

NOTICE OF MEETING

Meeting: PLANNING COMMITTEE

Date and Time: WEDNESDAY, 9 MAY 2018, AT 9.00 AM*

Place: THE COUNCIL CHAMBER, APPLETREE COURT,
LYNDHURST

Telephone enquiries to: Lyndhurst (023) 8028 5000
023 8028 5588 - ask for Jan Debnam
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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

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Chief Executive

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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 11 April 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) **Former Wellworthy Site off Christchurch Road, Wellworthy Way, Ringwood (Application 18/10083) (Pages 1 - 14)**

Four-storey building for use as gym and offices; associated car parking to include the use of 7 car parking spaces within the overflow car parking; access and landscaping

RECOMMENDED:

Grant permission subject to conditions

- (b) **8 Lucerne Road, Milford-on-Sea (Application 18/10287) (Pages 15 - 22)**

Roof alterations in association with enlarged first floor; single-storey front and rear extensions; detached garage

RECOMMENDED:

Refuse

- (c) **14 Kensington Park, Milford-on-Sea (Application 18/10243) (Pages 23 - 30)**

First-floor side extension; Single-storey rear extension; dormers; solar panels; rear raised terrace

RECOMMENDED:

Refuse

4. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

To:

Councillors:

Councillors:

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

Mrs M D Holding
Mrs C Hopkins
J M Olliff-Cooper
A K Penson
Miss A Sevier
Mrs B J Thorne
Mrs C V Ward
M L White
Mrs P A Wyeth

STATUTORY TESTS

Introduction

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

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

The Development Plan

The Development Plan Section 38

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

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

Listed Buildings

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

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

Conservation Areas

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

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

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

Considerations relevant to applications for residential development

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

In relation to housing development, paragraph 47 of the NPPF requires a council's Local Plan to meet the full, objectively assessed needs for market and affordable housing and to identify a five year supply of housing land against its housing requirement. This Council's latest assessment of housing need, as set out in its Strategic Housing Market Assessment (SHMA) indicates a level of need which is considerably in excess of that on which the current Local Plan requirement is based. A new housing requirement figure will be established as part of the Local Plan Review and in this respect 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.

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Application Number: 18/10083 Full Planning Permission

Site: FORMER WELLWORTHY SITE OFF CHRISTCHURCH ROAD,
WELLWORTHY WAY, RINGWOOD

Development: Four-storey building for use as gym and offices; associated car parking to include the use of 7 car parking spaces within the overflow car parking; access and landscaping

Applicant: GP Commercial Investments Ltd

Target Date: 20/04/2018

RECOMMENDATION: Grant Subject to Conditions
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Case Officer: Richard Natt

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council View

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

Contaminated land

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

Local Plan Part 1 (Core Strategy) 2012:

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

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

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

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

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

6 RELEVANT PLANNING HISTORY

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

7 PARISH / TOWN COUNCIL COMMENTS

Ringwood Town Council

1st comments: recommend refusal but would accept the decision reached by the DC Officers under their delegated powers. The Committee agreed that parking was a significant concern, considering the proposed 44 spaces compared to the Parking Standards calculation of 79. The suggested overflow parking area has been proposed for use by Premier Inn customers and the cumulative effect will exacerbate the parking difficulties in the area. It also felt that the height of the building, at 14.5m, was too tall and the design was bulky and overbearing in the context of its position on the estate. Members supported the Planning Officer's view in respect of its positioning on the plot, being sited too close to the road.

2nd comments since re-consultation: recommend refusal. The Committee maintained its view that parking was a significant concern. The Planning Officer's original report indicated that 79 spaces were required, according to the adopted Parking Standards SPD. The earlier application proposed 44 spaces and this amended application proposes 40 on site and 7 allocated in the overflow car park. This was seen as a regressive step. Members did not agree with the Planning Officer's comments that 'there is sufficient capacity in the overflow car park without compromising car parking within the business park' and drew on their local knowledge of the area, indicating that the parking arrangements would be inadequate. Cars are parked on the roads currently and the under provision of spaces would exacerbate parking issues in the area. They did not agree that it was acceptable to rely on an overflow carpark, which has already been designated for use by Premier Inn and can be used generally by other users of the site. In addition, 6 of the spaces proposed adjacent to the access points, may be difficult to utilise. The Committee maintained its objection to the height of the building. At 14.5m, it was too tall and the design was bulky and overbearing in the context of its position on the estate. There was concern that the approval of the height of the adjacent Premier Inn application should not

set a precedent. It had been argued that the height of the Premier Inn was acceptable due to its positioning at the 'gateway' to the site. However, the Ringwood Local Distinctiveness SPD advises against an increase in larger buildings at odds with the town's roofscape and valley landscape. Members wished to support the Landscaping Officer's view in respect of space for sufficient planting of trees and shrubs to be possible.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Highway Authority: no objection subject to condition
- 9.2 Environmental Health (Contaminated Land): no objection subject to condition
- 9.3 Environmental Health (Pollution): no objection in relation to noise and disturbance. It is suggested a condition is imposed which restricts the use of the gym to ensure other uses under that use class are not permitted such as cinemas, dance halls etc.
- 9.4 Urban Design: no objection. The building addresses the street and especially the corner well. Its scale and mass appears proportionate in the location. There are some practical matters concerning the ability for planting.
- 9.5 Landscape Team: The proposed architectural solution for this site fits well within the context, but concerns with the layout to provide sufficient landscaping and the ability to plant on the bank. Some of the car parking should be removed on the edge and replaced with parking.

10 REPRESENTATIONS RECEIVED

- 10.1 1 letter of objection concerned that the proposal fails to comply with local distinctiveness, concern over lack of landscaping and lack of car parking.

