and 10 South Street would also be acceptable. Overall, it is not considered the proposed development would cause material harm to the amenities of neighbouring properties.
- 14.11 A number of the proposed units would be set in fairly close proximity to the approved Lidl service yard. These units could be subject to a degree of noise disturbance, but with appropriate acoustic insulation it is felt that these units would still enjoy an appropriate level of residential amenity, having regard to the approved planning conditions that would control when and how the adjacent service yard could be used.

Highway & Transportation considerations

- 14.12 The submitted application is accompanied by a Transport Statement. This Statement advises that there will be a reduction in the number of vehicular movements to the site compared to the existing use, a conclusion which is accepted by the Highway Authority. The proposal does not therefore give rise to any concerns in terms of traffic generation. The Highway Authority have also confirmed that the proposed access arrangements are acceptable from a highway safety perspective, and they have also raised no concerns with the proposed pedestrian arrangements. Their confirmation on the need for a turning facility is still awaited.
- 14.13 The 15 car parking spaces that are proposed result in a parking provision of 0.35 spaces per unit. While this level of provision is somewhat less than the Council's recommended standards, it is comparable to the level of car parking proposed in association with scheme approved last year (where 0.33 spaces per unit were proposed). The applicants have provided evidence of parking demand at a number of other similar developments where the average parking demand is only 0.26 spaces per apartment. Having regard to this evidence and the site's sustainable town centre location, it is concluded that the proposed level of on-site parking would be acceptable and would not lead to undue parking on local roads to the detriment of highway safety.

Flood Risk & Drainage Considerations

- 14.14 The northernmost corner of the site is within an Area at Risk of Flooding. However, this affects only a very small strip of frontage land, and all of the proposed units appear to fall outside the defined Area at Risk of Flooding. In these circumstances, it is not felt any of the development would be at undue risk of flooding. Nor is it felt that there is a need to apply the Sequential Test. In any event, it should be noted that the application proposes to site the development at a level that would be slightly raised above the level of the street to ensure that the building is above potential predicted future flood levels.
- 14.15 The applicants have submitted a detailed Drainage Strategy Report. It is felt that this addresses drainage matters in an appropriate manner and in line with policy guidance, albeit that some further matters of detail would need to be agreed through a condition of planning permission, were the development otherwise acceptable.

Habitat Mitigation

- 14.16 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 were to be granted for the proposed development, a condition would be required 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. It should be noted that the full habitat mitigation contribution requirement in this case would be £103,150.

Affordable Housing Considerations

- 14.17 In accordance with Core Strategy Policy CS15, the development is one that should secure on-site affordable housing provision. Specifically, the development should secure 17.2 affordable units. The applicants have submitted a detailed viability assessment that argues that any affordable housing provision, either in the form of on-site provision or in the form of contributions towards affordable housing off the site, would make the scheme unviable. This assessment has been considered by the District Valuer. His report (which is currently only in draft form) concludes that it would not be viable for the developer to make an on-site contribution to affordable housing in this instance. However, the report concludes that it would be viable for the developer to secure an affordable housing contribution of £73,270. The applicants have disputed this conclusion and have submitted a further statement with additional information for the District Valuer's consideration. The further views of the District Valuer will need to be considered, but unless the District Valuer amends his view and confirms that no affordable housing contribution would be viable, it would then be necessary to secure the maximum viable contribution through a Section 106 legal agreement before planning permission could be granted, without which the proposed development would be contrary to Policy CS15.

The Planning Balance & Conclusions

- 14.18 The proposed development would provide a greater number of dwellings for the elderly, as compared to the previously approved scheme, meeting a clear need, and delivering both social and economic benefits. The proposed removal of the existing building would also be an environmental benefit to the same degree as the previous scheme. However, weighed against these benefits, the development would be of a design that would not be sympathetic to its context. The scale and massing of the building would jar significantly within this historic setting, and the detailed design and appearance of the building would be poor, having regard to the character and qualities of the surrounding area. The harm to adjacent heritage assets would be of a much greater magnitude than was the case with the previously approved scheme. Therefore, weighing up the scheme's greater public benefits against the much greater harm that would arise from this proposed development, it is not felt that the proposal would be justified. In essence, and in contrast to the previously approved scheme, the harm to the Hythe Conservation Area and the setting of adjacent Listed Buildings would materially outweigh the scheme's benefits. In reaching this conclusion, it is not considered that the applicant's viability arguments in support of a larger scheme would justify the development that is proposed.
- 14.19 It is recognised that 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, if assessed on the basis of the objectively assessed need for housing, 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*" or unless other policies of the NPPF indicate that development should be restricted. In this case, there are specific policies in the NPPF that indicate development affecting designated heritage assets should be restricted if there are not public benefits of sufficient weight to outweigh the harm, which is exactly the case here. Furthermore, the adverse impacts of development set out above significantly and demonstrably outweigh the scheme's benefits. Therefore the tilted balance in favour of granting permission, as set out in Paragraph 14 of the NPPF, either would not apply or would in any event be outweighed by other considerations.
- 14.20 Having regard to all of the above considerations, the application is recommended for refusal.
- 14.21 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	17.2	0	
Financial Contribution			
Habitats Mitigation			
Financial Contribution	£103,150		

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	3432.81	1003.73	2429.08	2429.08	£80/sqm	£233,939.11 *

Subtotal:	£233,939.11
Relief:	£0.00
Total Payable:	£233,939.11

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

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

Where:

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

R = the levy rate as set in the Charging Schedule

I = All-in tender price index of construction costs in the year planning permission was granted, divided by the All-in tender price index for the year the Charging Schedule took effect. For 2018 this value is 1.2

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposed redevelopment of this site would be a contextually inappropriate and poor design that would be detrimental to local distinctiveness, and harmful to both the character and appearance of the Hythe Conservation Area and to the setting of adjacent Listed Buildings at 37-44 Sir Christopher Court and 1 and 3 Shore Road because:-
 - a) The predominantly 3-storey scale of the proposed building and its significant and poorly articulated mass would result in a development that would be intrusive and discordant in its setting, and one that would be unduly dominant and high relative to the smaller, predominantly 2-storey scale buildings that are characteristic of the adjacent streets within the Conservation Area.
 - b) The proposed development would be of a poorly proportioned and unsympathetic appearance, with awkward and bulky roof forms, weak and non-traditional window, door and porch details, inappropriate materials, and discordant and weak elevational compositions that would include the unsympathetic undercutting of the main entrance elevation for vehicular parking.

