

NOTICE OF MEETING

Meeting: PLANNING COMMITTEE

Date and Time: WEDNESDAY, 11 JULY 2018, AT 9.00 AM*

Place: THE COUNCIL CHAMBER, APPLETREE COURT,
LYNDHURST

Telephone enquiries to: Lyndhurst (023) 8028 5000
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PUBLIC PARTICIPATION:

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

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Chief Executive

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

AGENDA

Apologies

1. MINUTES

To confirm the minutes of the meeting held on 13 June 2018 as a correct record.

2. DECLARATIONS OF INTEREST

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

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

3. PLANNING APPLICATIONS FOR COMMITTEE DECISION

To determine the applications set out below:

(a) **Land north of School Lane, Milford-on-Sea (Application 17/10606) (Pages 1 - 30)**

Development of 42 dwellings comprised: 17 detached houses; 8 semi-detached houses; 11 terraced houses; 6 flats; garages; parking; landscaping; estate roads; junction access; footpaths; open space, play area; 5 allotments; cycleway

RECOMMENDED:

Service Manager Planning Development Control authorised to grant permission subject to conditions

(b) **Former Police Station, Jones Lane, Hythe (Application 18/10050) (Pages 31 - 48)**

Part 3- part 4- storey block of 35 retirement flats; communal facilities; refuse and buggy stores; sub station; parking; landscaping; demolition of existing buildings (amended plans, heritage statement and streetscape)

RECOMMENDED:

Refuse

(c) **Olive Cottage, Park Lane, Marchwood (Application 18/10595) (Pages 49 - 54)**

Two-storey rear extension; single-storey rear extension; front porch; flue

RECOMMENDED:

Grant permission subject to conditions

(d) **21 Kennard Road, New Milton (Application 18/10198) (Pages 55 - 64)**

1 block of 9 flats and 1 maisonette; cycle and bin store; parking

RECOMMENDED:

Grant permission subject to conditions

(e) **Land at Avery Lodge, Long Lane, Marchwood (Application 18/10311) (Pages 65 - 74)**

House; associated parking

RECOMMENDED:

Grant permission subject to conditions

- (f) **23-25 High Street, Fordingbridge (Application 18/10331) (Pages 75 - 86)**
Use first floor as 2 flats; first-floor rear extension; roof terrace; Juliet balcony; window alterations; rooflights
RECOMMENDED:
Grant permission subject to conditions
- (g) **Outwick Farm, Outwick, Breamore (Application 18/10366) (Pages 87 - 94)**
Single-storey rear extension
RECOMMENDED:
Grant permission subject to conditions
- (h) **Ship Inn, 68 High Street, Fordingbridge (Application 18/10433) (Pages 95 - 104)**
Kitchen intake and extract ducting (retrospective)
RECOMMENDED:
Grant permission subject to conditions
- (i) **12 St Georges Crescent, Fordingbridge (Application 18/10481) (Pages 105 - 112)**
1 pair of semi-detached bungalows; parking; demolish existing
RECOMMENDED:
Refuse
- (j) **7 Viney Road, Lymington (Application 18/10571) (Pages 113 - 122)**
House; detached garage/store; demolition of existing
RECOMMENDED:
Grant permission subject to conditions
- (k) **61 South Street, Hythe (Application 18/10594) (Pages 123 - 130)**
Single-storey and first-floor rear extensions (part retrospective)
RECOMMENDED:
Refuse

4. 2 SOUTH STREET, HYTHE (APPLICATION 17/11646 (Pages 131 - 136)

To consider whether evidence should be submitted to support a reason for refusal in respect of the non-payment of affordable housing contributions at a forthcoming planning appeal.

5. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

To:	Councillors:	Councillors:
	W G Andrews (Chairman)	Mrs M D Holding
	P J Armstrong (Vice-Chairman)	Mrs C Hopkins
	Mrs S M Bennison	J M Olliff-Cooper
	Mrs F Carpenter	A K Penson
	Ms K V Crisell	Miss A Sevier
	A H G Davis	Mrs B J Thorne
	R L Frampton	Mrs C V Ward
	A T Glass	M L White
	L E Harris	Mrs P A Wyeth
	D Harrison	

STATUTORY TESTS

Introduction

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

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

The Development Plan

The Development Plan Section 38

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

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

Listed Buildings

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

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

Conservation Areas

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

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

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

Considerations relevant to applications for residential development

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

In relation to housing development, paragraph 47 of the NPPF requires a council's Local Plan to meet the full, objectively assessed needs for market and affordable housing and to identify a five year supply of housing land against its housing requirement. This Council's latest assessment of housing need, as set out in its Strategic Housing Market Assessment (SHMA) indicates a level of need which is considerably in excess of that on which the current Local Plan requirement is based. A new housing requirement figure will be established as part of the Local Plan Review and in this respect it is anticipated that the submission of the Local Plan will be reported to the Council in March 2018. Until then, the level of housing need in the District is sufficiently above the level of housing supply to know that a five year supply of housing land when objectively assessed is not currently available.

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

Areas of Outstanding Natural Beauty (AONB's)

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

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

Trees

Section 197. Trees Town and Country Planning Act 1990

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

Biodiversity

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

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

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

Conservation of Habitats and Species Regulations 2010

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

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

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

Equality

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

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

Financial Considerations in Planning

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

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

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Application Number: 17/10606 Full Planning Permission

Site: Land north of SCHOOL LANE, MILFORD-ON-SEA

Development: Development of 42 dwellings comprised: 17 detached houses; 8 semi-detached houses; 11 terraced houses; 6 flats; garages; parking; landscaping; estate roads; junction access; footpaths; open space, play area; 5 allotments; cycleway

Applicant: Pennyfarthing Homes

Target Date: 03/08/2017

Extension Date: 27/07/2018

RECOMMENDATION: Service Man Planning Grant

Case Officer: Judith Garrity

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Parish Council view.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Green Belt
Aerodrome Safeguarding Zone
Built-up Area
Housing Allocation
Tree Preservation Order (TPO 0030/17)

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
6. Towns, villages and built environment quality
7. The countryside
8. Biodiversity and landscape

Policies

Policy CS2: Design quality
Policy CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
Policy CS7: Open spaces, sport and recreation
Policy CS8: Community services and infrastructure
Policy CS12: Possible additional housing development to meet a local housing need
Policy CS10: The spatial strategy

Policy CS15: Affordable housing contribution requirements from developments
Policy CS25: Developer contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

Policy MoS1: Land north of School Lane
Policy MoS2: Transport schemes
Policy DM2: Nature conservation, biodiversity and geodiversity
Policy DM3: Mitigation of impacts on European nature conservation sites

Hampshire Mineral and Waste Plan

Policy 15 - Safeguarding Mineral resources

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework
Policy NPPF1 - Presumption in favour of sustainable development
Green Belt

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

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

Advisory Note on the Implementation of Core Strategy Policy CS15 - Affordable Housing (Nov 2012)

6 RELEVANT PLANNING HISTORY

None

7 PARISH / TOWN COUNCIL COMMENTS

Milford on Sea Parish Council recommends refusal:

A great many Milford-on-Sea residents have objected strongly to the application by Pennyfarthing Developments for 42 homes on the above site. The main concerns of the residents and the objections of the Parish Council are:

- The land formed part of the Green Belt until it was de-selected in order to build 30 affordable homes. The village has pressed for the building of affordable homes for local people and agreed that, in accordance with the Local Plan, this Green Belt land should be used to provide these much-needed homes.
- The Planning Inspector ratified this development and ruled that no more than 30 houses could be built on the site. Also included in his ruling was the provision for public open space, allotments and a drop off point for the school. The homes were to consist of 1/3 affordable rented houses, 1/3 shared ownership houses and 1/3 small market homes.
- The current application for 42 homes would supply 6 flats as the only affordable rented accommodation - 4 x 2 bedroom and 2 x 1 bedroom. In addition to 6 shared ownership two *bedroom* houses the developer has included 7 'starter' homes as part of its

obligation to provide affordable housing. These starter homes will not be an option for either the local families on the housing register who are in desperate need of rented accommodation in Milford or for other families or young people seeking to join the housing ladder. Indeed; NFDC's own Strategic Housing Officer has pointed out that a family would have to earn around £42,000 pa to be able to buy one of these houses. We object most strongly to the assertion that this provision can form part of the affordable obligation. The remainder of the houses proposed for the site are large 'executive' style houses, of which Milford-on-Sea has no shortage.

- The Parish Council, the School and residents are all convinced that the siting of the car park is too close to a hazardous bend on the B3058. The drop-off must be to the south of the school, where the Planning Inspector had envisaged it. No more Green Belt land should be concreted over.

This application does nothing to alleviate the shortage of affordable housing for local people.

This application contravenes the ruling of the planning inspector and the terms of the Local Plan.

This application disregards Green Belt policy.

The Parish Council asks that you refuse this application.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer: No objection subject to conditions. There is a requirement for a Section 278 agreement.
- 9.2 Hampshire County Council (Flood and Water Management Team): No objection subject to conditions.
- 9.3 Southern Water: No objection subject to condition relating to details of the means of foul and surface water disposal.
- 9.4 Environment Agency: No comments received.
- 9.5 Hampshire County Council (Education): Comment that the school would not be oversubscribed from within the catchment due to the proposed development.
- 9.6 Hampshire County Council (Minerals & Waste): The site is located within the minerals and waste consultation area (MWCA) – mineral section where Policy 15 (Safeguarding mineral resources) applies. Further exploratory work is required to be undertaken in the form of a minerals safeguarding report or assessment. However, this matter could be dealt with by submission of details by condition.
- 9.7 Scottish and Southern Electricity Network: Comment on the location of electricity lines/cables and associated equipment. If any diversion is required all cost would need to be met by the developer.
- 9.8 Southern Gas Networks: Provided details of the location of gas pipes.
- 9.9 Environmental Health (Contaminated Land): No objection. Based on the site assessment undertaken the site is suitable for the proposed development.

- 9.10 Archaeologist: Whilst the results of the desk top assessment suggest the site has a low/limited potential for archaeological remains so a targeted archaeological evaluation would be advisable. No objection subject to conditions.
- 9.11 Waste Management: Comment that the bin stores for the flats should be large enough to house one 360 litre wheeled bin for glass collection in addition to storage of waste sacks.
- 9.12 Tree Officer: No objection subject to conditions.
- 9.13 Ecologist: The amended details are accompanied by ecological updates which appear suitable subject to conditions.
- 9.14 Urban Design/Landscape Design Officer: No objection subject to conditions. The proposal provides a design and layout that accords with Policy CS2 in creating a distinctive place to live which responds positively to local character. In terms of design (and subject to robust conditions carried out in a timely manner), this represents an acceptable scheme.
- 9.15 Public Open Space Officer: - The open space is likely to be a combination of adult (or under 10) and junior football pitches; and/or rugby pitch, together with space for other facilities in the future, such as a possible MUGA. The Parish Council have agreed to take on the formal open space, informal open space, play area, allotments and dual use drop off parking and open space maintenance contributions have been identified. The issue of transfer will however be resolved as part of a S106 agreement.
- 9.16 Housing Development & Strategy Officer: does not support as the proposal does not meet the Policy requirements of 70% affordable homes. The applicant would need to provide evidence why the site cannot be viably developed in accordance with Policies CS12 and CS15, and justify the reduction in affordable housing provision.
- 9.17 District Valuer: an assessment of the viability of the scheme for 42 dwellings has been undertaken with the 45% affordable housing proposed. This assessment is based on a tenure mix of 55% Open Market, 14% Shared Ownership, 17% Starter & 14% Affordable Rent. This has concluded that in order to make the scheme viable, a maximum of 45% affordable housing could be provided on the site, based on current higher build costs.