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

Revised plans have been submitted which have addressed the concerns relating to the lack of car parking and landscaping. The plans have been re-advertised.

14 ASSESSMENT

14.1 The site and location

This full application is for a three, part four storey building to comprise a gym on the ground and part first floor with offices above, together with car parking and landscaping on a vacant piece of land on part of the former Wellworthy site, along Christchurch Road in Ringwood.

Outline consent was originally granted on the former Wellworthy site for a new roundabout and access and employment uses in 2013 to include Classes B1, B2 and B8. Since then, the roundabout and internal roads, now known as Wellworthy Way and Yeoman Road have been constructed and several reserved matters applications have been approved to develop on parts of the site, the majority of which have been implemented and are now occupied.

The business park is now well established and comprises a mixture of offices, light industrial, storage uses and a Lidl retail store. Planning permission was recently granted for a four storey hotel and overflow car park on the adjacent plot, and works have commenced to implement that permission. Indeed the overflow carpark is now laid out, but not landscaped. This is one of the last undeveloped sites and lies south of the approved hotel and to the north of Colten Care offices. The eastern boundary comprises the rear of existing industrial buildings in Crow Arch Lane. The site occupies a prominent location on the business park located between two roads. The road to the south leads into the allocated employment site.

14.2 The proposal

- 14.2.1 The proposed building would mainly rise to three storeys in height with part of the building rising to four storeys. The proposed building would be sited close to the road and has been designed to, in part, wrap around the two roads. A narrow landscaping strip would be provided in front of the building and car parking would be provided to the rear. It is also proposed to landscape the bank to the rear of the site. The application also proposes to use 7 of the car parking spaces within the recently approved and now laid out overflow car parking area within the business park.
- 14.2.2 Visually the proposed building has been designed with a slight 'curve' with large areas of windows and balconies. The proposed building seeks to replicate a simple building form using similar materials to those that have been used within the business park. Large areas of glazing would be used on the ground floor front and side elevations facing the two roads, with silver composite cladding used on the upper levels.

14.3 Policy

- 14.3.1 There are several relevant local and national planning policies. Local Plan Policy Ring 1 relates to Land East of Christchurch Road. The policy allocates the whole of the Former Wellworthy site for employment development in accordance with Policy CS17 of the Core Strategy. This policy seeks to retain existing employment sites where they are capable of continuing in or providing employment use. The proposed office use would comply with local and national plan policies.
- 14.3.2 In terms of the proposed Gym use, while the site is capable of continuing in employment use, in many circumstances, an alternative commercial scheme would be acceptable where the proposed use would be appropriate to the location. Under subheading 2.85 of the Local Plan Part 2, it states that uses which are appropriate on employment sites include industrial, office, business, storage and distribution, and other uses which are compatible with those listed and which also generate employment including leisure, hotel and retail development. The proposal is for a gym use (leisure use) and would be located in a sustainable location, and therefore accords with this policy.
- 14.3.3 Policy CS8 of the Core Strategy relates to community services and infrastructure and states that proposals for new and improved health care, education and social facilities that result in improvements in meeting the needs of the plan area's population will be supported. These facilities should be well related to public transport infrastructure and should provide high standards of accessibility to all sectors of the community. The proposed use would provide a leisure use available for the community which would also be beneficial to health and wellbeing.
- 14.3.4 In terms of national planning policy, Section 6 relates to promoting healthy communities and recognises that the planning system can play an important role in facilitating social interaction and creating inclusive communities. In particular planning policies and decisions

should plan '*positively for the provision of shared space, community facilities, meeting places, sports venues, cultural facilities, places of worship and other local services to enhance the sustainability of communities*'. Accordingly the proposed Gym use would comply with local and national plan policies - noted, the location of the gym so close to an existing business park is sensible and would offer a good facility for the workers.

14.4 Design matters

- 14.4.1 The main issues in this case are scale, design, landscaping and layout. The most prominent views of the site will be from Christchurch Road and within the business park. Equally the existing and future viewpoints from the south and east when approaching the site from the allocated site. The site plays an important role in how it addresses the allocated site and the key to the site is finding a way to help reduce or block the views of the rear elevations of the adjacent industrial development in Crow Arch Lane. It is also important to provide a soft frontage with trees and how the building and landscaping addresses the road to the south and that the proposed building ties into the approved hotel building. Although the site is not a 'gateway', it does lie within a prominent location within the business Park.
- 14.4.2 In assessing the effect on the character of the area, it is considered that the design approach to create a building that addresses both roads is correct. In addition the design which creates interesting and strong well detailed elevations is positive, together with using similar materials to the rest of the business park. Both the Urban Design officer and Landscape Officer support the design of the building. The central part of the building is important and it is good to see the 'curved ' shape and extra detailing to celebrate this corner. The proposed building design is considered to be of a high standard and innovative carefully addressing the awkward shape of the site. It is considered that the proposed building would make a positive contribution to the character of the business park.
- 14.4.3 The height of the main part of the building which rises to three storeys, is approximately 12 metres, which would be comparable to several existing buildings on the business park. The fourth storey element rises to some 14.5 metres tall, however, only above a small part of the third floor and would be set back from the front elevations. The fourth storey would have a hipped roof which would help reduce its prominence on the building. In terms of scale, the approved hotel and adjacent three storey office building 'Colten Care' would rise to 13.7 metres in height. The nearby 'Comax' building rises to 12.2 metres in height, although the Comax Building has a much larger footprint. The 'Eberspacher' building also has a larger footprint and its ridge height reaches 12.6 metres.
- 14.4.4 It is considered that the overall scale and massing of the proposed building is below the scale and mass of the neighbouring buildings and the hotel currently under construction. The main issue is the proposed fourth floor. While it is accepted that the fourth floor would result in a building taller than the highest building on the business park, the increase in height is less than one metre and the fourth storey element would be recessed and would not cover all of

the roof. It is considered that given the fourth storey is recessed from the road and modest in scale, it would be seen as an interesting feature and would not unacceptably add to the overall scale of the proposed building. Overall it is considered that, the proposed building would be designed to a high standard and would reflect the scale, form and appearance of existing buildings on the business park.