It is not considered the harm identified (which would be "less than substantial" when considered against the relevant policies of the National Planning Policy Framework) would be outweighed by the scheme's public benefits. As such, the proposed development would be contrary to the policy advice of the National Planning Policy Framework, as well as being contrary to Policies CS2 and CS3 of the Council's Core Strategy for New Forest District outside of the National Park, Policy DM1 of its Local Plan Part 2: Sites and Development Management, and the guidance contained within the adopted Supplementary Planning Guidance - "Hythe - A Conservation Area Appraisal".

2. The proposed development would fail to make any contribution toward addressing the substantial need for affordable housing in the District. The proposal would therefore conflict with an objective of the Core Strategy for the New Forest District outside the National Park 2009 and with the terms of Policies CS15 and CS25 of the Core Strategy.

Notes for inclusion on certificate:

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

In this case, the application proposals were not the subject of paid pre-application advice. The objections that have been identified are of a significant nature and would not be capable of being fully resolved as part of this current application.

Further Information:

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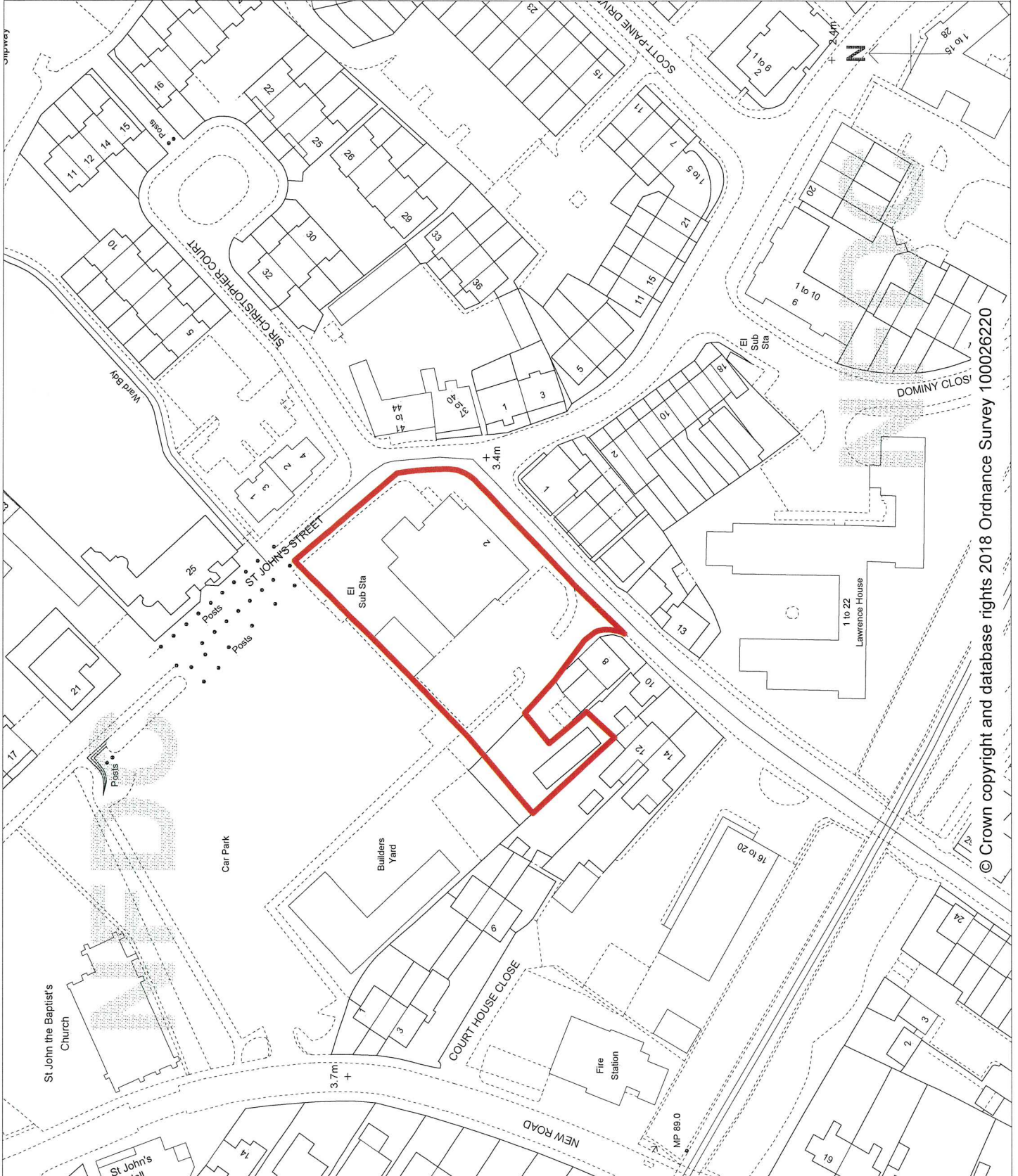
David Groom
Service Manager
Planning and Building Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

Planning Development
Control Committee
March 2018

Item No: 3b
2
South Street
Hythe
17/11646
SU4207

Scale 1:1250

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Application Number: 17/11685 Full Planning Permission

Site: 24 FERNHILL ROAD, NEW MILTON BH25 5JZ

Development: Roof alterations and side dormers in association with new first floor; outbuilding

Applicant: Mr Newman

Target Date: 07/03/2018

Extension Date: 19/03/2018

RECOMMENDATION: Grant Subject to Conditions

Case Officer: Kate Cattermole

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Aerodrome Safeguarding Zone
Plan Area

Plan Policy Designations

Built-up Area

National Planning Policy Framework

Section 7

Core Strategy

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

Supplementary Planning Guidance And Documents

SPD - 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

None relevant

5 COUNCILLOR COMMENTS

No comments received

6 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: object (non-delegated)

- 1) The outbuilding constitutes back land development;
- 2) There is concern that the outbuilding will become fully self-contained despite a relevant planning condition being suggested.

