

## NOTICE OF MEETING

**Meeting:** PLANNING COMMITTEE

**Date and Time:** WEDNESDAY, 13 JUNE 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  
email: [jan.debnam@nfdc.gov.uk](mailto:jan.debnam@nfdc.gov.uk)

**PUBLIC PARTICIPATION:**

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

**Bob Jackson**  
Chief Executive

Appletree Court, Lyndhurst, Hampshire. SO43 7PA  
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**This Agenda is also available on audio tape, in Braille, large print and digital format**

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## AGENDA

### Apologies

**1. MINUTES**

To confirm the minutes of the meetings held on 9 May and 14 May 2018 as correct records.

**2. DECLARATIONS OF INTEREST**

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

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

### 3. PLANNING APPLICATIONS FOR COMMITTEE DECISION

To determine the applications set out below:

(a) **3 Strides Lane, Ringwood (Application 17/11246) (Pages 1 - 10)**

Change of use from retail to residential; dormer; rooflight

**RECOMMENDED:**

Grant permission subject to conditions

(b) **54 Belmore Lane, Lymington (Application 17/11702) (Pages 11 - 26)**

2 detached two storey houses; 3 garages; landscaping; new access

**RECOMMENDATION:**

Grant permission subject to conditions

(c) **The Dome, 121 Barton Court Avenue, Barton-on-Sea, New Milton (Application 18/10060) (Pages 27 - 34)**

Roof alterations in association with extension to two existing flats; creation of first-floor roof terrace; replace conservatory with single-storey front extension; fenestration alterations

**RECOMMENDED:**

Grant permission subject to conditions

(d) **Site of Solent Works, North Close, Lymington (Application 18/10101) (Pages 35 - 46)**

Variation of condition 3 of Planning Permission 16/10886 to allow amended plans RF08 Rev D and RF10 Rev D, RF09 Rev C, RF07 Rev C to allow external material changes to south, north and rear elevations (Amended Plans)

**RECOMMENDED:**

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

(e) **Beach Hut 319, Cliff Road, Milford-on-Sea (Application 18/10111) (Pages 47 - 52)**

Two solar panels to beach hut

**RECOMMENDED:**

Grant permission subject to conditions

- (f) **Amberwood, 91 Milford Road, Pennington, Lymington SO41 8DN (Application 18/10403) (Pages 53 - 58)**  
Detached double garage and storeroom  
**RECOMMENDED:**  
Grant subject to Conditions
- (g) **Oak Nursery School, 11 Long Lane, Holbury, Fawley (Application 18/10176) (Pages 59 - 66)**  
Use as residential  
**RECOMMENDED:**  
Grant permission subject to conditions
- (h) **21 Kennard Road, New Milton (Application 18/10198) (Pages 67 - 76)**  
1 Block of 9 flats and 1 maisonette; cycle and bin store; parking  
**RECOMMENDED:**  
Grant permission subject to conditions
- (i) **Jaluch House, 5 Deweys Lane, Ringwood (Application 18/10231) (Pages 77 - 88)**  
Change of use from office to use as two flats and parking  
**RECOMMENDED:**  
Grant permission subject to conditions
- (j) **Land adjacent Godwins Mede, Poplar Lane, Bransgore (Application 18/10240) (Pages 89 - 98)**  
Development of 8 dwellings comprised: 1 pair of semi-detached houses; 6 detached houses; 3 detached garages; 1 car port and 1 four bay car port, landscaping, parking (details of appearance and landscaping, development granted by Outline Permission 17/11414) (Reserved Matters)  
**RECOMMENDED:**  
Grant permission subject to conditions

- (k) **Lake House, Woolmer Lane, Blashford, Ringwood (Application 18/10274) (Pages 99 - 110)**  
House; parking and landscaping; ecological enhancements; demolition of existing  
**RECOMMENDED:**  
Refuse
- (l) **27B St Thomas Street, Lymington (Application 18/10277) (Pages 111 - 118)**  
Use of first-floor and new second floor as two maisonettes; entrance lobby and cycle/bin store on ground floor; roof alterations; ground-floor front extension; front dormers; rooflights; fenestration alterations; access deck; railings (amended plans)  
**RECOMMENDED:**  
Refuse
- (m) **3 Lyme fields, Milford-on-Sea SO41 0SU (Application 18/10477 (Pages 119 - 126)**  
Roof alterations in association with new first floor; two-storey rear extension; balcony; single-storey front, rear and side extensions; porch; fenestration alterations  
**RECOMMENDED:**  
Grant Subject to Conditions
- (n) **Dell Cottage, Buckland Dene, Lymington (18/10386) (Pages 127 - 134)**  
Outbuilding  
**RECOMMENDED:**  
Grant permission subject to conditions
- (o) **39 Marley Avenue, New Milton (Application 18/10416) (Pages 135 - 142)**  
Pool/therapy building; single-storey side extension  
**RECOMMENDED:**  
Grant permission subject to conditions

(p) **North End Cottage, North End, Damerham (Application 18/10423) (Pages 143 - 150)**

Single-storey rear extensions; rear porch

**RECOMMENDED:**

Refuse

(q) **Phoenix Youth Centre, Culver Road, New Milton (Application 18/10441) (Pages 151 - 164)**

Variation of condition 2 of planning permission 17/10160 to allow new plan numbers: 7186-P003 Rev D, 7186-P011 Rev C, 7186-P012 Rev D, 7186-P013 Rev B, 7186-P014 Rev D, 7186-P015 Rev E, 7186-P016 Rev D, 7186-P017 Rev D, 7186-P018 Rev D, 7186-P020 Rev B, 229-400 Rev 02, 229-300 Rev 01, 229-903, 229-901, 229-904, 229-SH 002 Issue 2 (Planting Schedule), 229-SP-001 (Soft Landscaping Specification); removal of conditions 3, 6, 7 and 9

**RECOMMENDED:**

Grant permission subject to conditions

**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.



Planning Committee 13 June 2018

Item 3 a

**Application Number:** 17/11246 Full Planning Permission

**Site:** 3 STRIDES LANE, RINGWOOD BH24 1ED

**Development:** Change of use from retail to residential; dormer; rooflight

**Applicant:** Surereed Ltd

**Target Date:** 31/10/2017

**Extension Date:** 15/06/2018

<b>RECOMMENDATION:</b> Grant Subject to Conditions
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<b>Case Officer:</b> Jim Bennett
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## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Policy

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Primary Shopping Area  
Built-up Area  
Town Centre Boundary  
Flood Zone 2  
Ringwood Conservation Area

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Local Plan Part 1 (Core Strategy) 2012:

CS1: Sustainable development principles  
CS2 Design Criteria  
CS3 Protecting and enhancing our special environment  
CS6: Flood Risk  
CS10: The spatial strategy  
CS20: Town, district, village and local centres  
CS25: Developers contributions

### Local Plan Part 2: Sites and Development Management Plan Document

DM1: Heritage and Conservation  
DM3: Mitigation of impacts on European nature conservation sites

### National Planning Policy Framework

Requiring Good design (chapter 7)  
Meeting the challenge of climate change and flood (chapter 10)  
Conserving and enhancing the historic environment (chapter 12)

## 4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan  
Planning and Compulsory Purchase Act 2004  
National Planning Policy Framework  
Memorandum of Understanding - River Avon Specialist Area of Conservation  
Phosphate Neutral Development - Interim Mitigation

## **5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

Ringwood Conservation Area Appraisal  
Ringwood Local Distinctiveness Document  
Mitigation Strategy for European Sites

## **6 RELEVANT PLANNING HISTORY**

6.1 17/11087 Use as 1 residential unit (Prior Approval Application) -  
21/08/2017 Withdrawn - 3 STRIDES LANE, RINGWOOD BH24 1ED

## **7 PARISH / TOWN COUNCIL COMMENTS**

Ringwood Town Council: recommend permission but would accept the decision reached by the DC Officers under their delegated powers.

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

9.1 Environment Agency - Following submission of the Flood Risk Assessment (FRA) prepared by Frank Tyhurst (dated February 2018) in support of this planning application, no objections are raised. The building design, including finished floor level, must be set out as stated within the FRA. An appropriate planning condition should be attached to any planning approval granted to ensure that the FRA is adhered to.

9.2 Natural England - no objections, subject to habitat mitigation

## **10 REPRESENTATIONS RECEIVED**

None

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission, the Council will receive New Homes Bonus (net increase in dwellings £1,224 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 £2,251.38.

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

## 13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

In this case following submission of details to address character impacts, flood risk and the impact of the proposal upon the primary shopping area, the proposal was considered to be acceptable.

## 14 ASSESSMENT

- 14.1 The proposal relates to an existing building on the north side of Strides Lane, formerly used for retail purposes, but now vacant. The site lies within the built up area of Ringwood and its Conservation Area in a mixed use commercial and residential area. The site is also within Flood Zone 2. The proposal entails conversion of a two storey building, last used for A1 retail purposes, to provide 1 no. two bedroom dwelling, with a dormer window and rooflight added to facilitate the new use. The proposal would not have any dedicated off-street parking.
- 14.2 The main issues to consider in this case are the impact of the change of use on the viability and vitality of Ringwood's retail offer, flood risk and the potential impacts on heritage assets, being within the Conservation Area.

- 14.3 Starting with the retail policy position, the site lies within the town centre, outside Primary and Secondary Shopping Frontages, but within a Primary Shopping Area. Policy CS20 states that the strategy is to protect the primary retailing role of the defined Primary Shopping Areas, where there will be a presumption against loss of premises in A1 retail use, except where it can be demonstrated that an alternative use proposed would be complementary to the retailing function and would enhance the overall vitality of the centre. The policy also seeks to maintain active ground floor frontages. Consequently the proposal does not fully comply with Policy CS20 in that it will result in the loss of a retail use within a Primary Shopping Area. As such, the proposal is contrary to local plan policy unless there are material considerations to justify a departure from policy.
- 14.4 A justification statement has been submitted explaining that the premises suffers from its peripheral location within the Primary Shopping Area on Strides Lane, where footfall is low, as there are no other retail premises. The premises has seen a high turnover of retail tenants since 2002 and has now been vacant for over a year. The application is also supported by a statement from a local estate agent explaining that the premises has remained vacant despite efforts to market the premises during the last 12 months. In addition to the applicant's submission, it is acknowledged that the unit is not within a Primary or Secondary Shopping Frontage, where retention of retail uses is a higher priority. It is clear from Central Government guidance that there is a general steer and emphasis towards creating new residential development, highlighted by changes to the Town and County Planning (General Permitted Development) Order, which permits the change of use of a building from retail (A1) to residential (Class C3) without requiring planning permission, subject to a Prior Approval Application. In this case, the change of use does require planning permission because the building is within a conservation area. Had the premises not been in a conservation area, change of use from retail to dwelling may have been approved under the Prior Approval procedure. Furthermore, the actual loss of commercial floor space (74 sq.m) is relatively small and the overall impact on the economic integrity of the town centre would be minimal. In balancing the issues, whilst the proposal would result in the loss of a ground floor retail unit, it is not considered that the loss of this small unit would have a materially harmful impact on the vitality and viability of the town centre and accordingly there is no reasonable case to resist the principle of a residential conversion. Indeed the provision of an additional dwelling within this sustainable location would outweigh any limited harm caused through the loss of a marginal retail use and the proposal complies with Policy CS10, which supports new residential development primarily within town centres.
- 14.5 Being within the town's conservation area and setting of listed buildings fronting Market Place, the design and materials of construction will be expected to be of high quality and to comply with the provisions of Policies CS2, CS3 and DM1, the Local Distinctiveness Document and Conservation Area Appraisal. These policies and documents require consideration of the character impacts of the type of development proposed and seek to ensure that all new development is appropriate and sympathetic to its setting and sensitive to identified heritage assets. Most of the changes would be internal, although a new dormer window is proposed which would be upvc framed. While some windows within this building are upvc, most within the wider development are timber and

considering the elevated nature of the dormer, the applicant was requested to amend their plans to show use of a timber window in the dormer. An appropriately amended plan has now been received showing incorporation of a timber window. Consequently the proposal is acceptable, subject to a condition to ensure full details of the dormer construction are submitted for approval.

- 14.6 A large portion of the site is within Flood Zone 2 (FZ2) and the site itself is not accessible without passing through FZ2, which surrounds the site and locality. The proposal was not initially accompanied by a Flood Risk Assessment (FRA) to demonstrate how the proposal would alleviate flood risk and to establish how future occupiers of the development would be protected from flooding. A FRA was submitted latterly and the Environment Agency raise no objections, subject to a condition being applied to ensure the development is implemented in accordance with the recommendations of the FRA.
- 14.7 Policy CS2 of the Core Strategy states that new development shall not have unacceptable impacts upon residential amenity or the amenity of future occupiers. In terms of its potential amenity impacts, the siting of the development proposed would not have any significant impact upon the amenity of the neighbouring residential properties and the type of accommodation proposed, in a town centre location may be acceptable with reduced outdoor amenity space for future occupiers.
- 14.8 Since April 2015 the Council has imposed a charge on all new residential development to fund necessary infrastructure such as habitat mitigation, transport improvements and public open space. This is known as the Community Infrastructure Levy. However, in this instance, because the development does not involve the creation of any new floorspace, the development is likely to be liable for CIL relief.
- 14.9 In accordance with the Habitat Regulations 2010 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. As noted above, the proposal appears likely to be liable for relief from CIL under the vacancy test, in which case a full habitat mitigation figure would be required.
- 14.10 The Council has recently been advised by Natural England and the Environment Agency that existing measures to off-set the amount of phosphorous entering the River Avon as set out in the Hampshire Avon Nutrient Management Plan will not be sufficient to ensure that adverse effects on the integrity of the River Avon Special Area of Conservation do not occur. Accordingly, new residential development within the catchment of the Hampshire Avon needs to be "phosphate neutral". In order to address this matter the Council in conjunction with Natural England, the Environment Agency and adjoining local authorities proposes to develop appropriate phosphorous controls and mitigation measures to achieve phosphorous neutrality. A Memorandum of Understanding has been

signed by the aforementioned parties and it is proposed that this matter is dealt with by condition which would prevent occupation of this development until implementation of the necessary mitigation or offsetting has been secured.

- 14.11 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 impacts of development set out above are outweighed by the benefits and therefore the balance is tilted in favour of granting permission.
- 14.12 The application has addressed the main considerations, being retail impacts, flood risk, character impacts and the living conditions of adjoining properties. Consequently it is recommended for approval.
- 14.13 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

## Section 106 Contributions Summary Table

<b>Proposal:</b>			
<b>Type of Contribution</b>	<b>NFDC Policy Requirement</b>	<b>Developer Proposed Provision</b>	<b>Difference</b>
<b>Affordable Housing</b>			
No. of Affordable dwellings	0	0	0
Financial Contribution	0	0	0
<b>Habitats Mitigation</b>			
Financial Contribution	£3,050	£3,050	0

## CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
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Dwelling houses	100	73	27	27	£80/sqm	£2,251.38 *
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Subtotal:	£2,251.38
Relief:	£0.00
Total Payable:	£2,251.38

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

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

Where:

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

*R = the levy rate as set in the Charging Schedule*

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

## 15. RECOMMENDATION

### Grant Subject to Conditions

#### Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: J.41.2016-0, J.41.2016-02A, J.41.2016-03B and the Flood Risk Assessment (FRA) prepared by Frank Tyhurst (dated February 2018)

Reason: To ensure satisfactory provision of the development.

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

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

5. The development permitted by this planning permission shall only be carried out in accordance with the recommendations of the approved Flood Risk Assessment (FRA) prepared by Frank Tyhurst (dated February 2018). The mitigation measures shall be fully implemented prior to occupation of the dwelling.

Reason: To reduce the risk of flooding to the proposed development and future users in accordance with Policy CS6 of the Core Strategy for the New Forest District outside the National Park

6. The development shall not be occupied until proposals for the mitigation or offsetting of the impact of phosphorus arising from the development on the River Avon Special Area of Conservation (SAC), including mechanisms to secure the timely implementation of the proposed approach, have been submitted to and approved in writing by the local planning authority secured. Such proposals must:
  - (a) Provide for mitigation in accordance with the Council's Phosphorus



Mitigation Strategy (or any amendment to or replacement for this document in force at the time), or for mitigation to at least an equivalent effect;

- (b) Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing monitoring of any such proposals which form part of the proposed mitigation measures.
- (c) The development shall be carried out in accordance with and subject to the approved proposals.

Reason: The impacts of the proposed development must be mitigated before any development is carried out in order to ensure that there will be no adverse impacts on the River Avon Special Area of Conservation (SAC) (adding, when it is in place and as applicable), in accordance with the Council's Phosphorus Mitigation Strategy / the Avon Nutrient Management Plan.

**Notes for inclusion on certificate:**

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

In this case following submission of details to address flood risk and the impact of the proposal upon the primary shopping area, the proposal was considered to be acceptable.

2. New Forest District Council has adopted a Community Infrastructure Levy (CIL) charging schedule and any application now decided, including those granted at appeal, will be CIL Liable. CIL is applicable to all applications over 100sqm and those that create a new dwelling. Under Regulation 42A developments within the curtilage of the principal residence are likely to be exempt from CIL so CIL may not be payable provided the applicant submits the required exemption form prior to commencement of the development.
3. In discharging condition No. 4 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/>
4. In advance of the publication of the Council's Phosphorous Mitigation Strategy, the development hereby permitted shall be deemed to provide mitigation to "at least an equivalent effect" if it provides for a reduction of the Total Phosphorous Load generated by the development permitted for each year (or part thereof) from the year of occupation to 2025 at a rate of 0.083 kg of phosphorous per dwelling per annum

**Further Information:**

Jim Bennett

Telephone: 023 8028 5588



**Application Number:** 17/11702 Full Planning Permission

**Site:** 54 BELMORE LANE, LYMINGTON SO41 3NN

**Development:** 2 detached two storey houses; 3 garages; landscaping; new access

**Applicant:** Ms Stephen

**Target Date:** 13/02/2018

**RECOMMENDATION:** Grant Subject to Conditions

**Case Officer:** Richard Natt

## 1 REASON FOR COMMITTEE CONSIDERATION

Member request

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area  
Land to the rear of site in Flood Zone 2/3  
Tree Preservation Orders

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

#### Objectives

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

#### Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS6: Flood risk
- CS10: The spatial strategy
- CS15: Affordable housing contribution requirements from developments
- CS24: Transport considerations
- CS25: Developers contributions

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

- DM3: Mitigation of impacts on European nature conservation sites

#### **4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

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

#### **5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

SPD - Mitigation Strategy for European Sites  
SPD - Parking Standards  
SPD - Ringwood Local Distinctiveness  
SPD - Housing Design, Density and Character

#### **6 RELEVANT PLANNING HISTORY**

6.1 4 houses, 2 detached garages, parking, access (14/11650) Refused on the 4th Feb 2015

6.2 Raise ridge height, front and rear dormers in association with second floor, rooflights, single storey rear extension, front porch, detached garage, fenestration alterations (17/10044) Granted with conditions on the 21st March 2017

#### **7 PARISH / TOWN COUNCIL COMMENTS**

**Lymington & Pennington Town Council:** recommend permission. Applicant to agree a boundary planting schedule. Details regarding the pumping system are agreed with NFDC before the application is agreed. Conditions recommended to preclude future permitted development either to any extension to the hip gable and the insertion of dormers to the roof of house two.

#### **8 COUNCILLOR COMMENTS**

Cllr White: requests Committee consideration.

#### **9 CONSULTEE COMMENTS**

9.1 Southern Water: no objection subject to conditions

9.2 Hampshire County Council Surface Water: no comment

9.3 Natural England: no objection subject to appropriate mitigation

9.4 Waste Management (NFDC): comment only

9.5 Tree Officer: no objection subject to conditions. The proposal will not adversely impact on trees

9.6 Land Drainage: no objection subject to conditions

9.7 Hampshire County Council Highway Officer: the proposed development will not impact on Public Highway Safety and considerable car parking is made available.

- 9.8 Environment Agency: no objection
- 9.9 Ecologist: no objection subject to conditions

## **10 REPRESENTATIONS RECEIVED**

- 10.1 1 letter of support
- 10.2 14 letters of objection concerned that the proposed development is out of character. Concerns over the scale and size of the proposed dwellings, in particular their height. The proposed dwellings will be overbearing. Impact on amenities including loss of privacy, outlook, noise and disturbance and light. Concerns over access onto Belmore Lane. Concerns over flooding, surface water drainage issues to the rear of the site. Landscaping should be provided to the rear of the site and the correct type of species used which are appropriate to wet ground conditions. Foul water disposal.

## **11 CRIME & DISORDER IMPLICATIONS**

No relevant considerations

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission, the Council will receive New Homes Bonus £2448 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 £42,873.30.

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.

Revised plans have been submitted to address concerns which following the application has been re-advertised on two occasions.

## 14 ASSESSMENT

- 14.1 54 Belmore Lane is a 2-storey detached dwelling that is situated within a particularly large garden plot. The existing dwelling is not prominent in the streetscene, being set back from Belmore Lane behind a tall hedge with mature trees. The dwelling occupies a relatively elevated position, with the property's extensive rear garden dropping away towards its rear south-western boundary. From the rear of the existing property there are significant views across to the roofs of neighbouring dwellings to the west of the site. The site is bounded on its rear south-western boundary by 2 modest single-storey bungalows at 1 and 2 Redvers Close. On its north-western side, the site is bounded by 4 chalet style bungalows at 15-21 Old Farm Walk as well as a small electricity substation. These chalet bungalows are set within generous sized garden plots. To its north side, the site is bounded by 48 Belmore Lane which is a 2-storey dwelling that is also set within a generous sized garden plot, whilst to its south-eastern side the site is bounded by a more recently built development at Oakfield, which is comprised of 2-storey detached and semi-detached dwellings set within smaller garden plots than elsewhere in the immediate area.
- 14.2 In terms of the planning history of the site, an application to demolish the existing dwelling and to construct 4 houses was refused for a number of reasons. The main reason for refusal was that the development would be of a poor design that would be contextually inappropriate and harmful to the character and appearance of the area. The development was also considered to be detrimental to the privacy of neighbouring dwellings, harmful to important amenity trees and detrimental to highway safety. The development would also conflict with policies and objectives that seek to steer new development away from high flood risk areas. The final reasons for refusal were on the grounds that the development would fail to secure important contributions to public open space, affordable housing and transportation improvements and that the impact on designated European Sites would not be adequately mitigated.
- 14.3 This application proposes 2 detached two storey dwellings to include 2 detached car ports/ garages. The existing dwelling at No 54 would remain and would retain a rear garden area. A small part of the existing dwelling at No 54 would be demolished to make way for a detached single storey garage. A new single access would be provided onto Belmore Lane which would serve all three dwellings, with new hedgerow/

planting provided adjacent to Belmore Lane. The existing access serving No 54 would be closed. The proposed access driveway would run between the south of No 54 and to the north of No 6 Oakfield. Visually the proposed dwellings would rise to two storeys in height and have been designed with traditional pitched roofs and detailing. The proposed dwellings would incorporate long rear garden areas extending to the rear boundaries of 1 and 2 Redvers Close.

- 14.4 The main issues in this case are the effect on the character and appearance of the area, the effect on the living conditions of the adjoining neighbouring properties, the effect on trees, public highway safety and flooding.
- 14.5 In assessing the effect on the character and appearance of the area, the Lymington Local Distinctiveness SPD recognises the strong green character of this part of Lymington. Belmore Lane is noted as being an essentially green corridor with hedges, trees and embanked verges. It is noted that infill could all too easily dilute this effect if frontages are not carefully designed, and should therefore generally be avoided. The SPD notes the spaciousness of this part of Lymington and identifies that this is an area of typically low buildings set in generous gardens. The SPD recognises the importance of tree groups on the southern and western boundaries of the application site and also of important views through the site from areas to the south and west.
- 14.6 The application site is relatively large and the neighbouring development comprising 6 houses at Oakfield has already established the principle of dwellings situated in a backland position. The development at Oakfield comprises a more intensive and comprehensive development, and this was carried out before the Lymington Local Distinctiveness Document was adopted.
- 14.7 In assessing the development proposed it is considered that, subject to an appropriate layout and design and careful relationships to neighbouring properties and trees, there is no reason why additional housing development cannot be provided to the rear of the site.
- 14.8 Firstly by retaining No 54, it allows a dwelling to continue to front onto Belmore Lane and retain the trees and soft landscaping to the frontage, which is recognised as important in the Lymington Local Distinctiveness Document. There is sufficient space to the front of the site for parking and turning and the dwelling would retain a large garden area to the side and rear, which would reflect the plot sizes generally in the locality. A detached single storey garage would replace an existing attached building to No 54 and given its siting set back from the road, the proposed garage would have minimal impact on the character of the area and living conditions of the adjoining neighbouring properties.
- 14.9 The proposal to create 2 dwellings on this site would be far less intensive than the neighbouring development at Oakfield. Accordingly the current scheme would enable the proposed and existing dwellings to sit on spacious plots with space around the buildings and scope for new tree planting. The proposed dwellings to the rear of the site would be set well back from the end of the proposed internal access road and there is space to provide some soft landscaping and tree planting in front of the dwellings and along the access road. This would help soften the development when viewed from Belmore Lane and also help create a

'greener' environment to the front of the proposed dwellings, which is recognised in the Lymington Local Distinctiveness Document as being important.

- 14.10 The proposed dwellings would have sufficient space to the front of the buildings for parking, greenery and garaging. The rear gardens to the proposed dwellings would be more than 26 metres long, which would be considerably larger than most of the other dwellings in the locality. Plot 1 would also have at least 8 metres from the side of the building to the side boundary with the dwellings at Oakfield, which also enables the protected Tree to be retained and minimises impact in the long term. The proposed site plan also shows scope for new soft landscaping and tree planting within the rear gardens of plots 1 and 2, although the final specifications of the trees would be a matter to be dealt with by condition. Overall the proposed development of the site for 2 dwellings, as proposed would be appropriate. The proposed development would not appear cramped or overdeveloped.
- 14.11 Visually the proposed dwellings would rise to two storeys and have been designed with simple traditional hipped and pitched roof forms and proportions. The main ridge to the proposed dwelling on plot 2 would rise to around 8.4 metres in height, although the rear two storey element would be lower in height. The proposed dwelling on plot 1 would be slightly taller, rising to 8.6 metres, but again, the front protruding element would be slightly lower in height. The distances between the two proposed dwellings (the side elevations of the proposed plots) measures 1.4 metres.
- 14.12 Representations have been made in relation to the scale of the proposed dwellings, in that the buildings are too tall in comparison to the surrounding area. In response, the footprint of the proposed dwellings is relatively similar to the dwellings in Old Farm Walk and Lentune Way. The main concern from the representations is the height of the dwellings which would rise to two storeys. It is accepted that there are lower scale dwellings in the locality, namely Old Farm Walk and Revers Close, which comprise chalet style bungalows and bungalows. However, the neighbouring development to the south at Oakfield comprises 6 two storey dwellings with steeply pitched roofs.
- 14.13 Given that there are two storey dwellings within the locality and the positioning of the proposed dwellings set back from the road, the visual impact of the development from Belmore Lane would be minimal. While views of the proposed dwellings would be seen between the existing dwellings in Old Farm Walk and Redvers Close, the visual impact would be minimal given the distances involved. Overall it is considered that the proposed design of the dwellings would be to a high standard and their scale, rising to two storeys, would respond to local context. The scale of the proposed dwellings would be reduced by incorporating single storey elements and their massing reduced by the hipped roof design.
- 14.14 With regard to residential amenity, there are several neighbouring properties that would be affected by the proposal.
- 14.15 The proposed dwelling on plot 1 would be sited at least 8 metres away from the side boundary of Nos 5 and 6 Oakfield. No first floor windows are proposed on the main part of the side elevation (south east) facing No 5. A first floor window is proposed on the side elevation of the front



protruding (south east) facing No 6 Oakfield, but the angled view is oblique and the distance to the common boundary is more than 14 metres. The proposed garage and car port to plot 1 would be sited along part of the side boundary to No 6 which is not ideal, however, the building has been designed with a hipped roof sloping away from that neighbour. It should also be noted that the proposed siting of the outbuilding would act as a buffer from the proposed internal access road and parking/ turning areas. Overall it is considered that the relationship of plot 1 to Nos 5 and 6 Oakfield would be acceptable. Concerns have also been raised regarding the impact of the use of the driveway on these properties in terms of noise and disturbance. While this concern is noted, the proposed relationship is not unusual in a built up area such as this.