- 14.4.5 Views of the rear of the unattractive industrial units would be partly screened, and there is an opportunity to provide some new tree planting to the rear boundary of the site. Some landscaping details have been provided as part of this application, including new hedgerow and tree planting around the front perimeter of the site and new tree planting and soft landscaping along the bank to the rear of the site. While the final details of the landscaping and specification are required, this is a matter that can be dealt with by condition. The Landscape Officer is concerned that the site lacks sufficient space for a comprehensive landscaping scheme. It is accepted that, due to the siting of the proposed building, this restricts the larger tree specimens that can be planted around the front perimeter of the site, however, there would be a 4 metre landscaping strip which would enable some smaller trees and a hedgerow to be planted which would soften the sites frontage. Because of the use of the site, there is no need for fencing and boundary treatments. Generally the business park has had significant new tree planting and hedgerows which are now establishing, and while further planting would be beneficial, a reason for refusal would not be sustainable on appeal.

14.5 Highway matters

- 14.5.1 In terms of highway related matters, the adopted New Forest District Councils Car Parking Standards Supplementary Planning Document recommends that for office use 1 car parking space should be provided per 30 square metres of floor space and 1 space per 10 square metres for the gym.
- 14.5.2 Based upon the parking standards, 68 spaces would be required for the gym and 17 for the offices. The Highway Authority considers that full provision should be made for the office, which is the 17 spaces. However, the Highway Authority considers that the standards for the gym are very high. Indeed, a gym use falls under the same category as swimming pools and halls, and such uses are likely to need more car parking, compared to a gym use. Based upon the information provided by the applicant (Gym provider), the site is expected to generate a maximum of 25 spaces plus spaces for 5 full time staff. The Highway Authority would therefore expect to see a total quantum of 47 spaces (17 for offices and 30 for the gym). It should be noted that whilst the proposed level of car parking is below the level set out in the adopted car parking standards, based upon the case made by the applicant in terms of car parking needs, Officers agree with the Highway Authority comments and are satisfied that the proposed level of 47 car parking spaces for the proposed development would be acceptable.

- 14.5.3 Indeed, the applicant claims that the required number of car parking spaces for the Gym, based upon policy, is far in excess of actual need. The Gym provider, known as 'Anytime Fitness', currently has 130 gyms operating in the UK and are all located in highly accessible locations, which means that gym members can work out at time convenient to them. As set out by the proposed Gym provider, the use will be available over 24 hours, but rarely contains more than 25 people at any one time. The extended hours (24 hours) reduces the demand for car parking as members do not need to only use the facility in day time hours. Peak periods are before 9:00 in the morning and after 5:00 in the evening. This is a time when the office will not be used at its maximum. The evidence provided by the Gym provider sets out how its other existing sites currently operate in terms of car parking needs.
- 14.5.4 The proposed site will provide 40 on site car parking spaces and a further 7 spaces will be available in the approved and recently laid out overflow car park immediately adjacent to the site. Accordingly, the proposed number of car parking spaces accords with the requirements accepted by the Highway Authority and Officers. It should be noted that the planning permission for the hotel is currently under construction and the overflow car parking area is almost completed and a condition can be imposed for the car parking spaces on site and within the overflow car park to be laid out and kept available for parking at all times.
- 14.5.5 In terms of the use of the overflow car park it should be noted that when the application was approved for the hotel and overflow car park, this included a total of 109 car parking spaces. This included 68 spaces located within the hotel plot and a further 41 spaces would be provided in the overflow area. The intention of the overflow car park was to provide additional spaces for the hotel and a supplementary facility to cater for exceptional demands on the business park.
- 14.5.6 When the hotel application was considered, based upon the car parking standards, a total of 84 spaces were required, which means that when deducting the 68 spaces provided on the hotel plot, 25 spaces would be available within the overflow car park. This means that even if the hotel used its maximum car parking, there would still be around 25 spaces available for use. Accordingly, this current planning application which intends to use 7 out of the 25 spaces will still enable sufficient supplementary car parking within the business park.
- 14.5.7 In order to ensure that the 7 spaces within the overflow car park are provided to the Gym users, a suitably worded planning condition can be imposed. In addition, the applicant intends to install a recognition barrier at the entrance of the overflow car park to prohibit people who are not patrons of the business park. As stated above, the intention is that the overflow car park would also be used generally for the business park, and even if spaces are used by the hotel and Gym users, there would still be sufficient spaces available.

14.5.8 Concerns have been expressed that there is car parking currently taking place along Wellworthy Way and Yeoman Road. It is accepted that cars are parked on the two roads within the business park, however, this is not excessive and it is likely that these vehicles are related to construction workers. Generally, the business park is now well established and there does not appear to be any significant car parking or highway issues.

14.5.9 The proposal would also provide 20 short term and 10 long term cycle parking spaces, which is accepted by the Highway Authority. The Highway Authority also raise no objection to the proposed accesses in terms of visibility and movement.

14.6 Residential amenity

14.6.1 The proposed building is a sufficient distance away from neighbouring residential properties and existing business not to unacceptably compromise their amenity. The Environmental Health Officer does not raise any objections in relation to noise or disturbance, but if other D2 uses classes were to occupy the building such as cinema or concert halls, this could result in adverse harm. Accordingly it is considered reasonable to impose a condition to restrict the use class to a gym use only.