7 CONSULTEE COMMENTS

Tree Officer: a small tree is situated within the rear garden of 26 Fernhill Road, however given its small size and the nature of the proposal, this would not be considered a constraint to the development.

8 REPRESENTATIONS RECEIVED

No comments received

9 CRIME & DISORDER IMPLICATIONS

None relevant

10 LOCAL FINANCE CONSIDERATIONS

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

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

11 WORKING WITH THE APPLICANT/AGENT

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

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

12 ASSESSMENT

- 12.1 Fernhill Road has a varied street scene, which has been partly due to roof alterations to create first floor accommodation on a number of properties within the road. There is a two storey property at No. 26. The existing bungalow has a hipped roof, which is proposed to be changed to create front and rear cropped gables together with an extended ridge and small infil extension to the rear. However, there is a varied street scene including other examples of similar development within the road. As such these alterations would not adversely impact upon the street scene. Furthermore, the existing ridge height of the dwelling would be respected. The proposed dormers would be set back from the front elevation, and although quite deep would not be disproportionate to the overall scale of the enlarged roof. Therefore, the alterations to the dwelling would not detract from the street scene and would be appropriate to the general character of the house.
- 12.2 To the north of the application site is a detached house (no 26), with two first floor windows facing the application site. The proposed dormer could achieve views into these windows but as the floor plans show this window as serving a hallway an appropriate condition to obscure glaze and restrict the opening would mitigate any harm that could be caused by loss of privacy to no 26. The dormer on the south elevation facing No 22 would serve a bathroom and is indicated as being obscure glazed. Despite there being a number of side windows to this neighbour it would not create undue overlooking. There would be a separation distance of over 40 metres with properties at the rear on Leigh Road and so the introduction of a rear facing window would not lead to unacceptable impacts within this urban area.
- 12.3 The increased mass of the roof form including a small infil extension to the rear (south eastern elevation) would have some additional impact, however its cropped roof form together with retention of the low eaves and existing ridge height would ensure acceptable impacts. Although located to the south of No 26 this is a two storey property and there is separation to the boundary. Overall these factors would ensure no unacceptable overdominant impact would result.
- 12.4 The proposal also includes a large outbuilding, to provide further accommodation understood to be for elderly parents to give a degree of independent living. This outbuilding would be sited to the rear of the garage so would not be visible from the street scene or other public vantage points. Pre application advice was sought prior to the application being submitted in relation to this building. The advice was followed in that the length of the outbuilding has been reduced. This outbuilding, being reduced is now considered to be subservient to the extended dwelling and within its context would be acceptable within its garden setting.
- 12.5 The proposed outbuilding would appear to be self contained but it is expected to be used in conjunction with the main dwelling. A condition would be required, to ensure that this building should be continued to be used by family members not be severed in the future. With this control the proposal is considered to be acceptable.

- 12.6 There are examples of large outbuildings in other plots along Fernhill Road, and by reason of its flat roofed form and overall height it would not adversely impact upon neighbour amenity. Furthermore, the property has a reasonable sized plot which could accommodate this outbuilding.
- 12.7 The objections raised by the Town Council have been considered, but as the use of this building can be adequately controlled by condition refusal on this basis would not be justified. In addition, by reason of its siting within the plot its potential to be used as a separate dwelling would be limited.
- 12.8 Overall, having considered all the material planning considerations the development complies with relevant local plan policies and as such is recommended for approval.
- 12.9 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

13. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the approved plans submitted with 17/11685

Reason: To ensure satisfactory provision of the development.

3. The external roofing materials and facing bricks to dwellinghouse shall match those used on the existing building.

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

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

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

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

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

Notes for inclusion on certificate:

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

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

Further Information:

Kate Cattermole

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David Groom
Service Manager
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Lynchhurst
SO43 7PA

Planning Development
Control Committee
March 2018

Item No: 3c

24
Fernhill Road
New Milton
17/11685
SZ2495

Scale 1:1250

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Application Number: 17/11727 Full Planning Permission

Site: 37 SYCAMORE DRIVE, HOLBURY, FAWLEY SO45 2QA

Development: Raise ridge height in association with new first floor

Applicant: Mr Dear

Target Date: 27/02/2018

Extension Date: 19/03/2018

RECOMMENDATION: Refuse

Case Officer: Kate Cattermole

1 REASON FOR COMMITTEE CONSIDERATION

Contrary view to Parish Council (in part)

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Plan Area
Aerodrome Safeguarding Zone
Planning Agreement
HSE Consultation Zone

Plan Policy Designations

Built-up Area

National Planning Policy Framework

Section 7

Core Strategy

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

Supplementary Planning Guidance And Documents

SPD - Parking Standards

3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

4 RELEVANT SITE HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
17/11340 Raise ridge height & dormers in association with new first floor	23/11/2017	Refused	Decided	
13/10455 Single-storey rear extension to garage; use of garage as ancillary living accommodation; single-storey link extension; detached front garage	12/06/2013	Granted Subject to Conditions	Decided	
12/99174 Roof alterations to existing garage to include dormer; two-storey rear extension; use as ancillary accommodation to the main house	25/10/2012	Refused	Decided	

5 COUNCILLOR COMMENTS

No Comments Received

6 PARISH / TOWN COUNCIL COMMENTS

Fawley Parish Council: We recommend refusal due to concerns relating to overlooking of the neighbouring property; we consider the proposal is over powering and over development of the site.