- 14.16 The proposed dwellings would be located a significant distance away from Nos 1 and 2 Redvers Close. The distance from the proposed first floor rear windows to the rear boundary of 1 and 2 Redvers measures more than 22 metres and 32 metres to their rear elevations. It is considered that these distances are acceptable and would not unacceptably compromise the privacy of their neighbours.
- 14.17 The proposed first floor windows on the rear elevation of plot 2 would have oblique angled views to No 21 Old Farm Walk. The main issue is the impact on Nos 17 and 19. The proposed first floor window on the front elevation of plot 2 would result in some overlooking of No 17 Old Farm Walk, but given the oblique views onto a less sensitive part of their garden, and the distance to the rear elevation measuring more than 26 metres, it is considered that the proposed dwelling on plot 2 would not result in any unacceptable overlooking. A first floor window is proposed on the side elevation of the front protruding element of plot 1 which would face onto the rear of Nos 17 and 19 Old Farm Walk. Given the distance from this window to the rear boundary measures more than 13 metres, this relationship is acceptable.
- 14.18 In terms of the impact to No 19 Old Farm Walk, while no first floor windows are proposed, excluding one high level roof light on the side elevation, the main issue is the impact on their light and outlook. Because the proposed dwelling would rise to two storeys, it is accepted that there would be an impact on their outlook and light. However, the distance between the proposed dwelling on plot 2 and No 19 measures approximately 23 metres and the proposed two storey element would extend across about half of the width of the rear garden. This means that at least half of the rear boundary of No 19 would remain open. Accordingly, while it is accepted that the proposal would have some impact on No 19, it is not considered that it would unacceptably compromise the available light or outlook of No 19.
- 14.19 Concerning public highway safety matters, the Highway Authority do not raise any objections. The level of car parking, for the existing and proposed dwellings accords with the Councils car parking standards, and there is space for turning to ensure vehicles can leave the site in a forward gear. The bin store is located in line with the required standards for both residents and refuse collection workers. The tracking drawings are sufficient to demonstrate access to within the required distance. The width of the access is acceptable to accommodate three dwellings. The access onto Belmore Lane is acceptable and there is appropriate visibility on both directions.

- 14.20 In terms of tree matters, the application site is subject to 2 separate Tree Preservation Orders, that protect a single Oak tree on the eastern boundary of the rear garden and a single Beech tree in the front garden to the east of the main dwelling. It should be noted that representations have been made that the submitted plans do not accurately show the position of the Oak Tree. In response, the Tree Officer has undertaken a further site visit and re-assessed and measured the position of the trees on the site against the plans and confirm that they have been accurately measured and in accordance with the submitted Tree Protection Plan. The Tree Officer considers that the Oak tree appears to be situated in a reasonable location in respect of the proposed dwelling to the west. This relationship is acceptable given that it is to the east and side of the dwelling with a large garden free of crown cover to the rear. Therefore plots identified as 1 and 2 would not have any significant impact on the protected Oak tree.
- 14.21 The Tree Officer does have concerns with the potential impact on the protected Beech tree. The plans show the existing site entrance and driveway to be moved from the north eastern most corner to the south eastern most corner and in close proximity to the protected Beech tree. The root protection area of this tree is shown to be heavily covered in new hard surfacing to facilitate the new entrance to Plots 1 and 2 and further hard surfacing leading into and to the east of the existing dwelling. However, additional details have been provided by the applicant which demonstrate that the access and development can be achieved without unacceptably impacting on the tree.
- 14.22 Concerns have been expressed from the neighbouring property at No 19 that the two existing conifer trees in their rear garden would be affected by the proposed development. In response, the Tree Officer has inspected and assessed these two trees and does not consider that they are suitable for protection by a Tree Preservation Order and that they are relatively small and accordingly do not provide any significant visual amenity value to the public. The Tree Officer does not consider that the proposed development would compromise these trees and raises no objection on this issue.
- 14.23 In relation to flooding, a very small part of the far end of the garden area lies within Flood Zone 3. The rest of the site lies within an area at low risk from flooding based upon the Environment Agency's maps. It is noted that the far end of the garden, is more 'boggy', however, this is on a much lower ground level'. The proposed dwellings would be sited on a much higher level and would be outside the high risk flood zone. The site sections indicate that the proposed dwellings would be sited on higher ground and a condition can be imposed to require the floor level/ slab levels to be agreed.
- 14.24 In terms of how surface water drainage would be dealt with, normally this is achieved by soakaways however, given the clay soil, this could be difficult. Another option, is to use a 'sump and pump system, which effectively pumps the water to an existing drainage system. It is felt that, in principle, there are different types of systems that could be used to deal with the discharge of surface water from the site, so that the neighbouring properties or public highway does not experience any additional surface water run off. The Council's Land Drainage Engineer raises no objection and considers the technical details of the surface water drainage can be resolved by condition.

- 14.25 In relation to foul drainage, Southern Water has not raised any objection to the proposed development and there is no evidence of capacity issues. A condition can be imposed to deal with any technical details as to how the foul drainage is dealt with on the site and its connection to the existing foul drainage system.
- 14.26 While the need for affordable housing in this District is pressing, this in itself does not give rise to the sort of circumstances that can be considered exceptional. Therefore it is recommended that no affordable housing or tariff style contributions are sought from this development, in accordance with national Planning Practice Guidance, contrary to the provisions of Policy CS15 of the Core Strategy.
- 14.27 In accordance with the Habitat Regulations 2010 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard.
- 14.27 The level of housing need in the District is sufficiently above the level of housing supply to know that a five year supply of housing land is currently unavailable. This situation will be addressed through the emerging local plan, but until the new Local Plan is adopted, paragraph 14 of the NPPF advises that planning permission for housing development should normally be granted unless any planning harm identified would "*significantly and demonstrably outweigh the benefits*". This is known as the 'tilted balance' in favour of sustainable development. In this case, it is considered that the adverse impacts of development set out above do not significantly and demonstrably outweigh the benefits and therefore the tilted balance in favour of granting permission is a material consideration in assessing this application.
- 14.28 Representations have been made that if planning permission was granted, permitted development rights should be removed for development to the front of the dwellings to ensure that no further additions or extensions can be added. In response, it should be noted that other than a small front porch, no further extensions or significant alterations can be made to the front elevations of the proposed dwellings without the need for planning permission.
- 14.29 In conclusion it is considered that the proposed development would not have a detrimental impact on the character and appearance of the area or on the living conditions of the adjoining neighbouring properties. There are no objections from the Highway Authority, Tree Officer or the Environment Agency, as such, permission is recommended.
- 14.30 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the

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

## CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
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Dwelling houses	445.17		445.17	445.17	£80/sqm	£42,873.30 *
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Subtotal:	£42,873.30
Relief:	£0.00
Total Payable:	£42,873.30

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

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

Where:

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

*R = the levy rate as set in the Charging Schedule*

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

## 15. RECOMMENDATION

### Grant Subject to Conditions

#### Proposed Conditions:

- 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: P1.01 Rev E, SL.01 Rev D, P2.01 Rev C, 1462-002 rev A\_bound, ES.01, HL.01 Rev B, CP.01, FA.01, TPP, AMS 29.5.18

Reason: To ensure satisfactory provision of the development.

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

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

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

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

5. The development hereby permitted shall not be occupied until the spaces shown on plan SL.01 Rev D for the parking and garaging of motor vehicles have been provided. The spaces shown on plan SL.01 Rev D for the parking and garaging of motor vehicles shall be retained and kept available for the parking and garaging of motor vehicles for the dwellings hereby approved at all times.

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

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

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

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

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

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

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

8. The trees on the site which are shown to be retained on the approved plans shall be protected during site clearance, demolition and building works in accordance with the measures set out in the submitted Tree Report ref TR.54.BL.L.29.05.13 - dated 29/05/18, Tree Protection Plan ref TPP.AMS.29.05.18 - dated 29/05/18 and Morgan Building Design Addendum Arboricultural Assessment and Report dated 23 February 2018 while in accordance with the recommendations as set out in the BS5837:2012. Prior to the commencement of any building works 3 working days notice shall be given to the Local Planning Authority Tree Officer to attend a site meeting to inspect all tree protection measures as specified and illustrated within the submitted Tree Protection Plan ref TPP.AMS.29.05.18 - dated 29/05/18. Prior to the installation of the new access and driveway 3 working days notice shall be given to the Local Planning Authority Tree Officer to attend site supervision of the installation of the cellular confinement system as specified within the submitted Tree Protection Plan TPP.AMS.29.05.18 - dated 29/05/18 and Morgan Building Design Addendum Arboricultural Assessment and Report dated 23 February 2018.

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

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

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

11. No development shall commence on site until the access, including the footway and/or verge crossing, shall have been constructed and line of sight of 2.4 metres by 43 metres provided in accordance with the approved plans. The lines of sight splays shown on the approved plans shall be kept free of any obstruction exceeding 0.6 metres in height metre above the adjacent carriageway and shall be subsequently maintained so thereafter.

Reason: In the interest of highway safety and in accordance with Policy CS2 and CS24 of the Local Plan for the New Forest District outside of the National Park (Core Strategy).

12. Prior to the commencement of development, including site clearance, further details of biodiversity mitigation, compensation and enhancement shall be submitted to, and approved in writing by the Local Planning Authority. These shall include the final details and measures as outlined in the Phil Smith Ecology Report dated September 2017. All works shall then proceed in accordance with the details and recommendations as approved in the strategy with any amendments agreed in writing. Thereafter, unless otherwise agreed in writing by the Local Planning Authority, the mitigation measures shall be permanently maintained and retained in accordance with the approved details.

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

13. Before development commences, details of the means of disposal of foul water from the site shall be submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. 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 CS2 of the Core Strategy for the New Forest District outside the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

**Notes for inclusion on certificate:**

1. This decision relates to amended / additional plans received by the Local Planning Authority on the 8th February 2018.
2. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

Revised plans have been submitted to address concerns and following the application being re-advertised, the application is now recommended for approval.

3. In discharging condition No 10 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/>

**Further Information:**

Richard Natt

Telephone: 023 8028 5588





**New Forest**  
DISTRICT COUNCIL

Tel: 023 8028 5000  
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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**  
June 2018

Item No: 3b  
54  
Belmore Lane  
Lymington  
17/11/702  
SZ3295

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



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Planning Committee 13 June 2018

Item 3 c

**Application Number:** 18/10060 Full Planning Permission

**Site:** THE DOME, 121 BARTON COURT AVENUE, BARTON-ON-SEA,  
NEW MILTON BH25 7EY

**Development:** Roof alterations in association with extension to two existing flats;  
creation of first-floor roof terrace; replace conservatory with  
single-storey front extension; fenestration alterations

**Applicant:** Mr Dean

**Target Date:** 28/03/2018

**Extension Date:** 15/06/2018

<b>RECOMMENDATION:</b> Grant Subject to Conditions
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<b>Case Officer:</b> Vivienne Baxter
--------------------------------------

## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary Member view

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

#### Objectives

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

#### Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS25: Developers contributions

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

- NPPF1: National Planning Policy Framework – Presumption in favour of sustainable development
- DM6: Coastal Change Management Area
- DM7: Restrictions on new soakaways

## 4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

- Section 38 Development Plan
- Planning and Compulsory Purchase Act 2004
- National Planning Policy Framework
- Achieving Sustainable Development
- NPPF Ch. 7 - Requiring good design

## **5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

SPD - New Milton Local Distinctiveness

## **6 RELEVANT PLANNING HISTORY**

- 6.1 17/11720 - (LDCE) continued use of flats 7 & 9 as residential. Was lawful
- 6.2 17/10310 - use as hairdressing salon. Granted 26.6.17
- 6.3 99/67375 - change of use of part of premises to form 6no additional self contained flats and 2no additional sheltered flats (10 flats in total). Granted 10.5.00
- 6.4 99/66834 - part change of use to form one bed self contained sheltered flat. Granted 24.8.99
- 6.5 98/NFDC/64666 - change of use to form independent first floor flat. Granted 6.10.98
- 6.6 92/NFDC/49432 - addition of conservatory. Granted 30.3.92

## **7 PARISH / TOWN COUNCIL COMMENTS**

New Milton Town Council - happy to accept officer's recommendation. No comment due to concerns with validity of application

## **8 COUNCILLOR COMMENTS**

Councillor Beck: local concerns on the impact of car parking.

## **9 CONSULTEE COMMENTS**

- 9.1 Hampshire County Council Highway Engineer: no objection subject to condition
- 9.2 Southern Gas Networks: offer advice

## **10 REPRESENTATIONS RECEIVED**

- 10.1 Support has been received from a local resident advising that the forecourt could accommodate 12-14 cars if required and that the terrace would not be visible from Shoreacres.
- 10.2 Three objections have been received from local residents concerned with the following:
  - the certificate is incorrect
  - no bin store details
  - inaccuracies in the application form and plans
  - no parking provision
  - noise disturbance from roof terrace
  - much work has already occurred without consent
  - loss of light
  - loss of privacy
  - inadequate parking
  - over development of the site
  - will the foundations be strong enough?
  - proposed parking provision conflicts with recent sales and tenancies

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

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

## **13 WORKING WITH THE APPLICANT/AGENT**

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

This is achieved by

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

Clarification of the ownership of the site and the parking provision have been requested in order that a full assessment can be made.

## **14 ASSESSMENT**

14.1 The site lies within the built up area of Barton on Sea in a prominent location at the southern end of Barton Court Avenue. It contains a detached part 2, part single storey building which comprises 9 residential units and a hairdressing salon. There is a small garden area to the south, a courtyard to the north and parking to the west. Much of the site is presently undergoing refurbishment and few of the units are currently occupied.

- 14.2 To clarify the history of the property, it was in use as a rest home for up to 15 residents from 1985 until 1998 when planning permission was granted for an independent residential unit at first floor level. This is indicated as Flat 10 on the proposed floor plans (the approval also indicated the existence of two 1-bed units and the bedsit which are shown as Flats 8, 9 and 6). The parking layout at that time showed 10 parking spaces, one of which was indicated as being for the flat.
- 14.3 In 1999, planning permission was granted to use 'Flat 8' as a self-contained sheltered flat although there were no restrictive conditions requiring that it should remain sheltered nor any parking allocated to this unit. The following year, permission was granted for the change of use of the rest of the building to 8 self-contained flats (resulting in a total of 10 flats within the building). The parking layout indicated 11 spaces and the site continued in this use with 11 parking spaces for 18 years until last year when permission was granted for one of the flats to be converted into a hairdressing salon with two parking spaces allocated.
- 14.4 Therefore, the lawful existing use of the premises is as 9 flats, each with one parking space each and a hairdressers with two spaces.
- 14.5 The proposal entails the provision of first floor additions to extend two of the existing flats (3 and 5) and the replacement of the front conservatory with a lobby for flat 4. The works also include a small terrace area for flat 5. The front lobby element is now retrospective.
- 14.6 In visual terms, the single storey front addition has been implemented in materials matching the building and therefore has little impact on the street scene. Although the first floor additions to the rear are not readily visible from the public highway, it is considered that they offer an improvement to the appearance of the building through the removal of several levels of flat roofs and parapet walls of differing heights.
- 14.7 With regard to residential amenity, the extension does not include any windows which would directly overlook the adjacent flats to the east (Shoreacre). There is an east facing roof light proposed over the hall to flat 5 although this would be separated from the adjacent flats by flat 3 and would be around 25m away from Shoreacre. The first floor addition would marginally increase the height of the northern boundary wall although in view of the juxtaposition of this addition with the property to the north and the hipped roof form, any loss of light to the garden of this dwelling would be minimal.
- 14.8 Within the site, the proposed rooflights include three bedroom windows, two of which would be in close proximity to the proposed terrace for a different flat. Although the separation is minimal, angles are such that direct overlooking is unlikely and to a certain extent, in view of the existing layout of the building where the units are tightly packed with relatively limited amenity, the proposal is not considered to give rise to additional adverse impact.
- 14.9 Concerns have been raised to the proposal in respect of the parking provision for the site. Under usual circumstances, the extension of three existing units where two would have additional bedrooms, would not generate any requirement to consult with the Highway Authority. However, the parking issue at this site has evolved from an Enforcement complaint and details of the proposed provision have now been provided as part of the application.

- 14.10 The planning history of the site is lengthy, ad-hoc and the details listed above are not definitive. However, the building contains 9 residential units and a hairdressers. On approval of the hairdressers in 2017, two parking spaces were indicated as being for the commercial use. The submitted plan indicates 9 other spaces which would be retained for use by occupants of the flats and clearly shows the site is able to accommodate these spaces and the necessary turning facilities. The proposed layout is also the same as shown in the 1999 application approved in 2000.
- 14.11 Whilst this number may not equate to the recommended number of parking spaces for the proposed size of units within the building, it is also noted that there is on street parking available in the vicinity of the site, it is not considered that a recommendation to refuse permission based on a lack of parking would be appropriate for this application to provide additional accommodation to existing units. As the impact of the proposal is also acceptable in respect of residential and visual amenity, approval is recommended.
- 14.12 The comments made by a local resident with regard to the parking are not entirely accurate as the site has been shown to accommodate 11 parking spaces since 2000. Whilst subsequent approvals may have indicated a different arrangement, the application site area includes the whole of The Dome and conditions can be applied to land within the red edged site area, thus formally amending previous schemes. The Highway Authority has suggested that all parking remains unallocated and this is included as a condition, reflecting that of the 2000 permission.
- 14.13 The application does not include any details of bin or cycle store provision as this is not normally a requirement for extending existing units. If the owner of the site requires new provision, planning permission should be sought in the usual way. It should be noted that the site has never included any cycle parking provision.
- 14.14 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.

## **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: PL-010B, PL-012B, PL-013C, PL-112D, PL-113C, PL-014.  
  
Reason: To ensure satisfactory provision of the development.
  
3. The external facing materials shall match those used on the existing building.  
  
Reason: To ensure an acceptable appearance of the building in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park Core Strategy.
  
4. All parking spaces are to remain unallocated for the lifetime of the development in accordance with the approved plans.  
  
Reason: To ensure adequate on-site car parking provision for the approved development and in accordance with policy CS2 of the New Forest District Council Core Strategy.

**Notes for inclusion on certificate:**

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

Although a relatively straight forward application to extend three units, clarification of the ownership of the site and the parking provision have been requested in order that a full assessment can be made.

**Further Information:**

Vivienne Baxter  
Telephone: 023 8028 5588





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**Application Number:** 18/10101 Variation / Removal of Condition

**Site:** SITE OF SOLENT WORKS, NORTH CLOSE, LYMINGTON SO41  
9BU (NB: PROPOSED LEGAL AGREEMENT)

**Development:** Variation of condition 3 of Planning Permission 16/10886 to allow amended plans RF08 Rev D & RF10 Rev D, RF09 Rev C, RF07 Rev C to allow retention of external material changes to front and side elevations (AMENDED PLANS)

**Applicant:** Churchill Retirement Living

**Target Date:** 03/05/2018

**Extension Date:** 15/06/2018

<b>RECOMMENDATION:</b> Service Man Planning Development Control Grant
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<b>Case Officer:</b> Steve Clothier
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## 18/10101

### 1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view

### 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

### 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

#### Core Strategy

#### Objectives

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

#### Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS5: Safe and healthy communities
- CS7: Open spaces, sport and recreation
- CS14: Affordable housing provision

CS15: Affordable housing contribution requirements from developments  
CS17: Employment and economic development  
CS24: Transport considerations  
CS25: Developers contributions

## **Local Plan Part 2 Sites and Development Management Development Plan Document**

NPPF1: National Planning Policy Framework – Presumption in favour of sustainable development  
DM3: Mitigation of impacts on European nature conservation sites  
DM5: Contaminated land  
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**

SPD - Housing Design, Density and Character  
SPD - Parking Standards  
SPD - Lymington Local Distinctiveness  
SPD - Mitigation Strategy for European Sites

### **6 RELEVANT PLANNING HISTORY**

6.1 One two/three/four storey block of 41 retirement flats including communal facilities, access, parking, landscaping, demolition of existing ref: 16/10886 granted 21-01-17

### **7 PARISH / TOWN COUNCIL COMMENTS**

**Lymington & Pennington Town Council** : recommends refusal in support of neighbours concerns.

### **8 COUNCILLOR COMMENTS**

None received

### **9 CONSULTEE COMMENTS**

- 9.1 Southern Water - have no comment to make.
- 9.2 Environmental Health Contaminated Land: have no concerns with this application.
- 9.3 Southern Gas Networks: advise of the proximity of a gas pipeline.

### **10 REPRESENTATIONS RECEIVED**

Four letters of objection have been received raising the following concerns: red bricks in place of the yellow bricks on the right-hand side of the second gable of the south elevation is incongruous; there is concern that the maintenance window with balcony would be used as a smoking area; increased bulk and height and overlooking.

## 11 CRIME & DISORDER IMPLICATIONS

None

## 12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive New Homes Bonus (net increase in dwellings  $41 \times £1224 = £50,184$ ) 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 £134,410.80

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

## 13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

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

## 14 ASSESSMENT

14.1 This site lies on the north-east side of North Close and is currently in the advanced stages of being developed pursuant to the planning permission for the redevelopment of the site with a two/three/four storey block of 41 retirement flats including communal facilities, access, parking, landscaping and demolition of the original buildings on the site (ref: 16/10886). This application has been submitted in order to make a number of changes to the approved plans which have been implemented on the site and the application is therefore retrospective.

14.2 The site is located in an essentially residential area with older properties to the north-east, south-west and opposite the site in North Close with a more recent residential development at Keel Gardens to the north. The existing residential development varies in design and size ranging from bungalows to two/three storey properties (with the second floors accommodated within roof spaces). The Lymington Conservation Area lies to the south of the site (but does not immediately adjoin it). There is a large Plane tree opposite the site in North Close.

14.3 The proposed changes to the development are relatively minor in nature and comprise the following:

1. North Close (west) elevation - grey cladding panels changed to render on the four link sections of the building. These elements of the building are set back from the main frontage building and are designed to be recessive, the change in material here does not have a significant impact on the appearance of the finished building and is acceptable.

2. North (side) Elevation -

- i) Stairwell Smoke vent at roof level, this has minimal impact.
- ii) 1 window inserted at first floor level which faces across the site with limited views of neighbours gardens similar to other approved windows, the impact is acceptable.
- iii) 2 doors changed to windows these are at ground floor level and do not lead to increased overlooking.
- iv) Painted Brick Changed to Red Brick this is on a small area on the lower part of the building, this change is not particularly perceptible.
- v) Painted Brick Changed to Yellow Brick this is appropriate and not particularly prominent given the modest area involved and the location behind the main frontage element of the development.
- vi) 1 window relocated from Elevation 3 due to Fire Escape at ground floor level and has limited increased impact over that which has already been approved.
- vii) Cladding Panels changed to Red Brick on the chimney at high level which would be acceptable given its central location high on the building.
- viii) Cladding Panels changed to Yellow Brick at second floor level - this matches the main gable end of the frontage element of the building which is appropriate.
- ix) 1 tax window removed this merely removes brick detailing on a recessed element of the side elevation which is acceptable.

- x) 1 tax window relocated in place of that removed in ix above which is in a more prominent position on the main side gable and gives improved detailing to this part of the building.

### 3. East (rear) Elevation

- i) 1 window relocated due to fire escape related to vi above, the removal of the window from this elevation is acceptable.
- ii) Painted Brick changed to Yellow Brick on a two storey element of the building behind the main frontage building which is an acceptable change to the approved painting.
- iii) Yellow Brick changed to Red Brick on two floors of a section of the rear elevation, while this results in a darker finish, red brick is predominant in this location and this would be appropriate.
- iv) 2 Juliet Balconies added at first floor level, there are several other Juliet balconies on this elevation and these changes do not lead to increased levels of overlooking.
- v) Changed Cladding to Red Brick on Chimney as 2.vii above.
- vi) Cladding changed to Yellow Brick at second floor level as 2.viii above.
- vii) Painted Brick Changed to Yellow Brick and Smoke vent added as 2.v above. The smoke vent is located at second floor level and is of an acceptable appearance.
- viii) Window relocated to North Elevation due to Fire Escape as 2.vi above the loss of the window from this elevation is acceptable.
- ix) Window relocated from elevation 2. This is at ground floor level and does not have any significant implications for increased overlooking.
- x) Window changed to door at ground floor level which does not have any implications for overlooking, this elevation, as approved contains a number of windows and doors.
- xi) additional window in the side of the dormer window serving unit 35 at second floor level. This window has views to the south with a similar outlook to a number of other windows at this level and is acceptable.

### 4. South (side) Elevation

- i) Tax Window removed, the removal of this detail at first floor level is acceptable and of limited impact.
- ii) Cladding changed to Yellow Brick at second floor level behind the main frontage part of the building which is acceptable.
- iii) Maintenance Access Window added at second floor level which would serve access to a stairwell, this does not lead to adverse overlooking as it does not serve habitable accommodation.
- iv) Eaves raised by about 500mm on an element of the building to the rear of the site set about 9.5 metres from the side boundary, this increase in height does not give rise to an adverse impact on neighbours and is visually appropriate.
- v) Cladding changed to Red Brick on the chimney as 3.v above.
- vi) Window relocated from Elevation 3 due to Fire Escape at ground floor level which does not give rise to any greater overlooking than that already approved.

- vii) Painted Brick Changed to Yellow Brick on a small element of the building set off the side boundary, the quality of the brick is good and this change does not have any adverse implications.
- viii) Yellow Brick changed to Red Brick on a gable end set off the side boundary, while this is a darker material than approved, the quality of the brick is good and red brick is a predominant material in this area.

#### Other material considerations

- 14.4 The level of housing need in the District is sufficiently above the level of housing supply to know that a five year supply of housing land is currently unavailable. This situation will be addressed through the emerging local plan, but until the new Local Plan is adopted, paragraph 14 of the NPPF advises that planning permission for housing development should normally be granted unless any planning harm identified would "*significantly and demonstrably outweigh the benefits*". This is known as the 'tilted balance' in favour of sustainable development. In this case, it is considered that the adverse impacts of development set out above do not significantly and demonstrably outweigh the benefits and therefore the tilted balance in favour of granting permission is a material consideration in assessing this application.
- 14.5 In accordance with the Habitat Regulations 2017 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard.
- 14.6 Many of the pre commencement conditions imposed on the original planning permission have been resolved, as a result, they have been redrafted to require the agreed works to be implemented, other conditions need to be reimposed as set out in the recommendation.
- 14.7 An affordable housing contribution of £393,638.44 was secured by a Section 106 Agreement as part of the original planning permission for the building. A new Agreement is being drawn up in relation to this application to secure the same level of contribution.
- 14.8 In conclusion, the changes to the approved building are of a relatively minor nature with limited implications for occupants of neighbouring property or the finished quality of the development and permission is recommended.
- 14.9 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.



## Section 106 Contributions Summary Table

<b>Proposal:</b>			
<b>Type of Contribution</b>	<b>NFDC Policy Requirement</b>	<b>Developer Proposed Provision</b>	<b>Difference</b>
<b>Affordable Housing</b>			
No. of Affordable dwellings			
Financial Contribution	£393,638.44	£393,638.44	
<b>Habitats Mitigation</b>			
Financial Contribution			

## CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	3475	1902.5	1572.85	1572.85	£80/sqm	£134,401.80
Shops						
Subtotal:						
Relief:						
Total Payable:						

\* 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

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

- i. the completion of a planning obligation entered into by way of an Agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure an affordable housing contribution of £393,638.44.
- ii. no further substantive objections being received by 15th June 2018
- iii. the imposition of the conditions set out below.

### **Proposed Conditions:**

1. The development hereby approved shall be constructed in accordance with the materials specified in the application unless otherwise first agreed in writing by the Local Planning Authority.

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.

2. The development permitted shall be carried out in accordance with the following approved plans: 10086 LY - PA00 Rev A; PA07 Rev C; PA08 Rev D; PA09 Rev C; PA10 Rev D; P240 Rev 1; P241 Rev 1; P220 Rev 1; P221 Rev 1; P222 Rev 1; P223 Rev 1; P230 Rev 1, P242 Rev 1 and PA11.

Reason: To ensure satisfactory provision of the development.

3. The scheme of landscaping of the site approved on the 26th July 2017 under reference 16/10886 shall be implemented in its entirety in accordance with the approved method and programme for its implementation and the means to provide for its future maintenance.

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

4. The trees on the site which are shown to be retained on the plans approved under reference 16/10886 shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted Arboricultural Assessment & Method Statement (ref 16041 - AA3 - MW) and Tree Protection Plan (ref 16041-BT4) and 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 CS 2 of the Core Strategy for the New Forest District outside the National Park.

5. The works hereby approved shall be undertaken in strict accordance with the Ecological Survey methodology by ECOSA Ltd Ref: 2011.F1 dated 22nd June 2016 submitted with planning application reference 16/10886 unless otherwise first agreed in writing with the Local Planning Authority.

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

6. The development hereby permitted shall not be occupied until the spaces shown on plan 10086LY - PA Rev. 01 (approved under reference 16/10886 for the parking of motor vehicles and cycles have been provided. The spaces shown on plan 10086LY - PA Rev. 01 for the parking of motor vehicles and cycles shall be retained and kept available for the parking of motor vehicles and cycles for the dwellings hereby approved at all times.