14.7 Conclusion

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

14.8 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: 5047.01L; 5047.03B; 5047.04A; 5047.05A; 5047.06A; 5047.07A; 5047.08A; 5047.09A; 5047.10; 5047.11; 5047.12A; 5047.13;

Reason: To ensure satisfactory provision of the development.

3. The building hereby approved shall only be constructed from the materials set out below and detailed on Drawing Nos 08A and 09A unless otherwise agreed by the Local Planning Authority:

Facing:

Lower section - facing brick lbstock Harvets buff colour

Upper/main section - Silver composite panel

Eaves/window - Anthracite composite cladding

Roofing:

Gooswing Grey composite cladding

The development shall only be implemented in accordance with the approved details.

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

4. The development hereby approved shall be constructed in accordance with the slab levels in relationship to the existing ground levels as set out on drawing Plan reference number 01L unless otherwise agreed in writing by the Local Planning Authority. Development shall only take place in accordance with those details which have been approved.

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

5. The development hereby permitted shall not be occupied until the spaces shown on plans No 01L and No 03B for the parking of motor vehicles and cycles have been provided. The spaces shown on plan No 01L and No 03B for the parking of motor vehicles and cycles shall be retained and kept available for the parking of motor vehicles and cycles for the office and gym uses hereby approved at all times.

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

6. Notwithstanding the submitted landscaping plan Fig 1 and specification and within 3 months from the date of commencement, the following additional details shall be submitted to and approved in writing by the Local Planning Authority:

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

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is the sooner. Any trees or plants which within a period of 10 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size or species, unless the Local Planning Authority gives written consent to any variation.

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

7. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works in any submitted reserved matters application pursuant to this application. The approved remediation scheme (that has been approved as part of any submitted reserved matters application) must be carried out in accordance with its terms. Following completion of measures identified in the approved remediation scheme, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long term monitoring and maintenance plan) for longer term monitoring of pollutant linkages maintenance and arrangements for contingency action as identified in the verification plan and for the reporting of this to the local planning authority. The long term monitoring and maintenance plan shall be implemented as approved. Unless otherwise agreed in writing by the Local Planning Authority, the verification report must be completed and approved in writing by the Local Planning Authority either: prior to the commencement of development, other than that required to carry out remediation, or if the development is required to carry out the remediation, it must be carried out prior to the occupation of any buildings or use of the land as the proposed end use.

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

8. If during development contamination not previously identified is found to be present, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the developer and approved by the Local Planning Authority until the developer has submitted and obtained approval from the Local Planning Authority for recommencement of development. An investigation and risk assessment must be undertaken, and if this finds remediation to be necessary, a remediation strategy and verification plan must be provided detailing how this unsuspected contamination shall be dealt with and approved by the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The remediation shall be implemented and verified with the same consideration as detailed within Condition 1, and approved by the Local Planning Authority.

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

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

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

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), the areas on the ground and first floor within the approved building as shown to be used as a gym shall only be used for these purposes and no changes of use are permitted under Schedule 2, Part 3 of that Order; and no changes of use are permitted to any other uses falling within Use Class D2, without the prior approval in writing of the Local Planning Authority.

Reason: In the interest of the amenity of the surrounding neighbouring properties in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

Notes for inclusion on certificate:

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

Revised plans were been submitted which addressed concerns relating to the lack of car parking and landscaping.

Further Information:

Richard Natt

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New Forest DISTRICT COUNCIL

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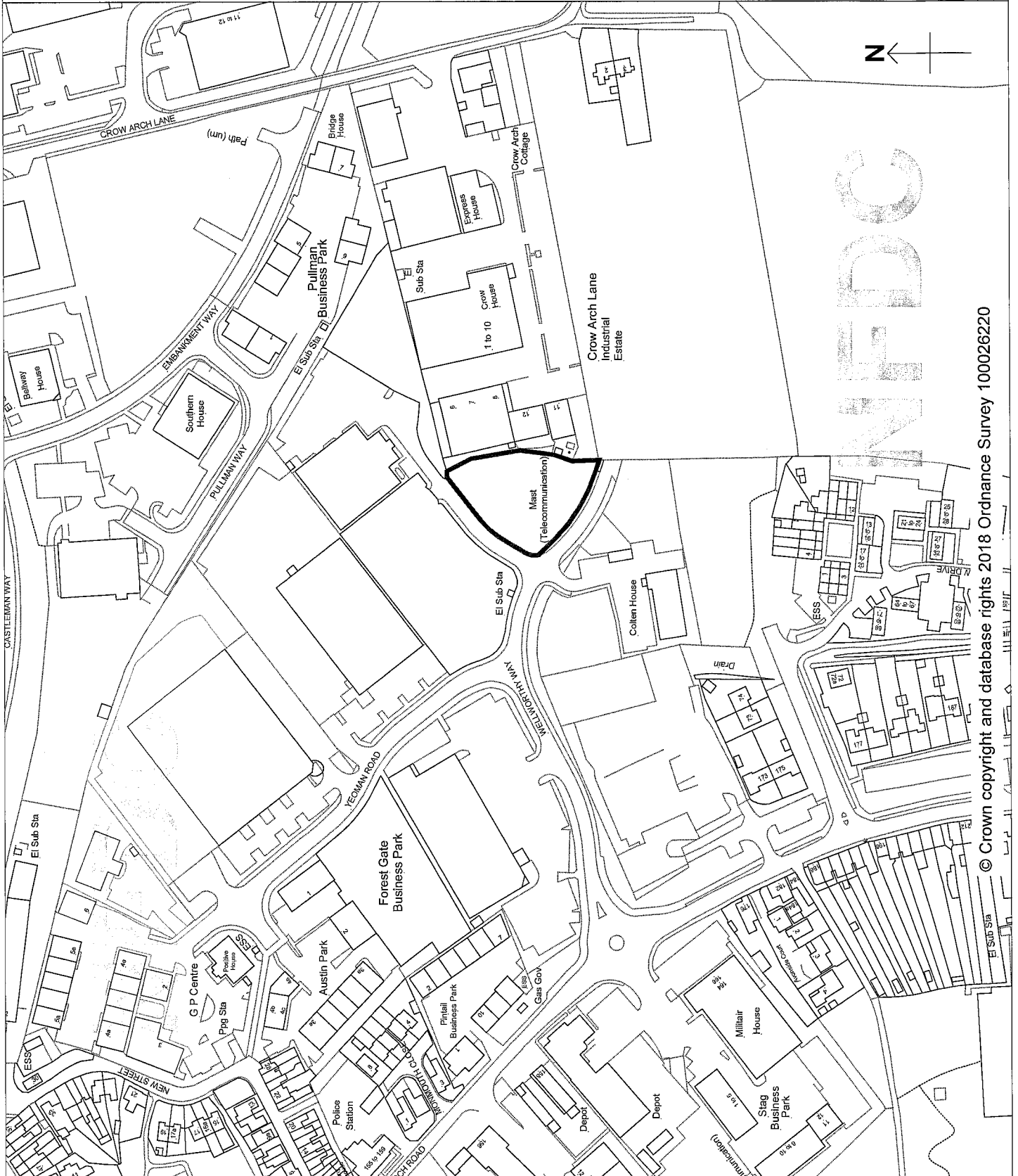
David Groom
Service Manager
Planning and Building Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee**
Mat 2018