7 CONSULTEE COMMENTS

No comments received

8 REPRESENTATIONS RECEIVED

Three objections received. Comments are summarised as follows:

- out of keeping and intrusive with area
- would set a precedent
- views into neighbouring property
- property already extended enough - overdevelopment
- additional accommodation would increase pressure on parking
- disruption during building works and potential impact on access for emergency vehicles

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.

Even though pre application advice has been sought in the past in relation to this site, no further enquiry was submitted following the previous refusal. Even though this application seeks to address the reasons for refusal, this has not been achieved by this current proposal. An amended plan was submitted to address discrepancies on the plan during the course of the application. This application is not acceptable and as it now falls to be determined, a refusal is justified in this instance.

12 ASSESSMENT

12.1 A previous application (17/11340) was refused for the following 2 reasons:

- 1) *By reason of the increase in height, scale and design of the proposed dwelling, the proposed development would result in an overly dominant and bulky dwelling that would be out of keeping with the street scene. Furthermore, it would detract from the character of the low profile dwellings that contribute to its context and as such would be harmful to the character of the area. As such it would be contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park, and Chap 7 of the National Planning Policy Framework.*
- 2) *By reason of the increase in height and proximity of the proposed development to the neighbouring property - 39 Sycamore Drive - it would result in an overbearing form of development and in addition would increase the level of overshadowing to the rear amenity area of this dwelling to an unacceptable degree, to the detriment of their reasonable residential amenity. As such the proposal would be contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park, and the National Planning Policy Framework.*

12.2 The current proposal now proposes a first floor addition over part of the dwelling only, locating it more centrally and so separating it from the boundary with no 39 Sycamore Drive. As such it is considered that this would address the second reason for refusal on the previous application (17/11340) relating to its adverse impacts due to the height and proximity to this neighbour.

12.3 The Parish have raises objection on grounds of overlooking. Two large first floor windows are proposed on the west elevation, whereas the previously refused scheme proposed a small window and rooflights. These windows would be more intrusive and could lead to perceived overlooking to the neighbouring property. However, there would be a back to back distance of 26 m between the application site and 32

Sycamore Drive (which is a detached bungalow). Taking this into account on balance this relationship is considered to be acceptable in a built up urban area and as such although the concerns of the neighbour and Parish Council are acknowledged, a reason for refusal on this basis cannot be justified. No windows are proposed on the east elevation, and the window proposed on the north elevation is indicated as being fixed shut and obscure glazed. As such there would be no identified overlooking issues to no 39, 33 or 35 Sycamore Drive. The proposed windows on the south elevation would only achieve views over the playing fields of the neighbouring school.

- 12.4 The property on the application site is a reasonable distance away from other neighbouring properties, so the proposed extensions would not create an overbearing form of development.
- 12.5 There are houses to the east of the site, however the application property is read in context with the surrounding bungalows, the driveway forming a transition in scale to the houses. Furthermore, these houses formed part of the original planned development of the estate, and are appropriate in scale and design in this context.
- 12.6 Even though the scale of the proposed extension has been reduced compared to the previously refused application, the introduction of a first floor built form in this location would detract from the low profile dwellings that contributes to the character and urban context of this area. The increase in height of the dwelling and introduction of first floor accommodation would make the building highly visible within the street scene as it would be higher than the existing bungalows to the front of the site. The current proposal would also introduce cladding which would further emphasise the two storey form of the proposed extension. In this case because of its excessive height and depth, coupled with the form and use of materials the proposed first floor extension would appear visually imposing within its setting and thus would relate poorly to the modest and low rise profile of the existing dwelling. As such it would be harmful to the appearance of the existing dwelling and wider character of the area and would detract from the established street scene.
- 12.7 There has been a previous extension to the property and the current proposal would not increase the overall footprint of the building. It would be difficult to demonstrate that this is an overdevelopment of the site. Nevertheless, as there is identifiable harm to the character of the area and street scene, that would justify refused in this instance.
- 12.8 Concerns have been raised with regard to the additional pressure of parking that could arise from the extension. The Parking Standards SPD recommends that the maximum parking provision for a 4 or more bedroomed dwelling is 3 spaces. There is extant permission for a detached garage to the front of the dwelling, and there is also provision for parking within the curtilage of the dwelling. As such no objection is raised on the grounds of insufficient parking.
- 12.9 Although the concerns relating to overbearing impact and overshadowing have been overcome by these proposals, and overlooking is not considered to be harmful, there would remain an unacceptable and adverse impact to the character and appearance of the area as a result of the first floor addition, which results in a recommendation to refuse this application.

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

13. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposed development, by reason of its excessive height, depth, design and materials would create a visually intrusive development that would not respect the modest scale of the existing dwelling. As such it would create an unsympathetic addition, which as a consequence would detract from the character of the low profile dwellings that contribute to its context and would be harmful to the character of the area and adversely impact upon the street scene. For this reason, the proposal is contrary to policy CS2 of the Core Strategy for the New Forest District outside the National Park and chap 7 of the National Planning Policy Framework.

Notes for inclusion on certificate:

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

Pre application advice was sought in the past in relation to this site, no further enquiry was submitted following the previous refusal. Even though this application seeks to address the reasons for refusal, this has not been achieved by this current proposal. An amended plan was submitted to address discrepancies on the plan during the course of the application. This application is not acceptable and a refusal is justified in this instance.