10 REPRESENTATIONS RECEIVED

- 10.1 8 Objections have been received on the original plans
 150 Objections to the 1st set of amended plans
 43 further objections raised to the 2nd set of amended plans

Objections raised on the following grounds (summary).

- Support objections made by Parish Council;
- Contrary to Policy MoS1 and Inspectors requirement for 30 houses;
- Current application against spirit of de-regulation of this Green Belt land; No justification for loss of Green belt;
- Loss of Green Belt was based on affordable homes for local needs;
- Contrary to local, regional and national strategies for future housing development;
- Extra homes should be closer to towns where jobs are available not in small villages;
- Insufficient affordable housing – should be 70% to meet policy; Milford needs more affordable homes;
- Objection to numbers and tenure of affordable units. Starter homes should not be included as affordable housing;

- Revised plans have reduced further the affordable housing proposed on the site to 45%;
- Revised plan only offers a small reduction in numbers of dwellings proposed compared to previous plans;
- Need reappraisal of national policy on provision of affordable homes;
- Need homes for local need with connections to the village– smaller homes for families are required and not large properties, flats or second homes;
- Further plans for Green Belt release will result in urban sprawl to link with Everton;
- Location of play space in the Green Belt;
- Loss of countryside;
- Height of some of the buildings;
- Impact on infrastructure, school places, road/traffic and medical services;
- Flooding;
- Light pollution – impact on wildlife; effect on current residents of School Lane and Lynmore Grove;
- Trees/hedges – oak trees should be subject of TPO; hedges are a feature of the village;
- Loss of the hedgerows; impact on nesting birds;
- Congestion and highway danger associated with access to car park/ drop off
- Reduced size of drop off ;
- Drop off is located too far from the school. Car park facility is only the benefit of the scheme;
- Reduction in parking provided for the school; Does not resolve school parking issues. Need to provide proper off-road parking for the school;
- Drop off parking should be in housing area to stop car park compromising health and safety of school;
- Playground and parking location makes it secluded and unsafe to use;
- Location of access to main site and implications for adjoining dwellings;
- Plans should be in place for allotments and open space before building starts;
- Impact of car park on environment and Green Belt;
- Loss of Green Belt for car parking is unacceptable;
- Impact on landscape, community and village;
- Overlooking of school and safeguarding/security issues;
- Development would not be beneficial to the village;
- Materials should blend in with the environment;
- Noise, disturbance and smell;
- Availability of land on opposite side of road;
- Visual impact;
- Consideration needed about proposals in rural setting.

1 support – need more homes in village.

2 comments – layout of the 2-bedroom properties

- 10.2 Milford Conservation Volunteers – commented on the original Ecological surveys and proposed mitigation measures. Their view on the development is neutral with respect to matters relating to wildlife, conservation and management of the site should the application receive planning permission. They support the mitigation measures, hedgerow provision and provision of nesting and wildlife boxes, badger/reptile corridor, sensitive lighting strategy, wildflower grassland and gentle slopes to the SUDs area. No further comments have been made on amended plans
- 10.3 Milford-on-Sea Primary School: Object to the amended plans which has reduced the size of the drop off area are as follows:
- The proposed drop off zone fails to provide a safe drop off area.
 - It is located too far from the school. Access from the drop off zone to the school

needs to be directly at the point of drop off. A parent or carer needs to see their child has entered the school grounds safely. The Inspector's recommendation is for a "safe drop off zone adjacent to the school".

- Support a parking facility sited to the south of the school's playground which meets the inspector's requirement of a drop off zone adjacent to the school. It would alleviate the potential inconvenience for residents. It does not require the support from Hampshire County Council and is actionable by the developers.
- Parents will continue to use the bus lay-bys as unofficial drop off zones, as well as the new housing development, as both are closer to the school. Drop off zones using the current bus lay-bys, would provide a safer and more effective way to manage the traffic. We also support this proposal.

10.4 South Lawn Hotel: Support provision of car parking facility. Until recently parents have been allowed to park at the hotel when dropping off and picking up children. This arrangement has had to cease as the hotel is becoming busier, having impact on hotel business and deliveries. The removal of parking at the hotel will exacerbate the current problems. No further comments have been made on the amended plans.

11 CRIME & DISORDER IMPLICATIONS

See assessment below

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive New Homes Bonus £51,408 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 £454,668.68.

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

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
- Advising agents/applicants early on in the processing of an application (through the release of a Parish Briefing Note) as to the key issues relevant to the application.
- Updating applicants/agents of issues that arise in the processing of their applications through the availability of comments received on the web or by direct contact when relevant.

- Working together with applicants/agents to closely manage the planning application process to allow an opportunity to negotiate and accept amendments on applications (particularly those that best support the Core Strategy Objectives) when this can be done without compromising government performance requirements.
- Advising applicants/agents as soon as possible as to concerns that cannot be dealt with during the processing of an application allowing for a timely withdrawal and re-submission or decision based on the scheme as originally submitted if this is what the applicant/agent requires.
- When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

In this case, the application proposals have been the subject of negotiations both before the application was submitted and during the application process. The applicant sought pre-application advice on the form of development proposed however, while development of the site was discussed, the enquiry was not formally concluded prior to the submission of the current planning application. The proposal remains for a development in excess of the policy requirement of 30 dwellings on the site, but the applicants have worked positively with Council officers to respond to the concerns expressed. Most specifically revisions have been made to reduce the size of the drop off area within the Green Belt, reduce the number of units proposed on the site to 42 dwellings and revised the layout. This achieves a better balance of development on the site and proposed a layout that seeks to address the sensitive rural edge to Lymington Road as well as including the provision of a cycle path link along both Lymington Road and through the site.

14 ASSESSMENT

14.1 The application site and its surrounding:

- 14.1.1 The site is greenfield in nature, currently used for agricultural purposes. It is bounded by Milford-on-Sea Primary School to the north, countryside to the east, School Lane and residential development to the south and by Lymington Road to the west. The housing site is within the Built-up Area of Milford-on-Sea but the open space, play area, allotments and drop off car park are within the defined Green Belt. The whole of this site is allocated in the adopted Local Plan: Sites and Development Management (Part 2) DPD under Policy MoS1.

As an allocated housing site, a presumption in favour of residential development exists on the site, subject to other material planning considerations, as outlined below.

14.2 The submitted proposal

- 14.2.1 It is proposed to erect 42 dwellings and flats on the site. The proposal includes a new vehicular access from a point to the south of the site from Lymington Road and parking arrangements for the proposed housing. A dual use car park /school drop off for 36 spaces is proposed within the open space and Green Belt accessed from Lymington Road to the north of the site. Five full size allotments are proposed to the northern end of the site – although 3 of these are indicated as sub-divided into smaller plots. The parking area includes parking spaces for the users of the proposed allotments.
- 14.2.2 A cycle path would be provided to the Lymington Road frontage to link to Milford on Sea Primary school and a second cycle route is proposed to run through the public open space linking the car park to the new residential development and Lymington Road.

- 14.2.3 An area in excess of two hectares would be provided to the north of the housing site for formal public open space in the form of playing fields and a children's play space. This open space is likely to be a combination of adult (or under 10) and junior football pitches; and/or rugby pitch, together with space for other facilities in the future, such as a possible MUGA
- 14.2.4 The proposed housing development would comprise detached, semi-detached and linked dwellings as well as 6 flats, set behind retained hedgerows on Lymington Road and School Lane, interspersed with landscaping and trees within the development. School Lane would be stopped up at its junction with Lymington Road and diverted through the site and the existing lane retained for access to existing houses and as a pedestrian/cycle route.
- 14.3 Policy Framework
- 14.3.1 The southern part of the site (within the defined built-up area) is allocated for housing under Policy MoS1. This allocation is specifically to provide housing to serve local need in accordance with Policy CS12 and CS15 (b) of the Core Strategy. These Core Strategy policies state that this site could provide for up to about 30 dwellings, of which at least 70% should be for affordable housing, made up of at least 40% social rented housing and at least 30% intermediate affordable housing. The policies indicate that the remainder of the site to be developed pursuant to these policies should be developed for low-cost market housing, which could include starter homes. At least 50% of the affordable housing provided is expected to be family housing. All affordable housing provision is also subject to Policy CS25 which states that regard will be had to economic viability considerations, consistent with meeting core strategy objectives.
- 14.3.2 Policy MoS1 reiterates the requirement that 70% of dwellings provided on this allocated site should be for affordable housing and that provision is made for a maximum of 30 dwellings. The policy requires development of this site to meet a number of other specific criteria. These criteria are as follows:- on site provision of formal open space in accordance with Policy CS7; including provision of play space for children within the residential development; provision of land for a minimum of two hectares of formal public open space (playing fields) to the northern part of the site (east of Milford Primary School); 5 full size allotments; provision of vehicular access from Lymington Road; provision of off road cycleway on the site frontage; pedestrian access from Lymington Road and School Lane; provision of car parking to serve the playing fields and available for dual use with the school as a safe pick up and drop off facility; together with significant landscaping to integrate the different elements within the site and with adjoining features in order to create an appropriate transition from built development across the playing field to the wider countryside beyond.
- 14.3.3 Policy MoS2.2 requires the provision of a cycle link from Milford Primary School/Lymington Road to Keyhaven Road via Lydale Close and Carrington Road. A route for the cycleway is identified on the plans and includes a section along the frontage of the site to Lymington Road.
- 14.4 The principle of development
- 14.4.1 Given that the site is allocated for housing, subject to meeting other criteria and the delivery of other elements of policy, the principle of developing the southern part of the site for residential purposes is considered to be acceptable.

- 14.4.2 The site is allocated for a maximum of 30 dwellings under Policy MoS1, it is now proposed to provide 42 units on the site. As such this scheme is contrary to Policy MoS1. A viability appraisal has been submitted with the application to justify the quantum of development sought by this scheme. The increase in the density of development on the site over and above that stipulated in Policy MoS1 needs to be justified as an exception and in doing this a convincing rationale needs to be provided that demonstrates how this would be achieved in a contextually appropriate way. This should be done through the layout, design and overall quality of the development, as well as by showing the scheme to be sympathetic in spatial terms to its rural edge context. This matter is considered later in this report.