Item No: 3a
Former Wellworthy Site
Christchurch Road
Ringwood
18/10083
SU1504

Scale 1:2500

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Application Number: 18/10287 Full Planning Permission

Site: 8 LUCERNE ROAD, MILFORD-ON-SEA SO41 0PL

Development: Roof alterations in association with enlarged first floor ;
single-storey front and rear extensions; detached garage

Applicant: Mr Moody

Target Date: 30/04/2018

RECOMMENDATION: Refuse

Case Officer: Kate Cattermole

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view.

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Aerodrome Safeguarding Zone
Plan Area

Plan Policy Designations

Built-up Area

National Planning Policy Framework

Section 7

Core Strategy

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

Supplementary Planning Guidance And Documents

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

None relevant

5 COUNCILLOR COMMENTS

No Comments Received

6 PARISH / TOWN COUNCIL COMMENTS

Milford On Sea Parish Council: recommend permission.

7 CONSULTEE COMMENTS

7.1 Hampshire County Council Highways Engineer: no objection

8 REPRESENTATIONS RECEIVED

Five objections received:

Concerns summarised as follows:

- Overlooking and loss of privacy
- overbearing, loss of light and overshadowing
- overdevelopment
- parking issues
- out of keeping with other bungalows
- impact of forward positioning of garage and associated and could cause additional hazard to road users
- discrepancies on application form relating to vehicle access, trees and hedges

Response from agent:

- new access does not require consent, the existing access is to be closed
- new access and relocated garage will allow adequate space for parking and turning on site, therefore should not impact upon neighbours
- proposed extension has been carefully designed to avoid overlooking into neighbouring properties, and is not out of keeping with the varied street scene
- the side of the existing property does not give an impression of spaciousness in this location

9 CRIME & DISORDER IMPLICATIONS

None Relevant

10 LOCAL FINANCE CONSIDERATIONS

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

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

11 WORKING WITH THE APPLICANT/AGENT

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

No pre application advice was sought prior to the application being submitted. Concerns with the scheme were expressed in the initial briefing. Further comments have been received from the agent in response to these and third party representations, which have been taken into consideration. Nevertheless, there is identified harm to both the street scene and the character of the area arising from both the extensions to the dwelling and proposed detached garage and therefore a refusal is justified in this case.

12 ASSESSMENT

- 12.1 The application site is situated at the junction with Gillingham Road. It is a low profile dwelling, which incorporates limited first floor accommodation. The neighbouring property to the south-west, 6 Lucerne Road is a detached bungalow of similar height to the existing dwelling.
- 12.2 Originally the application site formed one of three low profile dwellings, but no 4 Lucerne Road was replaced with a 2 storey dwelling in 2008 (Ref:08/93018). The wider area exhibits a mixture of property types and styles, including houses, bungalows and chalet style bungalows with gables, hipped roofs and front dormers.
- 12.3 The proposed development would remodel the dwelling, introducing front and rear gables. The height of the ridge would be increased by 1.4 metres (from 5m) to 6.4 m but the existing eaves height of 2.8 m retained. However, whilst the increase in the overall height of the dwelling would reflect the height of the replacement dwelling at 4 Lucerne Road, the proposed front and rear gables would contrast with the recessive rooflines of 4 and 6 Lucerne Road. Nevertheless, the use of gables is a feature on other dwellings within the proximity of the application site, so overall would not be considered harmful to the character of the area.
- 12.4 The application site occupies a prominent location contributing to the street scenes of both Lucerne Road and Gillingham Road. Albeit that the introduction of gables on both the front and rear elevations is not considered to detract from the street scene, this design would result in an excessively extended roof when viewed from the side elevation, which would be highly visible from public vantage points in both roads.
- 12.5 The east elevation facing Gillingham Road would have a ridge length of 10.6m in length, and coupled with the second forward projecting gable this will extend the linear scale of this roof by a further 3.2m to give a total length of 13.8m. This would result in a disproportionately large roof form whose scale and mass would appear incongruous within the street scene on this prominent corner and thereby detract from the character and appearance of the area.