2. This decision relates to amended / additional plans received by the Local Planning Authority on 23 February 2018

Further Information:

Kate Cattermole

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David Groom
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Planning Development Control Committee

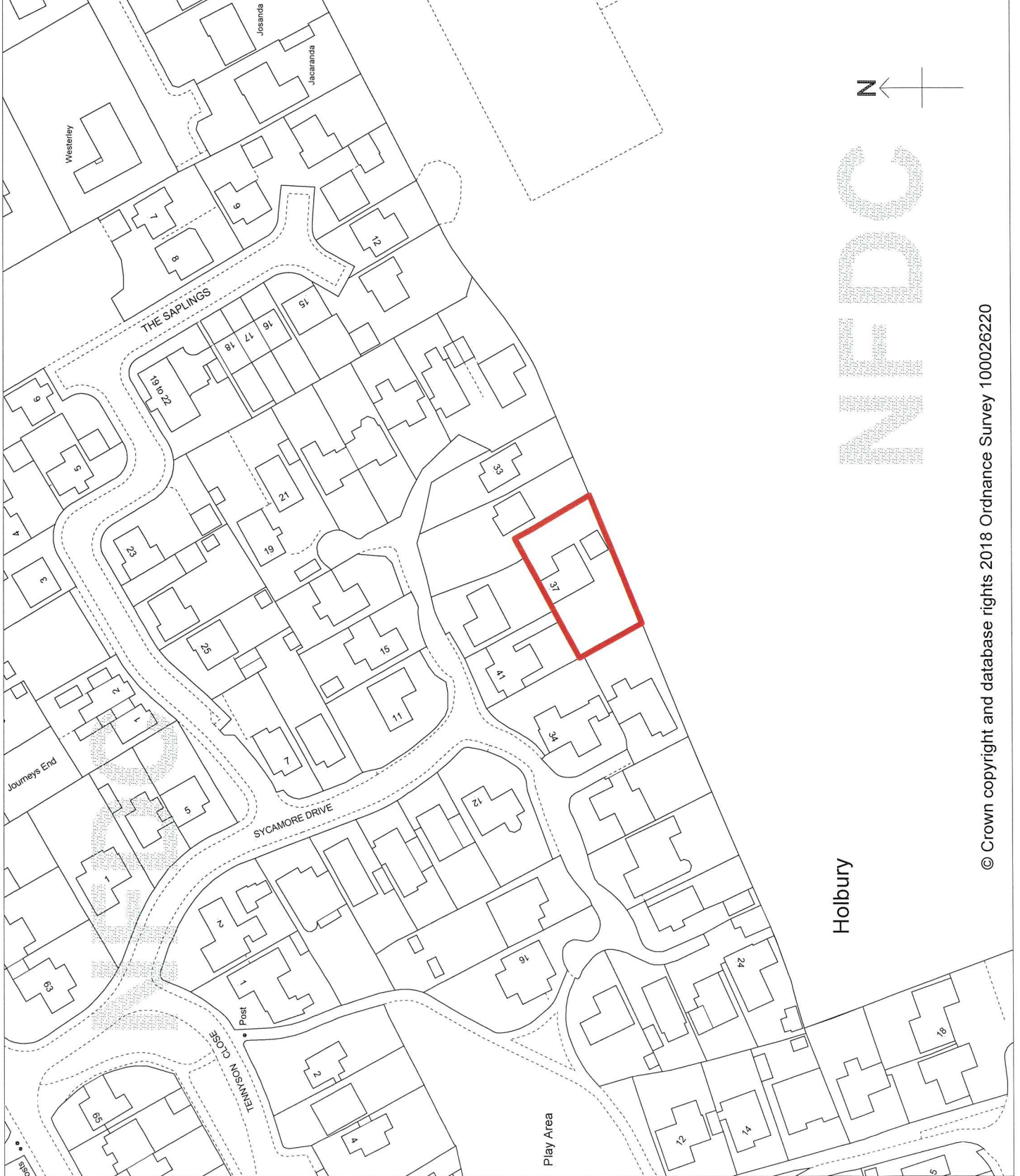
March 2018

Item No: 3d

37
Sycamore Drive
Holbury Fawley
17111727
SU4204

Scale 1:1250

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Application Number: 17/11771 Variation / Removal of Condition

Site: THE EAGLEWOOD SCHOOL, CULVER ROAD, NEW MILTON
BH25 6SY

Development: Variation of condition 1 of Planning Permission 15/11742 to allow
continued siting of buildings until 31st August 2019

Applicant: Education and Skills Funding Agency

Target Date: 14/02/2018

Extension Date: 16/03/2018

RECOMMENDATION: Grant Subject to Conditions
--

Case Officer: Jim Bennett

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Policy

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Green Belt

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Local Plan Part 1 (Core Strategy) 2012:

CS1: Sustainable development principles

CS2: Design quality

CS4: Energy and resource use

CS7: Open spaces, sport and recreation

CS8: Community services and infrastructure

CS10: The spatial strategy

Local Plan Part 2 - Sites and Development Management Development Plan Document

DM8: Protection of public open space, private recreation land and school playing fields

National Planning Policy Framework - Achieving Sustainable Development

NPPF Ch. 9 – Protecting Green Belt

Conservation Area: N

Tree Preservation Order: Y TPO No:NFDC/TPO 0035/16

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

New Milton Local Distinctiveness Document
Parking Standards SPD (Oct 2012)

6 RELEVANT PLANNING HISTORY

- 6.1 17/10160 - Use of existing building as a school; two storey teaching and administration block; landscaping and parking - approved May 2017.
- 6.2 15/11742 - Temporary school building - temporary approval for two years - March 2016

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council - Acceptable, would accept a delegated decision.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

No comments received

10 REPRESENTATIONS RECEIVED

None

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.

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

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

14 ASSESSMENT

14.1 The Site and Proposal

14.1.1 The site of the proposal is beyond the defined built up area of New Milton, within Green Belt. It is not designated as Public Open Space, but its formal use is as multi-use games area (MUGA) for recreational play. The site is bound by the Phoenix Centre and residential development to the east, by land designated as Public Open Space to the west, the NMT1 Housing Allocation to the north (now largely complete) and by Arnewood School's playing field to the south. Access would be via the existing access to the Phoenix Centre via Culver Road and Milton Mead.

14.1.2 The proposal seeks temporary renewal of planning permission for erection of a single storey modular building, currently used as Eaglewood School, as the current permission will shortly expire (March 2018). The temporary period sought would be until 31st August 2019, which the applicant considers sufficient time to allow completion of the works for a permanent school building, approved under ref. 17/10160. The proposal is sited over the footprint of a MUGA and provides 5 classrooms for up to 60 pupils and ancillary features including 11 no. off-street car parking spaces.