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

7. The development shall be completed in accordance with the drainage strategy detailing the proposed means of foul sewer disposal and a implementation timetable as approved on the 26th September 2017 under reference 16/10886.

Reason: In order to ensure that foul sewer disposal is dealt with in an appropriate manner in accordance with Policy CS 8 of the Core Strategy for the New Forest District outside the National Park.

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

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

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

9. The development shall be carried out in accordance with the details of the proposed means of foul and surface water disposal approved on the 18th September 2017 under reference 16/10866.

Reason: In order to ensure that foul sewer and surface water disposal is dealt with in an appropriate manner in accordance with Policy CS 8 of the Core Strategy for the New Forest District outside the National Park.

10. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions relating to contamination no 11 to 12 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 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).

11. Where a remediation scheme has been approved, 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).

12. 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 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 and submitted for 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).

13. No persons under sixty years of age and/or partner under fifty five years of age shall occupy any of the units hereby permitted with the exception of guests and/or wardens.

Reason: The level of on-site parking being provided would only be acceptable on the basis that the occupation of the proposed development is age restricted. If the development were not to be age restricted, there would be an unmet parking requirement that would be detrimental to highway safety and contrary to Policy CS24 of the Core Strategy for 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.

2. In discharging condition No. 10 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/>

**Further Information:**

Steve Clothier  
Telephone: 023 8028 5588



**New Forest**  
DISTRICT COUNCIL

Tel: 023 8028 5000  
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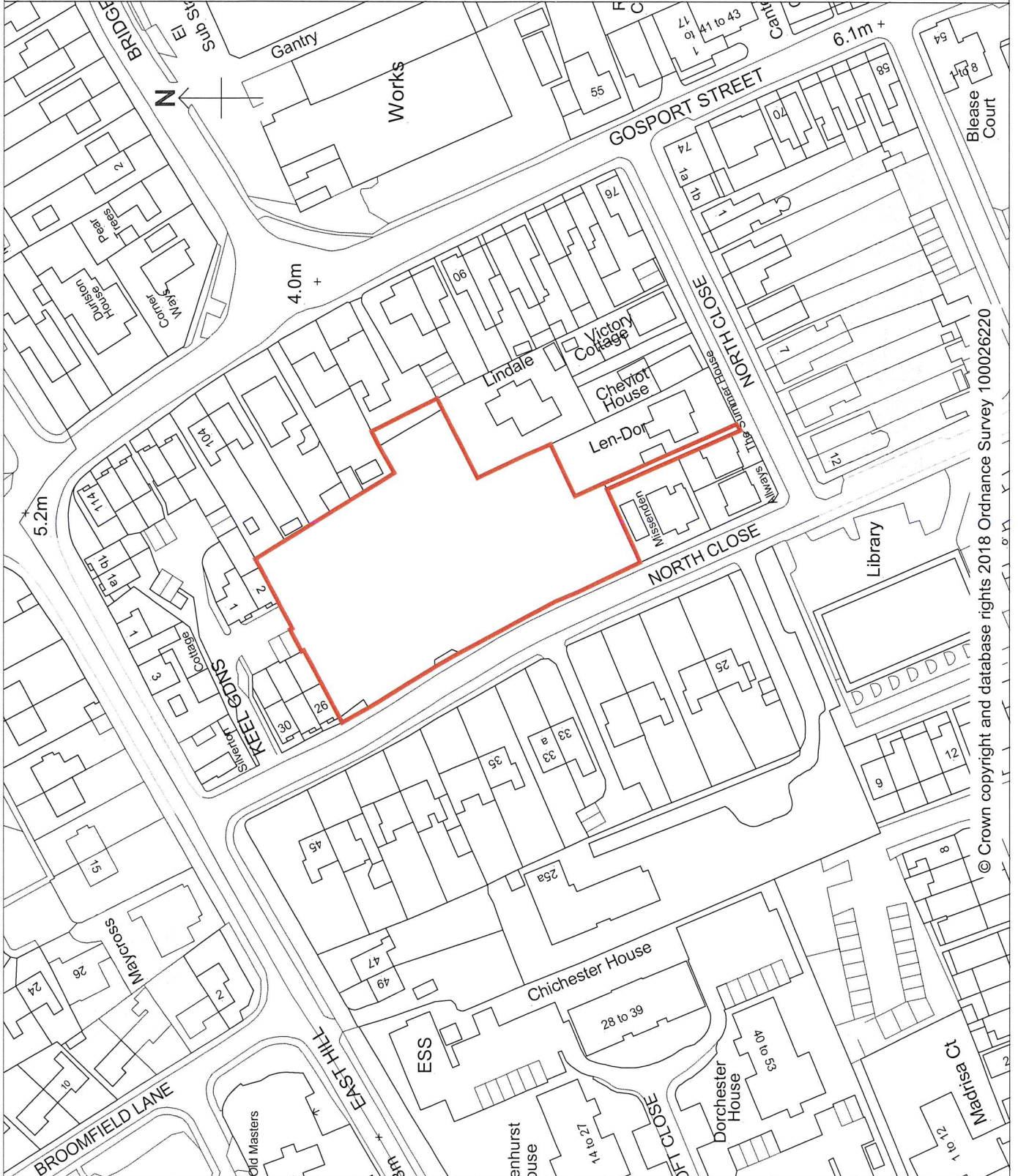
David Groom  
Service Manager  
Planning and Building Control  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

**Planning Development  
Control Committee**  
June 2018

Item No: 3d  
Solent Works  
North Close  
Lymington  
18/10101

Scale 1:1250

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**Application Number:** 18/10111 Full Planning Permission

**Site:** BEACH HUT 319, CLIFF ROAD, MILFORD-ON-SEA

**Development:** Two solar panels to beach hut

**Applicant:** Dr Pruss

**Target Date:** 26/03/2018

**Extension Date:** 21/05/2018

<b>RECOMMENDATION:</b> Grant Subject to Conditions
--

<b>Case Officer:</b> Kate Cattermole
--------------------------------------

## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view and Councillor Comment

## 2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Constraints

Plan Area  
Aerodrome Safeguarding Zone  
Site of Special Scientific Interest

### Plan Policy Designations

Green Belt  
Countryside

### National Planning Policy Framework

NPPF Ch. 7 - Requiring good design  
NPPF Ch. 9 - Protecting Green Belt land

### Core Strategy

CS2: Design quality  
CS6: Flood risk

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

None relevant

### Supplementary Planning Guidance And Documents

None relevant

### 3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

### 4 RELEVANT SITE HISTORY

Proposal	Decision Date	Decision Description	Status
18/10531. Repairs to existing beach hut (retrospective)	20.6.18	Current Application	

### 5 COUNCILLOR COMMENTS

Cllr D Harrison: I would like this application to be considered by the Planning Committee please

### 6 PARISH / TOWN COUNCIL COMMENTS

**Milford On Sea Parish Council:** recommend refusal.

Although supportive of renewable forms of energy, the Parish Council is concerned that the panels will be visually intrusive and out of keeping in this sensitive landscape. The Parish Council would welcome a policy regarding the size and number of solar panels and other forms of energy generation at beach huts, as other local authorities have.

### 7 CONSULTEE COMMENTS

**Natural England:** no objection

### 8 REPRESENTATIONS RECEIVED

**Total Number of Representations Received: 16**  
Comment(s): 0 In Favour: 13 Against: 3

#### Objections:

- precedent leading to pressure for changing roof forms and other alterations
- could result in a varied array of differing solar panel installations
- would detract from character of huts and beach
- area an SSSI
- visual impact incompatible with the ambience created by the existing huts
- use of gas bottles does not have any outward impact
- will not impact on the local economy or business but will irrevocably change the coastal view
- domesticise the appearance of the huts
- solar panels will not have the capacity to replace use of gas bottles

#### Support:

- design of panels do not detract from surrounding area and would not be visually intrusive
- greater use of huts knock on effect for local businesses



- would be a safer alternative to gas stove
- electricity generated could provide lighting and security alarms
- increase use of huts
- beneficial to ecology of the area and benefit the environment
- views limited from cliff top
- modern energy source should be encouraged
- greater security from internally mounted cctv camera
- reduce carbon footprint benefiting environment
- will not have a negative impact on the SSSI

Applicant:

- panels would only generate 12vs and would not encourage people to sleep overnight in the hut
- by reason of their colour and design would be aesthetically pleasing
- environmentally friendly
- increase use of huts so would discourage vandalism and increase use of car park and local businesses
- Used ***successfully elsewhere on beaches in neighbouring districts***

Agent:

- on beaches in neighbouring districts, solar panels have been introduced though there are examples of bulky installations
- proposal has been carefully designed to mitigate impact
- is a safer alternative to gas bottles
- development could be controlled by policy regarding number and size
- increased use of huts may decrease vandalism
- increase use of local businesses

## 9 CRIME & DISORDER IMPLICATIONS

None relevant

## 10 LOCAL FINANCE CONSIDERATIONS

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

## 11 WORKING WITH THE APPLICANT/AGENT

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

To allow proper consideration of the proposal extensions of time was agreed.

## 12 ASSESSMENT

- 12.1 The application site consists of a dual pitched gable fronted hut with enclosed balcony to the front, resulting in a wider roof slope. The hut sits on the beach, in the front row of huts in this part of the beach. Steps to the beach from the cliff are in close proximity to the existing hut. By reason of its position on the beach, views of the hut are achievable from the steps and cliff, as well as the upper tier of huts and the beach itself.

- 12.2 The proposed panels appear quite modest in size and design, and consideration has been given to the appearance of the panels, with a view to making them as unobtrusive as possible. By reason of its position on the beach the solar panels would be visible from public vantage points from elsewhere on the beach and the steps
- 12.3 There are no other examples of this type of installation at Hordle Cliff, though it is acknowledged that on other local beaches including Calshot and Mudeford, solar panels have been introduced. It should also be noted that even though there is no permitted development rights attached to beach huts, the The Town & Country Planning General Permitted Development Order 2015 Part 14 Class J does allow for the installation or alteration of solar equipment on non-domestic premises subject to certain criteria, and a beach hut would fall into the category of a non domestic building. This proposal though does not meet the criteria as it is sited within 1 metre of the external edge of the roof, and therefore falls to be considered on its planning merits.
- 12.4 The only planning consideration when assessing this application would be the impact on the character of the area. This area is designated as an SSSI, but this is with regard to the geology of the site, and this proposal would not impact upon it. The existing beach huts are part of the character of the beach, and therefore the design, materials and scale of these huts are important. The proposed solar panels have been designed to mitigate the visual impact, and in themselves would not alter the character of the hut to a degree to justify a refusal in this instance.
- 12.5 Any future applications for solar panels on this hut and others would be judged on their individual merits, and even though they are acceptable in this case does not automatically follow that any solar panel would be acceptable in this location. Though it is appreciated that solar panels could domesticate the appearance of the beach huts, they can be designed (as in this case) to be relatively unobtrusive visually. Furthermore, as already noted there are permitted development rights attached to solar panels so they could be introduced without the benefit of planning permission, subject to the relevant criteria.
- 12.6 Letters of support have stressed that the introduction of solar panels would be a substitute for the use of gas. This might be the case, but dependant on the energy provided by the installation individuals might still use gas too, and this would be outside the remit of planning.
- 12.7 It has been suggested that the introduction of solar panels would allow greater use of the huts and also improve their security. This application can only consider the planning merits of the solar panels, and this does not include the utilization of the power they could produce. It needs to be noted though that the beach huts are only intended to provide a shelter with limited facilities. Even though recommending consent for these panels, the way these huts are utilised would not change. Furthermore, there is an inherent risk to any beach hut located in this area from inundation by the sea of damage from ground movement, and the Council will not undertake coastal protection works to protect beach huts. Therefore, the addition of expensive equipment is undertaken at the owners risk.

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

### **13. RECOMMENDATION**

#### **Grant Subject to Conditions**

##### **Proposed Conditions:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
  
2. The development permitted shall be carried out in accordance with the following approved plans: Sht 1 of 3, Sht 2 of 3, Sht 3 of 3, Beach Hut Solar System Information  
  
Reason: To ensure satisfactory provision of the development.
  
3. The solar pv equipment is removed as soon as reasonably practicable when no longer needed  
  
Reason: To protect the visual amenity of the area.

##### **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.  
  
To allow proper consideration of the proposal extensions of time was agreed.

##### **Further Information:**

Kate Cattermole  
Telephone: 023 8028 5588



**New Forest**  
DISTRICT COUNCIL

Tel: 023 8028 5000  
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David Groom  
Service Manager  
Planning and Building Control  
New Forest District Council  
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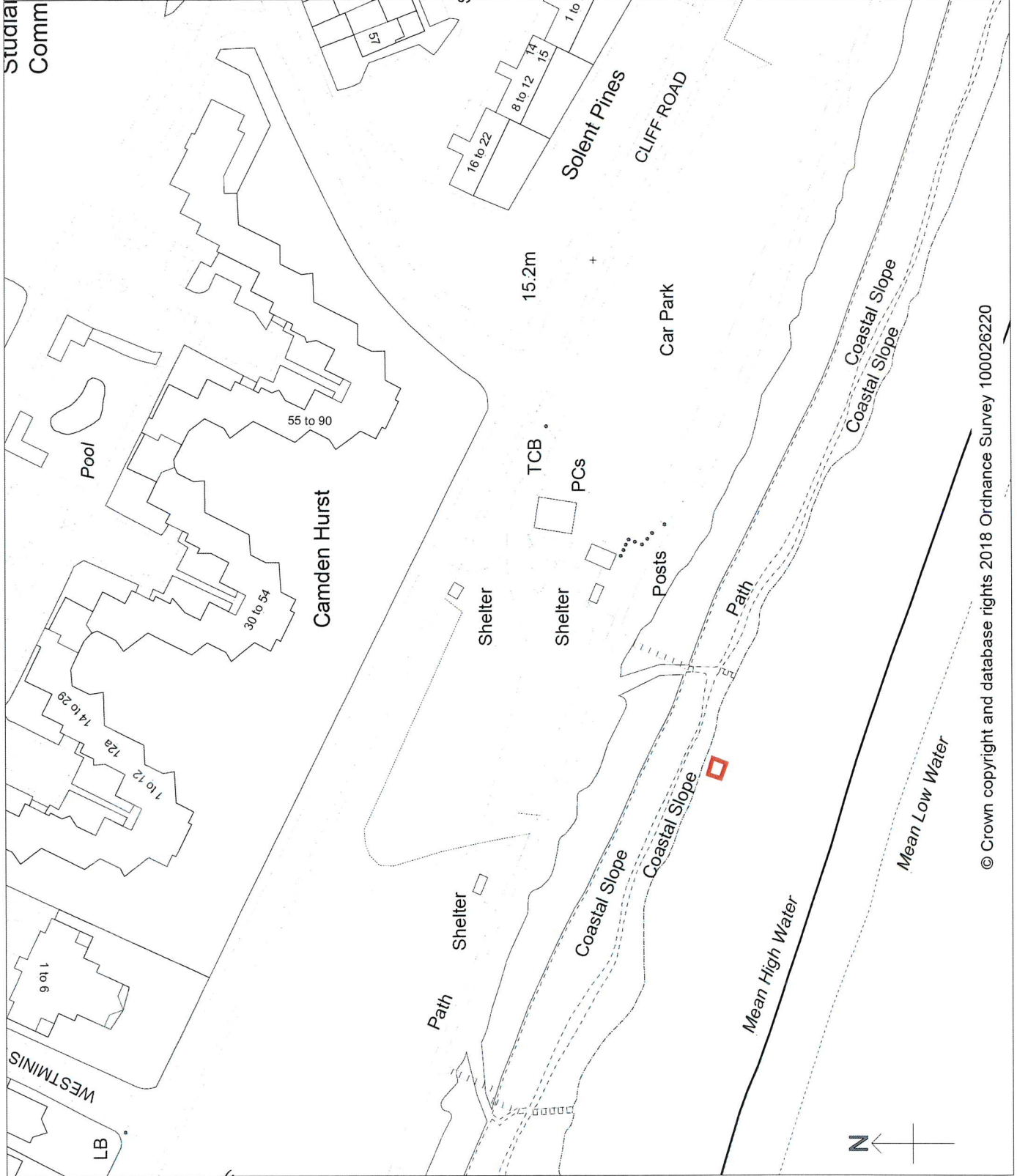
**Planning Development  
Control Committee**

June 2018

Item No: 3e  
Beach Hut 319  
Cliff Road  
Milford on Sea  
18/10111

Scale 1:1250

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**Application Number:** 18/10403 Full Planning Permission

**Site:** AMBERWOOD, 91 MILFORD ROAD, PENNINGTON,  
LYMINGTON SO41 8DN

**Development:** Detached double garage and storeroom

**Applicant:** Mr Surridge

**Target Date:** 17/05/2018

<b>RECOMMENDATION:</b> Grant Subject to Conditions
--

<b>Case Officer:</b> Michael Barry
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## 1 REASON FOR COMMITTEE CONSIDERATION

Conflict with Local Plan Distinctiveness Document

## 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

### Supplementary Planning Guidance And Documents

SPD - Lymington Local Distinctiveness

## 3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

#### 4 RELEVANT SITE HISTORY

Proposal	Decision Date	Decision Description	Status
14/11387 Single-storey rear extension	25/11/2014	Granted Subject to Conditions	Decided
81/NFDC/21060 Alterations and addition of a bedroom over existing attached garage.	19/01/1982	Granted	Decided

#### 5 COUNCILLOR COMMENTS

No comments received

#### 6 PARISH / TOWN COUNCIL COMMENTS

**Lymington & Pennington Town Council:** recommend refusal on the basis that it is contrary to the Local Distinctiveness and should be strongly resisted in view of the several recently refused proposals (and those which we are aware are in the pipeline) which would detract from the special characteristics of this gateway to the town.

#### 7 CONSULTEE COMMENTS

**Tree Officer:** comment only

- No objection subject to condition of tree report and protection plan being adhered to.

#### 8 REPRESENTATIONS RECEIVED

**Total Number of Representations Received: 1**

Comment(s): 0 In Favour: 0 Against: 1

- The Lymington Society object due to being contrary to Lymington Local Distinctiveness regarding spacious and open gardens.

#### 9 CRIME & DISORDER IMPLICATIONS

None Relevant

#### 10 LOCAL FINANCE CONSIDERATIONS

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

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

#### 11 WORKING WITH THE APPLICANT/AGENT

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

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

## 12 ASSESSMENT

- 12.1 The application site is a large two storey detached property in the built up area of Lymington. The property is sited along the southern side of one of the main routes leading into Lymington, and this section of the road is characterised by detached dwellings in large plots.
- 12.2 The main considerations for this application are neighbour amenity, street scene and character of the area, and parking availability.
- 12.3 The proposal is for a large detached garage at the front of the property. The garage would have a hipped roof and have a storage room to the rear. The garage would be forward of the front elevation of the existing property, shielded from the front via a hedge and trees along the front boundary adjacent to the highway, along with a 1.8m fence.
- 12.4 There are hedges and trees on the boundaries with both neighbours. Due to the size of the plot and the degree of separation to both neighbours, their amenity would not be affected.
- 12.5 The garage would be mostly shielded from view in the street scene by the large conifers and high fence of the front boundary of the property. Boundaries are primarily soft and green, and this would be maintained and additional planting required via a landscaping condition.

The properties are set back from the street in their plots, with large open front gardens in the street scene where visible behind green and/or low boundaries.

Due to the position at the front and in the centre of the garden, the garage may not be in keeping with the spacious and open front gardens of the area, with retention of garden space key in the Lymington Local Distinctiveness (4.9.3) for the South Pennington Character Area.

However there are other examples of garages in forward positions in the immediate area of Amberwood, including a large double garage visible in the street scene opposite, and a garage in the front of the adjacent neighbour. Due to being shielded from view due to the landscaping and high boundary, as well as other examples within the street scene, on balance it is felt that exceptions have already been made

- 12.6 The Lymington Society comment regarding the proposals being contrary to the Lymington Local Distinctiveness agree with the initial officer assessment. However, as detailed in 12.5, there are exceptions to this in the immediate area and the proposed garage will not be visible within the street scene.
- 12.7 The Tree Officer has been consulted and raise no objections subject to the condition that the tree report and tree protection plan are adhered to.

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

### 13. RECOMMENDATION

#### Grant Subject to Conditions

##### Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: 404-18-1, 404-18-2, 404-18-3, 404-18-4, 404-18-5, 404-18-6, 404-18-7.

Reason: To ensure satisfactory provision of the development.

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

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

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

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



4. 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 in accordance with the measures set out in the submitted John Shutler Tree Services Arboricultural Report dated 14/03/2018 while 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.

**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:**

Michael Barry

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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  
Lynchhurst  
SO43 7PA

**Planning Development  
Control Committee**  
June 2018

Item No: 3f  
Amberwood  
91 Milford Road  
Pennington Lymington  
18/10403

Scale 1:1250

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**Application Number:** 18/10176 Full Planning Permission

**Site:** OAK NURSERY SCHOOL, 11 LONG LANE, HOLBURY,  
FAWLEY SO45 2LF

**Development:** Use as residential

**Applicant:** Mrs Lohur

**Target Date:** 21/05/2018

**Extension Date:** 15/06/2018

**RECOMMENDATION:** Grant Subject to Conditions

**Case Officer:** Vivienne Baxter

## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Policy

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

#### Objectives

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

#### Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS8: Community services and infrastructure
- CS15: Affordable housing contribution requirements from developments
- CS25: Developers contributions

HSE Consultation Zone

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

DM3: Mitigation of impacts on European nature conservation sites

## 4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

- Section 38 Development Plan
- Planning and Compulsory Purchase Act 2004
- National Planning Policy Framework
- Achieving Sustainable Development
- NPPF Ch. 6 - Delivering a wide choice of high quality homes
- Section 197 Trees
- Town and Country Planning Act 1990

## **5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

SPD - Mitigation Strategy for European Sites

## **6 RELEVANT PLANNING HISTORY**

6.1 90/NFDC/45433 - change of use of dwelling to nursery school. Granted 31.8.90

## **7 PARISH / TOWN COUNCIL COMMENTS**

**Fawley Parish Council:** recommend permission

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

9.1 Hampshire County Council Highway Engineer - no objection

## **10 REPRESENTATIONS RECEIVED**

None

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

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

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

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

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

## **13 WORKING WITH THE APPLICANT/AGENT**

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

This is achieved by

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

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

In this case all the above apply and other than requesting a corrected site location plan, the application was acceptable as submitted and no specific further actions were required.

## **14 ASSESSMENT**

- 14.1 The site lies within the built up area of Holbury opposite the Fawley Oil Refinery. Originally built as a chalet bungalow, the property is presently vacant following the closure of the former private nursery last year. It has a large graveled forecourt with statutorily protected oak tree to the front boundary and enclosed rear garden. There is a residential bungalow to the north and dentist's surgery to the south.
- 14.2 The proposal entails the conversion of the property back into a single residential dwelling with three bedrooms. No physical alterations are proposed to the external appearance of the property although the toilets at ground floor level would be converted to a shower room, as would the changing facilities to the first floor.
- 14.3 In principle, new residential development is acceptable within the built up area although given the current lawful use of the property, consideration also has to be given to the loss of the nursery which would conflict with the desire to retain such uses under policy CS8. In order to justify this change, it is understood that the nursery closed around 12 months ago and while the service provider did not have any plans to improve provision elsewhere in the locality, alternative nurseries were found for the children in the local area suggesting that local provision did not necessarily require further improvement. There are at least 4 other similar premises within 3 miles of this site and on this basis, it is not considered that the loss of this particular facility would adversely affect the overall provision in the area.
- 14.4 Given the lack of external alterations, the protected tree will not be affected with the proposal and the site contains more than enough space for adequate parking and turning facilities.

14.5 With regard to residential amenity, the property is separated by 20m (at ground floor level) from chalet bungalows to the rear - a situation which has existed for several years. First floor windows will be further apart than this and there is not considered to be any adverse impact on residential amenity through the change of use.

#### Other material considerations

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

14.7 In accordance with the Habitat Regulations 2017 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard.

14.8 With regard to affordable housing, Government Guidance issued in 2014 advises that contributions should not be sought from developments of 10 units or less. While the need for affordable housing in this District is pressing, this in itself does not give rise to the sort of circumstances that can be considered exceptional. On this basis, no affordable housing or tariff style contributions would be sought from this proposal, in accordance with National Planning Practice Guidance but contrary to the provisions of Policy CS15 of the Core Strategy.

14.9 The proposal would bring an empty property back into an appropriate use and approval is recommended.

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

## Section 106 Contributions Summary Table

<b>Proposal:</b>			
<b>Type of Contribution</b>	<b>NFDC Policy Requirement</b>	<b>Developer Proposed Provision</b>	<b>Difference</b>
<b>Affordable Housing</b>			
No. of Affordable dwellings	0		
Financial Contribution	0		
<b>Habitats Mitigation</b>			
Financial Contribution	£4,706		

### 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: site location plan, revised block plan (received 23/04/18) existing and proposed ground and first floor plans.

Reason: To ensure satisfactory provision of the development.

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

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

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

**Notes for inclusion on certificate:**

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

In this case all the above apply and other than requesting a corrected site location plan, the application was acceptable as submitted and no specific further actions were required.

2. In discharging condition No. 3 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/>

**Further Information:**

Vivienne Baxter

Telephone: 023 8028 5588





**New Forest**  
DISTRICT COUNCIL

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David Groom  
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**Planning Development  
Control Committee**

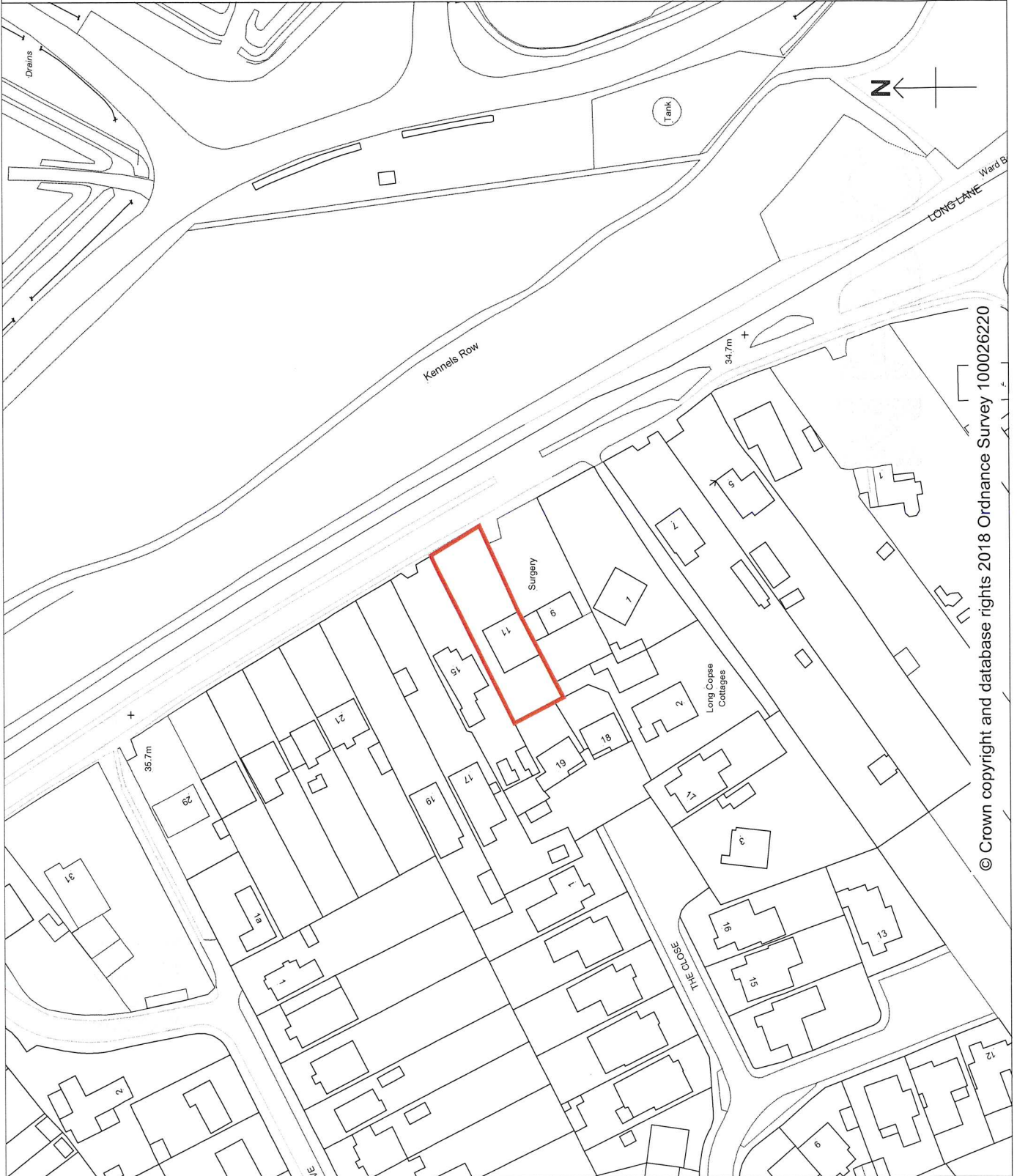
June 2018

Item No: 39

Oak Nursery School  
11 Long Lane  
Holbury Fawley  
18/10176

Scale 1:1250

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



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**Application Number:** 18/10198 Full Planning Permission

**Site:** 21, KENNARD ROAD, NEW MILTON BH25 5JR

**Development:** 1 Block of 9 flats and 1 maisonette; cycle & bin store; parking

**Applicant:** Jackson Developments Ltd

**Target Date:** 14/05/2018

**Extension Date:** 15/06/2018

**RECOMMENDATION:** Grant Subject to Conditions

**Case Officer:** Vivienne Baxter

## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary Town Council view

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

#### Objectives

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

#### Policies

CS1: Sustainable development principles

CS2: Design quality

CS15: Affordable housing contribution requirements from developments

CS25: Developers contributions

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

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

DM3: Mitigation of impacts on European nature conservation sites

## 4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

Achieving Sustainable Development

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

NPPF Ch. 7 - Requiring good design

Section 197 Trees

Town and Country Planning Act 1990

## **5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

SPD - Design of Waste Management Facilities in New Development  
SPD - Housing Design, Density and Character  
SPD - Mitigation Strategy for European Sites  
SPD - New Milton Local Distinctiveness  
SPD - Parking Standards

## **6 RELEVANT PLANNING HISTORY**

- 6.1 17/10533 - 1 three-storey block of 8 flats, completion of development already commenced (LDCE). Was not lawful 14.7.17
- 6.2 13/10150 - removal of condition 3 (affordable housing requirement) of 10/95081. Refused 8.5.13, appeal allowed
- 6.3 10/95081 - 1 three storey block of 16 flats, one 2-storey block of 2 flats, bin store, cycle store, access alterations, parking, demolition of existing. Refused 20.4.10, appeal allowed
- 6.4 07/91520 - 1 three-storey block of 8 flats. Refused 13.2.08, appeal allowed.