- 12.6 There is an existing garage to the rear of the dwelling, which sits adjacent to the boundary with High View and has vehicular access to Gillingham Road. The existing garage is a flat roofed building which does not project forward of the side wall of the existing dwelling on site, so it does not overly impact upon the street scene. This garage is to be demolished and the existing access closed off, this does not require the benefit of planning permission and does not form part of the assessment of this proposal.
- 12.7 A new detached garage is proposed to the side of the extended dwelling, parallel with the boundary fronting Gillingham Road. This garage would have a steep pitched roof with an overall ridge height of 4.2 m and due to its orientation would present a side wall of 6.1 m in length to the Gillingham Road frontage. By reason of its siting, forward of other built form on Gillingham Road, it would introduce development closer to the road frontage in this prominent location and would be highly visible above the existing retained hedge. As such it would be imposing within the established street scene as an incongruous feature detrimental to the spacious character of the area.
- 12.8 No 6 Lucerne Road is sited to the south west of the application site, and is set a drive width away from the common boundary. There is an obscure glazed window and door in the side of No 6 facing the application property. There is a detached flat roofed outbuilding to the rear of this property, alongside the boundary with the application site. Even though the overall ridge height would be increased, the eaves height of the existing dwelling would be respected and the roof would be raking away from the boundary, which would mitigate the impact on this neighbour's amenities. A rooflight is proposed on the side elevation but this would be over the stairs, and as such would not create issues of overlooking to this neighbour. Due to the orientation of the dwellings there would not be issues of loss of light to this neighbour.
- 12.9 To the rear of the application site is a two storey house, High View, which fronts Gillingham Road. Even though there is limited existing first floor accommodation at 8 Lucerne Road, this is currently served by a small angled window on the rear elevation which gives the impression of having views towards the sky rather than looking towards High View, thereby giving it a private and secluded setting. The introduction of the projecting rear gable would bring built form within approximately 12m of the side wall of High View. A first floor bedroom window and rear facing rooflight to an ensuite are proposed. There are two small first floor windows on the side elevation of High View and an objection from this neighbour identifies that one of these windows serve a first floor bedroom and the other a bathroom (so is obscurely glazed). On the ground floor side elevation of High View are secondary windows to a bedroom and bathroom (obscurely glazed).
- 12.10 The impact has been assessed from this neighbour. Taking into account the size of the first floor windows at High View and their secondary nature, whilst there would be some impact, it is considered that harmful overlooking would not be to a sufficient degree to justify refusal on this basis. Furthermore, due to the position of High View, set back within its plot, the property would restrict views into the rear garden from the proposed first floor window and rooflight on the extended dwelling. As such whilst an increase in perceived overlooking may result

an unacceptable loss of privacy to the occupants of High View could not be demonstrated. Due to the orientation of the dwellings and the relationship of High View with the application site, the proposals would not create an overbearing form.

- 12.11 Objections were also received from the properties opposite, 7 and 9 Lucerne Road relating to overlooking of their first floor bedrooms. The distance between the application site and No. 7 is over 25m, with a greater separation to No 9. Taking into account these distances, a level of overlooking could not be justified in this suburban setting.
- 12.12 As set out above, the objections received by occupiers of neighbouring properties have been taken into consideration, but harm to neighbour amenities is not considered significantly harmful to justify a refusal.
- 12.13 The existing dwelling is currently a 3 bedroom property. The proposed extensions would introduce an additional bedroom. The parking standards are that 3 spaces should be provided within the curtilage. 1 parking space would be accommodated within the garage, and even though not identified on the plans there should be enough space to the front of the dwelling to accommodate a further two cars.
- 12.14 The access alterations do not form part of the consideration of this application, and could be achieved under permitted development.
- 12.15 HCC Highways were consulted in relation to the concerns raised in representations about highway safety and increased pressure of parking on the road to road users. HCC have commented and raised no objections. The position of the new garage would have minimal impact on the visibility of the junction, and they have no concerns about the development creating a hazard for users of the highway.
- 12.16 Even though an unacceptable level of harm to the amenities of neighbours cannot be demonstrated, by reason of the extended scale of the roof when viewed from the side elevation, coupled with the siting of the garage, there would be resultant harm to the street scene and character of the area to justify a refusal for these reasons in this instance.
- 12.17 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 site is located on a prominent corner site. As such, by reason of the increase in the scale and mass of the roof, with its excessively elongated ridge line, the resulting dwelling would be an incongruous form of development that would be out of keeping with the street scene of Gillingham Road and 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, Chap 7 of the National Planning Policy Framework.
2. By reason of its siting, height and orientation to Gillingham Road, the proposed garage would result in the introduction of a conspicuous feature projecting forward of established built development of Gillingham Road. For this reason it would be out of character with the area and the established spacious pattern of development, harmfully detracting from the spatial characteristics of the junction of Lucerne Road and Gillingham Road. As such it would be contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park and Chap 7 of the National Planning Policy Framework.

Notes for inclusion on certificate:

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

No pre application advice was sought prior to the application being submitted. Concerns with the scheme were expressed in the initial briefing. Further comments have been received from the agent in response to these and third party representations, which have been taken into consideration. Nevertheless, there is identified harm to both the street scene and the character of the area arising from both the extensions to the dwelling and proposed detached garage and therefore a refusal is justified in this case.