14.2 Green Belt Implications

14.2.1 As the site lies within the Green Belt national policy applies, in particular paragraphs 88 to 90 of the National Planning Policy Framework (NPPF), in addition to Policy CS10. In light of this guidance the proposal needs to demonstrate very special circumstances which would clearly outweigh the harm caused by inappropriateness and any other harm, including harm to the openness of the Green Belt in this location.

- 14.2.2 The applicant provided a justification statement outlining the reasoning for selecting the application site. It explains that fifteen sites/properties within the catchment area were investigated, which were narrowed down to four sites. The Phoenix Centre site was chosen due to its more limited impact on the Green Belt, upon local sports field provision, upon heritage assets and due to a requirement to be near the host school (Arnewood).
- 14.2.3 The applicant explains that there is a locational requirement to site the school appropriately in relation to its catchment, which includes Christchurch, Ringwood and much of the New Forest. There is also a locational requirement to be close to The Arnewood School, with which the proposal will share facilities. It is noted that the proposal restricts development to a previously developed portion of the wider site and there would be no incursion of the development into open playing field land which is also protected by the Green Belt designation. Paragraph 89 of the NPPF states that 'redevelopment of previously developed sites, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt' may be considered appropriate. While the volume of development impacts upon the openness of the Green Belt to a greater degree than the existing MUGA, the site is very well screened by established vegetation and the existing Phoenix Centre, so its impact upon the openness of the Green Belt will in fact be quite limited. Account needs to be taken of the fact that land immediately to the north of the site has recently been released from the Green Belt for housing development. It is also pertinent to acknowledge that the School currently operates from the site, that the current permission will shortly expire and that the temporary period sought would be until 31st August 2019 to allow completion of the works for a permanent school building, approved under ref. 17/10160, thereafter the modular buildings would need to be removed and the MUGA restored to its former use.
- 14.2.4 While the development is inappropriate within the Green Belt, the locational requirement for the site, its brownfield status, well screened location and temporary nature, coupled with the educational and community benefits arising, dictate that the applicant has demonstrated the "special circumstances" that would justify the short term retention of this development in the Green Belt.

14.3 Character Impacts

- 14.3.1 Policy CS2 of the Core Strategy and the guidance offered by the New Milton Distinctiveness SPD relate to design quality and among other things, seek to ensure that development does not impact adversely on the character of the area. With this in mind it is noted that the proposal is single storey height, that the application site is previously developed, bound by 3m high ball-stop fencing to all sides, beyond which the site is screened by high trees and vegetation in all directions, so it will not be readily visible from the public realm. Notwithstanding its low visual impact, the design, scale and appearance of the proposed modular buildings are of reasonable quality and acceptable on the basis of the temporary permission sought.

14.4 Residential Amenity Impacts

14.4.1 Policy CS2 also places emphasis upon protecting the amenity of adjoining occupiers, who may be affected by new development proposals. The site is well separated from residential development to the east and backs on to a limited amount of new housing to the north. Considering the siting, orientation, scale, massing, design and temporary nature of the proposal, it would not have any adverse impact upon those dwellings, in terms of privacy, outlook, overbearing presence and potential disturbance.

14.5 Other Matters

14.5.1 It would be pertinent to attach conditions applied to the previous approval to ensure parking, access, turning and travel plan arrangements are adhered to in the interests of highway safety.

14.5.2 Policies CS7 and DM8 provide for a presumption against the loss of sports and recreation facilities except where alternative facilities are provided of equal or better quality, quantity and accessibility as part of the development. The modular buildings are on the site of a Multi Use Games Area, which cannot function fully as such due to the development. However, it must be acknowledged that permission for use of the site is only sought on a temporary basis and that it is the applicant's intention to restore the MUGA to a useable condition following removal of the temporary classrooms. Bearing in mind the temporary nature of the permission and the intention to improve the condition of the MUGA in future, the proposed development may be viewed as a conduit which will see the existing sports facility enhanced, in accordance with adopted policy and guidance.

14.6 Conclusion

14.6.1 In light of the above, the proposal is recommended for approval, subject to conditions.

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

15. RECOMMENDATION

GRANT the VARIATION of CONDITION

Proposed Conditions:

1. The buildings shall be removed and the use shall cease on or before 31st August 2019 and the land restored to a condition which has first been agreed by the Local Planning Authority.

Reason: To avoid any long term impact upon the openness of the Green Belt and to encourage the restoration of the sports facility in accordance with Policies CS10 and CS7 of the Core Strategy for the New Forest District outside the National Park.
2. The development permitted shall be carried out in accordance with the following approved plans: 6APFS098-A-101 Rev. 0, 6APFS098-A-102 Rev. 1 6APFS098-A-103 Rev. 4, 6APFS098-A-104 Rev. 0 and 6APFS098-A-105 Rev. 0.

Reason: To ensure satisfactory provision of the development.
3. The means of disposal of surface water from the site shall be maintained in accordance with the surface water details agreed by the Local Planning Authority's condition discharge letter for planning application ref. no. 15/11742, dated 8th June 2016.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS6 of the Core Strategy of the New Forest District Local Plan First Alteration and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.
4. Provision for car parking shall be retained within the site in accordance with the approved plans and shall be retained thereafter.

Reason: To ensure adequate on-site car parking provision for the approved development, in accordance with Policy CS2 of the Core Strategy of the New Forest District Local Plan First Alteration.
5. Provision for turning to enable vehicles to enter and leave in a forward gear shall be retained within the site in accordance with the approved plans and shall be retained thereafter.

Reason: In the interest of highway safety, in accordance with Policy CS2 of the Core Strategy of the New Forest District Local Plan First Alteration.
6. Cycle storage within the site shall be maintained in accordance with the details agreed by the Local Planning Authority's condition discharge letter for planning application ref. no. 15/11742, dated 8th June 2016.