## **7 PARISH / TOWN COUNCIL COMMENTS**

New Milton Town Council - recommend refusal and would not accept a delegated approval. Support Highway Authority comments.

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

- 9.1 Southern Gas Networks: offer advice
- 9.2 Southern Water: request informative
- 9.3 Hampshire County Council Highway Engineer: raise concern regarding parking provision
- 9.4 Tree Officer - no objection subject to condition

## **10 REPRESENTATIONS RECEIVED**

- 10.1 One response in support has been received but subject to the consideration of traffic impacts on the corner.
- 10.2 An objection has been received concerned with congestion in Kennard Road and that increased on street parking could be dangerous.

## **11 CRIME & DISORDER IMPLICATIONS**

None

## 12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive a New Homes Bonus of £12,240 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 £85,434.55.

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.

Initial concerns in respect of the width of the access and location of the bin store provision were addressed by the agent and amended plans provided to improve the outlook from the maisonette.

## 14 ASSESSMENT

- 14.1 The site lies on a corner plot within the built up area of New Milton in a residential area. It is currently devoid of any buildings following the demolition of the former children's care home several years ago. There is a triple garage, within the same plot but outside of the site area, which was used in association with the previous use. The boundaries are well screened and include statutorily protected trees to the north, east and southern boundaries. The area is essentially residential in character with a mixture of houses and flats.
- 14.2 The proposal entails the provision of a block of 10 flats with associated cycle and bin store facilities and parking. It follows the lapse of the grant of permission for 16 flats in one building on the site.
- 14.3 In visual terms, whilst the proposed building is large, it is not as substantial as no.29 to the north and would sit within a site capable of providing a reasonable setting. The scale and design of the building is similar to that allowed on appeal and includes traditional design features such as tile hanging and flat roofed dormers which are both found locally.
- 14.4 With regard to residential amenity, the rear elevation of the proposed building is between 18.8m and 23m from the flank elevation of the property in Kennard Court. This property has a first floor side window which would be partially screened by existing vegetation. Previous schemes have not been refused due to any substantive overlooking and given the siting of the proposed building being very similar to those, there are no objections to the proposal in this respect.
- 14.5 Turning to the parking provision, the previous scheme (18 1-bed units in total) was allowed on appeal having a shortfall of 6.4 parking spaces. At the time it was considered, the Highway Authority did not raise any objections to this shortfall and the Inspector concluded that 'the appeal site is sustainably located within walking distance to the services and facilities of New Milton'. He further concluded that both Kennard Road and Kennard Court were capable of accommodating on street parking without any harmful impact upon the pleasant and spacious character of the area.
- 14.6 The current scheme is for 9 x 2-bed and 1 x 1 bed flats which would generate a recommended parking provision of 14.9 unallocated spaces, thus the proposal offers a shortfall of 4.9 spaces. The Highway Authority has indicated that a shortfall of up to 20% could be acceptable subject to good access (400m) to public transport. The local railway station is within 500m and there are bus stops within 30m of the front of the site. Having regard to the circumstances of this proposal, it is considered that although there is a small shortfall of parking (1.9 spaces given the 20% flexibility), it is not sufficient to warrant refusal of the scheme for this reason. In respect of the proposed cycle parking provision, it is noted that the proposed building would accommodate racks for 10 cycles although its capacity would be slightly in excess of this number and the flats building could accommodate additional cycles where necessary.
- 14.7 In light of this current application, the two separate Tree Preservation Orders on site have been revoked and replaced with a single TPO which is a constraint to development on the site. However in view of the

previous building and associated hard surfaces within the site, subject to appropriate protection measures as detailed in the submitted documentation, the trees should not be adversely affected by the proposed development.

#### Other material considerations

- 14.8 The level of housing need in the District is sufficiently above the level of housing supply to know that a five year supply of housing land is currently unavailable. This situation will be addressed through the emerging local plan, but until the new Local Plan is adopted, paragraph 14 of the NPPF advises that planning permission for housing development should normally be granted unless any planning harm identified would "*significantly and demonstrably outweigh the benefits*". This is known as the 'tilted balance' in favour of sustainable development. In this case, it is considered that the adverse impacts of development set out above do not significantly and demonstrably outweigh the benefits and therefore the tilted balance in favour of granting permission is a material consideration in assessing this application.
- 14.9 In accordance with the Habitat Regulations 2010 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard.
- 14.10 With regard to affordable housing, Government Guidance issued in 2014 advises that contributions should not be sought from developments of 10 units or less. While the need for affordable housing in this District is pressing, this in itself does not give rise to the sort of circumstances that can be considered exceptional. On this basis, no affordable housing or tariff style contributions would be sought from this proposal, in accordance with National Planning Practice Guidance but contrary to the provisions of Policy CS15 of the Core Strategy.

#### Conclusion

- 14.11 The proposal would provide 10 units without harming visual or residential amenity, making good use of this corner plot. The protected trees would not be harmed and given the limited shortfall in parking, it is not considered that a reason for refusal could be sustained.

## Section 106 Contributions Summary Table

<b>Proposal:</b>			
<b>Type of Contribution</b>	<b>NFDC Policy Requirement</b>	<b>Developer Proposed Provision</b>	<b>Difference</b>
<b>Affordable Housing</b>			
No. of Affordable dwellings	0		
Financial Contribution	0		
<b>Habitats Mitigation</b>			
Financial Contribution	£29,500		

## CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	887.1	0	887.1	887.1	£80/sqm	£85,434.55 *

Subtotal:	£85,434.55
Relief:	£0.00
Total Payable:	£85,434.55

\* 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

**Grant Subject to Conditions**



### Proposed Conditions:

1. The development hereby permitted shall be begun before the expiration of one year 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 and in order to comply with policy CS15 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: 100 rev D; 101 rev D; 102 rev D; 103 rev A; 104 rev A

Reason: To ensure satisfactory provision of the development.

3. Before development commences, the proposed slab levels in relationship to the existing ground levels set to an agreed datum shall be submitted to and approved by the Local Planning Authority.

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

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

4. No development shall take place until samples or exact details of the facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority.

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.

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

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

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

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

6. 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 in accordance with the measures set out in the submitted Mark Hinsley Tree Report ref 1159-01-18/JC/IMP/01/18 dated 16 January 2018 and Tree Protection Plan ref -1159-01-18 dated 16 January 2018 while in accordance with the recommendations as set out in BS5837:2012.

Reason: To ensure the retention of existing trees and natural features and avoidance of damage during the construction phase in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park and Policy DW-E8 of the New Forest District Local Plan First Alteration.

7. The development hereby permitted shall not be occupied until the arrangements for parking and cycle parking within its curtilage and shown on drawing 8970/100 revD have been implemented. These areas shall be kept available for their intended purposes at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and in accordance with policy CS2 of the New Forest District Council Core Strategy.

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

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

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

**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.

Initial concerns in respect of the width of the access and location of the bin store provision were addressed by the agent and amended plans provided to improve the outlook from the maisonette.

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

**Further Information:**

Vivienne Baxter

Telephone: 023 8028 5588



**New Forest**  
DISTRICT COUNCIL

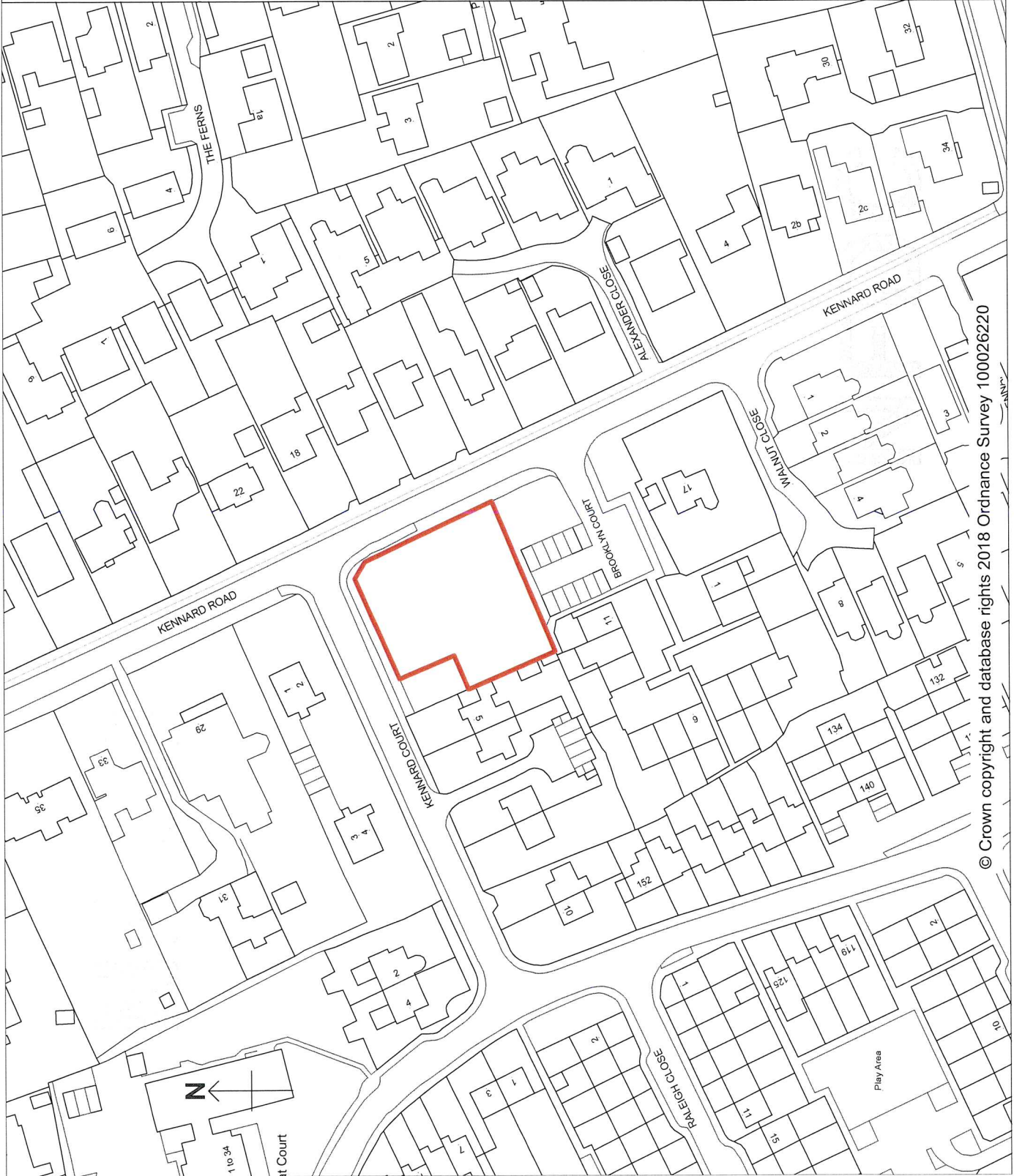
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David Groom  
Service Manager  
Planning and Building Control  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

**Planning Development  
Control Committee**  
June 2018

Item No: 3h  
21 Kennard Road  
New Milton  
18/10198

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



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**Application Number:** 18/10231 Full Planning Permission

**Site:** JALUCH HOUSE, 5 DEWEYS LANE, RINGWOOD BH24 1AJ

**Development:** Change of use from office to use as two flats & parking

**Applicant:** Jaluch Ltd

**Target Date:** 13/04/2018

**Extension Date:** 15/06/2018

<b>RECOMMENDATION:</b> Grant Subject to Conditions
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<b>Case Officer:</b> Jim Bennett
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**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Policy

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Ringwood Town Centre Boundary

Built-up Area

Ringwood Conservation Area

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

Core Strategy

CS1: Sustainable development principles

CS2: Design quality

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

CS10: The spatial strategy

CS20: Town, district, village and local centres

Local Plan Part 2 Sites and Development Management Development Plan Document

DM1: Heritage and Conservation

DM3: Mitigation of impacts on European nature conservation sites

DM16: Within town centres, outside Primary Shopping Areas and Secondary Shopping Frontages

National Planning Policy Framework - Achieving Sustainable Development

NPPF Ch. 7 - Requiring good design

#### **4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

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

#### **5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

SPG - Ringwood Conservation Area Appraisal

SPD - Ringwood Local Distinctiveness Document

SPD - Mitigation Strategy for European Sites

Memorandum of Understanding Neutral Development - Interim Mitigation

#### **6 RELEVANT PLANNING HISTORY**

- 6.1 ENQ/17/21357/SSRC - The applicant sought the Council's pre-application advice on a similar form of development to that proposed, which was supported, subject to amendments and improvements to the proposed design and materials.

#### **7 PARISH / TOWN COUNCIL COMMENTS**

Ringwood Town Council: recommend permission but would accept the decision reached by the DC Officers under their delegated powers. Members were concerned that the proposal made no provision for storage of refuse and wished this to be addressed.

#### **8 COUNCILLOR COMMENTS**

None

#### **9 CONSULTEE COMMENTS**

- 9.1 Conservation Officer: this scheme addresses the concerns raised by the pre-application enquiry and has added a metal railing balcony and a metal railing to the ground floor terrace with hedge landscaping added to the ground floor terrace. This is much more acceptable and softens the scheme. It is disappointing that the windows are not able to be changed to timber, however given the existing brown upvc windows, no objection is raised in this respect. No objection, subject to conditions to cover the following;

- Details should be provided of the metal railings on the balcony and the terrace area
- Details of the materials used for the brick wall surrounding the ground floor terrace.
- Details of the brick vents to be used on the west elevation
- Landscaping plan

- 9.2 Southern Gas Networks: recommend informative notes

## **10 REPRESENTATIONS RECEIVED**

None

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission, the Council will receive New Homes Bonus of £2,448 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 £0.00.

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

## **13 WORKING WITH THE APPLICANT/AGENT**

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

This is achieved by

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

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

## 14 ASSESSMENT

- 14.1 Jaluch House is a relatively modern structure, sited to the rear of the High Street with access off of Deweys Lane. It is part of the backland landscape of the High Street and the backs of the listed properties are visible in the same view as this building. The site is located within the Ringwood Conservation Area and town centre. The building is currently occupied as offices at ground and first floor level.
- 14.2 It is proposed to convert both floors of the building to create 2 no. two bed flats. Operational development is required, including new window openings, a first floor balcony, creation of an outdoor curtilage area and internal alterations to facilitate the conversion. Two off-street parking spaces would be provided for occupiers of the development.
- 14.3 Starting with the Policy position, the site lies within the town centre, but outside Primary and Secondary Shopping Frontages and Areas. Local Plan Part 2 Policy DM16 states that residential development will be permitted where, it does not result in the loss of appropriate non-retail, or other employment or business uses which are capable of being satisfactorily used for an alternative business or employment use appropriate to a town centre location. Core Strategy Policy CS20 relates to town, district and local centres and the policy seeks to protect the primary retailing role, within the context of maintaining a broader mix of uses, including office uses. The policy also seeks to maintain active ground floor frontages. Core Strategy Policy CS10 is applicable and supports new residential development primarily within town centres.
- 14.4 In assessing the proposal against the policy, it is considered that it does not fully comply with Core Strategy Policy CS20 and Local Plan Part 2 Policy DM16 in that it will result in the loss of employment or appropriate uses in a town centre location. As such, the proposal is contrary to local plan policy unless there are material considerations to justify a departure from policy. However, the site lies in an area of the town centre characterised by residential uses and beyond any defined retail frontage or area. The actual loss of commercial floor space (158 sq.m) is relatively small and the overall impact on the economic integrity of the town centre will be minimal. In terms of central government guidance, it is clear that there is a general steer and emphasis towards creating new residential development, highlighted by changes to government legislation as set out in the Town and County Planning (General Permitted Development) Order (GPDO), which permits the change of use of a building from offices (Class B1), to residential (Class C3) without requiring planning permission, but would need to be subject of a Prior Approval Application. In this case, the change of use requires planning permission only because the building is within a conservation area. In balancing out the issues, whilst the proposal would result in the loss of an appropriate town centre use, it is not felt the loss of this small unit, in a location which is predominantly residential in nature would have a materially harmful impact on the economic and commercial vitality of the town centre and accordingly there is no reasonable case to resist the principle of a residential conversion. Indeed the provision of an additional dwelling within this sustainable location would outweigh any limited harm that will be caused through the loss of the employment use. The loss of



office space is considered marginal in terms of harm to the vitality and viability of the town centre, particularly considering the stance of the GPDO, which allows changes of use of offices to dwellings outwith conservation areas.

- 14.5 Policies CS2, CS3 and CS10 of the Core Strategy relate to design quality and among other things, seek to ensure that development does not impact adversely on the character of the area. It needs to be considered whether the form and scale of the new development would be appropriate in the context of the conservation area. Jaluch House occupies an important location, as it sits within the backland landscape of the High Street and any new development should seek to preserve or enhance the character of the Conservation Area. The garden area/cycle store could enhance the appearance of the area if finished with appropriate brickwork, railings and hedge planting. The fenestration changes are broadly acceptable. The Conservation Team raise no objections subject to use of conditions to ensure appropriate materials and landscaping are incorporated in to the final scheme.
- 14.6 In terms of neighbouring amenity, the insertion of new windows and balcony could impact on adjoining premises. However, their positioning is similar to examples of others in the locality and no objections have been received from notified parties on the form of development proposed here. The level of amenity space provided for future occupiers is considered to be acceptable considering the type of accommodation proposed and town centre location.
- 14.7 While two car parking spaces constitutes under provision of parking, within a town centre location a reduced parking standard is acceptable in this instance, bearing in mind the site's proximity to town centre shops and services.
- 14.8 The applicant has confirmed that refuse would be placed ready for collection on Tuesdays as happens with other flats in the courtyard.
- 14.9 Since April 2015 the Council has imposed a charge on all new residential development to fund necessary infrastructure such as habitat mitigation, transport improvements and public open space. This is known as the Community Infrastructure Levy. However, in this instance, because the development does not involve the creation of any new floorspace, the development is likely to be liable for CIL relief.
- 14.10 In accordance with the Habitat Regulations 2010 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. As noted above, the proposal appears likely to be liable for relief from CIL under the vacancy test, in which case a full habitat mitigation figure would be required.

14.11 The Council has recently been advised by Natural England and the Environment Agency that existing measures to off-set the amount of phosphorous entering the River Avon as set out in the Hampshire Avon Nutrient Management Plan will not be sufficient to ensure that adverse effects on the integrity of the River Avon Special Area of Conservation do not occur. Accordingly, new residential development within the catchment of the Hampshire Avon needs to be "phosphate neutral". In order to address this matter the Council in conjunction with Natural England, the Environment Agency and adjoining local authorities proposes to develop appropriate phosphorous controls and mitigation measures to achieve phosphorous neutrality. A Memorandum of Understanding has been signed by the aforementioned parties and it is proposed that this matter is dealt with by condition which would prevent occupation of this development until implementation of the necessary mitigation or offsetting has been secured.

14.12 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, the adverse impacts of development set out above do not significantly and demonstrably outweigh the benefits and therefore the tilted balance in favour of granting permission is a material consideration in assessing this application.

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

### Section 106 Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
<b>Affordable Housing</b>			
No. of Affordable dwellings	0	0	0
Financial Contribution	0	0	0
<b>Habitats Mitigation</b>			
Financial Contribution	£6,100	£6,100	0

## CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
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Dwelling houses	158.5	158.5	0	0	No charge	£0.00 *
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Subtotal:	£0.00
Relief:	£0.00
Total Payable:	£0.00

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

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

Where:

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

*R = the levy rate as set in the Charging Schedule*

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

## 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: ST657-02 and ST657-03a

Reason: To ensure satisfactory provision of the development.

3. Prior to commencement of development, details of the following shall be submitted to and be approved in writing by the Local Planning Authority:
- Details and colour of the metal railings for the balcony and the terrace area
  - Details of the materials used for the brick wall surrounding the ground floor terrace.
  - Details of the brick vents to be used on the west elevation

Thereafter the development shall be implemented in accordance with the agreed details.

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

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

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

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

- 6 The development shall not be occupied until proposals for the mitigation or offsetting of the impact of phosphorus arising from the development on the River Avon Special Area of Conservation (SAC), including mechanisms to secure the timely implementation of the proposed approach, have been submitted to and approved in writing by the local planning authority secured. Such proposals must:
- (a) Provide for mitigation in accordance with the Council's Phosphorus Mitigation Strategy (or any amendment to or replacement for this document in force at the time), or for mitigation to at least an equivalent effect;
  - (b) Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing monitoring of any such proposals which form part of the proposed mitigation measures.
  - (c) The development shall be carried out in accordance with and subject to the approved proposals.

Reason: The impacts of the proposed development must be mitigated before any development is carried out in order to ensure that there will be no adverse impacts on the River Avon Special Area of Conservation (SAC) (adding, when it is in place and as applicable), in accordance with the Council's Phosphorus Mitigation Strategy / the Avon Nutrient Management Plan.

**Notes for inclusion on certificate:**

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

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

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

3. New Forest District Council has adopted a Community Infrastructure Levy (CIL) charging schedule and any application now decided, including those granted at appeal, will be CIL Liable. CIL is applicable to all applications over 100 sqm and those that create a new dwelling. Under Regulation 42A developments within the curtilage of the principal residence are likely to be exempt from CIL so CIL may not be payable provided the applicant submits the required exemption form prior to commencement of the development.
  
4. Southern Gas Networks have provided an extract from their mains records of the proposed work area enclosed for your guidance, available to view on the Council's website. This plan only shows the pipes owned by SGN in our 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 we know of any other pipes in the area we 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 our 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 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 pipes can be extremely dangerous for both your employees and the general public. The cost to repair our pipelines following direct or consequential damage will be charged to your organisation. Please ensure SGN are able to gain access their pipeline throughout the duration of your operations.
  
6. In advance of the publication of the Council's Phosphorous Mitigation Strategy, the development hereby permitted shall be deemed to provide mitigation to "at least an equivalent effect" if it provides for a reduction of the Total Phosphorous Load generated by the development permitted for each year (or part thereof) from the year of occupation to 2025 at a rate of 0.083 kg of phosphorous per dwelling per annum

**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

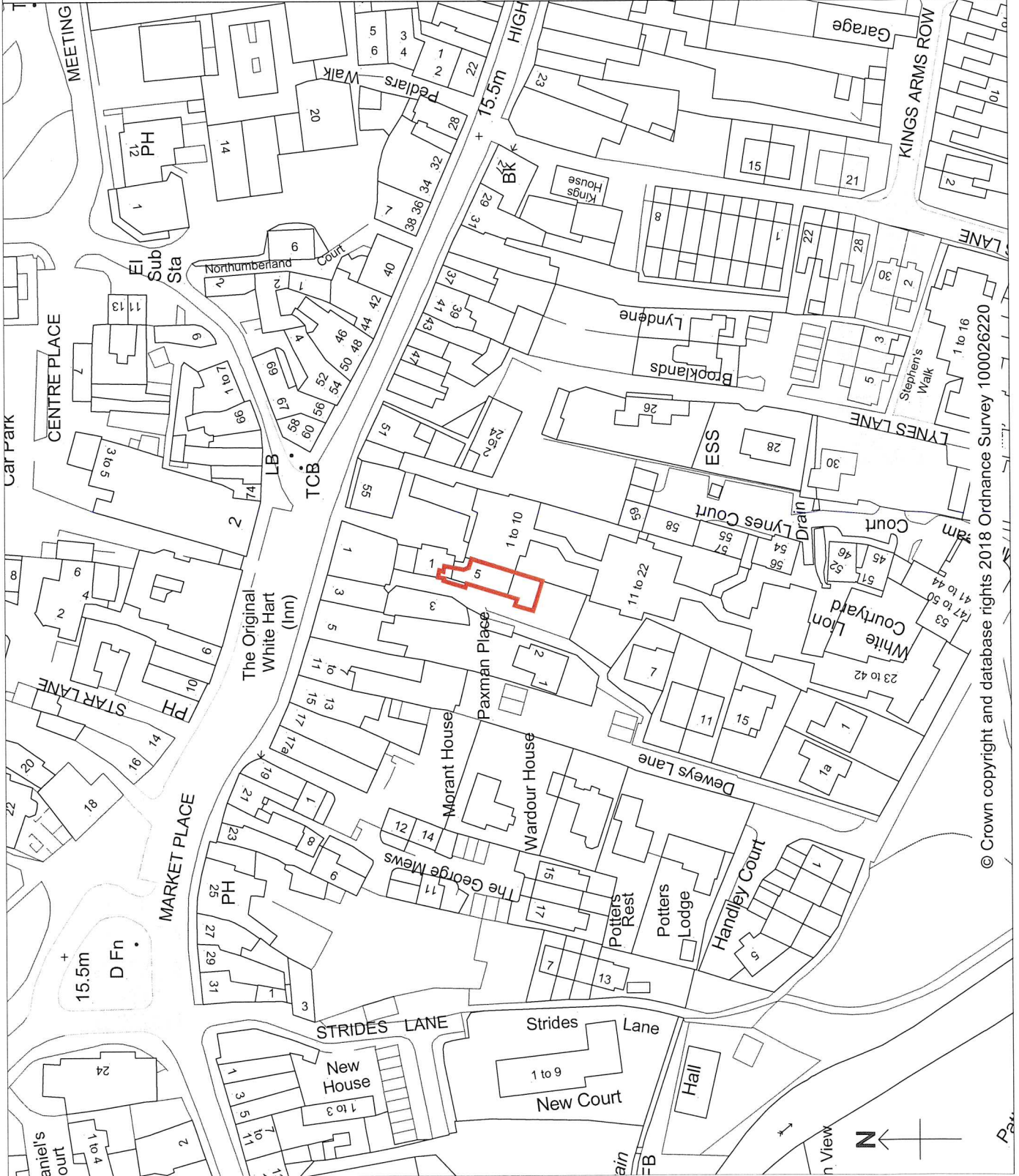
June 2018

Item No: 3i

Jaluch House  
5 Deweys Lane  
Ringwood  
18/10231

Scale 1:1250

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



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**Application Number:** 18/10240 Reserved Matters

**Site:** LAND ADJACENT GODWINS MEDE, POPLAR LANE,  
BRANSGORE BH23 8JE

**Development:** Development of 8 dwellings comprised; 1 pair of semi detached houses; 6 detached houses; 3 detached garages, 1 car port and 1 four bay car port, landscaping, parking (Details of appearance & landscaping, development granted by Outline Permission 17/11414)

**Applicant:** AJ Developments Ltd

**Target Date:** 18/04/2018

<b>RECOMMENDATION:</b> Grant Subject to Conditions
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<b>Case Officer:</b> Richard Natt
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## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Historic Land Use  
Built-up Area  
Adjacent to New Forest National Park Authority  
Adjacent to Site of Importance for Nature Conservation

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

#### Objectives

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

#### Policies

CS1: Sustainable development principles  
CS2: Design quality  
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)  
CS10: The spatial strategy  
CS24: Transport considerations  
CS25: Developers contributions

## **Local Plan Part 2 Sites and Development Management Development Plan Document**

DM1: Heritage and Conservation

DM2: Nature conservation, biodiversity and geodiversity

DM3: Mitigation of impacts on European nature conservation sites

### **4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

### **5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

SPD - Housing Design, Density and Character

SPD - Parking Standards

SPD - Mitigation Strategy for European Sites

Memorandum of Understanding - River Avon Specialist Area of Conservation

Phosphate Neutral Development - Interim Mitigation

### **6 RELEVANT PLANNING HISTORY**

6.1 7 dwellings, 6 garages, car port, parking, landscaping (17/10861) Granted with conditions on the 27th September 2017

6.2 8 dwellings, parking - outline application with details only of access, layout and scale (1711414) Granted with conditions on the 10th January 2018

### **7 PARISH / TOWN COUNCIL COMMENTS**

#### **Bransgore Parish Council**

Recommend refusal and would not support a delegated decision: The proposed amendments would have an adverse effect on the neighbouring single storey bungalows.