14.5 Affordable Housing Considerations

- 14.5.1 The application is for a total of 42 dwellings. Of this number, 7 dwellings (17%) would be starter homes, 6 dwellings (14%) would be shared ownership and 6 dwellings (14%) would be for affordable rent.
- 14.5.2 It should be noted that Starter Homes do not meet the definition of affordable housing based on the Council's own policies. However, the Council has on other historic recent large-scale housing schemes accepted Starter Homes as an alternative to intermediate affordable housing (i.e. shared ownership and shared equity housing), having regard to statements from central government that were in favour of starter homes as an affordable tenure option, particularly in relation to stalled brownfield sites.
- 14.5.3 A government's Housing White Paper has since been published, which has changed the criteria for Starter Homes, meaning that Starter Homes are no longer, in most circumstances, going to be an appropriate alternative to affordable housing. However, because the Local Planning Authority has accepted Starter Homes as an alternative to affordable housing on other developments being built pursuant to Core Strategy Policies CS12 and CS15, it is felt that it would not be reasonable to reject Starter Homes as an alternative to affordable housing in this instance given the Government advice on starter homes and the Council's acceptance of that advice at the time the applicant acquired the site.
- 14.5.4 If starter homes are accepted to be a form of affordable housing for the purposes of determining this application the proposal is to include 19 dwellings as affordable housing which would be 45% of the total number of homes. If this is not accepted to be a form of affordable housing then 12 homes can be defined as affordable, which would be 29% of the total number of homes.
- 14.5.5 Evidently, either position would not meet the policy expectation for 70% of the dwellings to be affordable on this site. The applicants have submitted a detailed viability appraisal, which includes figures which seeks to demonstrate that meeting the Local Planning Authority's policy requirement would make their development unviable.
- 14.5.6 The applicant's viability appraisal has been considered by the District Valuer (DV). A viability assessment of the appraisal was completed with respect to the proposed affordable housing element of 45% and the tenure mix proposed.
- 14.5.7 The District Valuer has based his assessment on sales that are considered, on a reasonable evidence base, to be achievable in the locality. A profit of 19% has also been accepted for this site given the historic nature of this planning application and the lengthy negotiations that have been ongoing. The assessment also allows for a small increase in construction costs.

- 14.5.8 The District Valuer's assessment concludes that the scheme providing 45% affordable housing with additional CIL and S106 contributions results in a residual land value that indicates that in order to make the scheme viable, a maximum of 45% affordable housing could be provided on the site including the proposed starter homes as a form of affordable housing.
- 14.5.9 Based on the applicant's viability appraisal, and the conclusions of the District Valuer, the Council's policy expectation of securing 70% affordable housing on this site is unrealistic and unachievable if the scheme is to be viable. Accordingly, taking account of the Council's policy (CS25) to have regard to economic viability considerations and to the advice in the National Planning Policy Framework, that the scale of obligations sought by a local planning authority should not threaten the viability of development (para 173, NPPF).
- 14.5.10 If considered to be acceptable, the applicant's affordable housing offer of 7 Starter Homes, 6 shared ownership and 6 homes for affordable rent will need to be secured within a Section 106 Legal Agreement. Providing the affordable housing is secured in this way, it is considered that the quantum and mix of affordable housing, while not meeting policy expectations, nonetheless should be given positive weight given the existing development plan policy context. It should be noted that if the Starter Homes are not sold as Starter Homes within an initial 9 month period, they would then through the Section 106 legal agreement be safeguarded for other forms of Intermediate Housing.
- 14.6 School drop off and car parking
- 14.6.1 Part of the allocated site falls within the designated Green Belt where inappropriate development would be harmful. The proposed car parking and school drop off facility is shown within the Green Belt to the northern part of the site. A Technical Note submitted by the applicant indicated that approximately 70% of parents come from the north when dropping off children at school and as such there are logical and functional reasons for the location of this drop off area in order to avoid congestion outside the school.
- 14.6.2 Policy Mos1 does not specify the preferred location of the school drop off facility but states that "*car parking sufficient to serve the playing fields and available for dual use with the school as a safe pick-up and drop-off area*". However, despite this if the proposed development is to be appropriate in its current location it should serve the purposes of the Green Belt and be one of the limited range of uses or development types that are acceptable in the Green Belt. Inappropriate development should not be approved except in very special circumstances.
- 14.6.3 Para 89 of the NPPF sets out clearly the types of development and uses which can be considered appropriate exceptions in the Green Belt. Provision of facilities for outdoor sports and outdoor recreation are acceptable as long as they preserve the openness of the Green Belt and do not conflict with the purpose of including the land in the Green Belt.
- 14.6.4 The car park /drop-off provides parking for 36 cars including parking for the 5 allotments proposed on the site. The car park /drop off with its limited size would be an appropriate ancillary use which would meet the needs of the playing fields, open space and allotments which are appropriate green belt uses, as well as providing a much-needed drop off facility for a school. This would result in improved safety and security of Milford on Sea primary school children at the morning drop off and afternoon pick up times.

- 14.6.5 Given the sensitive location of this drop off area within the Green Belt it is important to ensure appropriate landscaping within the car park as well as a limitation on associated lighting to ensure controls are retained and that the purpose of including land within the Green Belt and its openness are not unreasonably undermined. Details of the treatment of this area have been indicated as part of the submitted landscape proposals however full details can be secured and controlled by condition.
- 14.7 Public Open Space
- 14.7.1 Policy MoS1 requires the provision of a minimum of 2 hectares of formal open space to the northern part of the site. In addition the development needs to make on site provision of public open space in accordance with Policy CS7 to include a children's playspace within the residential development.
- 14.7.2 The current proposal includes a total of 2.858 hectares of public open space in the northern part of the site. This area includes formal open space (2.533 ha); allotments (0.1838 ha); play area (242.4 sq. m), and dual use parking/ drop off (0.1169 ha).
- 14.7.3 Policy CS7 requires the provision of 3.5 hectares of public open space per 1000 population. These standards are met with respect to formal and play space, there would however be an underprovision of informal open space.
- 14.7.4 The informal open space comprises 0.1073 hectares which represents a shortfall of 0.1407 ha with respect to CS7 requirements. However, as there would be an over provision made in terms of the open space on the overall site this shortfall is considered acceptable in this instance. The public open space, in combination with other areas of landscaping closest to the dwellings, would ensure that the development's needs for appropriate areas of public open space are met.
- 14.7.5 The developer has agreed to undertake a full drainage survey of all the playing pitch areas and provide a suitable playing field surface with a grass sward suitable for this use. Details concerning these matters can be secured through condition.
- 14.7.6 The applicants are to provide an equipped children's play area to the northern boundary of the residential scheme. This is within Green Belt land and not within the residential development which is stipulated in Policy MoS1. However, it is appropriate development within this location and should ensure that noise to adjacent residents is minimised whilst remaining functionally close enough to the houses to provide surveillance opportunities from within the residential estate.
- 14.7.7 An illustrative design of this play space has been provided which includes a natural play space but full details of the design can be secured by condition.
- 14.7.8 Milford on Sea Parish Council are in principle willing to take ownership of the open space (formal and informal), play area, allotments on this site, and car park/drop off, subject to commuted sums for maintenance.
- 14.7.9 The on-site public open space and children's play space would need to be secured through the S106 legal agreement. This would include a need to secure a public open space maintenance contribution of a total of £147,876.96 and separate Children's Play Area maintenance contribution of £33,936. In addition to this, a further sum commuted sum of £63,827.40 is required for the car park/drop off.

- 14.7.10 These commuted sums together with the arrangements for the transfer and future management of the open space, play area and car park/drop off would be secured through the Section 106 legal agreement.
- 14.8 Allotments
- 14.8.1 The application proposes 5 full size allotments within the north-east of the site with car park provided in association with the proposed allotments. Three of these allotments are indicated to be sub-divided but this is acceptable and overall the allotments would be of an appropriate size to meet the requirement of Policy MoS1. These allotments are located within the Green Belt and are considered as appropriate development. However, this said, no objection is raised and this provision would meet the requirements of Policy MoS1
- 14.8.2 The allotments and their future management by the Parish Council would be secured through the Section 106 legal agreement
- 14.9 Layout and Design Considerations
- 14.9.1 The layout of the residential development comprises a main access from Lymington Road with a spur off to the west to serve further dwellings. The layout is legible and draws people through the site with a broad central green street where SUDS form part of a green corridor, with trees, hedgerows and public greenspace creating a pleasant setting to the scheme. The dwellings generally address the main access road and do not front onto Lymington Road where existing established hedge and other native planting would be retained, reinforced or replaced as required. The garden and private amenity areas provided are adequate for both functional and amenity needs of future residents.
- 14.9.2 The dwellings are generally simple and unassuming and together with the landscape, make a reasonable contribution to their setting on the rural edge. Such simple design characteristics can be successful if locally appropriate materials are used. The proposed design details include hipped roofs and some subservient gable features as well as attached garages some with front dormers. The elevation details include a variety of materials but predominantly brick and tile with a limited use of cladding to add variety and texture to the visual appearance of the development. A group of trees within rear gardens would form a "green island" between the two parts of the development
- 14.9.3 The proposed development off the spur road to the west (Plots 9 -29) are, with the exception of Plots 9 and 10, proposed to provide affordable housing and are of a higher density.
- 14.9.4 Design and Access statement has been submitted to provide a rationale for this approach. The development has been designed to reflect a single farm building group adjacent to the boundary with the school. A green edge with landscaping, trees and retained, or replaced hedgerows are proposed to the Lymington Road frontage respecting the character of existing dwellings in large gardens and the rural character within which they would be located. Timber structure car ports have been introduced to enhance the street scene and reduce hard surfacing and on-street parking so that amenity space and landscaping can be optimised with the use of colour and texture to break up these areas.
- 14.9.5 The flats (Units 18-23) are located towards the front of the site to create a key frontage building to define the north-west corner of the site. The flats are 2 storey and have been designed to reflect the design of a barn, in terms of both scale and features, with the first-floor accommodation largely within the roof. The flats would

relate appropriately in scale and design to the facing terrace (plots 24-27), and a parking barn faces the road. Bin storage is provided within the flat block with access from the road for collection. Subject to the use of quality natural material, suitable surfacing and textures, this could achieve a suitable quality of development.

- 14.9.6 This layout allows for the provision of a meaningful and functional amenity space for future occupants of the flats to the side and rear as well as a soft planted buffer to the Lymington Road frontage.
- 14.9.7 Plots 11-17 have been formed as two simple terraces around a courtyard to replicate an enclosed barnyard which includes a series of buildings and car ports set behind landscaping on the Lymington Road frontage. This is considered to achieve visually appropriate development on the rural edge.
- 14.9.8 The layout allows for a reasonable balance of hard and soft landscaping and helps to retain the green rural edge to Lymington Road which forms part of its existing distinctive character. The buildings would be sufficiently set back from the frontage to make them contextually appropriate. The proposed dwellings and flats would be seen through this planting with gaps provided to seek to maintain views of the countryside and rural landscape beyond it to enhance its landscape setting, garden space and green character.
- 14.9.9 Subject to further details of materials and finishes this is now considered to be acceptable.
- 14.9.10 A cycleway link is now included to the Lymington Road frontage as specified in Policy MoS2.2. It would link to the school and provide a convenient and direct route for parents and children. Works would be required to the hedge which would involve realignment to allow sufficient width for the cycleway on some parts of this road frontage. This appears to be practicable to achieve subject to the submission of a detailed methodology for its relocation - or replacement if such a methodology cannot demonstrate this - being submitted as part of a condition.
- 14.9.11 In addition, a shared cycle and footpath is proposed aligned with the main residential spine road and links to the open space through the development. This route would be close to the rear boundary of the school. This would provide a pleasant traffic free route through the open space and residential development which would assist in improving the safety of cyclists and pedestrians using the open space and as such is welcomed in addition to the frontage cycle way.
- 14.10 Amenity considerations
 - 14.10.1 The proposed development would not have a significant impact on the amenities of most nearby residential properties given that existing dwellings are typically set well away from the development site. The school and its playground area has a common boundary with the site and is screened by mature trees and hedging.
 - 14.10.2 The group of 8 trees on this boundary with the school is protected by a TPO which ensures their long-term retention. Whilst there would be some transfer of noise and activity associated with the school to the residential site this would be concentrated during the day. As such it is unlikely to give rise to levels of noise that would have an unacceptable or harmful impact on the amenity of new residents adjoining this boundary.