Reason: To ensure adequate provision within the site, in accordance with Policy CS2 of the Core Strategy of the New Forest District Local Plan First Alteration.

7. Any gates provided should be a minimum clear distance of 4.5m wide and located a minimum distance of 5m back from the edge of the adjacent highway and open inwards.

Reason: To allow vehicles to stop clear of the highway which is in the interest of highway safety, in accordance with Policy CS2 of the Core Strategy of the New Forest District Local Plan First Alteration.

8. The development shall be maintained and operated in accordance with the Travel Plan details agreed by the Local Planning Authority's condition discharge letter for planning application ref. no. 15/11742, dated 8th June 2016.

Reason: To ensure the development accords with sustainable transport policies, to reduce reliance upon the private motor car for access and in the interests of highway safety, in accordance with Policy CS24 of the Core Strategy for the New Forest District outside the National Park.

Notes for inclusion on certificate:

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

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

Further Information:

Jim Bennett

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New Forest DISTRICT COUNCIL

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www.newforest.gov.uk

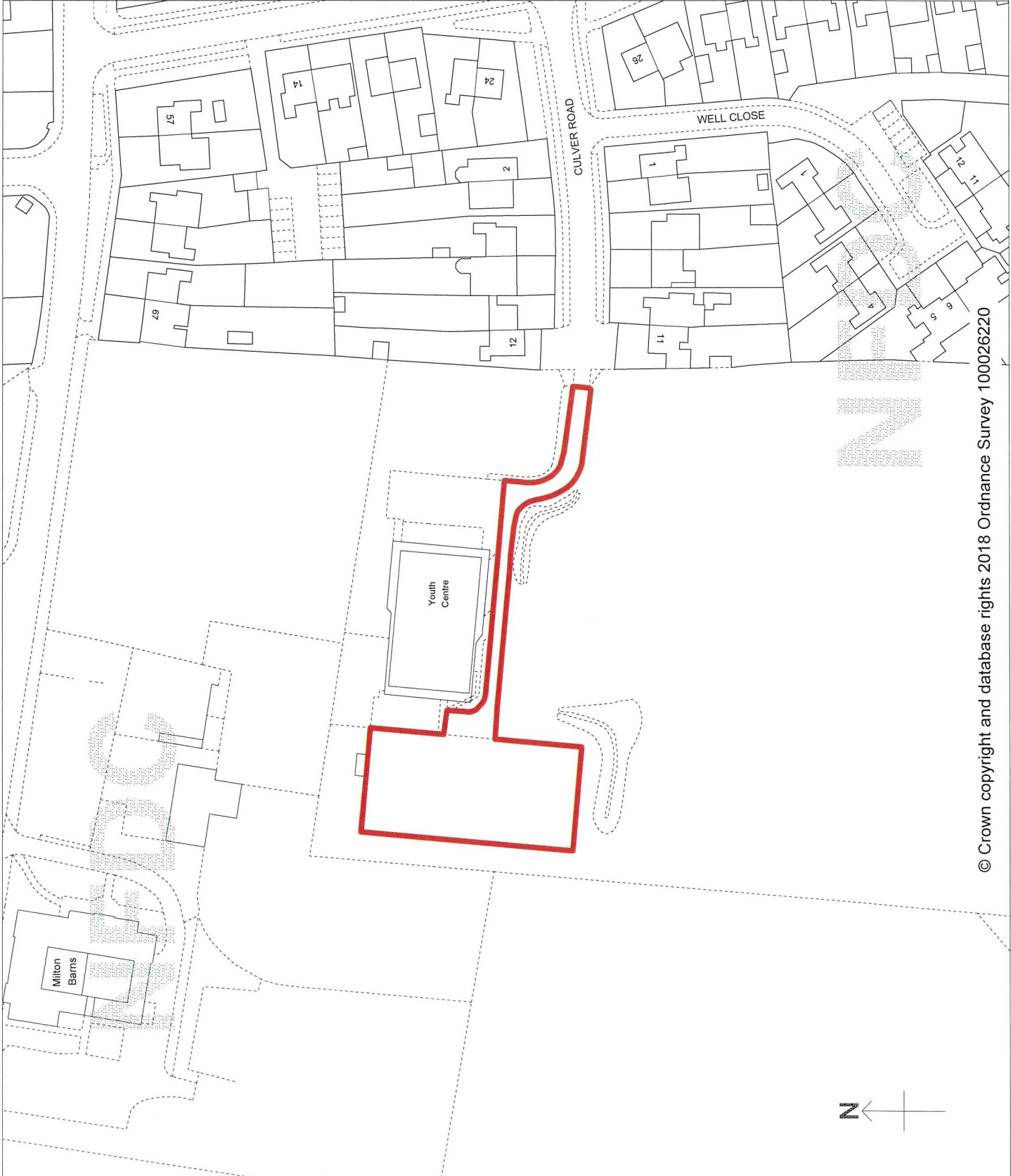
David Groom
Service Manager
Planning and Building Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee**
March 2018

Item No: 3e
Eaglewood School
Culver Road
New Milton
17/11771
SZ2394

Scale 1:1250

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Application Number: 18/10009 Full Planning Permission

Site: UPLANDS, PLESS ROAD, MILFORD-ON-SEA SO41 0NY

Development: Outbuilding for use as residential annex

Applicant: Mr Jardine

Target Date: 05/03/2018

Extension Date: 16/03/2018

RECOMMENDATION: Grant Subject to Conditions

Case Officer: Michael Barry

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Plan Area
Aerodrome Safeguarding Zone

Plan Policy Designations

Built-up Area
Green Belt

CS10(o): The spatial strategy

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

SPG - Milford-on-Sea Village Design Statement.