### **8 COUNCILLOR COMMENTS**

None

### **9 CONSULTEE COMMENTS**

9.1 Waste Management (NFDC) - Comment Only

### **10 REPRESENTATIONS RECEIVED**

3 letters of objection concerned about the increase in ridge height of the dwellings fronting Poplar Lane, which would be overbearing to the bungalows across the road. Concerns in relation to the construction period of the development within a quiet lane. Problems with high water table and waterlogged site.

### **11 CRIME & DISORDER IMPLICATIONS**

No relevant considerations

## 12 LOCAL FINANCE CONSIDERATIONS

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

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

Based on the information provided at the time of this report this development has a CIL liability of £94,891.97.

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

## 13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

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

## 14 ASSESSMENT

- 14.1 The application site extends to approximately 0.33 hectares in size and is a roughly square shaped area of former open land situated along the eastern side of Poplar Lane. The site has a width of around 63 metres and a depth ranging from 50-70 metres. In the past, the site contained a mixture of trees set behind a hedgerow running parallel to Poplar Lane, but the land has now been cleared and works are currently being undertaken to develop the site for housing following the grant of planning permission for 7 houses and garages (17/10861).
- 14.2 Members will recall approving an outline application in January 2018 to create an additional dwelling on the site, which would be achieved through creating a pair of semi-detached houses instead of a detached dwelling on plot 5 which is sited to the south west corner behind the frontage dwellings. The outline application (17/11414) approved the layout, scale and mean of access.
- 14.3 This current reserved matters application only considers the external appearance and landscaping for the site. Essentially the proposed dwellings are designed nearly identical to the previously approved full permission. The only change relates to the design of the pair of semi-detached houses on plots 5 and 6, which replace the single detached dwelling (provisionally approved plot 5). The proposed pair of semi-detached houses would broadly follow the previous design and would be of a traditional building form and appearance of 'rural cottages'. It is considered that the proposed design of the plots 5 and 6 would blend with the rest of the development and be contextually appropriate.
- 14.4 There is some confusion over the heights of plots 1, 2 and 3 and therefore this needs to be explained. The current application has reduced the height of the proposed dwellings on plots 1, 2 and 3 by some 300mm compared to the previous full permission.
- 14.5 However, when full planning permission was approved for the 7 houses, a street scene drawing was included which indicated that the height of plots 1, 2 and 3 would be lower in the street because they would be lowered or 'sunk' deeper into the existing ground level. Unfortunately during the initial construction works on the site, it became clear that due to the high water table, 'sinking the buildings' further into the existing ground level to reduce the height of the dwellings in the street was not achievable. Accordingly, although the proposed dwellings have not been made taller (in fact they have been reduced in height), because of the inability to 'sink' the buildings into the ground any further, the proposed dwellings will appear approximately 0.6 metres higher compared to the previously approved street scene drawing.
- 14.6 It is considered that this marginal discrepancy would not have any significant or detrimental impact on the street scene. Planning permission has already been granted on the site for two storey dwellings to front onto the road. These minor changes which would result in the dwellings appearing slightly taller when viewed from the road would be acceptable. The proposed development would not materially impact on the adjoining neighbouring property compared to the previous permission.

- 14.7 In terms of the submitted landscaping scheme, the plan shows that a new native hedgerow would be planted adjacent to Poplar Lane with a post and rail fence sited behind to help establish the hedgerow. New Trees would be provided throughout the site, including along Poplar Lane, and both side boundaries to Blackbird Way and Godwins Mede.
- 14.8 The Council has recently been advised by Natural England and the Environment Agency that existing measures to off-set the amount of phosphorous entering the River Avon as set out in the Hampshire Avon Nutrient Management Plan will not be sufficient to ensure that adverse effects on the integrity of the River Avon Special Area of Conservation do not occur. Accordingly, new residential development within the catchment of the Hampshire Avon needs to be "phosphate neutral". In order to address this matter the Council in conjunction with Natural England, the Environment Agency and adjoining local authorities proposes to develop appropriate phosphorous controls and mitigation measures to achieve phosphorous neutrality. A Memorandum of Understanding has been signed by the aforementioned parties and it is proposed that this matter is dealt with by condition which would prevent occupation of this development until implementation of the necessary mitigation or offsetting has been secured.
- 14.9 In conclusion, outline planning permission has been granted for 8 dwellings on this site and this current application is only for the appearance and landscaping. The overall appearance of the dwellings follows the design previously approved and the landscaping has been designed to reflect the semi-rural nature of the area. It is therefore recommended for approval.
- 14.10 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

### CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	985.3	0	985.3	985.3	£80/sqm	£94,891.97 *
Subtotal:	£94,891.97					
Relief:	£0.00					
Total Payable:	£94,891.97					

\* 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

### Grant Subject to Conditions

Reserved matters of external and appearance, specified in condition a of outline permission reference number 17/11414 dated 10th January 2018.

### Proposed Conditions:

1. The development permitted shall be carried out in accordance with the following approved plans: 8827/600; 8827/601 rev A; 8827/602 rev A; 8827/603 rev A; 8827/604; 8827/605; 8827/606; 8827/607; 8827/608, 3432 003 P1; Planting Schedule rev 2.

Reason: To ensure satisfactory provision of the development.

2. The buildings hereby approved shall only be constructed from the materials set out below unless otherwise agreed by the Local Planning Authority:

#### Plot 1

Bricks: Kassandra Multi with Anglesey weathered Buff Cant detail and window arches

Roof: Terracotta ridge tiles and chimney pots

Roof tiles: Marley single Camber Heather Blend

#### Plot 2

Bricks: Kassandra Multi with Kassandra Multi Cant detail and Anglesey weathered Buff Cant detail and Buff arches

Timber cladding: Siberian Larch

Roof: Terracotta ridge tiles and chimney pots

Roof tiles: Marley single Camber Farmhouse brown

#### Plot 3

Bricks: Kassandra Multi with Anglesey weathered Buff Cant detail and window arches

Roof: Black ridge and chimney pots

Roof tiles: Marley single Camber Grey Sandfaced

Plot 4

Bricks:Kassendra Multi throughout  
Roof: Terracotta ridge tiles and chimney pots  
Dormers: Timber clad Siberian Larch  
Roof tiles:Marley singe Camber Heather Sandfaced

Plots 5-6

Bricks: Kassendra Multi throughout  
Roof: Black ridge and chimney pots  
Dormers: Lead Cheeks  
Roof tiles: Gemini forticrete - slate grey

Plot 7

Bricks: Kassendra Multi throughout  
Roof: Terracotta ridge tiles and chimney pots  
Timber clad: Siberian Larch  
Roof tiles: Mixed Russet Gemini Forticrete

Plot 8

Bricks: Kassendra Multi throughout  
Roof: Terracotta ridge tiles and chimney pots  
Roof tiles: Mixed Russet Gemini Forticrete

All exposed rafter feet to be white painted finish  
Windows for all properties to be white U.P.V.C. with sliding sash effect.  
Stone cills to be light buff colour with etched finish.  
Plot 2 front elevation 1<sup>st</sup> floor window cills in lead  
Plot 7 front and rear elevation 1<sup>st</sup> floor cills in lead

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.

3. 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 003 P1 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).

4. The landscaping scheme shall be fully implemented in accordance with the submitted Landscape plan, details and specification set out on Plan by Sarah Abbott Gardens Revision 2 and planting specification by the end of the planting and seeding season following the occupation of the buildings or the completion of the development whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the

development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size or species, unless the Local Planning Authority gives written consent to any variation.

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

5. The development shall not be occupied until proposals for the mitigation or offsetting of the impact of phosphorus arising from the development on the River Avon Special Area of Conservation (SAC), including mechanisms to secure the timely implementation of the proposed approach, have been submitted to and approved in writing by the local planning authority secured. Such proposals must:

- (a) Provide for mitigation in accordance with the Council's Phosphorus Mitigation Strategy (or any amendment to or replacement for this document in force at the time), or for mitigation to at least an equivalent effect;
- (b) Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing monitoring of any such proposals which form part of the proposed mitigation measures.
- (c) The development shall be carried out in accordance with and subject to the approved proposals.

Reason: The impacts of the proposed development must be mitigated before any development is carried out in order to ensure that there will be no adverse impacts on the River Avon Special Area of Conservation (SAC) (adding, when it is in place and as applicable), in accordance with the Council's Phosphorus Mitigation Strategy / the Avon Nutrient Management Plan.

**Notes for inclusion on certificate:**

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

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



2. In advance of the publication of the Council's Phosphorous Mitigation Strategy, the development hereby permitted shall be deemed to provide mitigation to "at least an equivalent effect" if it provides for a reduction of the Total Phosphorous Load generated by the development permitted for each year (or part thereof) from the year of occupation to 2025 at a rate of 0.083 kg of phosphorous per dwelling per annum.

**Further Information:**

Richard Natt

Telephone: 023 8028 5588



**New Forest**  
DISTRICT COUNCIL

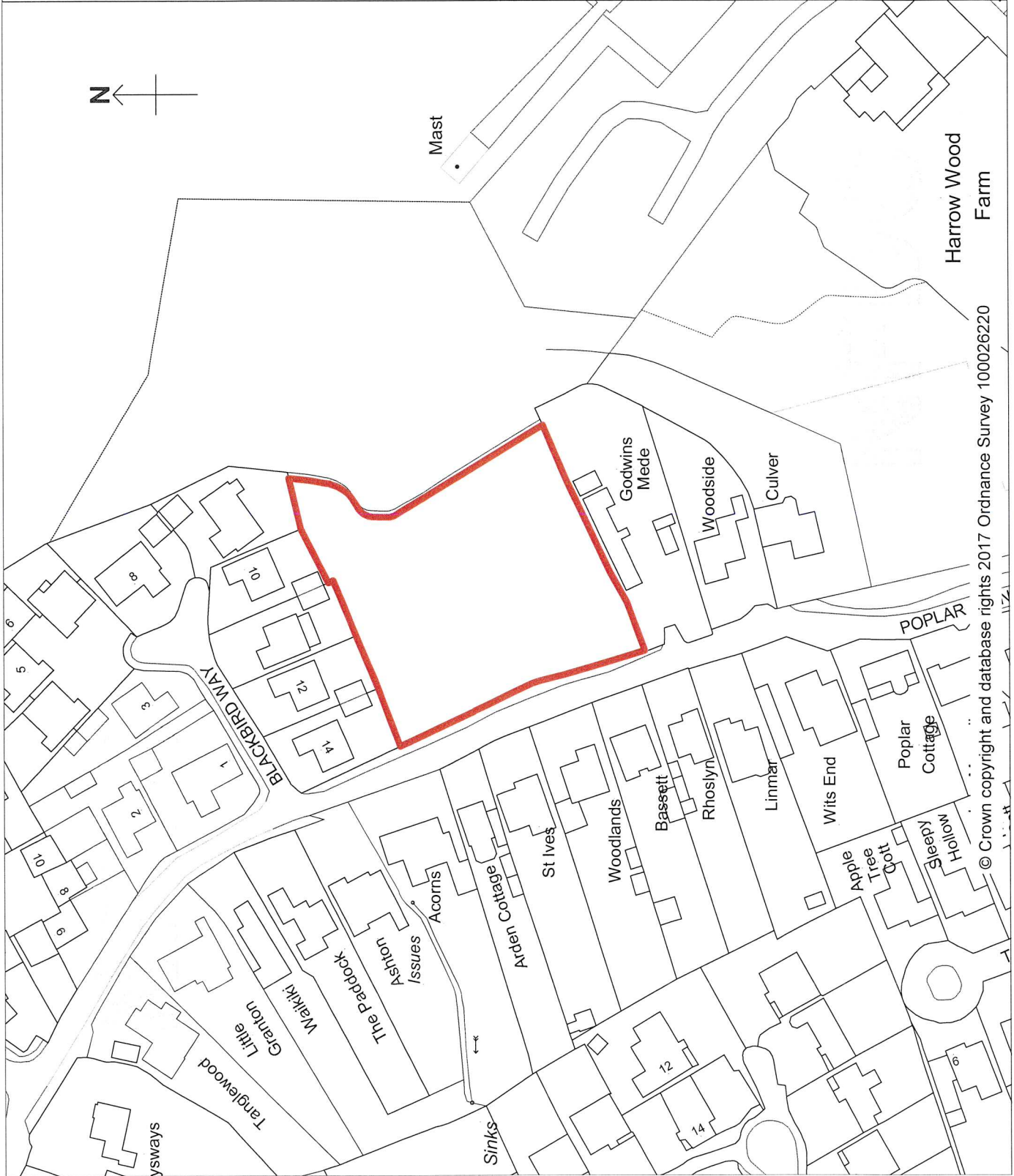
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David Groom  
Service Manager  
Planning and Building Control  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

**Planning Development  
Control Committee**  
June 2018

Item No: 3j  
Land adj. Godwins Mede  
Poplar Lane  
Bransgore  
18/10240  
SZ1997

Scale 1:1250  
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the internet, it will not be to  
scale.



**Application Number:** 18/10274 Full Planning Permission

**Site:** LAKE HOUSE, WOOLMER LANE, BLASHFORD, RINGWOOD  
BH24 3PQ

**Development:** House; parking and landscaping; ecological enhancements;  
demolition of existing

**Applicant:** Mr & Mrs McGrath

**Target Date:** 02/05/2018

**RECOMMENDATION:** Refuse

**Case Officer:** Richard Natt

## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Ellingham, Harbridge and Ibsley Parish Council view

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Flood Zone 3

Countryside outside the New Forest

Public Right of Way

Adjacent to Public Open Space

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

#### Objectives

1. Special qualities, local distinctiveness and a high quality living environment
2. Climate change and environmental sustainability
3. Housing
7. The countryside
8. Biodiversity and landscape

#### Policies

##### Core Strategy 2009

- CS1: Sustainable development principles
- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS4: Energy and resource use
- CS6: Flood risk
- CS10: The spatial strategy

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

DM2: Nature conservation, biodiversity and geodiversity

DM20: Residential development in the countryside

### **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 - Residential Design Guide for Rural Areas

SPG - Blashford Lakes Strategic Management Plan

### **6 RELEVANT PLANNING HISTORY**

- 6.1 Single storey rear extension - prior approval application (16/11421)  
Approved on the 16th November 2016
- 6.2 Form link between house and garage (98/65396) Granted on the 4th  
February 1999
- 6.3 Detached garage car port (98/65397) Granted in the 4th Feb 1999
- 6.4 Conservatory (98/63333) Granted on the 14th April 1998
- 6.5 Detached garage (94/54899) Granted with conditions on the 8th Sept  
1994
- 6.6 One and two storey additions (94/53894) Granted with conditions on the  
23rd March 1994
- 6.7 Addition of dormer and room in roof over conservatory and detached  
double garage (92/ 49990) Granted with conditions on the 10th July 1992

### **7 PARISH / TOWN COUNCIL COMMENTS**

#### **7.1 Ellingham, Harbridge & Ibsley Parish Council**

Propose to recommend permission with the following comments:-

- The key considerations for the Parish Council were whether the application is exceptional enough in design and ambition to merit setting aside Policy DM20, and whether its circumstances are sufficiently individual so as not to create a precedent to be used for redeveloping other properties.
- It was noted that Permitted Development Rights would allow sizeable rear extensions to the existing dwelling.
- At 6 acres, it was felt that the site would be large enough to accommodate the significant increase in size of dwelling applied for.
- It was noted the existing dwelling occupies 0.08% of the 6 acre site, and the proposed dwelling would increase this to 0.09%.
- Native hedge screening is already being established on the boundaries and the nearest property is some 200m away. Oversight from FP 701 to the north was not considered to be a significant issue.
- As a result of the flood risk modelling carried out, it is understood why the building has been designed with habitable space above ground floor level with largely storage and garaging areas beneath.

- Splitting the dwelling into two offset structures reduces the massing of the building, which would have been overbearing, even in this large setting. The absence of ground floor infill, particularly under the southern structure also helps reduce the consolidation of the dwelling.
- A new structure on this site would allow for the low energy, self-sustaining dwelling proposed with water source heat pump and flat roof pv panels, which is to be welcomed.
- Concern was expressed about the extensive glazing and potential for light pollution, particularly where overlooking the lake (reflection) and roof lights (skyglow), and light attenuation measures should be conditionable.

By a majority vote, it was felt that there was sufficient distinction in this application for it to be made an exception to DM20, subject to: a comprehensive, monitored and enforceable s.106 habitat and ecological enhancement management plan, which the Parish Council understands has already been produced; conditioned attenuation measures for internal lighting, and for external light sources to be both approved and under PIR control; conditioned environmental systems; conditioned selection of external materials and colours - timber, brick work, paving etc;

The Parish Council hope and expect that the application will also be considered by the Planning Committee where it would receive a wider range of opinion.

## **7.2 Neighbouring Parish Council Ringwood Town Council**

Recommend refusal. The application is contrary to Policy DM20 and the grounds provided are not sufficient for it to be considered as an exception. Members also considered that the proposal was out of character for its surroundings considering that it can be viewed from rights of way in the area and the adjacent Poulner Lakes open space.

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

- 9.1 Natural England: This application is within 400 metres of the Avon Valley Special Protection Area and the Avon Valley (Bicton to Christchurch) SSSI. The site is adjacent to the series of lakes known as Blashford Lakes, most of which are within the designated area. There are potential impacts on the SSSI and supporting habitats, during construction due to pollution and post construction due to surface water runoff from the site. In order to mitigate these adverse effects, appropriate conditions are required.
- 9.2 Environmental Health(Contaminated Land): No objection but would recommend an informative note due to the close proximity of previous landfill sites.
- 9.3 Ecologist: No objection subject to condition that development shall be carried out strictly in accordance with measures proposed in the submitted ecological report and further secured by the submission of a final Construction Environment Management Plan and method statement for bat licensing prior to development commencing as recommended in

ecology report. The measures for ecological compensation and enhancement seem well informed and represent appropriate and functional nature conservation gains. Overall for a replacement dwelling the range of measures, usage of appropriate liaison with local experts to inform design and commitment to suitable management seems to be in excess of that which the Council would normally secure and are welcomed. Successful implementation will very much depend on careful operations informed by the ecological reports and experts involved.

- 9.4 Landscape Officer: The proposal represents a fantastic opportunity to enhance the existing rich features of this site. The proposal is lifted, enabling its mass to sit at tree canopy height whilst allowing glimpses of the wider site through the ground floor from the very limited and fleeting views of the site during the winter months from the public rights of way network. The wider proposals to enhance the ecological value through careful new planting, habitat creation and sensitive management should be celebrated.
- 9.5 Environment Agency: No objection subject to condition. It is for the Local Planning Authority to apply the Sequential Test in accordance with the National Planning Policy Framework to determine whether or not there are other sites available at lower flood risk.

## **10 REPRESENTATIONS RECEIVED**

- 10.1 9 letters of support. The proposed development sits in a unique location and consequently deserves an outstanding property to sit alongside it. The proposed design is appropriate for this setting. The applicants have carried out significant work in restoring the lakeside and boundaries. The site sits on a secluded plot. The proposal will support wildlife and its construction means it has a small carbon footprint and would have a low impact on the environment.
- 10.2 1 letter of objection concerned that the proposed replacement dwelling and the environmental improvements proposed are not intrinsically linked. The proposal is not of such a high quality to 'set aside' policy. The site lies within the countryside where restrictive policies apply.

## **11 CRIME & DISORDER IMPLICATIONS**

No relevant considerations

## **12 LOCAL FINANCE CONSIDERATIONS**

Based on the information provided at the time of this report this development has a CIL liability of £26,552.03.

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

## **13 WORKING WITH THE APPLICANT/AGENT**

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

This is achieved by

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

The applicants sought pre application advice, which was for a similar proposal. Officers responded to the pre application enquiry advising that the proposal would fail to comply with policy, in terms of the 30% restrictions and size and should a planning application be submitted, it would not be supported.

## 14 ASSESSMENT

### 14.1 The site and location

14.1.1 The site extends to some 2.4 hectares and comprises a detached dwelling and garaging set next to a large secluded lake bounded by trees and greenery. The existing dwelling on the site is an attractive Victorian red brick building, likely to have dated from the 1900's and is situated at the end of a narrow unmade gravel track known as Woolmer Lane. Although the property has been extended in the past, the main building is of a simple symmetrical form and design under a pitched roof. The existing dwelling has some attractive features including decorative fascia boards and chimneys.

14.1.2 When arriving at the site, after crossing over the bridge, the lake together with its landscape setting provides you with the first striking impression. The drive curves to the left and the dwelling is set back at the end of a gravel parking area, orientated at right angles to the lake. For the most part, the perimeter of the site is heavily tree'd and landscaped, although there are some open gaps, where the applicant has started to plant new hedgerows. The Lin Brook and Ellingham Footpath No 1 run along the north and to the east providing access into an area of public open space, lying just outside the site.

- 14.1.3 The site lies to the south of Blashford Lakes Nature Reserve which was established in 1995. Blashford Lakes is a series of former gravel pits surrounded by grassland and woodland. The Dockens Water Stream runs through the reserve and is bounded by ancient woodland.
- 14.1.4 The site lies to the north of Ringwood outside the built up area or settlement boundary. The site lies within Flood Zone 3. To the west of the site is Headland Business Park and to the south is Kingfisher Lake, which is used for private fishing. To the east of the site is an area of Public Open Space. To the north of the site is an open field, but the views are somewhat limited because of the trees along the track.

## 14.2 The proposal

- 14.2.1 The proposal is to demolish the existing dwelling and garaging and to construct a two storey dwelling with integral garaging and swimming pool, which would be positioned broadly in the same position as the existing buildings. The proposal also includes landscaping and ecological enhancements to the site. The application is accompanied by a number of technical and detailed supporting documents. Access into the site would remain unchanged.
- 14.2.2 Unlike the more traditional design of the existing dwelling, the proposal is to create a more radical and contemporary designed building comprising two rectangular building forms supported on columns with the majority of the habitable floor space being on the first floor. By creating a building in which the first floor habitable accommodation is on the first floor, this helps alleviate the flooding issues on the site. The proposed dwelling would be larger in size than the existing dwelling. Orientated to face the lake, the proposed building would be constructed from timber cladding on the upper levels and brick on the lower levels, and would incorporate large glazed areas at first floor level. Other than a swimming pool to be constructed next to the dwelling, and a courtyard area with garaging, no further buildings or structures would be provided within the site.

## 14.3 Policy context and assessment

- 14.3.1 The site lies outside the settlement boundary and therefore restrictive countryside policies apply. Policy DM20 of the Local Plan Part 2 relates to residential development in the countryside. The policy permits the replacement of existing dwellings in the countryside, but this is subject to meeting certain criteria. In all cases, development should be of an appropriate design, scale and appearance in keeping with the rural character of the area, and should not be harmful to the rural character of the area by reason of traffic and other activity generated or other impacts. Replacement dwellings should not normally provide for an increase in floor space of more than 30% of the original dwelling. The original dwelling is defined as how the property existed on the 1st July 1982. In all cases proposals should be designed to respect the character and scale of the existing dwelling, and not significantly alter the impact of built development on the site within its setting.
- 14.3.2 Based upon the planning history of the site, the proposed replacement dwelling would result in a floor space well in excess of the 30% limitation. The property which stood on the site on the 1st July 1982 measured approximately 127 square metres (the 30% increase permissible under



policy would therefore allow an increase of 165 square metres). The property has had several incremental extensions over the years, including a link from the dwelling to garage which utilised the 30% limitation. The existing property which now stands on the site measures approximately 199 square metres. The existing detached garage/ outbuilding measures some 49 square metres. The proposed replacement dwelling (ground and first floor rooms including the attached garage, gym, studio, plant, garden store, changing area etc) equates to an area of 485 square metres and as such the proposal would fail to comply with policy DM20. Accordingly the proposal would result in a floor space significantly more than double that of the existing property. The main thrust of the policy is to maintain a balance in the Districts rural housing stock, and to resist the cumulative effects of significant enlargements being made to rural dwellings. The proposals would result in a building well in excess of the 30% limitation and as such would be contrary to local plan policy DM20. It should also be noted that if the applicant were to extend the existing property under 'permitted development 'this would only add some 34 square metres of floor space. The applicants do not intend to explore this option given that this would also require demolition of part of the existing dwelling.

- 14.3.3 The proposed house would broadly be sited within the same position as the existing property, however the proposed dwelling would comprise two long horizontal building forms orientated with its longer elevations facing the lake. The building elevation facing the lake would be 21.5 metres long, and the building elevation behind would be 19 metres long. The proposed dwelling would be slightly taller than the existing ridge height and would be a significantly longer building form with a full two storeys eaves height and flat roof, in which most of the first floor would be raised on columns. The proposed dwelling itself would be of a bold and contemporary design using a palette of materials which would complement the design of the elevation, including large areas of horizontal glazing. Although the site is somewhat secluded from neighbouring roads, situated at the end of an access track and well screened with trees and vegetation, the main views into the site are from the public footpath and open space which run around the perimeter of the site.
- 14.3.4 It is considered that the proposed building in itself is a well executed piece of architecture and is well designed, however, the proposed dwelling would appear very different to the established and distinctive rural character of the area, and be of a design and appearance which would not reflect the design principles set out in the Councils adopted Supplementary Planning Guidance Residential Design Guide for Rural Areas of the New Forest District. The existing house that sits on the site is a traditional cottage which was originally surrounded by fields in a rural setting. The dwelling that now sits on the site has a limited relationship with the lake and the surroundings. The character of the more immediate area is quite modern, as a network of lakes has been created and the development at Headlands business park and the properties in the area have been built which are 20th Century.
- 14.3.5 It is difficult to understand how the proposed design was arrived at in defining local character and the chosen form and materials appear at odds with the defined character. Nevertheless, the main concern is that the proposed replacement dwelling would be far more imposing and visually intrusive on the site compared to the existing modest traditional Victorian building. Put simply, the sheer size of the replacement dwelling

with most of its accommodation provided at first floor level and its long horizontal form, would result in a building that goes well beyond the policy requirements and would result in a far more imposing building in its setting.

14.3.6 Indeed, although the proposed building would be marginally taller than the existing building, it is considered that by reason of its size, and excessive horizontal and monolithic form and mass which is exacerbated by its use of a full two storey eaves height and flat roof, the proposed replacement dwelling would be out of keeping and far more imposing and visually intrusive than the existing property on the site, to the detriment of the character and appearance of this sensitive rural countryside location. The main objective of the policy is to protect the countryside from development that would significantly alter the impact of built development on the site within its setting and by permitting a development that would be more than twice as large as the existing building would result in an unacceptable urbanisation contrary to local plan Policy DM20.

#### 14.4 The case for the applicant

14.4.1 The applicants accept that the proposed replacement dwelling exceeds the floor space limitation set out by policy, but have made a detailed case, as to why there are material considerations to justify an exception being made to policy. The supporting statement explains that the extent and quality of the setting benefits a dwelling of larger size and of the highest architectural quality and the concept combines the design of a house that would deal with intermediate flooding, with the opportunities to make substantial improvements to the landscape and ecology of the site and the lake. In particular, the applicants consider that the design of the house would enhance and complement the lakeside setting, by creating a building with weightless appearance, that 'floats above the water'. The applicant considers that the site is exceptionally large and that the lakes themselves are not representative of the rural character of the wider district. On this basis, the applicants believe that the proposed development would not result in an urbanisation or loss of character, in which a significant portion of the site will remain open.