- 14.10.3 The future occupants of the dwellings within the development would enjoy satisfactory levels of amenity, noting the reasonable garden sizes provided for most dwellings and the integrated landscaping proposed. There is generally an acceptable relationship between the proposed dwellings that will preserve privacy and amenity as far as possible. The limited number of side facing windows and use of obscure glazing as indicated on the submitted plans would result in a reasonable relationship being achieved on the site.
- 14.10.4 Generally, within the eastern part of the development the rear gardens are no less than 10 metres in length, although Plot 7 has a more limited rear garden of 7 m length and Plots 6 and 9 have slightly awkward shaped rear gardens with a maximum length of 10.5 m and 8 m respectively. However, both plots offer a greater width thereby providing for the reasonable amenity of future occupants.
- 14.10.5 Rear gardens in the eastern part of the development are generally between 9.5 and 12 metres in length and sufficient back to back distances are retained. However, on Plots 1-17 and 24-27 - it is considered appropriate to remove permitted development rights in order to retain control over future development, to ensure that the reasonable amenities of neighbours and design philosophy and the setting of the overall development are controlled in the future.
- 14.11 Landscape and Arboricultural Considerations
- 14.11.1 The site is located within the landscape character area of Barton and Milford Coastal Plain and has typical characteristic of this area. These characteristics are composed of intensively farmed but well managed landscape of regular fields with straight boundaries divided by hedgerows with hedgerow oaks being a feature. These, together with remnants of ancient woodland, provide visual links to the Forest. This character is defined through oaks as part of hedgerows, small woodland blocks and groups of pines that punctuate the skyline.
- 14.11.2 The Design and Access statement submitted comments on landscape character and notes hedgerow species and coastal pines. It describes the existing character of lanes and roads, the flat topography of the site, proximity to the coast, and views towards the Isle of Wight.
- 14.11.3 Street scene elevations submitted are useful to determine opportunities for large scale tree planting to provide a framework for the development on the sensitive edge of the rural settlement. Existing hedging should remain as they are a key landscape characteristic and would contain and soften the development. The southern boundary of the school has an important group of trees (now protected by a TPO) and hedge together with a proposed land drain. However, details of management and future maintenance of the hedges should be provided, which can be covered by condition.
- 14.11.4 Some coppicing work has been undertaken to boundary hedges to School Lane and Lymington Road. However these hedges have not been removed, and the hedges will regenerate. Furthermore the works did not required planning permission and no adverse impact on ecology resulted.
- 14.11.5 A tree planting strategy has been submitted. These landscaping proposals provide a green Infrastructure and landscape framework. These plans demonstrate, subject to agreement of detailed matters by way of condition, how the development would contribute positively to the creation of an appropriate development on the rural northern and western edges of the site.

- 14.11.6 An arboricultural assessment and method statement has been submitted with this application. This states that no trees would be lost as a result of the development although some small sections of hedgerow would need to be removed to facilitate the new accesses proposed. However, the scheme will be supplemented with new tree planting which would contribute and enhance local character. These details are included in the amended landscape plans referred to above and would result in a considerable increase in the number of trees on the site.
- 14.11.7 The proposed development is not situated within a Conservation Area and when submitted there were no TPOs on the site. However, to ensure long term protection, a new TPO was made to ensure a degree of control and consideration is taken during the design and construction process. This TPO relates to two horse chestnut trees situated on the Western boundary of the land east of Lymington Road and a separate group of trees comprising 7 poplars and 1 holm oak situated in the northern boundary of land south of the school. These trees, now protected, are shown to be retained as part of the submitted scheme.
- 14.11.8 Amended plans have included the provision of a cycleway to the frontage to Lymington Road which would, at its north western corner be close to these protected trees. However, the revised methodology shows protection measures and construction exclusion zones in this area.
- 14.11.9 The submitted tree protection plan specifies a suitable level of protection which along with the arboricultural Impact assessment would not result in a significant impact on trees, furthermore if a suitable tree planting scheme is undertaken this will increase the tree cover across the site. There appears to be an opportunity to plant extra heavy standard trees and larger specimen trees in areas where the most immediate benefit of new tree planting can be gained. A condition is required to provide a specification of new planting (location, species and size), method of implementation, future maintenance and a suitable planting system for trees to be planted in areas of hardstanding.
- 14.12 Ecological Considerations
- 14.12.1 Ecological Information has been submitted that considers the impact of the development on the ecological interest of the site and provides details of how the construction of the cycleway to Lymington Road would be undertaken without adverse impact on frontage hedge or its ecology.
- 14.12.2 The site is considered of low ecological value. However, the site lies within the zone of influence of various internationally designated sites; there is a low population of grass snakes and low level of bat foraging. Trees on the site have potential to support nesting birds and the hedgerows have the potential to support dormice. Evidence of foraging badgers was also recorded.
- 14.12.3 Ecological enhancements and mitigation are included as part of the development proposals.
- 14.12.4 The Ecologist has been consulted on this application and confirmed that overall, the amended plans and revised ecological report are acceptable. Any hedgerow removal, realignment or management should be carried out under suitable professional ecological supervision and to an agreed methodology. Conditions are required to ensure that the development is undertaken in accordance with the submitted details, under appropriate professional ecological guidance and achieve the necessary quality of hedgerow management and replacement.

14.13 Drainage Issues

- 14.13.1 A flood risk assessment has been submitted in addition to an assessment of foul drainage on the site. The site is located within a low risk flood zone. However while there are records of flooding near the application site none of these have been on the application site itself.
- 14.13.2 The risk of flooding to the proposed development and risk of it exacerbating flood risk to neighbouring properties are considered to be negligible or low and therefore no mitigation measures are considered necessary.
- 14.13.3 With respect to surface water drainage, alternative means of draining surface water from the site are required as there are no public surface water sewers in the area to serve the development. It is proposed to use SuDs on the site. There would be a combination of swales, filter drains and a retention basin is incorporated across this site forming a treatment drain. Details of the proposed SUDS have been submitted but these need to be finalised by condition.
- 14.13.4 The proposals for surface water drainage meet the current standards and best practice in relation to surface water drainage but maintenance details will need to be agreed. Conditions are required to include design and future maintenance of SUDS and the detailed design of the surface water drainage proposals.
- 14.13.5 The information submitted is sufficient to provide confidence in drainage provision, although further testing should be undertaken. The additional investigation of the groundwater levels and associated amendments to the design are satisfactory.
- 14.13.6 With respect to foul water drainage, An initial desktop study indicates that Southern Water cannot accommodate the needs of this application site without additional local infrastructure. Details for foul disposal and an implementation timetable are required but can be agreed by condition.

14.14 Transportation Considerations

- 14.14.1 A detailed Transport Statement has been submitted with the application which has been supplemented by a Technical Note with specific reference to the proposed car park.
- 14.14.2 Access would be provided to the residential development from a new access on the B3058 Lymington Road via a new junction a short distance from the existing junction of School Lane. School Lane would be stopped up and re-aligned to join the proposed new access road via a new junction.
- 14.14.3 The parking standards for the site are set out in the adopted parking standards (2012). The level of parking provided with respect to the proposed dwellings is considered adequate and meets recommended standards. Cycle parking facilities would be provided within garages or sheds in rear gardens.
- 14.14.4 The new car park /drop off would have a separate access from Lymington Road to the north of the school. The proposed new car park would provide 36 spaces for the open space/ drop off facility including parking for the allotments.
- 14.14.5 A survey carried out by the applicant in the morning and afternoon school drop off periods concluded that there are 87 and 89 cars parked associated with the school respectively. During school pick up times there are periods of extensive on street parking on the B3058 and surrounding roads to the west of the site. This frequently results in disruption to traffic movements and impacts on highway safety.

The car park/drop off would therefore help to alleviate this pressure but would not completely absorb all school drop off trips. It would undoubtedly reduce the demand for on street parking in the vicinity of the site at peak times, but it is not its purpose to provide for the full parking needs of the school.

- 14.14.6 There needs to be a balance between the size of the car park and its impact given its location in the Green Belt. When comparing the parking quantum with that suggested in the SPD, the level of parking is however sufficient and strikes the appropriate balance in this sensitive area.
- 14.14.7 It is however accepted that there could be periods of occasional peak demand – such as during sports tournaments -where a parking overflow may result. The submitted layout allows for this overflow on the field accessed through the maintenance access. This would only occur on an occasional basis and would be managed by the Parish Council when they take on the maintenance/management of the open space. This would safeguard the long-term impact on the Green Belt and ensure no inappropriate development would result.
- 14.14.8 The internal highway arrangement – including the cycleway though the site and along Lymington Road - are intended to be offered to Hampshire County Council for adoption. Subject to the applicant providing satisfactory details as part of the S278/S38 agreement for the adoption of the roads within the site no highway objection is raised. Given that the layout has changed revised tracking drawings for large refuse and fire tender vehicles were provided and are acceptable.
- 14.14.9 The submitted application is accompanied by a detailed Transport Statement which has forecast vehicular trips for the development. Trip generation information has been assessed and considered appropriate. Furthermore, the applicant has provided an analysis of the distribution and assignment of vehicle movement which are considered appropriate.
- 14.14.10 As such the conclusion is that the existing highway network in the vicinity of the site is able to accommodate safely the forecast additional traffic movements that would be generated by the proposed development. Conditions would be required to cover parking, cycle parking and turning head provision and highway construction.
- 14.15 Habitats Mitigation
- 14.15.1 Members will be updated at the meeting in terms of habitat mitigation
- 14.15.2 A further contribution towards management and monitoring of the mitigation measures per dwelling is required. As part of the current adopted mitigation strategy the Council agreed to pay a contribution to the Solent Recreation Mitigation Partnership (SMRP) for all new development within 5.6 km of the Solent and Southampton SPA. This introduced an increased contribution per dwelling. All new development approved from 1st April 2018 will be required to “top-up” their access management contribution to incorporate the new SRMP rate.
- 14.15.3 In this case this would result in a habitats mitigation contribution of £41,196 which will be secured by way of a Section 106 agreement.
- 14.16 Minerals and Waste
- 14.16.1 The application site forms part of a Minerals Safeguarding Area that is safeguarded under Policy 15 of the HCC 2013 Minerals and Waste Plan (that is supported by a later Supplementary Planning Document). The submitted application is not accompanied by a Minerals Resource Assessment. However, this could be dealt with by condition which will then inform whether prior extraction of minerals is viable or appropriate.