Further Information:

Kate Cattermole

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New Forest DISTRICT COUNCIL

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David Groom
Service Manager
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Planning Development Control Committee

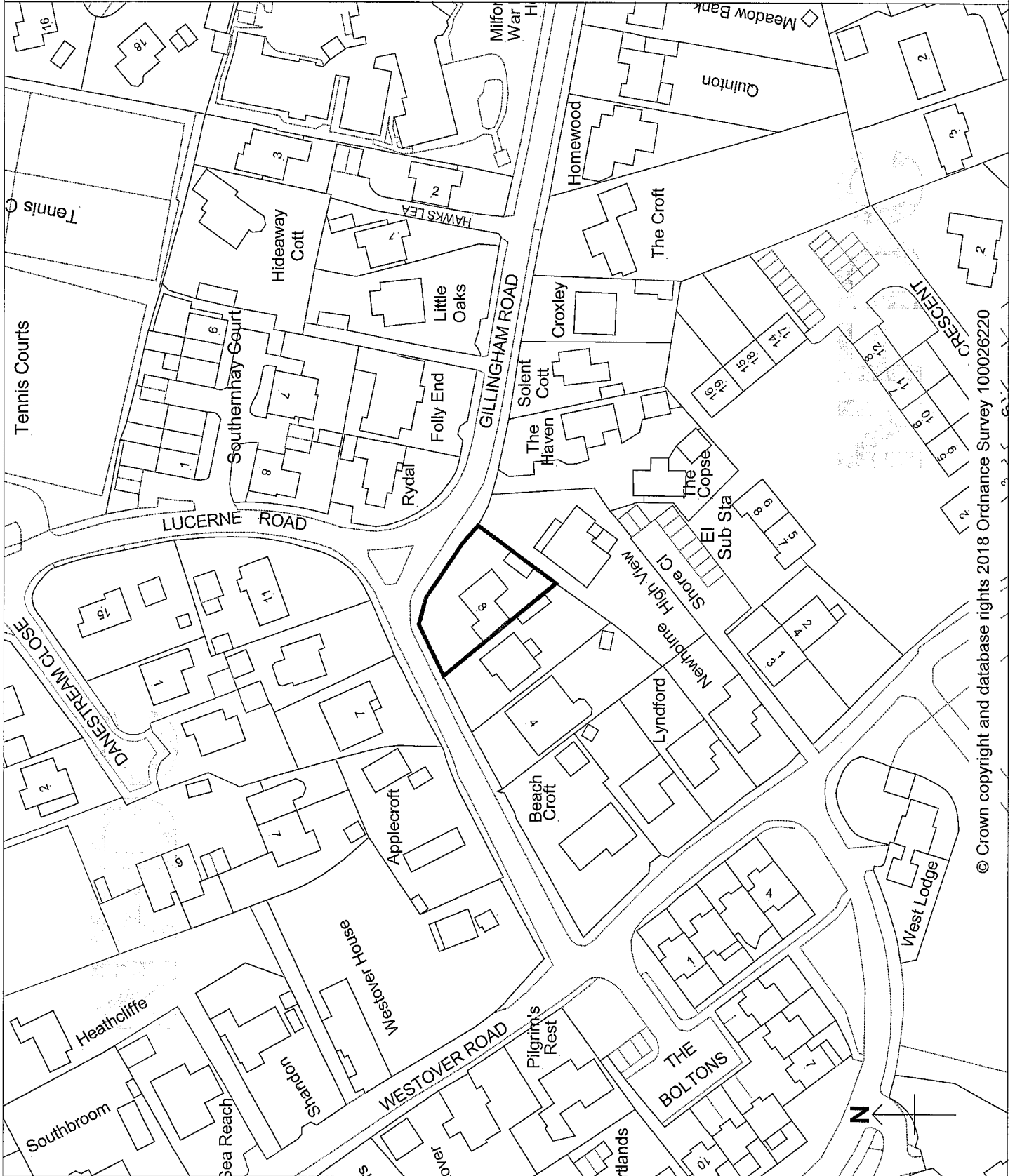
May 2018

Item No: 3b
8 Lucerne Road
Milford on Sea

18/10287
SZ2891

Scale 1:1250

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Application Number: 18/10243 Full Planning Permission

Site: 14 KENSINGTON PARK, MILFORD-ON-SEA SO41 0WD

Development: First-floor side extension; Single-storey rear extension; dormers;
rear raised terrace

Applicant: Ms Scott

Target Date: 26/04/2018

RECOMMENDATION: Refuse

Case Officer: Julie Parry

1 REASON FOR COMMITTEE CONSIDERATION

Contrary view to Parish Council, in part.

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 applicable

Supplementary Planning Guidance And Documents

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

None relevant

5 COUNCILLOR COMMENTS

No comments received

6 PARISH / TOWN COUNCIL COMMENTS

Milford On Sea Parish Council: recommend refusal.

- The Parish Council considers these plans to be un-neighbourly
- Over-development.

7 CONSULTEE COMMENTS

No comments received

8 REPRESENTATIONS RECEIVED

12 objections have been received from the neighbours at numbers 9, 10, 11, 12, 15, 19, 20, 21, 32 & 33 Kensington Park, 12 Park Close and the Management Committee

The main reasons for the objections are that the proposal would result in

- an overdevelopment of the site with the increase of bedrooms,
- a loss of privacy and
- loss of light on the neighbouring properties and
- a lack of parking provision.
- an increase in the wind noise from a tunnelling effect,
- damage during construction,
- possible use of flat roof as a balcony
- terracing effect changing the character of the overall development.

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 issues were identified in the initial briefing note but as the application has not been withdrawn, despite pre-application advice being given, it is now required to be determined. Although refusal is recommended the reasons for refusal differ from those of the Parish Council and so the application needs to be determined by the Planning Committee

12 ASSESSMENT

12.1 The property is a semi detached dwelling set over four storeys in a cul de sac of similarly designed dwellings. The rear of the property has a raised position over Park Lane with views to the sea. However it should be noted that the occupants of these properties do consider the elevation facing the sea to be the front of the property, however in planning terms the principle elevation is the elevation which contains the front door and in this case faces the road called Kensington Park.