14.4.2 The other improvements proposed include a suite of ecological, landscaping and sustainability enhancements introducing suitable fish species, improving water edges to create habitats for waders and create interconnected habitats between the lakes. Other initiatives include improving native flora and diversity. In relation to landscape, improvements to the biodiversity of the existing woodland habitats and meadows around the site, together with creating naturalistic planting around the immediate setting of the house. In addition, to the proposed ecological enhancements, the proposal will be a net zero energy development incorporating the latest technology including Water Source Heat Pumps, Photo Voltaic Panels and Battery Storage. In essence, it is claimed that the proposed dwelling should not need to take electricity from the national grid. The case made on flooding, is on the basis that the proposed dwelling would be 600mm higher than the existing dwelling and all habitable floor space will be situated at first floor level to ensure the property is resilient to flooding for generations to come and will ensure the long term survival of the lake.

#### 14.5 Response to Applicant's Case

14.5.1 In response to the case put forward, whilst not criticising the design of the building, it is considered that its simple form, appearance and elevational treatment cannot be described as either outstanding, innovative or exceptional, which demonstrates that the design of the building far exceeds the design standards of other buildings or weigh in favour of the proposed development. The proposed dwelling itself, whilst designed to a high standard, will be considerably larger in size and would appear more prominent in its setting than the existing dwelling. Moreover, whilst all these enhancements and improvements are welcomed and applauded, it is not considered that they outweigh policy in this case. There is no reason to dispute the enhancements made, which all consultees support. However, it is questioned whether a number of these environmental benefits can be achieved, without the need to increase the floor space well beyond what would normally be acceptable under local plan policy. Lastly it is considered that, as proposed, the scheme has the effect of dominating the current landscape setting rather than complementing it. Whilst attractive it has not been demonstrated that the proposed dwelling would significantly enhance its immediate setting.

#### 14.6 Other matters

14.6.1 In relation to other matters, it is considered that the proposal will not impact on highway safety, flooding, residential amenity or trees. The Ecologist raises no objection on ecological grounds and welcomes the proposed enhancements. The Environment Agency have made a comment that it is for the Local Planning Authority to apply the Sequential Test in accordance with the National Planning Policy Framework to determine whether or not there are other sites available at lower flood risk. On the basis that the proposal is for a replacement dwelling, on broadly the same siting, a Sequential Test is not required. Indeed, the whole of the site lies within the Flood Zone and accordingly, it is not possible to re-locate the proposed dwelling on the site in an area at lower risk of flooding.

#### 14.7 Conclusion

14.7.1 In summary, there is no objection to the principal of replacing the existing dwelling. The main issue in this case is whether the material considerations, namely the design of the dwelling and wider environmental enhancements outweigh local plan policy DM20 which restricts the size of dwellings in the countryside. In this case, while the proposed dwelling is well designed, and much thought has gone into making significant enhancements to the landscape, sustainability, ecology and minimising flood risk, on balance, it is considered that this does not outweigh policy in this case.

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

## CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	492	216.3	275.7	275.7	£80/ sqm	£26,552.03 *
Subtotal:	£26,552.03					
Relief:	£0.00					
Total Payable:	£26,552.03					

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

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

Where:

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

*R = the levy rate as set in the Charging Schedule*

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

## 15. RECOMMENDATION

### Refuse

#### Reason(s) for Refusal:

1. In order to safeguard the long term future of the countryside, the Local Planning Authority considers it important to resist the cumulative affect of significant enlargements being made to rural dwellings. Consequently Policy DM20 of the Local Plan Part 2: Sites and Development Management Plan seeks to limit the proportional increase in the size of such dwellings recognising the benefits this would have in minimising the impact of buildings and human activity generally in the countryside and the ability to maintain a balance in the housing stock. This proposal would result in a building which is unacceptably large in relation to the original dwelling and would undesirably add to pressures for change which are damaging to the future of the countryside and contrary to Policy DM20 of the Local Plan Part 2: Sites and Development Management Plan, Policy CS10 of the Core Strategy for the New Forest District outside the National Park.

2. By reason of its size, excessive horizontal emphasis and monolithic form, height and mass which is exacerbated by its use of a full two storey eaves height and flat roof, the proposed replacement dwelling would be out of keeping and far more imposing and visually intrusive than the existing property on the site, to the detriment of the character and appearance of this sensitive rural countryside location. As a result, the proposed development would be contrary to policies CS2 and CS10 of the Core Strategy for the New Forest District outside the National Park and to Policy DM20 of the Local Plan Part 2: Sites and Development Management Plan and adopted Supplementary Planning Guidance 'Residential Design Guide for Rural Areas'.

**Notes for inclusion on certificate:**

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

The applicants sought pre application advice, which was for a proposal similar to that proposed. Officers responded to the pre application enquiry advising that the proposal would fail to comply with policy, in terms of the 30% restrictions and size and should a planning application be submitted, it would not be supported.

2. Note to applicant

There are a number of sites near to this property which have had past contaminative uses. It is possible that some contamination may have migrated through the ground and groundwater. Whilst the Authority has no evidence to suggest that this is the case, any observed presence of contamination during any ground invasive works should be reported to the Local Authority Environmental Health Officer and works halted whilst the matter is considered. It is advisable to obtain specialist advice concerning the potential for contamination and its recognition. Under the National Planning Policy Framework, where a site is affected by contamination, responsibility for securing a safe development and/or new use, rests with the developer and/or landowner and as a minimum requirement the land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.

**Further Information:**

Richard Natt

Telephone: 023 8028 5588



**New Forest**  
DISTRICT COUNCIL

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**Planning Development  
Control Committee**

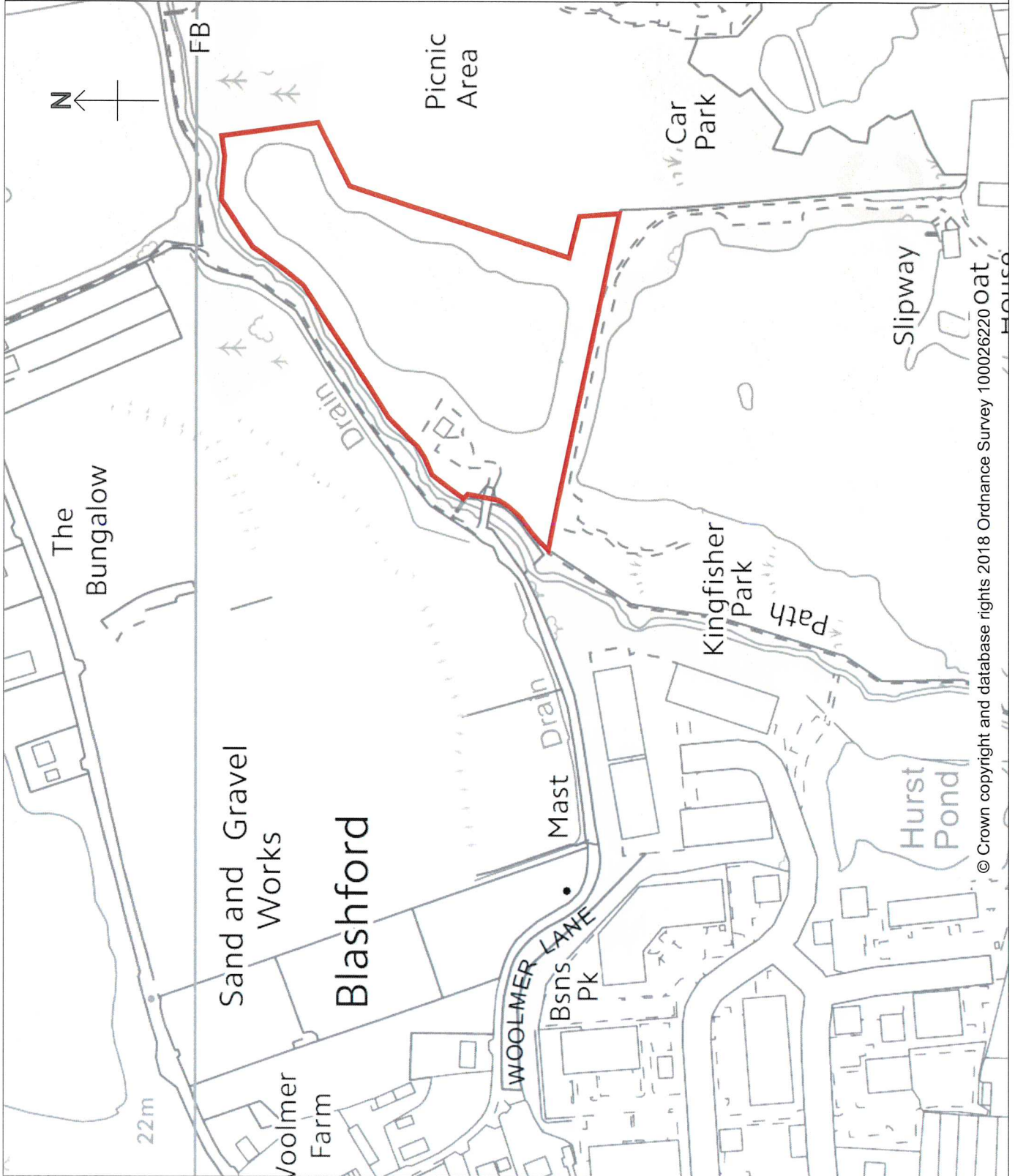
June 2018

Item No: 3k

Lake House  
Woolmer Lane  
Blasford Ringwood  
18/10274

Scale 1:3000

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



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**Application Number:** 18/10277 Full Planning Permission

**Site:** 27B ST THOMAS STREET, LYMINGTON SO41 9NE

**Development:** Use of first-floor and new second floor as two maisonettes; entrance lobby and cycle/bin store on ground floor; roof alterations; ground-floor front extension; front dormers; rooflights; fenestration alterations; access deck; railings (AMENDED PLANS)

**Applicant:** Crystals of Lymington

**Target Date:** 20/04/2018

**Extension Date:** 15/06/2018

<b>RECOMMENDATION:</b> Refuse
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<b>Case Officer:</b> Vivienne Baxter
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## 1 REASON FOR COMMITTEE CONSIDERATION

Member request

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area  
Primary Shopping Area  
Town Centre Boundary  
Secondary Shopping Frontage  
Lymington Conservation Area

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

#### Objectives

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

#### Policies

- CS1: Sustainable development principles  
CS2: Design quality  
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)  
CS15: Affordable housing contribution requirements from developments  
CS20: Town, district, village and local centres  
CS25: Developers contributions

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

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

DM1: Heritage and Conservation

DM3: Mitigation of impacts on European nature conservation sites

DM15: Secondary shopping frontages

#### **4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

Achieving Sustainable Development

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

NPPF Ch. 7 - Requiring good design

NPPF Ch. 12 - Conserving and enhancing the historic environment

Section 72 General duty as respects conservation areas in exercise of planning functions

Planning (Listed Buildings and Conservation Areas) Act 1990

#### **5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

SPG - Lymington - A Conservation Area Appraisal

SPD - Lymington Local Distinctiveness

SPD - Mitigation Strategy for European Sites

#### **6 RELEVANT PLANNING HISTORY**

None relevant

#### **7 PARISH / TOWN COUNCIL COMMENTS**

Lymington and Pennington Town Council: recommend permission but would accept a delegated decision.

#### **8 COUNCILLOR COMMENTS**

Cllr Penson requests Committee consideration if refusal is recommended

#### **9 CONSULTEE COMMENTS**

9.1 Southern Gas Networks - offer advice

9.2 Hampshire County Council Highway Engineer - comment only

9.3 Conservation Officer - unable to support scheme

#### **10 REPRESENTATIONS RECEIVED**

Support has been received from 12 local residents who raise the following points:

- enhances building
- well thought out showing consideration for adjacent properties
- property is in need of updating
- would add balance to front of building
- provides much needed accommodation
- the proposal will reflect the high standards of the applicants



- infill will hardly be noticeable
- appropriate to provide new dwellings in an older building
- long term investment to the town, applicants contribute to local economy
- applicants have made significant improvements to the shop in recent years
- applicants have clearly made compromises

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission, the Council will receive New Homes Bonus £2,448 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 £4,574.50.

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

## **13 WORKING WITH THE APPLICANT/AGENT**

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

This is achieved by

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

especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

The proposal was preceded by pre-application advice over a period of several months and this included both office and site based meetings. Whilst the principle of providing residential accommodation above the shop has not been an issue, the format of how it is provided has been consistently of concern and the scheme for consideration has not addressed all concerns raised previously.

## **14 ASSESSMENT**

- 14.1 The site lies within the built up area of Lymington in the Town Centre and Lymington Conservation Area. The ground floor shop falls within the secondary shopping frontage. The first floor is currently in use as a store and staff facilities in association with the shop. The proposal entails the creation of a second floor in connection with the provision of two flats above the shop. The alterations include infilling the valley, roof lights, dormer windows and access via the single storey side element of the building.
- 14.2 Policy DM15 of the Local Plan Part 2 permits residential development on upper floor where it does not result in the loss of retail and/or other appropriate non-retail uses capable of being satisfactorily used for an alternative business or employment use appropriate to a town centre location. In this case the proposal would lead to the loss of staff and store facilities for this ground floor shop, however, the shop unit is of a reasonable size and can accommodate an office and store. As such it would be difficult to justify a refusal of permission on this issue. In addition, in terms of central government guidance it is clear that there is a general steer and emphasis towards creating new residential development, highlighted by changes to government legislation as set out in the Town and Country Planning (General Permitted Development) Order (GPDO) which would permit this change of use without requiring planning permission, but would need to be subject of a Prior Approval Application. In this case, the change of use requires planning permission only because the building is within a Conservation Area. In balancing out the issues it is not considered that the loss of the first floor would have a materially harmful impact on the economical and commercial vitality of the town centre and, accordingly there is no reasonable case to resist the principle of residential use.
- 14.3 With regard to residential amenity, the site is in very close proximity to a block of flats to the rear. At present, the two rear first floor windows are obscured through a vinyl transfer although it is possible to see that within 1.5m of these windows is a first floor roof terrace to the property behind. This terrace is further protected through trellis work and imitation planting. The proposal would retain these window openings and provide a further window at this level. All three would be obscure glazed and would relate to either a bathroom or landing areas. It is not considered that this would adversely affect the occupants of the flat to the rear.
- 14.4 Above these rear windows would be roof lights for the second bedroom. Although the cross section (A-A) does not indicate the position of these roof lights, it is likely that the cill level would be approximately 1m above finished floor level. However, in view of the angle between these windows and the adjacent roof terrace, it is unlikely that there would be a

significant loss of privacy to this property. Similarly, the first floor amenity space would have limited angled views towards the adjacent roof terrace.

- 14.5 In visual terms, the scale, proportions and mass of the building with its infilling of the valley are all incongruous with the historic proportions of the host structure and those around it. The differing double pile pitch of the existing building would be lost through the provision of a large area of flat roof with hipped sides and roof lights. Although the size of this infill has been reduced since the initial pre-application submission, it is still considered to be too large and conflicts with advice given suggesting space to accommodate the staircase could be provided whereas the infill proposed also includes space to provide for 4 shower rooms. The design of the scheme in this case does not respect the architectural character of the host building nor does it respond well to its contextual setting. It is accepted that the building has had an industrial past and is not the quality of a listed building however, it does have traditional proportions and character and the alterations are considered to be harmful to this.
- 14.6 The number of windows to the front roof slope has been reduced and this is welcomed. However, their proportions are still too large and dominating in the roof slope and the bonnet roofs over them appear to try and gentrify the building in conflict with its simple nature.
- 14.7 The application does not include any parking provision for the new dwellings although each unit would have access to a ground floor secure area for refuse and cycles. In this town centre location, there are no objections to a car free development.

#### Other material considerations

- 14.8 The level of housing need in the District is sufficiently above the level of housing supply to know that a five year supply of housing land is currently unavailable. This situation will be addressed through the emerging local plan, but until the new Local Plan is adopted, paragraph 14 of the NPPF advises that planning permission for housing development should normally be granted unless any planning harm identified would "*significantly and demonstrably outweigh the benefits*". This is known as the 'tilted balance' in favour of sustainable development. In this case, it is considered that the adverse impacts of development set out above significantly and demonstrably outweigh the benefits and therefore the tilted balance in favour of granting permission does not apply.
- 14.9 In accordance with the Habitat Regulations 2010 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard.

14.10 With regard to affordable housing, Government Guidance issued in 2014 advises that contributions should not be sought from developments of 10 units or less. While the need for affordable housing in this District is pressing, this in itself does not give rise to the sort of circumstances that can be considered exceptional. On this basis, no affordable housing or tariff style contributions would be sought from this proposal, in accordance with National Planning Practice Guidance but contrary to the provisions of Policy CS15 of the Core Strategy.

14.11 In conclusion, while the proposals to form two residential units is welcomed, the alterations proposed would not be appropriate in this sensitive Conservation Area setting, close to Listed Buildings.

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

## Section 106 Contributions Summary Table

<b>Proposal:</b>			
<b>Type of Contribution</b>	<b>NFDC Policy Requirement</b>	<b>Developer Proposed Provision</b>	<b>Difference</b>
<b>Affordable Housing</b>			
No. of Affordable dwellings	0		
Financial Contribution	0		
<b>Habitats Mitigation</b>			
Financial Contribution	£6,712		

## CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	187.16		187.16	47.5	£80/sq m	£4,574.50 *
Shops	107.26		107.26	27.22	No charge	£0.00 *

Subtotal:	£4,574.50
Relief:	£0.00
Total Payable:	£4,574.50

\* 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:

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

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 proposal external alterations to the building would be harmful to the simple form of the building through the provision of the infill between the two roof slopes and the oversized and inappropriately detailed dormer windows. The proposal is therefore contrary to policies CS2 and CS3 of the New Forest District Council Core Strategy and policy DM1 of the Local Plan Part 2.

#### **Notes for inclusion on certificate:**

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

The proposal was preceded by pre-application advice over a period of several months and this included both office and site based meetings. Whilst the principle of providing residential accommodation above the shop has not been an issue, the format of how it is provided has been consistently of concern and the scheme for consideration has not addressed all concerns raised previously.

#### **Further Information:**

Vivienne Baxter

Telephone: 023 8028 5588



# New Forest DISTRICT COUNCIL

Tel: 023 8028 5000  
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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

June 2018

Item No: 31

27b  
St Thomas Street  
Lymington  
18/10277

Scale 1:1250

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



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**Application Number:** 18/10477 Full Planning Permission

**Site:** 3 LYMEFIELDS, MILFORD-ON-SEA SO41 0SU

**Development:** Roof alterations in association with new first floor; Two-storey rear extension; Balcony; Single-storey front, rear & side extensions; Porch; Fenestration alterations

**Applicant:** Mr & Mrs Neffendorf

**Target Date:** 08/06/2018

**Extension Date:** 20/06/2018

<b>RECOMMENDATION:</b> Grant Subject to Conditions
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<b>Case Officer:</b> Michael Barry
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**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to view of Parish Council

**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

**RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

SPG - Milford-on-Sea Village Design Statement  
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
93/NFDC/52378 Addition of a conservatory	19/07/1993	Granted	Decided
77/NFDC/07770 Erection of a shed/home workshop.	18/07/1977	Granted Subject to Conditions	Decided
XX/LYB/13297/2 Erection of six detached dwellings (approval granted in accordance with amended plans dated 23rd October, 1973 and 28th November, 1973).	10/12/1973	Granted Subject to Conditions	Decided
XX/LYB/13297 Construction of six semi-bungalows and garages (in accordance with amended plan dated 21.3.73).	11/04/1973	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 this development is not in keeping with the street scene. It is also concerned about the diminishing stock of bungalows in the parish.

#### 7 CONSULTEE COMMENTS

**Tree Officer:** no objection. The site not subject to any Tree Preservation Order and is not situated within a Conservation Area. There are no trees of any quality of significance that would be adversely affected by the proposals.

#### 8 REPRESENTATIONS RECEIVED

Three objections have been received from residents at Nos 1, 5 and 6 Lymefields. Their comments are summarised as follows:

- Development is out of character of Lymefields and detracts from its spacious feel.
- The scale and mass of the two storey element
- Concern about raising the ridge height of existing single storey elements.
- Balcony creating overlook and noise issues.
- Slate roof not in keeping with area.
- Bungalow housing stock declining in Milford.

#### 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. Whilst the development is over 100sqm GIA under Regulation 42A developments within the curtilage of the principal residence and comprises up to one dwelling are exempt from CIL. As a result, no CIL will be payable provided the applicant submits the required exemption form.

Based on the information provided at the time of this report this development has a CIL liability of £9,865.68. Tables setting out all contributions are at the end of this report.

## 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.

Pre-application advice was provided and an amended plan has been submitted as part of this application addressing any initial concerns, and as such the application was acceptable as submitted no specific further actions were required.

## 12 ASSESSMENT

- 12.1 The property is a detached bungalow with a detached garage to the front. It is located in a small cul de sac in an established residential area of Milford-on-Sea adjacent to Green Belt land and open countryside. Lymefields comprises 6 properties of which Nos 2 and 4 are also bungalows of a similar design and form. Nos 1, 5 and 6 are more substantial two storey dwellings.
- 12.2 The main considerations are neighbour amenity and visual impact within the street scene and effect on the character of the area.
- 12.3 The proposals are for roof alterations in association with new first floor, a two-storey rear extension with balcony, single-storey front, rear & side extensions, a porch, and fenestration alterations. The materials proposed are timber cladding, brick, linear brick, glazing and slate to give the building a modern appearance

The proposals include the provision of a new first floor over the eastern portion of the building, in conjunction with a two storey rear extension. This would increase the ridge height of the bungalow by 2.2m (from 4.8m to 7m). It would have a pitched roof design, with a wrap around first floor terrace to the rear and south side.

A front and side extension to the south would connect the attached garage to the main house, adding a gym to the south of the garage with a glazed link to the rear of the garage. The single-storey element would be extended to the rear. A porch is proposed to the front of the property, with a flat roof.

- 12.4 The street scene of Lymefields is a mix of two storey and single storey properties. The split level design of the proposals reduces the impact of the new first floor, while remaining in keeping with the form of the existing bungalows.

The proposal would retain a single storey element closest to the boundary with No 2. The existing detached garage would also retain a single storey form close to the boundary with No 4. Whilst the adjoining properties are single storey, Nos 1, 5, and 6 Lymefields are two storey dwellings. These two storey properties are located the entrance to the small cul sac and dominate its entrance and form part of its established character of Lymefields. Given this existing character it is considered that the proposals would fit comfortably within the street scene and respect the character of adjoining properties. The height increase associated with the new first floor element is considered acceptable due to the split form which breaks up the overall massing of the building so as to make it proportionate within its context and would not be out of keeping within the street scene.

- 12.5 The side and rear extensions (north), would be to the rear of the property and not readily seen within the street scene. Furthermore, the proposed front porch and side and front (north) extension would have an acceptable impact on the street scene due to being single storey and modest in scale.
- 12.6 The materials proposed appear different from others in the immediate locality and would have a more modern appearance. However, there is some variety evident in the locality which includes a mix of cladding and tiling on neighbouring properties, including dark grey cladding on the two storey property opposite. Whilst of a modern approach this does not make the proposal unacceptable within the street scene and could add interest to it.

Additionally, the modern elements of the property are primarily focused to the rear so as not to be highly visible within the street scene.

- 12.7 With respect to residential amenity, the neighbour at No 2 is set to the north of No. 3 and forward in its plot relative to it. The single storey form would be retained where it is closed to this boundary and the rearward extension of 1.0m would be of a height of 4.8m (equivalent to a 0.5m increase from 4.3). As such there are no concerns of an impact on neighbour amenity, loss of light or over dominant impact
- 12.8 The 2 storey element would be located towards the centre of the plot, 5m from the north boundary with No 2. Given the relative orientation and positioning of the plots adverse impact on amenity by way of over dominance or loss of light is unlikely to result to adjoining properties. The window in the first floor north elevation facing No. 2 would be located 11.5m from the boundary and serve a office/study with a larger patio door onto the balcony/terrace. However as this will be a high level window, reducing the potential for overlooking towards No. 2 to an acceptable level

- 12.9 The balcony/terrace would be positioned away from the side boundaries of the site. It would be set back by in the site and enclosed by the office/study wall at its northern end, and the first floor store at the southern/western end. The views from this balcony/terrace are most likely to be towards the open land to the rear with only very oblique views possible towards adjoining neighbours such that it is unlikely that there would be any harmful overlooking as a result
- 12.10 The boundary to the south with Lymedale is screened by large fir trees. This property is set away from the proposal in a generous plot such that the balcony/terrace would not overlook the property.
- 12.11 The garage front/side extension would be close to the boundary with No. 4, however it would not result in adverse impacts due to being a single storey maintaining the existing height of 3.6 m. There is an existing outbuilding in this location - that would be removed - and the neighbour separation of 5.0 m to the rear corner of the property. As such the impact and level of enclosure that would result is considered to be acceptable.
- 12.12 A first floor window in the front elevation would serve the stairwell and open plan living room. However it would not lead to overlooking to the front due to neighbour separation of a minimum of 30m.
- 12.13 The garage will be retained and the proposed front porch does not encroach on the available parking. In this case, as there would not be an increase in the number of bedrooms on the site and existing garage/parking is retained there are no concerns about parking availability at the property. Furthermore on street parking is available within the cull-de-sac.
- 12.14 The concerns raised by the Parish Council and neighbours have been addressed above and are not considered to be significant enough to justify refusal. Other comments are addressed as follows:
- Concerns have been raised about the declining bungalow stock in Milford-on-Sea, however this is not relevant to this application as each case is assessed on its own merits.
- Concerns raised regarding noise travelling from the balcony are unlikely due to the two storey element of the property blocking the majority of sound from the property, the balcony being to the rear of the property.
- 12.15 TPO 139/04 protected 4 pine trees on the northern boundary of 'Lymedale', which adjoins the site at 3 Lymefields. These pine trees were removed in 2014, however replacement planting was a condition of consent. For this reason the arboricultural officer was consulted and has no objection due to there being no replacement trees so they do not provide a constraint to development.
- 12.16 The proposed development is considered acceptable due to the design of the property reducing the impact on the mixed street scene, neighbour separation, boundary treatments, and existing parking arrangements. The application is therefore recommended for approval.

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

### CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
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Dwelling houses	325.38	213.27	112.11	112.11	£80/sqm	£9,865.68 *
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Subtotal:	£9,865.68
Relief:	£0.00
Total Payable:	£9,865.68

\* 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

## 13. RECOMMENDATION

### Grant Subject to Conditions

#### Proposed Conditions:

- 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: PP-001, PP-002, PP-003, PP-004, PP-005, PP-005A, PP-005B; PP-006, PP-010B, PP-011, PP-011B, PP-012, PP-012B, PP-013, PP-015, PP-016, PP-017, PP-018.

Reason: To ensure satisfactory provision of the development.

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

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

**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 requested and an amended plan has been submitted as part of this application addressing any initial concerns, and as such the application was acceptable as submitted no specific further actions were required.