14.17 Other material considerations

- 14.17.1 There are no concerns raised by Environmental Health with respect to contamination on the site. The Phase I and II Geo-Environmental Site Assessment has been considered and the conceptual model has identified potentially active contamination from previous agricultural uses on the site. However the risk is low. The report concludes that there are no active contaminants that constrain the site and therefore it is considered suitable for development as proposed.
- 14.17.2 A desk-based assessment of the archaeological potential of the site has been undertaken. The results of the desk top assessment suggest the site has a low/limited potential for archaeological remains. A targeted archaeological evaluation would however be advisable as well as a site investigation and post investigation assessment prior to occupation of the dwellings. These matters can be covered by conditions
- 14.17.3 Concerns have been raised in representations about drainage and flooding and these issues have been considered as part of the planning assessment. The proposed measures and suggested conditions are considered adequate to ensure no adverse impacts would result.
- 14.17.4 The Governors of Milford on Sea Primary School have raised concerns about the safety of children due to the position of the rear gate from the car park/drop off. This gate has been positioned as close as possible to the car park/drop off. The proposed landscaping in this area is designed to be low level ground cover with some tree planting which can be designed to ensure surveillance of children will be possible to ensure they arrive at the school gate safely.
- 14.17.5 Comments have also been made about the safeguarding of children at the school. The side of nearest dwelling – on plot 24 - would be located a minimum 4 metres from the boundary of the school playground. There are no side facing windows, however, a first-floor rear bedroom window would have an outlook towards the school playing fields. This view would be at an oblique and distant angle so as not to lead to unacceptable overlooking.
- 14.17.6 The flats are proposed in an L-shaped block and this narrow side elevation is a minimum of 9 metres from the school playground with the rear (north) elevations 18m away, although some oblique views from the rear (east) elevation. There would be a limited number of first floor rear facing windows (dining/living, kitchen and landing). There are however mature trees and hedge planting to this boundary that would be retained as part of the development proposals.
- 14.17.7 The car park and cycle link would be separated from the rear boundary of the school and existing hedging would be retained so as not to unduly open up the school site to views. Overall these measures would appear to ensure protection and safeguarding of the safety of children at the adjoining school.

14.18 Planning Balance and Conclusions :

- 14.18.1 The LPA is not currently able to demonstrate a 5 year supply of housing land when assessed against its most recent calculation of Objectively Assessed Need. Relevant policies for the supply of housing are therefore out of date. In accordance with the advice at paragraph 14 of the NPPF, permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the NPPF indicate that development should be restricted. In this case, the presumption in favour of sustainable development does not apply because the development requires an

appropriate assessment in compliance with the Birds or Habitats Directive, and there is therefore a specific policy in the NPPF (paragraph 119) which indicates that development should be restricted.

- 14.18.2 Overall, while the proposed development does not meet the expectation for delivery of affordable housing on the site in terms of numbers or tenure a viability assessment has been submitted that demonstrates that this would not be viable but that 45% affordable housing in the proposed tenure would be the maximum amount of affordable that could be achieved whilst maintaining the scheme's viability.
- 14.18.3 The terms of Policy MoS1 have been complied with in respect of provision of open space, car parking drop off for the school – which is a positive benefit for the local community, as well as allotments, play area and a cycleway link both through the site and along Lymington Road.
- 14.18.4 However, the proposals remain in excess of the maximum number of 30 dwellings specified in Policy MoS1 and in this case an exception to policy would need to be accepted if the application were to be supported. Significant changes that have been made to the submitted layout and design on the site through negotiation which are now considered to propose an acceptable layout which would deliver an appropriate balance of hard and soft landscaping. The layout, design and overall quality of the development, suggest that the scheme would be sympathetic in spatial terms to its rural edge context.
- 14.18.5 The weight of local objection is noted; however, on balance, sufficient justification is considered to have now been demonstrated to allow for an exception to policy to be made in this instance. It is on the basis of this judgement and the finely balanced assessment of all of the relevant issues that the application is recommended for approval.
- 14.18.6 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

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

- i) a Section 106 agreement to secure provision of
 - a) public open space
 - b) allotments
 - c) car park/drop off
 - d) play area

- e) cycleway provision
 - f) affordable housing.
 - g) Habitats mitigation
 - h) commuted sums for maintenance of open space, play area, allotments and car park/drop off
- ii) the imposition of the conditions set out below.

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans:
 LP.01 REV B, SL01 REV G, DBML01 REV G, CSE.01 REV B2, HT.403-A.e REV C, HT.403-A.p REV C, HT.403-B.e REV C, HT.403-B.p REV C, HT.1650.e.1 REV C, HT.1650.e.2 REV C, HT.1650.p REV C, HT.AND-A.e REV C, HT.AND-A.p REV C, HT.AND-H-A.e REV B, HT.AND-H-A.p REV B, HT.FLET.H.e REV C, HT.FLET.H.p REV C, HT.NORTH.e REV C, HT.NORTH.p REV C, HT.NORTH-H.e REV A, HT.NORTH-H.p REV A, S-GAR.01.pe REV C, D-GAR.02.pe REV C, T-GAR.03.pe REV B, SHED.pe REV C, CAR PORT.pe REV A, P.5.e REV B, P.5.p REV A, P.6-7.e REV A, P.6-7.p REV A, P.8.e REV A, P.8.p REV A, P.9-10.p REV C, P.9-10.e REV C, P.11-14.e REV A, P.11-14.p REV A, P.15-17.e REV B, P.15-17.p REV B, P.18-23.pe REV G, P.24-27.e1 REV D, P.24-27.e2 , REV D, P.24-27.p REV D, P.28-29.p REV B, P.28-29.e REV B, P.30.e REV B, P.30.p REV B, P.38-39.p REV B, P.38-39.e REV B

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 Local Plan for the New Forest District outside the National Park (Core Strategy).

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

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

5. Prior to the commencement of the development a detailed specification for the car park/drop off, children's play area and public open space shall be submitted to and approved in writing with the Local Planning Authority. Such specification to include the following matters:
- (a) full construction details including levels and drainage
 - (b) details of hard landscaping
 - (c) details of soft landscaping to include a specification of all landscaping, trees and hedge planting
 - (d) details of means of enclosure and all boundary treatments
 - (e) details of play equipment to be installed.
 - (f) details of the design of the play area
 - (g) details of all lighting
 - (h) full drainage surveys of all the playing pitch areas
 - (i) provision of a report that specifies the drainage measures required to be undertaken to the playing pitch area.
 - (j) details of a suitable playing field surface with the correct grading/surface level falls and establish a grass sward suitable for this use
 - (k) full details of the hibernacula include its design and exact location full construction details include leveling and drainage

Such measures as agreed shall be undertaken in strict accordance with this agreed specification and any subsequent amendments shall be agreed in writing with the Local Planning Authority. These areas to be managed and maintained to the satisfaction of the Council until they are formally transferred to a body nominated by the Council.

Reason: To ensure that the car park/drop-off, children's plan area, and public open space is provided in a suitable condition/standard for transfer and in accordance with Policy CS7 of the Local Plan for the New Forest outside of the National Park (Core Strategy) and Policy MoS1 of the Local Plan Part 2 (Sites and Development Management) Plan.

6. Before the commencement of development, a detailed scheme of lighting shall be submitted to and approved in writing by the Local Planning Authority. Such scheme to set out how lighting columns/fixtures, designs and locations will take account of this sensitive Green Belt location. Development shall only proceed in accordance with the approved details. No further lighting shall be installed without express planning consent.

Reason: As excessive lighting would be unacceptable and in order to ensure that the level of lighting is minimised in the interests of visual amenity, to safeguard the rural character of the Green Belt and to comply with policy CS2 of the Core Strategy for New Forest District outside of the National Park

7. Before development commences, 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 40% 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.

Additional infiltration tests are required to be undertaken at the infiltration locations ensuring that the multiple tests are undertaken. 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 Local Plan for the New Forest District outside the National Park (Core Strategy) and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

8. Before development is first occupied, a management plan which includes details of the means of the future maintenance of the approved surface water drainage and sustainable urban drainage system (SuDs) shall be submitted to and approved in writing by the Local Planning Authority. The maintenance arrangements of the different drainage elements as outlined in the SuDs management plan must be confirmed in writing in accordance with the details agreed by the applicant prior to occupation of the penultimate dwelling on the site.

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

9. 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, to the agreed timescales.

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

10. Before development commences, details of the means of surface water drainage from the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved details, to the agreed timescales.
- Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.
11. The development hereby permitted shall not be occupied until the approved provision for the parking of cars and cycles has been made in accordance with the approved plans and this provision shall be retained for its intended purpose 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).
12. The development hereby permitted shall not be occupied until the approved provision for turning to enable vehicles to enter and leave in a forward gear have been provided within the site in accordance with the approved plans and thereafter retained for its intended purpose at all times.
- Reason: To ensure adequate turning provision is made in the interest of highway safety and in accordance with Policy CS2 and CS24 of the Local Plan for the New Forest outside of the National Park (Core Strategy).
13. The 36 unallocated parking spaces in the northern edge of the site that are designed to provide dual use parking for the open space, school drop off and allotments shall be kept permanently available for the parking of such vehicles and at no time shall any of these spaces be allocated for the specific use of any dwelling on the site hereby approved.
- Reason: To ensure that this area remains available for its intended purpose in the interests 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) and Policy MoS1 of the Local Plan Part 2 (Sites and Development) Plan.
14. Prior to commencement of development a Construction Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. This plan to include the following matters:
- (a) a programme of and phasing of demolition(if any) and construction work;

- (b) the provision of long term facilities for contractor parking;
- (c) the arrangements for deliveries associated with all construction works;
- (d) methods and phasing of construction works;
- (e) access and egress for plant and machinery;
- (f) protection of pedestrian routes during construction, and
- (g) the location of temporary site buildings, compounds, construction materials and plans storage areas.

Reason: To ensure adequate provision is made during construction to minimise impacts on the local highway network and ensure pedestrian and highway safety in accordance with Policy CS2 and CS24 of the Local Plan for the New Forest outside the National Park (Core Strategy).

15. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 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 appearance and setting of the development is satisfactory and to comply with Policy CS2 of the Local Plan for New Forest District outside the National Park (Core Strategy).

16. Notwithstanding the submitted plans, before development commences a scheme of landscaping and tree planting schedule for 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) details of the planting system to be used for trees within hardstanding
- (d) areas for hard surfacing and the materials to be used;
- (e) details of the means of enclosure;
- (f) a method and programme for its implementation, and the means to provide for its future management, including a watering scheme and 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 to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

17. The works hereby approved shall be undertaken in full accordance with the provisions set out within the Arboricultural Report and Method Statement reference 16283-AA5-DC dated 10th June 2018 and Barrell Tree Protection Plan TPP (16283-BT5) or as may otherwise be agreed in writing with the Local Planning Authority. Prior to the commencement of any works (including site clearance, demolition and construction works) 3 working days notice shall be given to the Local Planning Authority Tree Officer to attend the pre-commencement site meeting as set out in Section 2 point 16 within the Barrell Tree Consultancy Arboricultural Method Statement (16283-AA5-DC)

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).

18. The trees/hedges 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 Barrell Tree Consultancy Arboricultural Method Statement (16283-AA5-DC) dated 10th June 2018 and Barrell Tree Protection Plan TPP (16283-BT6) and in accordance with the recommendations as set out in BS5837 (2012) "Trees in Relation to Construction Recommendations". The tree protection measures installed shall be maintained and retained for the full duration of the works or until such time as agreed in writing with the Local Planning Authority. No activities, nor material storage, nor placement of site huts or other equipment whatsoever shall take place within the fencing without the prior written agreement with the Local Planning Authority.

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

19. No development/demolition shall take place until a programme of archaeological work including a written statement of investigation have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of the significance and research questions; and,

- (a) the programme and methodology of site investigation and recording;
- (b) the programme for post investigation assessment;
- (c) details of provision to be made for analysis of the site investigation and recording;
- (d) details of provision to be made for publication and dissemination of the analysis and records of the site investigation;
- (e) provision to be made for archive deposition of the analysis and records of the site investigation;
- (f) nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No development/demolition shall take place other than in accordance with the approved Written Scheme of Investigation.