There are no front gardens to the properties allowing parking close to the front elevation. To the rear the property benefits from a raised terrace with steps down to the garden which is enclosed with high walls. The high boundary walls adjacent to the raised terrace restrict direct views to the neighbouring properties and then slope down to a lower level wall adjacent to the main garden area.

12.2 The main considerations were the impact on the neighbouring properties, overall design and neighbour amenity. During the course of the application the agent has confirmed that the boundary wall is not being extended or altered and therefore this was removed from the description and the neighbour's re consulted. In addition to this the proposed solar PV roof tiles do not require consent. Further plans were supplied to identify the exact location of the proposed terrace extension in relation to the higher boundary walls and to show that no door is proposed to the basement.

12.3 The Parish Council have objected to the application and have recommended refusal as the proposal would be un-neighbourly overdevelopment. This is different to the reason for the refusal as recommended by the Officer in their report.

12.4 The properties in this road are fairly distinctive in design and materials. The proposed side extension would result in a loss of some of the spatial gap between the properties but given that the overall roof height would be lower than the main ridge height and that it is set back 3.5 metres from the front of the property the additional built form would not have a significant impact on the spatial characteristics of the site. The property is set back from Park Lane and therefore the proposed development would not have a detrimental impact on this street scene. The proposed alterations would use similar coloured building materials and therefore would be in keeping with the existing property.

12.5 The alteration to the design of the first floor dormer to the rear of the property would result in a form of development which is in keeping with other dormers on the neighbouring properties and would be acceptable.

12.6 The neighbour to the east, number 12, has a single storey element up to the shared boundary with rooflights facing number 14. The proposed first floor built close to this neighbour would have some impact on their rooflights but as these are high level serving the ground floor this would not impact their outlook. There would be a degree of shading to the

rooflights on this neighbour's property but with a large window to the rear there would not be a significant or harmful impact. The high level rooflight also allows light to this neighbour's stair and hallway but given that these are not primary rooms the degree of impact is considered acceptable. Furthermore, the proposed single storey rear element would not have a significant impact on the neighbours given its limited depth.

The basement area of the property, where the garage is located, is to be altered to introduce an internal staircase. There is a storage area within the basement which has a limited height. There is no intention to excavate this storage area or change the rear elevation of this part of the basement.

- 12.7 The proposed increase in the depth of the terrace by 1.7m would take it to the edge of the higher boundary wall which are currently sited on both shared boundaries. The properties already have a raised terrace to the rear which allows some mutual overlooking into the neighbour's gardens. Following receipt of an amended plan it was clear that the higher boundary walls were not proposed to be extended and therefore the height of the wall at the end of the proposed raised terrace would only be 1 metre in height.
- 12.8 Due to the extension of the terrace and the lack of suitable screening this would allow direct views to the neighbour's terrace and garden either side which would be detrimental to amenity. However, whilst a higher screen could be proposed, the neighbours do not want an increase in the depth of the higher walls as this would be detrimental to their outlook
- 12.9 The proposed first floor rear window which would serve the dressing room is recessed within a shed dormer. This design would reduce the resulting views from this window. However, there have been objections due to the use of the flat roof to the front of this window but there is no indication that this would be used as a balcony and if this was to be used as such, it would require planning permission in its own right.
- 12.10 The proposed alterations would increase the number of bedrooms from 4 to 5. The Council's parking standards are for guidance only and specify that any property with 4 or more bedrooms require 2.1 shared parking bays or 3 on plot. As the property already has 4 bedrooms there is no requirement for more parking to be provided for the additional bedroom. The property already benefits from a garage and parking to the front of the property, furthermore there are no parking restrictions in the street to the front even though it is recognised it is narrow in parts.
- 12.11 The Management Committee at Kensington Park have objected to the proposal. Their main concerns are that the proposal would have a detrimental impact on the street scene and set an unfortunate precedent. They are also concerned with parking during and after construction and any damage caused. In regard to setting a precedent each application has to be considered on its own merits. Parking during construction and any damage caused during construction are not planning concerns. If the applicant needs the consent of the Management Committee this would be a civil issue and separate to planning.
- 12.12 Whilst there have been objections in respect of the increase in wind noise from the tunnelling effect introduced from the proposed alterations this is not possible to quantify and is therefore cannot be a consideration in respect of this proposal.

12.13 Conclusion

Given that there are no consistent spatial gaps in this row of properties the proposed development would not have a detrimental impact on the street scene. There would be some impact on the neighbouring property, number 12, in terms of loss of light but not to such a degree to be considered harmful. There is sufficient parking on site and within the street to not cause a highway safety concern and it is not considered as an overdevelopment of the site.

12.14 However the application is recommended for refusal due to concerns about overlooking. The proposed increase in the depth of the rear terrace would result in the terrace being adjacent to the boundary walls on both sides. This limited height of boundary treatments would allow direct views to the neighbour's terrace and garden area to the detriment of their reasonable amenity of their property.

12.15 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 terrace extension, with inadequate screening provided would, by reason of its position and proximity to the gardens of 12 and 15 Kensington Park would cause an unacceptable harmful increase in overlooking and loss of privacy for these adjoining properties, to the detriment to their residential amenities. As such the proposal is, therefore, contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

Notes for inclusion on certificate:

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

In this case all the above apply, despite pre-application advice being given, issues were identified in the initial briefing note but as the application has not been withdrawn, it is now required to be determined. Although refusal is recommended the reasons for refusal differ from those of the Parish Council and so the application needs to be determined by the Planning Committee.

2. This decision relates to amended / additional plans received by the Local Planning Authority on 6 April 2018

Further Information:

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**Planning Development
Control Committee**

May 2018

Item No: 3c

14

Kensington Park
Milford on Sea
18/10243
SZ 2891

Scale 1:1250

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