2. This decision relates to amended / additional plans received by the Local Planning Authority on 4 May 2018

**Further Information:**

Michael Barry

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**New Forest**  
DISTRICT COUNCIL

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David Groom  
Service Manager  
Planning and Building Control  
New Forest District Council  
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**Planning Development  
Control Committee**

June 2018

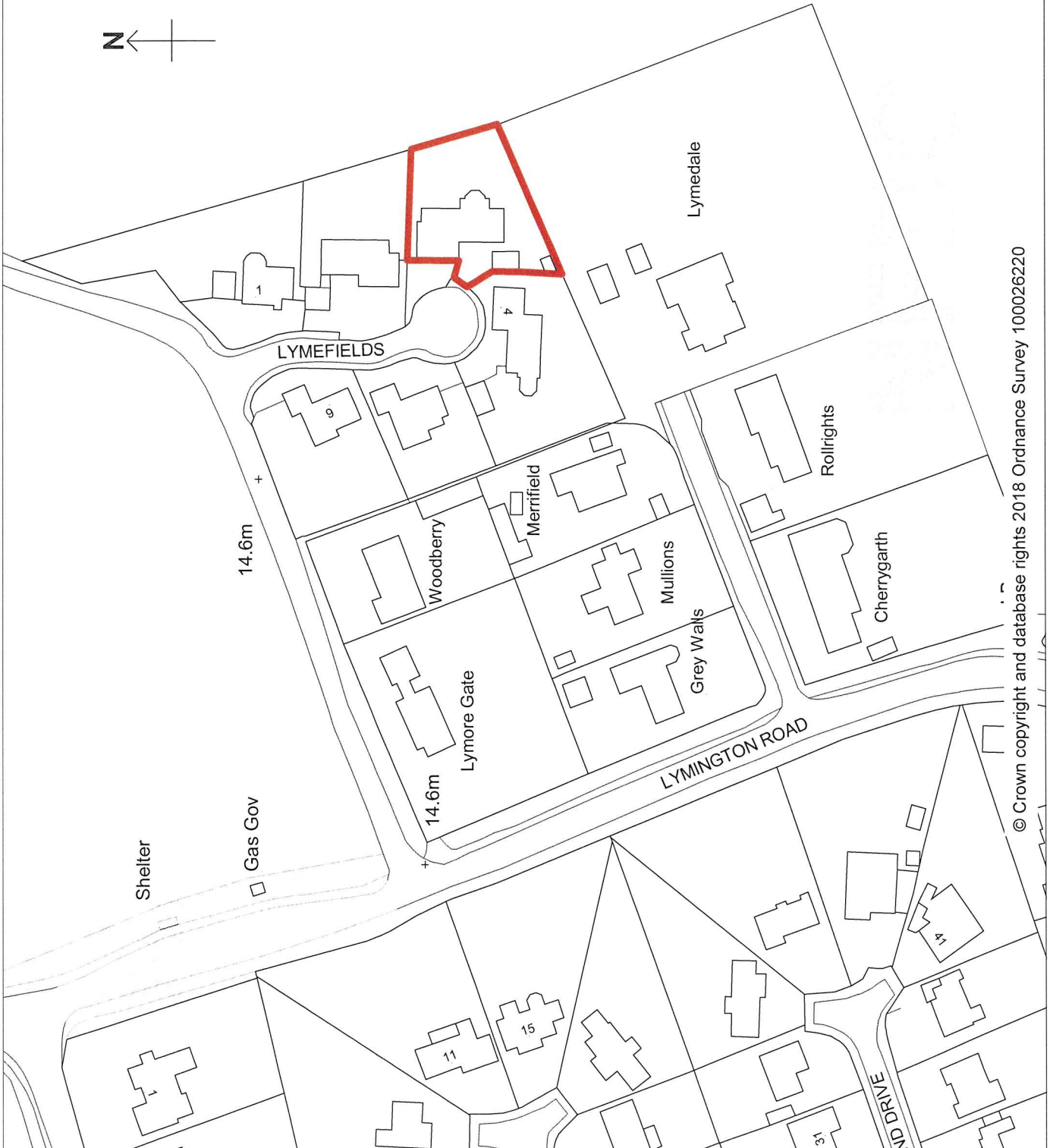
Item No: 3m

3 Lyme fields  
Milford on Sea

18/10477

Scale 1:1250

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



**Application Number:** 18/10386 Full Planning Permission

**Site:** DELL COTTAGE, BUCKLAND DENE, LYMINGTON SO41 9DT

**Development:** Outbuilding

**Applicant:** Mr Downes

**Target Date:** 18/05/2018

**Extension Date:** 22/06/2018

**RECOMMENDATION:** Grant Subject to Conditions

**Case Officer:** Michael Barry

## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view

## 2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Constraints

Plan Area  
Aerodrome Safeguarding Zone  
Tree Preservation Order: NFDC/TPO 0013/16

### Plan Policy Designations

Built-up Area

### National Planning Policy Framework

Section 7

### Core Strategy

CS2: Design quality

### Supplementary Planning Guidance And Documents

SPD - Lymington Local Distinctiveness

## 3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

#### 4 RELEVANT SITE HISTORY

Proposal	Decision Date	Decision Description	Status
95/NFDC/56023 Construct dormer windows to form rooms in roof	20/02/1995	Granted	Decided

#### 5 COUNCILLOR COMMENTS

No comments received

#### 6 PARISH / TOWN COUNCIL COMMENTS

**Lymington & Pennington Town Council:** recommend refusal: out of context with the street scene.

#### 7 CONSULTEE COMMENTS

No comments received

#### 8 REPRESENTATIONS RECEIVED

1 objection received form Ashford House:

- the garage dominates the entrance to Buckland Dene,
- wish for planting along the boundary due to the neighbour property overlooking the proposed site.

One comment regarding inaccuracies in sections of the application form in sections 7 and 8 (trees and parking)

The agent has commented as follows:

- do not consider the garage to be out of character
- other garages in the locality making them a common feature
- proposed landscaping will screen garage

**The Lymington Society:** object due to the garage being intrusive in the street scene and that any garage should be moved away from the boundary and screened by planting.

#### 9 CRIME & DISORDER IMPLICATIONS

None relevant

#### 10 LOCAL FINANCE CONSIDERATIONS

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

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



## 11 WORKING WITH THE APPLICANT/AGENT

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

In this case an amended plan was accepted that addressed concerns raised by the case officer that the proposed garage would be prominent on the corner of the site. Following this the above apply and as the application was considered acceptable no specific further actions were required. However as there is a contrary Town Council view the decision needs to be made by the Planning Committee.

## 12 ASSESSMENT

- 12.1 The property is a two storey property on a large plot in the built up area of Lymington. The property is set back off from Lower Buckland Road of a private road known as Buckland Dene. It is located within a mixed street scene with characteristic green boundaries and in the Lymington Local Distinctiveness Area Character Area 2 Lower Buckland. It is within an area of planned cul de sac development with important green space opposite. Key defining features of this area are green edges, trees, verges and generous front gardens. Lower Buckland Road is the spinal core of the area. Its varying width, sporadic verges and inconsistent pavements, combined with occasional oak trees or hedgerows make a distinctive setting for older cottages that lie along it. In general guidance the SPD it states that where a distinct building line is evident new development should respect it.
- 12.2 The proposal is for a double garage in the north east corner of the site close to its front and side boundaries. The amended location sets the garage back from the junction of Lower Buckland Road and the private road of Buckland Dene. The garage will be a single storey with a pitched roof and timber clad. The main considerations are neighbour amenity and impact within the street scene.
- 12.3 There is a dense established green landscaped area which includes mature trees to the side of the plot fronting Lower Buckland Road which is between 4 m and 8 m wide . This is adjacent to the 1.8m fence that makes up the east boundary of the application site. The remainder of the site has a mixture of low hedges and a boundary fence and wall to the north/north east frontage to Buckland Dene following recent tree clearance.
- 12.4 In general, detached buildings in a forward location are not encouraged and for this reason there were initial concerns that the garage would appear dominant in its setting on the corner of Lower Buckland Road and Buckland Dene.
- 12.5 The established tree screen between the boundary of Dell Cottage and Lower Buckland Road - which provides adequate screening of the proposed garage from the south. The garage would however be visible when approaching the site from the north but this would be limited to where you are almost adjacent to it.

- 12.6 An amended plan has however been submitted that re-locates the garage so that it would be a minimum of 4 m from the northern boundary. The garage would be timber clad and of a limited height - with eaves of 2.1 m and a ridge height of 3.3 metres - both factors which assist to make it less dominant and a more proportionate building within its setting.
- 12.7 It is proposed to plant additional landscaping along the front (north) boundary to provide a screen and soften the appearance of the garage within the street scene. The details of this landscaping can be required to be submitted and then controlled and retained by condition. The impact of the garage is thereby considered to be ameliorated by its set back and the proposed landscaping that can be retained in the future to reach maturity.
- 12.8 Furthermore, there are a number of other examples of prominent garages within the immediate street scene of Lower Buckland Road near Buckland Dene, including directly opposite the proposal site (The Rampart, No. 11) that form part of its existing character.
- 12.9 There are no concerns of neighbour amenity due to the location and single storey nature of the proposals, the large plot size and neighbour separation. Neighbour overlooking is not of concern due to neighbour separation from the garage being 30m.
- 12.10 The comments made by the Town Council and objections have been taken into consideration in the planning assessment made. Other matters raise concern about the removal of trees and affect on existing parking arrangements. The trees in question were not protected, were in poor health and so could be removed without consent and the existing parking provision on site would be maintained.
- 12.11 Therefore, on the balance of these issues the impact of the proposed garage on the street scene and character of the area is not considered to be overdominant or otherwise detrimental to its local distinctiveness. Any dominating impact on the entrance to Buckland Dene has been addressed by the proposed landscaping, together with the relocation of the garage. As such the application is recommended for approval.
- 12.12 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that 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: Amended plan 100 (received on 17/04/18), and 102.

Reason: To ensure satisfactory provision of the development.

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

- (a) the existing trees and shrubs which will to be retained;
- (b) a specification for new planting (species, size, spacing and location);
- (c) a method and programme for its implementation and the means to provide for its future maintenance.

No development shall take place unless these details have been approved and then only in accordance with those details. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the garage is appropriate to the setting and character of the area and to comply with Policy CS2 of the Local Plan for 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 an amended plan was accepted that addressed concerns raised by the case officer that the proposed garage would be prominent on the corner of the property. Following this the above apply and as the application was acceptable no specific further actions were required. However as there is a contrary Town Council view the decision needs to be made by the Planning Committee.

2. This decision relates to amended / additional plans received by the Local Planning Authority on 17/05/18

**Further Information:**

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DISTRICT COUNCIL

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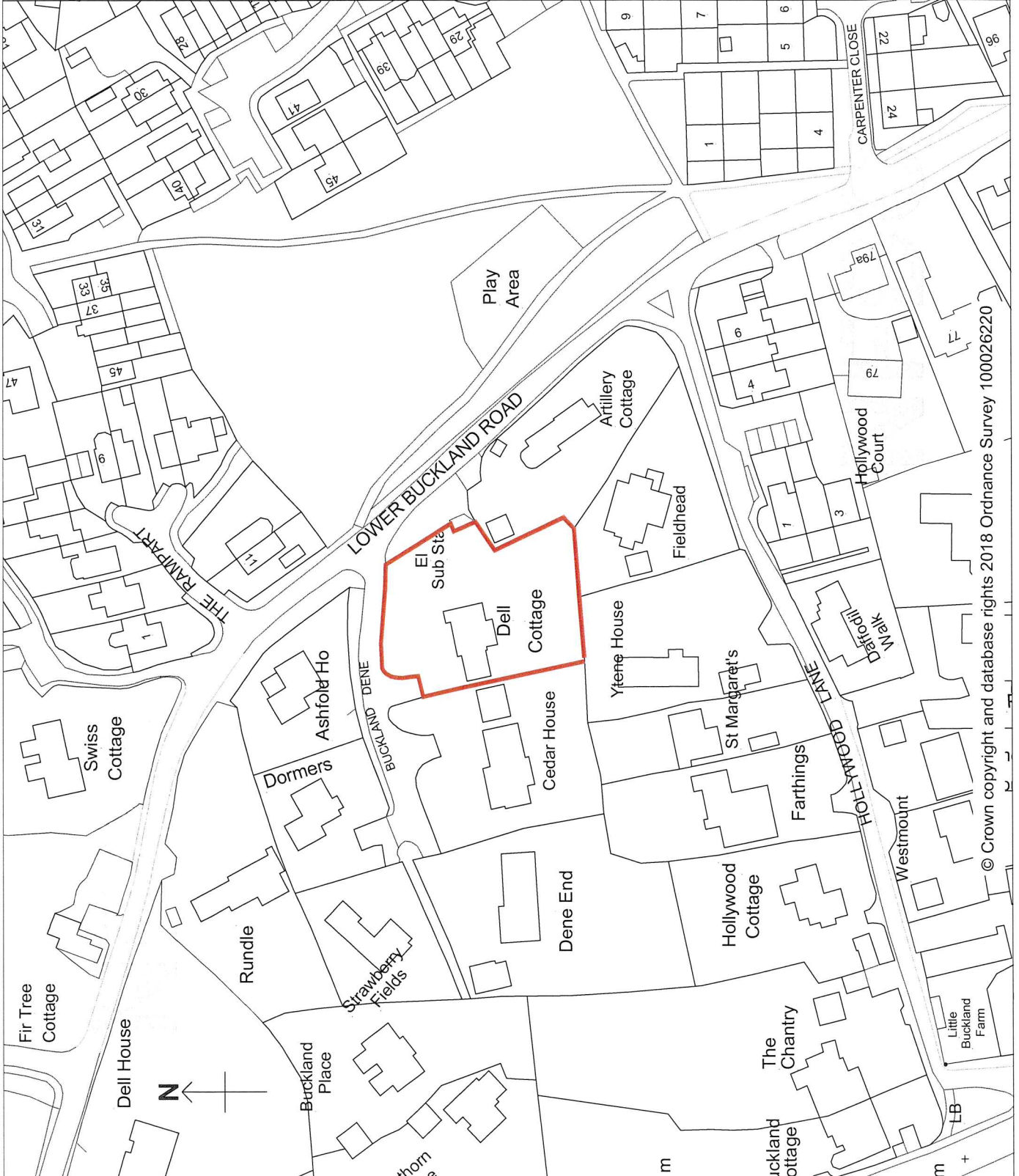
**Planning Development  
Control Committee**

June 2018

Item No: 3n  
Dell Cottage  
Buckland Dene  
Lyminster  
18/10386

Scale 1:1250

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the internet, it will not be to  
scale.



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**Application Number:** 18/10416 Full Planning Permission

**Site:** 39 MARLEY AVENUE, NEW MILTON BH25 5LH

**Development:** Pool/therapy building; single-storey side extension

**Applicant:** Mrs Haddock

**Target Date:** 24/05/2018

**Extension Date:** 15/06/2018

**RECOMMENDATION:** Grant Subject to Conditions

**Case Officer:** Rosie Rigby

## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Councillor 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

Proposal	Decision Date	Decision Description	Status
06/87475 Two-storey side extension; single-storey rear extension	27/04/2006	Granted Subject to Conditions	Decided

#### 5 COUNCILLOR COMMENTS

Cllr Tungate :no objection to garage part of application.  
Pool plant room too close to 2 Cabot Way operating 24/7 with risk of disturbance throughout day and night. Suggest moving plant room.  
Further comments on amended plans:  
Building overly large, roof too high, prefer pool next to house.

#### 6 PARISH / TOWN COUNCIL COMMENTS

**New Milton Town Council:** object(Delegated) The scale, bulk and siting of the outbuilding will cause a detrimental impact to neighbours.

#### 7 CONSULTEE COMMENTS

**Environmental Health (Pollution):** recommend a condition requiring the doors to the plant room to be kept closed except for access and egress and details of the sound attenuation be submitted to and approved in writing by the Local Planning Authority. As the proposed system is a slat water system there is no treatment with chlorine containing chemicals. It is therefore not expected that significant adverse impact will be caused to neighboring residential from the proposed development.

#### 8 REPRESENTATIONS RECEIVED

3 objections have been received from 3 & 5 Marley Close & 2 Cabot Way

Objections have been made on the following grounds: (summary)

- effect on light to garden
- size of building; height and bulk; imposing; dominance on neighbours and skyline.
- enclosure of garden on north side
- patio/sitting area right next to pump room
- potential commercial use of pool
- negative environmental impact in terms of noise, smells; chemical pollution and potential fire risk in the plant room
- plant room would be operating 24/7
- no access to rear garden for emergency services
- should be nearer applicant's house

1 comment from 41 Marley Avenue with concerns regarding noise, chemical odours and private use only.

No comment on garage.

Agent comments as follows (summary)

- plant room relocated following representations



- change of roof form following comments
- all efforts made to be transparent, factual and correct
- not an unusual development in the locality

## **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.

Revised plans have been submitted and accepted during the application process which have repositioned the plant room to the south west corner of the garden and changed the original pitched roof of the outbuilding to a flat sedum topped green roof.

## **12 ASSESSMENT**

- 12.1 The application site consists of an enlarged detached house on an established residential road in the built up area of New Milton. The area is characterised by a variety of architectural styles and sizes of detached properties in a suburban setting.
- 12.2 This application has two elements, a single-storey side extension to the dwelling, and a detached outbuilding to be used as a pool/therapy room located close to the rear boundary of the site.
- 12.3 Single storey side extension: The single-storey side extension would be used as a garage with double doors to the front and rear permitting access through to the rear garden.
- 12.4 The single-storey side extension would take the built form closer to the boundary with No 37 Marley Avenue, although this would impact on the spatial relationship with the adjoining property it would not result in unacceptable harm. No harmful impact would result on the street scene.
- 12.5 The materials proposed for the single-storey side extension would match those existing and therefore will be in keeping with the host dwelling and its surroundings in the built up area.

- 12.6 Outbuilding: The proposed outbuilding would extend along the rear boundary of the site and would replace an existing greenhouse and shed to the rear boundary. It would provide a pool and therapy room with an attached plant room to house the associated machinery. The roof would have a height of 2.925 metres which allows for the planting of sedum green living roof system.
- 12.7 The materials for the outbuilding would be sage green wood effect cement fibreboard with facing brickwork plinth which would match the existing dwelling, the roof would be a sedum topped green living roof appropriate within its garden setting.
- 12.8 The rear garden is fairly spacious with the proposed outbuilding being of a proportionate size to the plot. In this context it is relevant to consider the fallback position which would allow an outbuilding covering 50% of the garden and of 2.5 metres in height (within 2 m of the boundary) to be erected as permitted development. Due to the proposed use and the green sedum topped roof form the proposed height is over 2.5 m. There is an associated benefit from the use of the roofing due to its green appearance have natural plants and a habitat for wildlife.
- 12.9 The garden is enclosed by adjoining properties on Marley Close and Cabot Way which due to their orientation have rear windows facing towards the proposed outbuilding. The proposal would have a visual impact on the neighbouring premises but given its modest increase in height above existing boundary treatments there is no justifiable objection that can be raised in terms of either visual impact or overdominance.
- 12.10 The proposed outbuilding would extend along the northern boundary of the rear garden to No 2 Cabot Way as well as part of the boundaries of No 3 Marley Close and 37 Marley Avenue. There is sufficient garden boundary remaining to No 37 and No 3 has a mature conifer hedge to the rear effectively screening the proposed outbuilding. As such, enclosing impact on these properties would not be detrimental to their amenity.
- 12.11 A greater impact would however result to No 2 Cabot Way where the full extent of the side boundary of the rear garden would be enclosed by the proposal. There is currently a 2.2 metre close boarded fence to this boundary. Despite this enclosure, the building would have a modest height - 0.75 metre higher than the existing fence and as such whilst there would be some impact on their outlook and amenity, on balance it would not create a level of harm sufficient to justify refusal in this instance.
- 12.12 The plant room would be positioned close to the south west boundary, details of the potential noise and machinery have been submitted and Environmental Health consulted on these details
- 12.13 Environmental Health made comment regarding suggestions of chemical pollution and the smell of chlorine. They have commented that the proposed salt water system has no treatment with chlorine containing chemicals, which can be associated with smells from swimming pools. It is therefore not expected that significant or adverse impact will be caused to neighbouring residential uses from the proposed development.

- 12.14 The plant equipment for the pool maintenance will, by its nature, create a degree of noise, however the pump and the dehumidifier are only expected to be run for a few hours a day. However, due to potential for noise it is recommended by Environmental Health that the doors of the plant room should be kept closed except for access and egress. These doors are secondary with the purpose of accessing therapy equipment stored in the plant room. The main doors would be the bifold doors to the pool/therapy area, an internal door from the pool area to the plant room would further limit any residual noise when these main doors are open.
- 12.15 As such, to address this potential noise issue a condition to keep these doors closed is considered reasonable and enforceable in this instance. Further details are required of the sound attenuation to limit any adverse impact on residential amenity to an acceptable level which can also be controlled by condition.
- 12.16 A number of other issues have been raised in representations that are not covered above.
- No adverse effect on the light would result due to the limited roof height of under 3 metres.
  - The proposed use is incidental to the dwelling and further planning permission would be required for commercial use of the pool.
- 12.17 Overall, the proposed development would be consistent with Core Strategy policies and objectives and as such despite concerns expressed by neighbours and comments of the Councillor about the outbuilding, it is not considered that it would lead to such a detrimental impact to justify refusal. The application is therefore recommended for approval.
- 12.8 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

## **13. RECOMMENDATION**

### **Grant Subject to Conditions**

### **Proposed Conditions:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
  
2. The development permitted shall be carried out in accordance with the following approved plans: MAH 02 MAH 03;MAH 05; MAH 06  
  
Reason: To ensure satisfactory provision of the development.
  
3. The external facing materials of the single-storey side extension 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. Before development commences, details for a scheme of sound attenuation shall be submitted to and approved in writing by, the Local Planning Authority. The development hereby approved shall only be implemented and thereafter retained and maintained in accordance with the approved scheme of sound attenuation.  
  
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).
  
5. The building the subject of this permission shall only be used incidental to the dwelling on the site and not part of its main accommodation.  
  
Reason: To protect the garden setting and amenities of neighbouring properties in accordance with Policy CS2 of the Local Plan for the New Forest District outside of the National Park (Core Strategy) .
  
6. All doors to the plant room shall be fitted with self-closing devices and kept closed except for access and egress unless otherwise first agreed in writing with the Local Planning Authority.  
  
Reason: To protect the amenity of adjoining residential properties and in accordance with policy CS2 of the New Forest District Council Core Strategy.

**Notes for inclusion on certificate:**

1. This decision relates to amended plans and details received by the Local Planning Authority on 17 April 2018
2. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

Revised plans have been submitted and accepted during the application process which have repositioned the plant room to the south west corner of the garden and changed the original pitched roof of the outbuilding to a flat sedum topped green roof

**Further Information:**

Rosie Rigby

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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

June 2018

Item No: 30

39 Marley Avenue  
New Milton

18/10416

Scale 1:1250

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**Application Number:** 18/10423 Full Planning Permission

**Site:** NORTH END COTTAGE, NORTH END, DAMERHAM SP6 3HA

**Development:** Single-storey rear extensions; rear porch

**Applicant:** Mr & Mrs Simmons

**Target Date:** 22/05/2018

**Extension Date:** 13/06/2018

<b>RECOMMENDATION:</b> Refuse
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<b>Case Officer:</b> Julie Parry
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## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

## 2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Constraints

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

### Plan Policy Designations

Countryside outside the New Forest  
Area of Outstanding Natural Beauty  
Conservation Area

### National Planning Policy Framework

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

### Core Strategy

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

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

DM1: Heritage and Conservation  
DM20: Residential development in the countryside

## **Supplementary Planning Guidance And Documents**

SPG - Residential Design Guide for Rural Areas

### **3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

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

### **4 RELEVANT SITE HISTORY**

Proposal	Decision Date	Decision Description	Status
17/11520 Single storey rear extension; porch	10/01/2018	Refused	Decided
16/11664 Single-storey rear extension; use of first floor as bedroom, breach of Condition 2 of Planning Permission 73027 (Lawful Use Certificate for retaining an existing use or operation)	31/01/2017	Was Lawful	Decided
16/10642 Single-storey rear extension; use of first floor as bedroom, breach of Condition 2 of Planning Permission 73027 (Lawful Use Certificate for retaining an existing use or operation)	12/08/2016	Was Not Lawful	Decided
01/73027 Single storey additions	16/04/2002	Granted Subject to Conditions	Decided

### **5 COUNCILLOR COMMENTS**

No comments received

### **6 PARISH / TOWN COUNCIL COMMENTS**

#### **Damerham Parish Council**

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

Given there are other comparable houses extended in such a way in Damerham and, taking on board comments from the previous NFDC Development Control Committee meeting for 17/11520, the NFDC committee members stated DM20 was not relevant in this case and the Parish Council agree with their opinion.

The applicants have worked hard with their architect to meet the Planning Officer's concerns regarding the design, height and length of the single storey rear extension.

### **7 CONSULTEE COMMENTS**

**7.1 Conservation Officer :** not able to support this scheme as the amount of flat roof forming the proposed extension would be an inappropriate design on this prominent elevation (original plans)



Following the submission of amended plans reducing the height of the eaves the Conservation Officer states that the revision does not overcome the concerns raised regarding the form and bulk of the proposed extensions.

**7.2 Tree Officer:** no objection subject to a condition in respect of the submission and approval of a tree protection plan, method statement and foundation drawings

**7.3 Natural England:** no comment but refer to their Standing Advice on protected species.

**7.4 Environment Agency :** were consulted during the previous application but no response was received.

## **8 REPRESENTATIONS RECEIVED**

8.1 One letter of support from Meadow Cottage in Hangersley who has commented that the proposed extension and rear porch represent sympathetic replacements/additions to the building.

## **9 CRIME & DISORDER IMPLICATIONS**

None Relevant

## **10 LOCAL FINANCE CONSIDERATIONS**

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

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

## **11 WORKING WITH THE APPLICANT/AGENT**

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

The applicant did not use the Pre-application advice service available from the Council following the previous refusal. The Officer's initial briefing was published on the Council's website which indicated some of the Case Officer's concerns with the proposal. The agent has provided amended plans reducing the height of the eaves of the proposed development to overcome some of the concerns raised. However, despite this as concerns remain about the scene, as such refusal is recommended

## 12 ASSESSMENT

- 12.1 The property is a detached, predominantly thatched cottage located in a rural area which is designated as Countryside outside the New Forest, Area of Outstanding Natural Beauty and is within the Damerham Conservation Area
- 12.2 The main considerations in this case are whether the proposals are in accordance with Policy DM20 which restricts the incremental increase in floorspace of properties within the countryside, the impact on the existing property, street scene, conservation area and countryside as well as implications for trees and protected species.
- 12.3 This proposal follows a recent application for a similar scheme which was refused in January 2018 (Ref 17/11520). This previous application was refused for two reasons, one being the scale and design and the second reason being the impact on the Countryside because the proposal would result in a floor space area which would be in excess of the 30% which is allowed under Policy DM-20.

The main changes from the previous proposal are a significant reduction in size and height of the extension with an altered design of the proposed extensions.

- 12.4 As the property is located within an area designated as Countryside outside the New Forest and to safeguard the long term future of the Countryside the Local Planning Authority considers it important to resist the cumulative effect of significant enlargements being made to rural dwellings. Policy DM20 of the Local Plan Part 2, Sites and Development Management Plan, seeks to limit the increase of floorspace allowed to 30% from the floorspace in July 1982.
- 12.5 There have been a number of previous additions to the cottage since 1st July 1982. The original floorspace of the cottage pre 1982 was 89.25 sq.m and therefore a 30% increase would be 26.77 sq. m.

Following planning permission in 2001 (01/73027) the dwelling was extended to the side and rear at ground floor (shown as the sitting room and kitchen on the existing plans). A detached garage permitted at that time was never built. This increased the floorspace by 25.15 sq. m (28.18%).

The 2001 planning permission restricted the use of the first floor as living accommodation however this was altered over the years and further additions made to the rear (shower and passage). The elements to the rear were constructed in 2003 without the benefit of planning consent and they added a further 19.3 sq. m to the floorspace. While these elements did not gain planning permission at the time they were deemed lawful via a Lawful Development Certificate in 2016 as the extensions had been in place for more than 4 years and the use of the first floor (in breach of condition) had taken place more than 10 years before.

The current proposals would result in the loss of the small rear addition constructed in 2003 (19.3 sq m) and would entail an additional floorspace of 13.3 sq m and so there would be a net decrease in the floorspace of 6 sq. m. over and above that currently on site.

- 12.6 From the information provided and looking at our records of previous additions the proposed extension would still result in the overall net increase in floorspace from 1982 of 38.45 sq m - which is a 43% increase on the original floorspace and as such would be contrary to Policy DM20. The floorspace within the first floor has been disregarded in this calculation as it falls within the original envelope of the building. It is acknowledged that by removing the small additions to the rear the proposed extension would not result in a net increase in current floorspace, however these small additions were originally built without planning permission and the cumulative increase in floorspace from previous additions would still result in an unacceptable increase compared to how the property was originally built and more specifically how it stood in July 1982.
- 12.7 Positioned with the side of the property facing the highway, the rear of the property is visible from the road behind the high fences on the boundary. The neighbouring properties are varied in size and design, with some being listed buildings. The neighbouring property to the north, Westfield, has a large outbuilding built close to the front boundary. The position of the proposed extension in relation to this neighbour would mean that there is no amenity impact.
- 12.8 There are a number of trees in the curtilage of the property with a good level of public amenity value. The trees are protected by virtue of being located within a Conservation area. The most prominent of these trees is a Scots Pine growing on the north westerly boundary next to the entrance to the property.
- 12.9 The proposed demolition and construction have the potential to cause undue harm to this tree and other smaller trees and currently no arboricultural information has been submitted with the application. However, the arboricultural officer has no objection subject to a condition in respect of the submission and approval of a tree protection plan, method statement and foundation drawings prior to development commencing.
- 12.10 The Council's Ecologist was consulted on the previous application due to the nature of the property and the location of the site in an AONB. The ecological information submitted is suitable and confirms that there is minimal opportunity for the presence of bat species. Given the limited scale of the proposed development other biodiversity considerations are not significant in policy terms. Furthermore, Natural England make no comment but refer to their Standing Advice on protected species.
- 12.11 The site backs onto the River Allen. It is located within a River Consultation Zone and a Flood Risk Zone (2 and 3). The Environment Agency was consulted during the previous application and no comments were received. However, given that the floor levels of the extension would be retained as existing it is not anticipated that an objection would be raised by the proposals.
- 12.12 The Conservation Officer is unable to support this application. The proposal is creating a wrap around effect to the existing extension and this area of flat roof would jar with the existing pitched roof and would appear to sit higher than the eaves of the existing extension. This would have an effect upon the character of the building and the way it responds to the Conservation Area.