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

20. The dwellings shall not be occupied until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Statement of Archaeological Investigation approved under condition 19 and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

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

21. Prior to development commencing, a hedgerow management plan shall be submitted to and approved in writing by the Local Planning Authority. This management plan to include details of the methodology for any hedge removal approved as part of this development and the future maintenance/management of all retained hedges. The methodology and management as agreed shall be undertaken under professional ecological supervision.

Reason: In the interests of visual amenity, to ensure any hedge removal is undertaken in an appropriate manner and the future management of hedgerows is secured, and to safeguard protected species in accordance with Policy CS2 and 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 outside of the National Park (Part 2: Sites and Development Management)

22. The works hereby approved shall be undertaken in strict accordance with the Ecological appraisal and Stage 2 surveys undertaken by Lindsay Carrington Ecological Consultants (Updated June 2018) received on 12 June 2018 and supplementary letter dated 8 June 2018 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).

23. Prior to development commencing, details to include the methodology for the realignment and reinforcement of the boundary hedge to the Lymington Road frontage where it is required to facilitate the provision of the approved cycleway shall be submitted to and approved in writing by the Local Planning Authority and include the following measures:

- (a) exact details of the part of hedge affected,
- (b) a detailed methodology for undertaking the works
- (c) mitigation measures for ecological interests that may be affected (including birds and dormice).
- (d) If a suitable hedge realignment methodology (that would ensure the health and long term survival of this hedge) under (b) cannot be agreed, details shall be submitted of alternative proposals for a replacement hedge.

All to be agreed in writing with the Local Planning Authority and works undertaken in strict accordance with the agreed methodology under professional ecological supervision

Reason: In the interests of visual amenity, to ensure the future retention and management of hedgerows, retention of the rural landscape character of the site and to safeguard protected species in accordance with Policy CS2 and 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 outside of the National Park (Part 2: Sites and Development Management).

24. 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.

25. Before the commencement of the development a detailed Minerals Safeguarding Assessment to include any measures that are to be taken to recover minerals from the site shall be submitted to and approved in writing by the Local Planning Authority in conjunction with the Minerals Local Authority. Development shall only take place in accordance with the approved measures as set out in the assessment.
- Reason: To ensure that the sites potential mineral resources are adequately assessed and to ensure compliance with Policy 15 of the Hampshire Minerals and Waste Plan.
26. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any re-enactment of that Order) no extension (or alterations) otherwise approved by Classes A, B and C of Part 1 of Schedule 2 to the Order, garage or other outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order, shall be erected or carried out without express planning permission first having been granted to plot numbers 11, 12, 13,14,15,16,17,24,25, 26 and 27.
- Reason: In view of the limited size and location of these plots the Local Planning Authority wish to ensure that any future development does not adversely affect the visual amenities of the area, undermine the original design philosophy of the development so as to respect its rural character and protects the amenities of 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, the application proposals have been the subject of negotiations both before the application was submitted and during the application process. The applicant sought pre-application advice on the form of development proposed however, while development of the site was discussed, the enquiry was not formally concluded prior to the submission of the current planning application. The proposal remains for a development in exceed of the policy requirement of 30 dwellings on the site, but the applicants have worked positively with Council officers to respond to the concerns expressed. Most specifically revisions have been made to reduce the size of the drop off area within the Green Belt, reduce the number of units proposed on the site to 42 dwellings and revised the layout. This achieves a better balance of development on the site and proposes a layout that seeks to address the sensitive rural edge to Lymington Road as well as including the provision of a cycle path link along both Lymington Road and through the site.

2. This decision relates to amended / additional plans and documents received by the Local Planning Authority on Amended plans received on 23 May 2018; 25 May 2018; 04 June 2018; 08 June 2018; 12 June 2018 and 28 June 2018.
3. New Forest District Council has adopted a Community Infrastructure Levy (CIL) charging schedule and any application now decided, including those granted at appeal, will be CIL Liable. CIL is applicable to all applications over 100sqm and those that create a new dwelling.
4. Prior to the commencement of the proposal covered by this Prior Notification mitigation measures to meet the requirements of the Habitat Regulations must be undertaken. One approach to meet this strict pre-requisite is to comply with the requirements of the Council's Mitigation Strategy by entering into a Section 106 Agreement to make the necessary payments to mitigate the harm caused by future occupiers on European wildlife sites. Alternatively one off arrangements can be proposed and implemented but a formal procedure has to be followed in such a case.

Details of our Mitigation Scheme can be accessed from the following link.

<http://www.newforest.gov.uk/article/15454/Mitigation-Strategy-for-European-Sites>

In addition there may be a liability to pay the Community Infrastructure Levy (CIL). To allow the Council to assess your CIL Liability a Notice of Chargeable Development must be submitted to the Council prior to commencing the development. CIL is charged on additional floor-space and any existing floorspace can be discounted from the CIL liability if they are eligible. To be eligible, existing buildings must have been in lawful use for a continuous period of at least six months within the period of three years ending on the day the Council receives the notice of chargeable development. Further information on CIL can be found on the Council's website at:

<http://www.newforest.gov.uk/article/14186>

5. The applicant should be aware that as the proposals include highway works that will need to be subject of a Section 278 Agreement with HCC. Furthermore the formation of a new or altered access onto the highway, which will include works within the highway, will be required to be undertaken on accordance with standards laid down by, and under a license agreement with, the Highway Authority. Full details of how to apply can be found at:
<https://www.hants.gov.uk/transport/licencesandpermits/roadopening>.

Further Information:

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New Forest DISTRICT COUNCIL

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Planning Development Control Committee

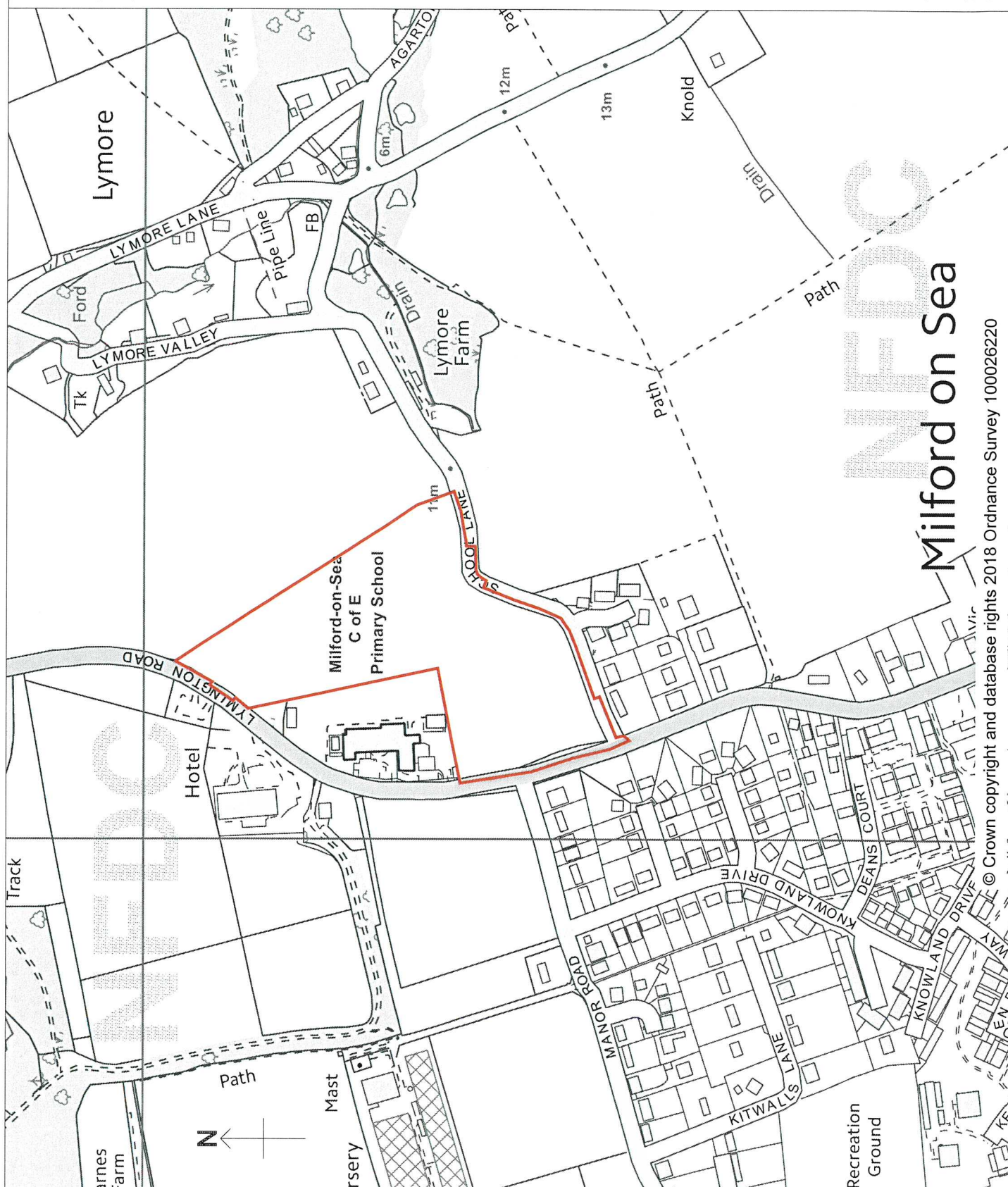
July 2018

Item No: 3a

Land North of
School Lane
Milford on Sea
17/10606

Scale 1:5000

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



Milford on Sea

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Application Number: 18/10050 Full Planning Permission

Site: FORMER POLICE STATION, JONES LANE, HYTHE SO45 6AW

Development: Part 3 - part 4- storey block of 35 retirement flats; communal facilities; refuse & buggy stores; sub station; parking; landscaping; demolition of existing buildings (AMENDED PLANS, HERITAGE STATEMENT & STREETScape)

Applicant: McCarthy and Stone Retirement Lifestyles Ltd.

Target Date: 13/04/2018

Extension Date: 13/07/2018

RECOMMENDATION: Refuse

Case Officer: Jim Bennett

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Parish Council view in part and a reduced affordable housing contribution has been accepted.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up Area

Town Centre Boundary

Setting of Hythe Conservation Area

Adjoins Flood Zones 2 and 3

Tree Preservation Order TPO/0006/18

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Local Plan Part 1 (Core Strategy) 2012:

CS1: Sustainable development principles

CS2: Design quality

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

CS8: Community services and infrastructure

CS10: The spatial strategy

CS13: Housing types, sizes and tenure

CS15: Affordable housing contribution requirements from developments

CS24: Transport considerations

CS25: Developers contributions

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

DM1: Heritage and Conservation

DM3: Mitigation of impacts on European nature conservation sites

DM10: Residential accommodation for older people

National Planning Policy Framework

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

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

SPG - Hythe - A Conservation Area Appraisal

SPD - Parking Standards

6 RELEVANT PLANNING HISTORY

No relevant planning history, although the applicant sought the Council's pre-application advice on the proposal under ref. ENQ/17/21030/LDNF. While the plans were evolved during the course of pre-application discussions, full agreement was not reached on the acceptability of the scheme in relation to its form and massing prior to submission of the current planning application.