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
11/97124 Single-storey rear extension; first floor side extension; detached double garage	28/06/2011	Granted Subject to Conditions	Decided	
84/NFDC/28272 Erection of a 1.7m high wooden front boundary fence and gates.	24/01/1985	Granted	Decided	
78/NFDC/11882 Erection of an attached double garage and storeroom.	14/12/1978	Granted Subject to Conditions	Decided	
75/NFDC/03094 Alterations and additions of an attached garage, store/workroom with alterations and additions of lounge, bedroom, kitchen and bathroom over to form a separate living unit.	04/09/1975	Granted Subject to Conditions	Decided	
75/NFDC/02132 Alterations and additions of Utility room, lobby and dining room.	12/03/1975	Granted Subject to Conditions	Decided	

5 COUNCILLOR COMMENTS

No Comments Received

6 PARISH / TOWN COUNCIL COMMENTS

Milford On Sea Parish Council : recommend refusal.

The Parish Council is concerned that the proposed dwelling is unrelated to the main house. More importantly, the Parish Council has grave concerns about the dwelling's proximity to the SSSI of Studland Meadow and the visual impact it will have on this sensitive site. The Parish Council would not like to see a precedent set for other development this close to the boundary with the Pleasure Grounds.

7 CONSULTEE COMMENTS

Natural England - refer to standing advice.

8 REPRESENTATIONS RECEIVED

Three Representations Received:

1 Comment; 1 In Favour; 1 Against: 1

Comments are summarised as follows:-

- Concerns whether the proposals are in addition to a previous annex .
- Concerned that the building would create precedent for buildings not relating to the properties.
- Concerns that proposed annex will 'shut in' garden due to another outbuilding at the end of adjacent garden.
- Questions regarding whether use of the annex would remain incidental to the property.
- Representee would prefer a pitched roof design to proposed flat roof.

9 CRIME & DISORDER IMPLICATIONS

None relevant

10 LOCAL FINANCE CONSIDERATIONS

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

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

11 WORKING WITH THE APPLICANT/AGENT

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

In this case all the above apply and these proposals were the subject of pre-application advice. As the application was acceptable as submitted no specific further actions were required.

12 ASSESSMENT

- 12.1 The property is a semi-detached, two storey dwelling situated in an established residential road with a mixed street scene in Milford-on-Sea.
- 12.2 The main considerations are neighbour amenity, character of the area and the use of the proposed outbuilding.
- 12.3 The application site has a large rear garden bordered by trees and a 1.8m fence on the rear boundary. There are two adjoined outbuildings within the rear garden - one with a steep pitched roof and the other a shed - which are proposed to be retained. The area to the rear of the property is designated as open space that is also Green Belt, however it is not part of the Local Nature Reserve (LNR) or Site of Important for Nature Conservation (SINC) that encompasses Studland Meadow, Studland Common and Studland Orchard.
- 12.4 The outbuilding would have a relatively large footprint, however it would be situated toward the rear of the plot and behind existing outbuildings. Due to the size of the plot, the outbuilding could be acceptably

accommodated without resulting in an overdevelopment of the site. Furthermore, due to its set back relative to the street frontage and its location behind existing retained outbuildings it would not be visible from the front of the site. As such it would not be out of character with the street scene or garden setting where it would be located or have a negative impact on the character of the area.

- 12.5 A flat roof L-shaped design is proposed with facing brick materials and glazing. It would appear as a relatively substantial building and not one of a temporary or transient nature. There are however no overriding objections to the design, form of scale of the outbuilding within its context.
- 12.6 The roof of the proposed annex is flat with high level windows on three elevations. Larger windows and patio doors would face into the garden. An acceptable distance of separation from the neighbours will be maintained, and with existing boundary treatments and these high level windows there would be no overlooking or loss of privacy as a result. There would not be an adverse impact on their amenity.
- 12.7 Due to its low height, the outbuilding - being approximately 1.8 m high - would not be over dominant on the area of open space to the rear and although marginally visible over the fence, its impact on the openness of the Green Belt would not be adverse.
- 12.8 The annex although relatively large and self contained is intended for guests to stay in while visiting. A condition would be added to ensure that use of the annex remains incidental to the residential use of the property and this would prevent a separate dwelling being created without further approval. With this condition, while the concerns of the Parish Council are duly noted, adequate control can be retained and a refusal on this basis could not be justified.
- 12.9 Objections have been received that the outbuilding creates a degree of enclosure, however due to the location and modest height of the proposed outbuilding together with the size of the overall plot, and the remaining undeveloped boundaries, enclosing impact would not result in a sense of enclosure, so this objection cannot be substantiated.
- 12.10 The Parish Council have raised concerns about the proximity to the Studland Meadow SSSI; that the development would have a negative visual impact on the nearby pleasure ground and SINC. Due to the commend from the Parish Council, Natural England have been consulted but they have no comments regarding the application.
- 12.11 However, there are a number of existing developments bordering Studland Meadow, including a large outbuilding adjacent to the entrance to the meadow, and a number of houses on Pless Road and The Bucklers.
- 12.12 The proposed outbuilding will not negatively impact on views from Studland Meadow SINC, nor have any significant impact on the SINC. Although this site is not an SSSI, itself, due to the area of open space separating the property boundary from the SINC, and the boundary treatments of both the property and the open area.

12.13 Furthermore the open space immediately adjacent to the rear of the site is bordered by trees, hedges, and scrub, which shields it from view from most of Studland Meadow. Where the proposal would be visible through the entrance from the Meadow to this small open space, there are young trees planted, trees along the rear boundary, and existing outbuildings as well as the property itself being visible. The proposed outbuilding would not have an unacceptable impact on this open space within this context.

12.13 Overall the proposed outbuilding is considered to be acceptable within its context, can be adequately controlled in the future and as such is recommended for approval.

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

13. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: 8576.101, 8576.102

Reason: To ensure satisfactory provision of the development.

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

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

Notes for inclusion on certificate:

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

In this case all the above apply and these proposals were the subject of pre-application advice. As the application was acceptable as submitted no specific further actions were required.

2. This decision relates to additional information received by the Local Planning Authority on 23/02/18.

Further Information:

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Planning Development Control Committee

March 2018

Item No: 3f

Uplands
Pless Road
Milford on Sea
18/10009
SZ2792

Scale 1:1250

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