Amended plans were received to lower the height of the eaves and the Conservation Officer was reconsulted. They have noted the reduction in height of the eaves but this does not overcome their concerns regarding the form and bulk of the proposed extensions. The proposed development is therefore considered to be out of keeping with the character of the dwelling and therefore the Conservation Officer still cannot support the application.

12.13 Furthermore, the Conservation Officer has some reservations in that the proposed porch would alter the character of the building. However the proposed rear porch was found to be acceptable under the previous application. They have advised that should the Planning Committee be minded to approve the application that conditions should be added.

12.14 The Conservation Officer's comments are noted however a balanced view needs to be taken. The proposed extension would have a low height and be of a limited size and set back position on the site. The overall impact on the existing building is not significantly harmful but given its location within the Conservation Area as a whole the views of the Conservation Officer are accepted and as such the proposed development is considered to be unacceptable in terms of scale, design and impact on the local area. Although a modest extension given its sensitive location refusal on this basis is therefore, on balance, considered to be appropriate in this instance.

12.15 This current scheme would result in a net decrease in floorspace but given that the previous additions have already taken the floorspace over the permitted 30% this proposal would still be contrary to this policy and as such cannot be seen to have overcome this previous reason for refusal. However, as discussed at the previous planning committee, given that there is no net increase in floorspace, as there are existing elements being removed, there would not be an adverse impact on the future of the Countryside. Whilst Officers are required to recommend refusal as the proposal is contrary to policy the Committee may reach a different view on this given the net reduction in floorspace that would result and therefore find the proposal acceptable in terms of floorspace and the resulting impact on the Countryside.

12.16 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that 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. In order to safeguard the long term future of the countryside, the Local Planning Authority considers it important to resist the cumulative affect of significant enlargements being made to rural dwellings. Consequently policy DM20 of the adopted Local Plan Part 2: Sites and Development Management Development Plan seeks to limit the proportional increase in the size of such dwellings recognising the benefits this would have in minimising the impact of buildings and human activity generally in the countryside and the ability to maintain a balance in the housing stock. This proposal would result in a building which is unacceptably large in relation to the original dwelling and would undesirably add to pressures for change which are damaging to the future of the countryside and contrary to policy DM20 of the Local Plan Part 2 and policy CS10 of the Core Strategy for the New Forest District outside the National Park.
2. By reason of its flat roof design, inappropriate form and bulk the proposed development would be out of keeping with the character of the dwelling. For these reasons, the proposals would be harmful to the rural character and appearance of the countryside, Conservation Area and Area of Outstanding Natural Beauty contrary to policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park, policies DM1 and DM20 of the Local Plan Part 2, Supplementary Planning Guidance, Residential Design Guide for Rural Areas of the New Forest and chapters 7 and 12 of the National Planning Policy Framework.

**Notes for inclusion on certificate:**

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

The applicant did not use the Pre-application advice service available from the Council following the previous refusal. The Officer's initial briefing was published on the Council's website which indicated some of the Case Officer's concerns with the proposal. The agent has provided amended plans reducing the height of the eaves of the proposed development to overcome some of the concerns raised. However, despite this as concerns remain about the scene, as such refusal is recommended

2. This decision relates to amended plans received by the Local Planning Authority on 21st May 2018.

**Further Information:**

Julie Parry

Telephone: 023 8028 5588



**New Forest**  
DISTRICT COUNCIL

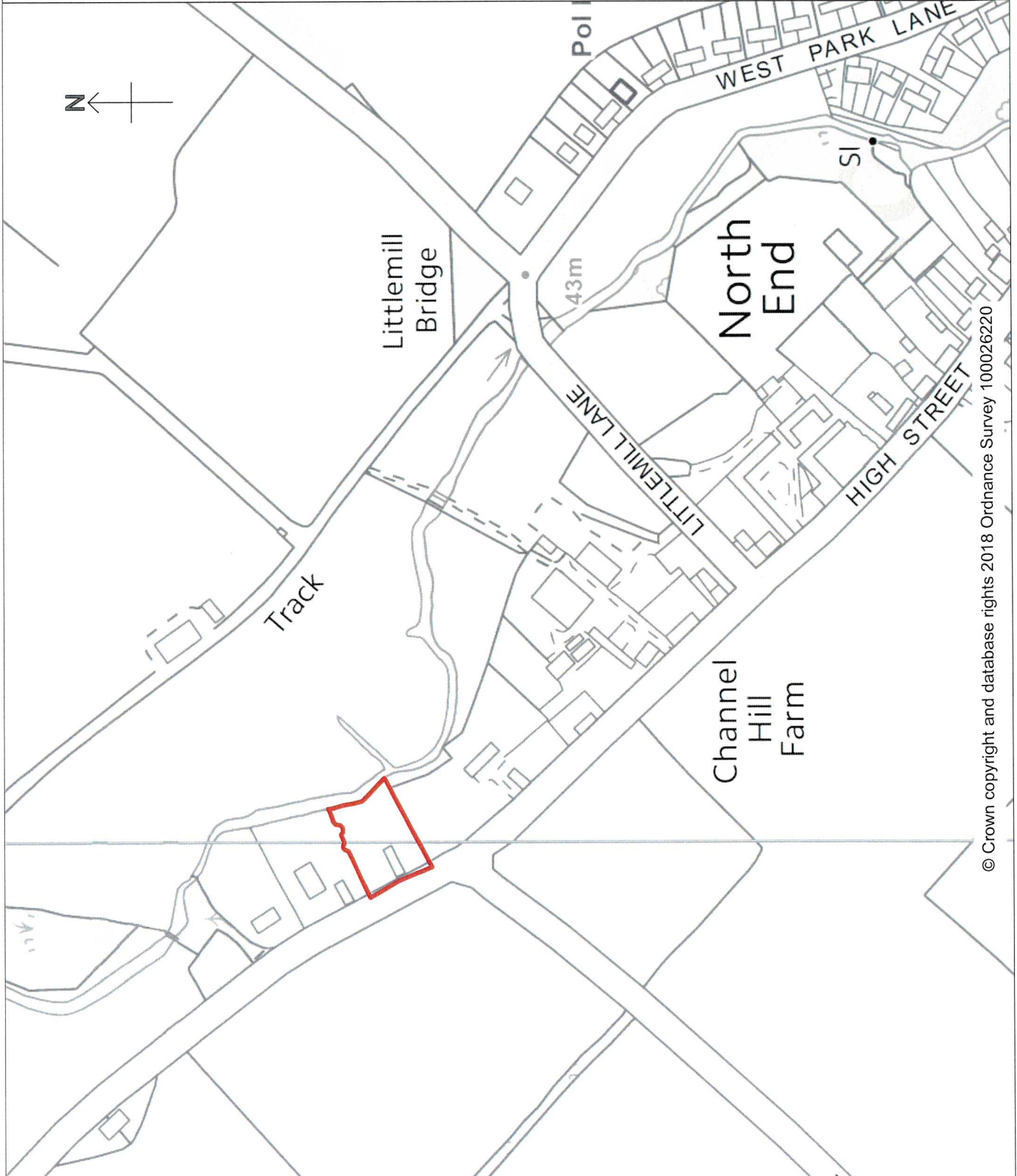
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David Groom  
Service Manager  
Planning and Building Control  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

**Planning Development  
Control Committee**  
June 2018

Item No: 3p  
North End Cottage  
North End  
Damerham  
18/10423

Scale 1:3000  
N.B. If printing this plan from  
the internet, it will not be to  
scale.



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**Application Number:** 18/10441 Variation / Removal of Condition

**Site:** PHOENIX YOUTH CENTRE, CULVER ROAD, NEW MILTON  
BH25 6SY

**Development:** Variation of condition 2 of planning permission 17/10160 to allow new plan numbers: 7186-P003 Rev D, 7186-P011 Rev C, 7186-P012 Rev D, 7186-PO13 Rev B, 7186-P014 Rev D, 7186-P015 Rev E, 7186-P016 Rev D, 7186 - P017 Rev D, 7186-P018 Rev D, 7186-P020 Rev B, 229-400 Rev 02, 229-300 Rev 01, 229-903, 229-901, 229-904, 229-SH 002 issue 2 (Planting Schedule), 229-SP-001 (Soft Landscaping Specification); removal of conditions 3, 6, 7, and 9.

**Applicant:** Education Funding Agency

**Target Date:** 04/06/2018

**Extension Date:** 14/06/2018

<b>RECOMMENDATION:</b> Grant Subject to Conditions
--

<b>Case Officer:</b> Jim Bennett
----------------------------------

## 1 REASON FOR COMMITTEE CONSIDERATION

The application constitutes a departure from the provisions of the Development Plan and relevant Government advice, which seek to protect Green Belt.

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Green Belt

Plan Area

Aerodrome Safeguarding Zone

Tree Preservation Order

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

CS1: Sustainable development principles

CS2: Design quality

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

CS4: Energy and resource use

CS6: Flood risk

CS7: Open spaces, sport and recreation

CS8: Community services and infrastructure

CS10: The spatial strategy

CS24: Transport considerations

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

DM2: Nature conservation, biodiversity and geodiversity

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

NPPF Para 74 - Protecting Playing Fields

**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)

The Hampshire County Council 'On Site School Parking Guidelines' - April 2013

**6 RELEVANT PLANNING HISTORY**

6.1 17/11771 - Variation of condition 1 of Planning Permission 15/11742 to allow continued siting of buildings until 31st August 2019 - granted March 2018

6.2 17/10160 - Use of existing building as school; two storey teaching and admin block; landscaping; parking - granted May 2017

**7 PARISH / TOWN COUNCIL COMMENTS**

New Milton Town Council: acceptable (Delegated), subject to the opinion of the Hampshire County Highways and Ecology officers.

**8 COUNCILLOR COMMENTS**

None



## 9 CONSULTEE COMMENTS

- 9.1 Landscape Officer: The details of the revisions are very clearly explained in the submitted information. Starting at the north of the site: the change from the fully fenced canopy area to a more open and simple balustrade is an improvement. On the eastern part of the site the insertion of the substation is unfortunate, but is located in the most sensible position. I would prefer to see it rotated slightly to allow the south west corner to sit inside the logical line of the paving. Siting it as it is creates a hidden spot outside of the pedestrian gate, which means that the climbers will be removed to gain the visibility. The proposed drop off point works better than previously – where large vehicles would have over-run the soft areas to leave the site – this solution also provides the clear sightlines from the office to the gates, and moves pupils away from the residential boundary more quickly. The block paved crossovers shown previously were useful in tying the two buildings together visually, but this alternative solution still provides a clear and legible route through the site. The plans and planting schedule, provide enough information to discharge most of the pre commencement condition, subject to reimposition of condition 10.
- 9.2 Ecologist: no objection subject to work being carried out in accordance with the submitted ecological information.
- 9.3 Tree Officer: The Arboricultural Impact Assessment, Method Statement and Tree Protection Plan (DS/42217/AC) have now been updated to reflect the proposed new layout of the site. The layout shown would enable retention of the linear group of trees along the northern boundary and through suitable mitigated tree planting along the eastern boundary should not have a major arboricultural impact. The Landscape Strategy Sketch and Landscape Layout illustrate new trees to be planted throughout the site and along the eastern boundary. The exact specification for new planting (species, size, form and planting method) should be provided and the method and programme for its implementation and the means to provide for their future maintenance should also be detailed. Given the extent of tree removals required to facilitate the development extra heavy standards should be used to help reduce the initial impact and provide an immediate benefit to the local area. No objection subject to conditions.
- 9.4 Hampshire County Council Highway Engineer: No objection. The plans indicate a reduction of three car parking spaces. The previous spaces were located next to the entrance to the site and required the user to reverse out into entering traffic. This reduction is not significant, and has the added benefit of improving safety within the school grounds which is preferred. The new layout of the drop-off point allows for easier turning compared with previous, but it is advised that this is clearly marked as one way to prevent traffic immediately turning right upon entering the site. The Construction Method Statement is deemed sufficiently detailed to discharge the condition. There is no mention of wheel washing facilities on site, and therefore any material migration onto the highway must be strictly monitored and cleaned regularly where required.
- 9.5 Hampshire County Council Drainage: previously raised no objections but gave informatives.
- 9.6 Sport England: previously raised no objections
- 9.7 Southern Gas Networks - no objections, but give informatives

## **10 REPRESENTATIONS RECEIVED**

Representations have been received from four notified parties (all from Greenwood Close), objecting to the proposal on grounds of loss of privacy, loss of light and exacerbation of anti-social activity.

## **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

### The Site and Proposal

- 14.1 The site relates to the existing buildings and curtilage of the Phoenix Centre, which is beyond the defined built up area of New Milton and within Green Belt. The site is currently used as a school, comprised of the former Phoenix Centre building, car parking and a hard surfaced games area, with temporary classroom structures sited on it. The site boundaries are formed of native and non-native planting, creating well vegetated boundaries to most of the site. To the north the site adjoins a site allocated under Policy NMT1 and a now largely complete housing development, beyond a shared tree lined boundary. To the east is a typical post war estate layout with spacious plots, wide verges and clear distinctive character. To the south are sports pitches used by Arnewood School and to the west are open fields. Access would be via the existing access to the Phoenix Centre via Culver Road and Milton Mead.
- 14.2 The application seeks to formalise the change of use of the existing Phoenix Centre and to erect a two storey building, revised parking and access arrangements and ancillary features to facilitate use of the whole site by Eaglewood Alternative Provision School. The Alternative Provision School is already in operation on site under the temporary consent, although the current mobile buildings would be removed from the site, should a permanent building be forthcoming. The proposal follows a previous planning permission granted in May 2017 for a similar form of development on the site. This application is made for variation of condition 2 in order to make minor changes to the previously approved scheme including:
- Change Aluminium windows to dark grey uPVC windows
  - Reduction in extent of shared crossing
  - Change in footpath material from block paving to largely tarmac, with some block paving retained for change in texture and contrast to the front of house areas
  - Change parking bays and drop-offs from block paving to tarmac
  - Change of soft landscape to grass
  - Change extent of footpath along front elevation to soft landscape
  - Change of fencing to rear to key-clamp balustrade/barrier
  - Reconfiguration to layout of main entrance parking and drop off
  - Addition of Electric Sub-station
- 14.3 The application is accompanied by various details, plans and statements on materials, landscaping, ecological mitigation measures and construction methodology, which seek to address the issues previously sought by condition numbers 3, 6, 7 and 9. If these details are acceptable, then it would not be necessary to re-apply these pre-commencement conditions, should the Planning Authority be minded to approve the application.

## Main Considerations

14.4 The site is within Green Belt and National Policy (NPPF) attaches great importance to Green Belts, designated in order to keep land permanently open. In determining the previous application the applicant demonstrated the very special circumstances which clearly outweighed the harm caused by inappropriate development and any other harm, including the harm caused to the openness of the Green Belt by a building of the mass and scale proposed in this location. The principle of the proposed development in Green Belt was previously established under points i to vi below:

14.4.1 i) Is the development appropriate in the Green Belt by definition?

National Policy (NPPF) attaches great importance to Green Belts, designated in order to keep land permanently open. This site lies within the Green Belt where national policy states that the construction of new buildings, save for a few exceptions, should be regarded as inappropriate. The development of a school does not fall within any of the exceptions to the general policy presumption against the construction of new buildings in the Green Belt and is therefore inappropriate development and harmful by definition. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. The proposal must, therefore be considered inappropriate development within the Green Belt, where the applicant needs to demonstrate the very special circumstances which would clearly outweigh the harm caused by inappropriateness and any other harm, including the harm caused to the openness of the Green Belt by a building of the mass and scale proposed in this location.

14.4.2 ii) What would the effect of the development be on the openness of the Green Belt and on the purposes of including land within the Green Belt?

The proposed development would undoubtedly change the appearance of this land with the provision of a building, revised access arrangements, car parking, other operational development and tree removal, which would impact on the openness of the Green Belt. However, the site is not elevated and is not prominent within the Green Belt, being set well back from Gore Road, largely surrounded by trees and vegetation and with a substantial level of proposed new tree and hedgerow planting, which is firmed up by the current application through submission of precise landscaping arrangements. The impact of the proposal upon the landscape and visual receptors is examined in the following section, but due to the site's lack of prominence and mitigation of visual impacts, the proposal will not impact significantly upon the openness of the Green Belt, which weighs in favour of the proposal.

14.4.3 iii) Would there be any other non-Green Belt harm?

a) Landscape, character and visual impacts - Policies CS2, CS3 and CS10 of the Core Strategy and the guidance offered by the New Milton Local 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. Plans, including full landscaping arrangements have been submitted with the application, which have been considered by the Council's Landscape Team. The Landscape Team consider that details of the revisions are very clearly

explained in the submitted information and provide enough landscaping information to discharge landscaping arrangements, subject to imposition of a landscaping implementation condition. The site is visually contained, due to the surrounding mature trees and vegetation, which would be bolstered by new planting. The design of the new building and its environs, including the proposed revisions are acceptable. Similarly, the proposed materials and landscaping are acceptable and the proposal would not impact significantly or harmfully upon the character of the area and landscape quality, in compliance with the relevant provisions of Policies CS2, CS3 and CS10. In the absence of a precise schedule of external materials, a pre-commencement condition would need to be applied to any approval requiring their clarification. The applicant has been requested to provide a precise schedule prior to determination in order to avoid the pre-commencement condition.

b) Residential Amenity Impacts - Policy CS2 places emphasis upon protecting the amenity of adjoining occupiers, who may be affected by new development proposals. The site is separated from existing residential development to the east by an earth mound and trees, which would be altered/removed to facilitate the development. The new building would be 8m away from the western boundary of no. 12 Culver Road and its flat roofed nature dictates that its scale and massing would have a limited impact upon adjoining amenity in terms of outlook or overbearing presence, subject to landscaping the eastern boundary of the site, to include heavy tree standards to assist with breaking up the form of the building. The privacy of no. 12 would be maintained by obscure glazing the first floor window in the east elevation of the building, to be ensured by condition. The siting, massing and first floor fenestration arrangements of the new building had always been designed to address the relationship to the amenity of future occupiers of the residential development to the north (Greenwood Close). The previous application was determined prior to occupation of Greenwood Close, however the first floor windows on the northern elevation have been designed to look down the estate road of Greenwood Close or onto the gable wall of no. 4, which is 15m away and considered to be an acceptable relationship. The first floor windows in the rear elevation of the new structure serve a classroom, a staff work room and a staff/meeting room and are in excess of 21m away from the rear facing windows of numbers 5-7 Greenwood Close, which is an acceptable privacy distance. Coupled with the fact that the two sites are separated by mature trees, protected by preservation order and newly planted understorey vegetation within Greenwood Close, which interrupt intervisibility, no adverse impacts would result to the amenity of occupiers of Greenwood Close in terms of privacy loss or overbearing impact. The impacts of the proposal comply with the amenity related provisions of Policy CS2 of the Core Strategy.

c) Tree Impacts - The tree survey information has been submitted to demonstrate the development would have no trans boundary impacts upon existing trees. It is acknowledged that the proposal necessitates tree removal from the site, which has recently been carried out under the previous permission and prior to the bird nesting season. The Council's Tree Officer raises no objections to the proposal subject to a tree protection condition.

d) Ecology Impacts - The Ecological Mitigation and Compensation Plan has been submitted to demonstrate the development would have no trans boundary impacts upon adjoining natural resources and that a pre-commencement condition is not necessary. The Ecologist has been requested to comment of the submitted ecological information.

e) Highway Impacts - The County Highway Authority raise no objections to the proposal, but offer informatives on road marking and wheel wash facilities. The plans indicate a reduction of three car parking spaces, which is not significant and has the added benefit of improving safety within the school grounds. The new layout of the drop-off point allows for easier turning compared with previous, but it is advised that this is clearly marked as one way to prevent traffic immediately turning right upon entering the site.

14.4.4 iv) Are there any considerations which weigh in favour of the development?

The applicant submitted details to demonstrate the very special circumstances necessary in order to justify inappropriate development within the Green Belt, which include:

Consideration 1: The need for the permanent school on this site - There is a locational requirement to site the school in relation to its catchment area (7 mile radius) and well related to the parent school (Arnewood). The Eaglewood Alternative Provision School already provides specialist teaching on the site, under a temporary permission. A permanent building is sought in place of the temporary consent to provide teaching facilities for 72 local pupils. It has been demonstrated that there is a significant need for the school on this site and there is no compelling evidence to counter the applicant's needs assessment, which weighs in favour of the proposal.

Consideration 2: That there are no alternative sites that meet the requirements of the development outside of the Green Belt - Fourteen sites within the catchment area were originally investigated, but the Phoenix Centre site was the preferred option, due to its relationship to its catchment, its proximity to Arnewood, site availability and its more limited impact on the Green Belt. A process of elimination has taken place to the satisfaction of the Council to establish that there are no alternative sites for this proposal, which weighs in favour of the proposal.

Consideration 3: Community benefits arising from the development - Adopted local policy CS8 (community services and infrastructure) states that "Proposals for new and improved education facilities that result in improvements in meeting the needs of the Plan Area's population will be supported." Provision of a permanent specialist school on the site is viewed by officers as a benefit to the community in accordance with Policy CS8. It is acknowledged that there are no arrangements to relocate the former community centre, so a community facility will be lost, which would be contrary to the provisions of Policy CS8. However, it is noted that the community centre was used at quite a low level of intensity, was poorly secured and subject to vandalism. The applicant points out that the proposal will result in more viable community use of the site and for an identified local need. On balance it is considered that the community benefits derived from use of the site as a full time school outweigh loss of the community centre.

Consideration 4: Brownfield Status - The proposal restricts development to a previously developed portion of the site and there would be no incursion of the development, other than fencing into playing field. Proposed boundary treatment, landscaping and planting of the site are acceptable. The brownfield status of the site carries only limited weight, but attempts to limit incursion of development into undeveloped land and to enhance landscaping weigh in favour of the proposal.

Consideration 5: Release of nearby Green Belt land - Account may 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, but this carries only limited weight.

- 14.4.5 v) Do the matters which weigh in favour of the development clearly outweigh any harm to the Green Belt and any other harm?

As set out above, the proposed development amounts to inappropriate development in the Green Belt, which by definition is harmful to the Green Belt. Substantial weight attaches to any harm to the Green Belt. With respect to 'any other harm', the proposal would not have any significant harmful impact on the character of the area, residential amenity, ecology, trees or highway safety which weighs in favour of the scheme. In respect of those matters which weigh in favour of the development, the need for the development, lack of alternative sites and community benefits derived clearly outweigh the very limited harm to the Green Belt and all other harm identified above.

- 14.4.6 vi) Are there 'very special circumstances' to justify allowing inappropriate development in the Green Belt?

It is concluded that 'very special circumstances' do exist, to warrant a departure from established and adopted Green Belt policies. The principle of the proposed development within Green Belt is therefore considered to be acceptable in this instance.

### Conclusions

- 14.5 In light of the issues highlighted above officers conclude that the matters which weigh in favour of the development clearly outweigh any harm to the Green Belt and any other harm and that the 'very special circumstances' to justify allowing inappropriate development in the Green Belt still apply. The proposal would not significantly harm the character of the area, Green Belt, ecology, highway safety or neighbouring amenity, subject to conditions and is accordingly recommended for approval. The changes proposed to the originally approved scheme are of a relatively minor nature and would not adversely impact on the overall quality of the development.
- 14.6 As this proposal is for inappropriate development in the Green Belt and as the floorspace does not exceed 1000 square metres the application would not need to be referred to the Secretary of State.
- 14.7 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In

this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

## 15. RECOMMENDATION

### GRANT the VARIATION of CONDITION

#### Proposed Conditions:

1. The development 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: 7186-P001 Rev C, 7186-P003 Rev D, 7186-P011 Rev C, 7186-P012 Rev D, 7186-P013 Rev B, 7186-P014 Rev D, 7186-P015 Rev E, 7186-P016 Rev D, 7186-P017 Rev D, 7186-P018 Rev D, 7186-P020 Rev B, 5404/SK05 Rev B, 300 Rev 01, 400 Rev 02, 229\_903, 901, 904, 229-SP-001-00 Soft Landscape Specification, 229-SH-002-02 Planting Schedule, the Construction Method Statement Rev. 1 prepared by Morgan Sindall and dated 28/03/2018, the Arboricultural Impact Assessment and Method Statement prepared by Treecall Consulting Ltd and dated 19/03/2018, Tree Protection Plan (ref- DS/42217/AC Plan TC1), the Ecological Mitigation and Compensation Plan Rev C01 prepared by Morgan Sindall and dated 09/03/2018

Reason: To ensure satisfactory provision of the development.

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

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

4. Before use of the development is commenced provision for parking of cars and cycles 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 Local Plan for the New Forest District outside the National Park (Core Strategy).



5. 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 Local Plan for the New Forest District outside the National Park (Core Strategy).
6. The development shall be implemented in accordance with the approved Construction Method Statement Rev. 1 prepared by Morgan Sindall and dated 28/03/2018.  
  
Reason: In the interest of highway safety in accordance with Policy CS24 of the Local Plan for the New Forest District outside the National Park (Core Strategy).
7. The development shall be implemented in accordance with the ecological mitigation and compensation measures outlined in the Ecological Mitigation and Compensation Plan Rev C01 prepared by Morgan Sindall and dated 09/03/2018. The approved measures of mitigation and compensation shall be implemented in accordance with an approved programme of works.  
  
Reason: To safeguard protected species in accordance with Policy CS3 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM2 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).
8. 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 in accordance with the measures set out in the submitted Arboricultural Method Statement (ref- DS/42217/AC) and Tree Protection Plan (ref- DS/42217/AC Plan TC1) and in accordance with the recommendations as set out in 8S5837:2012. or as may otherwise be agreed in writing with the Local Planning Authority.  
  
Reason: To ensure the retention of existing trees and natural features and avoidance of damage during the construction phase in accordance with Policy CS2 of the Local Plan for the New Forest District outside of the National Park (Core Strategy).
9. All external works (hard and soft landscape) shall be carried out in accordance with the approved plans and details (refs. 300 Rev 01, 400 Rev 02, 229\_903, 901, 904, 229-SP-001-00 Soft Landscape Specification and 229-SH-002-02 Planting Schedule) within one year of commencement of development and maintained thereafter as built and subject to changes or additions only if and as agreed in writing with the Local Planning Authority.  
  
Reason: To ensure the achievement and long term retention of an appropriate quality of development and to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

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

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

11. The first floor window on the eastern elevation of the approved building shall at all times be glazed with obscure glass and fixed shut at all times unless the parts that can be opened are more than 1.7m above the floor.

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).

#### **Notes for inclusion on certificate:**

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

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

2. In respect of condition no. 10, it is advised that under the National Planning Policy Framework all developments should be undertaken in a sustainable manner and under the National Standards for Sustainable Drainage Systems (December 2011) the following destinations must be considered for surface runoff in order of preference:

1. Discharge into the ground
2. Discharge to a surface water body
3. Discharge to a surface water sewer
4. Discharge to a combined sewer

Connection to a foul sewer is not usually permitted as foul sewers are not designed to take surface water and the Water Company's permission would be required. The applicant will need to supply confirmation of the Water Company's approval to discharge surface water to their system along with the agreed rate of disposal and how this is being achieved. Foul sewers are not designed to take surface water and peak surface water flows would cause flooding of the foul water system. If surface water from impermeable areas such as roofs, drive etc is to be passed to any ditch or watercourse it will need to be balanced so that the flow from the site after development does not exceed that which existed prior to development for storms up to 1 in 100 years + climate change. Balancing can be any method that retains water and releases it at a rate at least not greater than the previous runoff of surface water from the site. If this method of surface water disposal is proposed full calculations must be submitted to the Head of Development Control for approval prior to construction. A large number of the watercourses in the New Forest catchment flood out of bank during high rainfall which can cause property flooding. A predicted 30% increase in flow rate caused by climate change over the next 100 years is likely to cause more properties to flood.

3. The County Highway Authority advise that the new layout of the drop-off point allows for easier turning compared with previous, but that this should be clearly marked as one way to prevent traffic immediately turning right upon entering the site. There is no mention of wheel washing facilities on site, and therefore any material migration onto the highway must be strictly monitored and cleaned regularly where required.

**Further Information:**

Jim Bennett

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DISTRICT COUNCIL

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**Planning Development  
Control Committee**  
June 2018

Item No: 3q  
Phoenix Youth Centre  
Culver Road  
New Milton  
18/10441

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