7 PARISH / TOWN COUNCIL COMMENTS

HYTHE & DIBDEN PARISH COUNCIL: recommend refusal for the following reasons:

1. The design is industrial in appearance and bland with no architectural mitigating factors.
2. The adjacent open space is enjoyed by the young people of our Parish and will now be overlooked.
3. The 4-storey elevation adjacent to West Street will create a feeling of overlooking into Hythe Marina.
4. The development would be dominant in the street scene by way of its bulk.

5. The number of residents' parking spaces within the development is insufficient which, linked with the additional charges to residents for spaces, would lead to off street parking on the already busy Jones Lane.
6. The development will skyline when seen from Southampton Water, especially the pier, and is intimidating in appearance by reason of its bulk and block appearance.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Environmental Design (Conservation): This application follows on from a pre-application submission. Unfortunately the changes make only tweaks to the articulation and do not mitigate the substantive bulk, scale, mass and layout issues raised at the pre-application stage. Furthermore the submitted scheme has lost some of the ideas proposed at pre-application stage to articulate the form more successfully to try and mitigate that dominant bulk. These issues still need to be addressed and are set out below.

The applicant has submitted a contextual assessment and set of drawings which indicate the proposed bulk, mass, layout and footprint of the new development. There is a submitted heritage assessment and verified photo analysis of 2 key viewpoints. The amended drawings and the new CGI images have been reviewed, but the changes made are mainly to the materiality of the proposal since the first submission. In terms of the substantive concerns raised regarding bulk, scale, mass and other design issues very little has altered. The revised CGI images demonstrate the previous concerns made over these design issues. The combined issues of layout, footprint, bulk, massing and design of the development would be harmful to the prevailing character of the area and its impact on the setting and relationship with the adjacent conservation area and associated heritage assets.

The proposed scheme will be seen in views into and out of the conservation area and wider views of its built form and roofscape are gained from various points. The area has a prevailing local character, grain and built form which any new development should respond to. The proposed development suggests a large bulky L shaped structure set within the centre of the site. The building has a large overly deep plan to accommodate standard internal central corridors with limited daylight and single aspect rooms. The height is set at 3 storey along Jones Lane and four storey along West Street. The proposal has a much deeper platform than the prevailing grain and massing around it leading to overly wide built form, awkward roof arrangements and a more dominant building than the context in which it sits. This will be visible from the street and views gained into the site from the south west. The scale and mass of the envisaged structure would adversely impact on the balance of built form to landscape currently present on site. It would change the character of the site from one with a recessive building to one which dominates the plot. The important issue here is that the proposed built form fails to respond to the local distinctiveness of the area, pattern of buildings and the key characteristics of the site itself. It is acknowledged that with

verdant edges it is difficult for a scheme to address the street successfully and maintain the mature trees and planting. However this should not result in an over dominant massing being consolidated within the centre of the site. The proposed bulk and mass are unlikely to be mitigated by architectural design alone and the scheme requires some substantial reduction in bulk and a massing redesign. The form needs to be broken up more successfully and this should be done by re-arranging its articulation, footprint, bulk and overall height. This would also assist as a tool to break up or enclose some of the large unsightly car parking proposed. Some of the design suggestions made during the last pre-application stage have not been followed through, indeed the scheme has moved further away from these ideas. The submitted building has become much more box-like in its form with very little meaningful articulation or elevational relief. The south western flank elevations clearly shows the building depth and illustrates the non-contextual bulk of the proposal. The lifeless grey fourth floor has little design quality and appears more prominent on the submitted drawings due to its design and materiality.

The overall combined layout, footprint massing, bulk and design of this building is at odds with its neighbours and those across the street and this can be seen in the proposed plans and cross sections. This dominates the site and proposes an alien built form within this context. The building has an institutional architectural appearance in form with little to break up the massing and elevational treatment. It lacks the more domestic scale and appearance of buildings in Jones Lane and this approach exacerbates its dominant appearance on the site. The bolted on balconies do not add to the architectural quality and appear as afterthoughts in the design concept. The buildings materiality with the use of timber cladding, UPVC windows and non-contextual brick banding bring little additional quality to the scheme. It would also be important for any care home proposal to respond to good design principles set out within the NPPF and to that end embrace the key principles set within the best practice guidance such as Housing our Ageing Population: Panel for Innovation (HAPPI). This would also help lead to a more successful reduced massing and broken up and site response built form. This would of course be supported by NFDC design guidance and policy. The issues which cause concern are:

- Due to the scale of the building the public and private areas become dominated and overshadowed,
- With more of the private space to the frontage there is a clear lack of external usable private greenspace.
- With the dominance of trees the degree of open garden space is severely limited for a building of this size. It compares poorly to other open spaces within the immediate context.
- There is a centrally placed access core with little natural daylight,
- Solidly enclosed corridors,
- Dark internal corridors with limited daylight
- Single aspect apartments

- Parking and access dominating the west and rear of the site and squeezing what is left of the private space.

Many of these design issues while small have a cumulatively diminishing quality impact on the overall design. Furthermore a significant reduction in bulk scale and massing as part of a redesign is required to respond to the character of Hythe and the setting of the adjacent Conservation Area and listed buildings. My judgement under the NPPF is a finding of less than substantial harm to the setting of the conservation area and this gives rise to a strong presumption against planning permission being granted. The presumption against planning permission is a statutory one and the authority must be conscious of the statutory presumption in favour of preservation and should demonstrably apply that presumption to the proposal it is considering. Also set out above is the local authority's clear commitment to local distinctiveness and the design policies set out in its development framework. For the comprehensive reasons set out in this consultation, the scheme fails to respond to these factors. Indeed the scheme moves so far away from the prevailing character and context it is felt to have a significantly damaging effect on those local attributes. As submitted the proposed scheme is not supported for the reasons given above.

- 9.2 Tree Officer: The trees along the Jones Lane frontage of the site have recently been protected by Preservation Order. These trees significantly contribute to the amenity of the conservation area and are considered a constraint to development. The layout of the proposed retirement flats takes into consideration the trees and the building has been set back further from these trees than the current building. However there is potential for damage occurring to trees on site during the demolition of the existing building. The applicants will need to provide a method statement prior to commencing demolition to ensure appropriate measures are taken to prevent damage occurring to trees. The submitted plans show parking spaces within the root protection area of tree numbered 22. These bays can be constructed using non-dig techniques to ensure existing ground levels are not altered and tree roots are not damaged. Overall the layout and the submitted arboricultural report show that it is feasible to retain the trees at the front of the site and construct the flats, with opportunities to enhance through further tree planting. No objections, subject to conditions.
- 9.3 District Valuer: In response to the applicant's submitted viability appraisal, it has been established that a reduced affordable housing requirement is acceptable. In light of current uncertainty over proposals by the Government to abolish ground rents, an affordable housing contribution is viable on the basis of the following scenarios:
1. If ground rents are abolished: provision of £46,283 for affordable housing to be paid.
 2. If ground rents are not abolished: provision of £46,283 for affordable housing to be paid and a policy compliant provision 'top up' of £220,067 for affordable housing to be paid if ground rents have not been abolished on completion of the development.
- 9.4 Hampshire County Council Highway Engineer: The parking standards for the site are laid down by the New Forest District Council (NFDC) as the local parking authority, in accordance with their Supplementary Planning Document (SPD) as adopted in October 2012. The Transport Statement

(TS) has submitted a case to justify the reduction in car parking from the recommended 35 spaces to 24 spaces. Reference is made to similar local schemes which have been approved to operate with a lower bed to space ratio. NFDC have the defining say on all parking related matters as the local parking authority.

In response to the updated plans; the parking dimensions are in line with the standards laid out in the SPD, including step outs of 0.3m for all spaces which are abutted against structures and the updated landscaping plans show this has been provided. The submitted Personal Injury Accident data now covers 400 meters and 5 years of data and due to the low levels of PIA's in the area, further analysis is not requested. New tracking drawings have been submitted detailing access and egress in forward gear is achievable by emergency and refuse vehicles. No objection, subject to a condition to ensure parking is provided in accordance with the submitted plans.

- 9.5 Hampshire County Council Surface Water Drainage: Require further information/clarification on exceedance flows and runoff.
- 9.6 Environmental Health (Pollution): No objection, subject to a condition to ensure the development is implemented in accordance with the noise mitigation measures outlined in the Site Noise Assessment Revision A dated 20 January 2018, to control noise emanating both from the surrounding roads and the existing skate park situated close to the proposed development.
- 9.7 Environmental Health (Contaminated Land): No objection, subject to standard planning conditions. Without these conditions, the proposed development could pose risks to human health and/or the environment.
- 9.8 Natural England: No objection, subject to appropriate habitat mitigation being secured
- 9.9 Southern Water: No objection, subject to conditions
- 9.10 Southern Gas Networks: No objection, but give informatives

10 REPRESENTATIONS RECEIVED

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

- Inadequate off-street parking provision
- Increased traffic
- Flat roof is inappropriate and unsightly
- A 3/4 storey building is out of character to the local neighbourhood, inappropriate to the adjacent conservation area, and represents overdevelopment of the site
- The building is too big and oppressive
- Loss of privacy
- Family housing is required rather than more accommodation for the elderly in the Hythe area
- Elderly accommodation is similar to others in the Hythe area, which are

not fully occupied

- The cumulative effect of the development with other such developments for the elderly in the village will alter the character of Hythe
- The type of accommodation proposed will place more pressure on local health services
- The proposal would be harmful to the economy, as accommodation for the working population is required here
- The site should be used for business purposes
- The site adjoins the sports ground and will suffer noise nuisance
- The type of accommodation provided will be too expensive with high service charges
- The Community Involvement Statement confirms significant objections by the local community, but the submitted documents show virtually no substantial attempt to meet the objections raised.
- Loss of employment site.
- It is disputed that the proposal will release local homes for families, as most occupiers will be from outside of the area

15 representations have been received in support of the proposal on the following grounds:

- The location is close to town centre facilities, which will be bolstered by the development
- The proposal will enhance the appearance of the site
- This type of accommodation for the elderly is needed
- The proposal will free-up family accommodation elsewhere
- Trees will be retained
- Would be acceptable if future occupiers are limited to those with local ties

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive New Homes Bonus of £42,840 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 £199,029.48.

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 pre-application advice was sought on the form of development proposed. While the Council recognised that redevelopment of the site could be achieved, that view was on the proviso that more contextual analysis of the proposal was provided to demonstrate that it would be acceptable in the street scene and in terms of the character of the area. The concerns of the case officer and notified parties were made available to view on the Council's website and discussed with the agent prior to issuing the decision which resulted in the submission of amended plans. However, those amendments were not considered sufficient to overcome concerns and in this instance due to the level of justifiable harm the scheme would cause, it is not unreasonable to refuse the application.

14 ASSESSMENT

14.1 The Site and Proposal

- 14.1.1 The site lies within the built up area of Hythe and on the edge of its Conservation Area and is currently occupied by the vacant police station, a large two storey building erected in the mid-1970's. The site is bound by trees on all sides, with mature specimens to the

north, east and west, most of which would be retained. Beyond the site it bounds Jones Lane to south east, west street to the north east, Ewart Recreation Ground to the west and the Parish Hall and offices to the north west. Trees adjoining the Jones Lane frontage of the site have recently been made the subject of a Preservation Order.

14.1.2 The site lies directly on the edge of the Hythe Conservation Area and opposite a number of key non designated heritage assets on Jones Lane. There are a number of listed buildings seen in the context of the site along Prospect Place. The character of the area is of a broken perimeter development interspersed with larger green spaces and more open verdant plots. The scale of dwellings is generally subservient to their plot size and the majority are two storey in height with active frontage engaging with the street. This end of Jones Lane is dominated by mature planting sitting either to the front of developments or within large rear gardens or spaces. The architecture is generally domestic in scale with broken runs of small terraces interspersed with small individual dwellings. Plot depths are generally narrow with built form articulated well with a variety of interesting roof forms. As one moves away from the town centre along Prospect Place this part of the conservation area and surrounding context becomes more dispersed in its layout and grain. While the application site is occupied by a building of limited architectural merit, it does sit quite innocuously within the site. Its form is a low two storey height and its planform is broken up across the site, maintaining the verdant open character of the existing site to be the key focus of any proposed redevelopment. Views are gained of trees along the back boundary and there is a positive greenspace to built form ratio on the plot. The site does contribute a verdant landscape and green character to this part of Jones Lane and West Street. It forms part of an obvious green wedge stretching from the water's edge north and westwards into Hythe. It is clear from the map regression that while a few buildings have been constructed, this more verdant edge is part of the earlier northern edge to the town of Hythe.

14.1.3 The proposal entails demolition of existing structures on the site and erection of a substantially larger structure, to provide flatted accommodation (35 units) for the elderly on three/four levels. Off-street parking for 24 vehicles would be provided in a similar position to the existing parking area to the side and rear. The building would be finished in red brick, timber cladding, glass balustrades, grey upvc windows, metal railing and zinc coated balconies. Amended drawings and new CGI images have been submitted following its initial submission seeking to address the concerns of the Council and notified parties.

14.2 Main Considerations

14.2.1 Consideration needs to be given to the scale and mass of the development in relation to its impact on the local street scene, character of the area generally and impact upon the setting of Hythe Conservation Area, against the relevant provisions of Policies CS2 and CS3. Consideration must also be given to the impacts of the proposal on the amenity of adjoining residents, in line with the amenity guidance offered by Policy CS2. Highway safety, tree

impacts and flood risk also need to be considered, balanced against the needs to provide new housing and to meet the needs of the local community and elderly in accordance with the provisions of Policies CS8, CS13 and DM10.

14.3 Character Impacts

- 14.3.1 Consideration needs to be given to the scale and mass of the development, particularly where the existing building's setting may be eroded through introduction of a much larger building and whether this would be to the detriment of local street scene and character. The character impacts of the proposal need to be considered against the relevant provisions of Policies CS2, CS3, DM1 and the NPPF. Paragraph 64 of the NPPF states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area'.
- 14.3.2 The Conservation Team raises concerns that the proposed scheme will be seen in views into and out of the conservation area and wider views of its built form and roofscape are gained from various points. The area has a prevailing local character, grain and built form which any new development should respond to. The proposed development suggests a large bulky L-shaped structure set within the centre of the site. The building has a large overly deep plan to accommodate standard internal central corridors with limited daylight and single aspect rooms and poor levels of space about the building. The height is set at 3 storey along Jones Lane and four storey along West Street. The proposal has a much deeper planform than the prevailing grain and massing around it leading to overly wide built form, awkward roof arrangements and a more dominant building than the context in which it sits. This will be visible from the street and views gained into the site from the south west and will be particularly visible from the Recreation Ground. The scale and mass of the envisaged structure would adversely impact on the balance of built form to landscape currently present on site. It would change the character of the site from one with a recessive building which sits comfortably within the site, to one which dominates the plot. The important issue here is that the proposed built form fails to respond to the local distinctiveness of the area, pattern of buildings and the key characteristics of the site itself. While mature trees and planting would be retained around three sides of the site, this should not result in an over dominant massing being consolidated within the centre of the site. The proposed bulk and mass are not mitigated by the architectural design or retained peripheral vegetation, exemplified by the submitted CGI's, as the scale, mass and form of the structure is not broken up. The proposed structure is very box-like in its form with very little meaningful articulation or elevational relief. The south western flank elevations clearly show the building depth and illustrates the non-contextual bulk of the proposal. While attempts have been made to address the massing and quality of the proposal through the introduction of timber cladding over more of the elevations, it has done little to enhance the design quality or reduce the massing of the structure proposed.

- 14.3.3 The overall combined layout, footprint massing, bulk and design of this building is at odds with its neighbours and those across the street and this can be seen in the proposed plans and cross sections. This dominates the site and proposes an alien built form within this context. The building has an institutional architectural appearance in form with little to break up the massing and elevational treatment. It lacks the more domestic scale and appearance of buildings in Jones Lane and this approach exacerbates its dominant appearance on the site. The bolted on balconies do not add to the architectural quality and appear as afterthoughts in the design concept. The buildings materiality with the use of timber cladding, UPVC windows and non-contextual brick banding bring little additional quality to the scheme.
- 14.3.4 While the applicant has pointed to other large buildings in the locality, notably the Marina threshold building, none are quite so high or heavily massed as the proposed structure and none so close to the Hythe Conservation Area Boundary. The Marina threshold building is identified by the applicant as having set a precedent for large structures in the area, although its form is not so massive and its assimilation into the local street scene is assisted by its articulated roof form. The proposal suffers from an overly bulky form and the submitted computer generated images confirm the thoughts of Officer's that the building is just too large for this site.
- 14.3.5 It is considered by officers that the proposed layout, footprint, bulk and massing would result in an overdeveloped site, with a building which would be disproportionately large and out of scale with other buildings in the locality. As a result the proposed development would fail to take the opportunity to enhance local distinctiveness or the character and quality of the area and cause harm to the setting of the adjacent conservation area and associated heritage assets, contrary to the provisions of Policies CS2, CS3 and DM1 and Paragraph 64 of the NPPF.

14.4 Amenity Impacts

- 14.4.1 Consideration must be given to the impacts of the proposal on the amenity of adjoining residents and future occupiers, in terms of overbearing presence, outlook, loss of privacy, loss of light and amenity space, in line with the amenity guidance offered by Policy CS2.
- 14.4.2 The proposal does not have a very close relationship to any adjoining dwellings and it is not considered that the scale of the building or proposed fenestration arrangements would impact directly upon the amenity of existing occupiers in terms of loss of privacy, light loss or overbearing impact. The proposed land use, while different from its former use as a police station, is unlikely to result in intensification of use of the site to such an extent that vehicular movements to the proposal by staff, deliveries, residents and visitors would result in significant adverse impacts on residential amenity. The nature of the use, for housing the elderly, is unlikely to be such that would cause significant disturbance to adjoining land uses.

- 14.4.3 With regard to protecting the amenity of future occupiers of the development, the Environmental Health Section raise no objections, subject to a condition to ensure the development is implemented in accordance with proposed noise mitigation measures, to control noise emanating both from the surrounding roads and the existing skate park situated close to the proposed development.
- 14.4.4 The proposal would provide a small communal area of open space to the rear of the building, close to the north east boundary of the site, which is less than ideal for a proposal of the scale proposed. The scale of the building and its proximity to protected trees means the private/communal open space area would be dominated and overshadowed. However, the applicant points to the provision of balconies and the area to the front of the site to make up any shortfall in provision of open space for use by future occupiers. While the private open space arrangements for the site are not considered to be ideal, due to the nature of the proposal, for occupation by the elderly, on balance the amenity space provided would be adequate for quiet enjoyment by residents. In light of the above, the proposal complies with the amenity related provisions of Policy CS2. However, the poor level of private space provision is indicative of the overdeveloped nature of the development referred to in the Character Impacts section above.

14.5 Highway Issues

- 14.5.1 The Highway Authority raise no objections to the proposal and in response to updated plans, consider the parking dimensions and layout to be in line with the standards laid out in the SPD. The submitted PIA data now covers 400 meters and 5 years of data and due to the low levels of PIA's in the area, further analysis is not requested. New tracking drawings have been submitted detailing access and egress in forward gear is achievable by emergency and refuse vehicles.
- 14.5.2 The Transport Statement (TS) makes a case to justify the reduction in car parking from the recommended 35 spaces to 24 spaces. Reference is made to similar local schemes which have been approved to operate with a lower bed to space ratio. In light of the nature of the accommodation to be provided as accommodation for the elderly, coupled with the site's location within walking distance of town centre services, it is not considered that a reason for refusal can be substantiated on the basis of an underprovision of off-street parking. However, the under-provision of off-street parking is again indicative of the overdeveloped nature of the development referred to in the Character and Amenity Impacts sections above.

14.6 Tree Impacts

- 14.6.1 The site is clearly constrained by trees around its periphery and the trees along the Jones Lane frontage of the site have recently been protected by Preservation Order. The Council's Tree Officer considers the layout of the proposed retirement flats takes into consideration the trees and the building has been set back further from these trees than the current building. However there is potential for damage occurring to trees on site during the demolition of the existing building. The applicants will therefore need to provide a method statement prior to commencing demolition to ensure appropriate measures are taken to prevent damage occurring to

trees. The submitted plans show parking spaces within the root protection area of tree numbered 22. These bays can be constructed using non-dig techniques to ensure existing ground levels are not altered and tree roots are not damaged. Overall the layout and the submitted arboricultural report show that it is feasible to retain the trees at the front of the site and construct the flats, with opportunities to enhance through further tree planting, subject to tree protection conditions.

14.7 Flood Risk

- 14.7.1 The site adjoins Flood Zones 2 and 3 to the east along West Road and the formal planning submission is accompanied by a FRA, which was forwarded to the Environment Agency for comment. While the Agency has not commented on the proposal, there is no reason to dispute the findings of the FRA that the site is at low risk from flooding; that the development would not increase the rate of runoff; and the redevelopment will be protected from flooding over its design lifetime and there will be no increase in the risk of flooding to adjacent people and properties. The proposal is considered, therefore, to comply with the provisions of Policy CS6 in relation to flood risk.

14.8 Meeting the needs of the Elderly

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

14.9 Loss of Community Facility

- 14.9.1 The proposal results in loss of a community facility, albeit one that has been vacant for some time and consequently the site is in need of redevelopment. However the proposal needs to be justified in relation to Policy CS8, which states that there will be a presumption against any development that involves the loss of community services, except where it is part of a service providers plans to provide improved local services in equally accessible locations. The applicant has been requested to provided a statement in light of this policy, including details from the local constabulary to confirm that the site is surplus to their requirements and stating where alternative provision has been made in Hythe for the police service. Members will be updated on this matter.

14.10 Financial Considerations

- 14.10.1 From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments. Based on the information provided at the time of this report this development is CIL liable and this is accepted by the applicant.

14.10.2 Members will be updated at the meeting in terms of habitat mitigation.

14.10.3 The Council is committed to ensure that a proportion of almost all new housing is provided as 'affordable housing' (see Policy CS15, Local Plan Part 1 - Core Strategy). The Council pursues affordable housing contributions in relation to developments of more than ten dwellings. In response to this policy requirement the applicant submitted a viability appraisal, which (in consultation with the District Valuer) established that a reduced affordable housing requirement may be acceptable. The matter is complicated by current proposals by the Government to abolish ground rents, which may affect the viability of the scheme. However, the applicant has confirmed their willingness to enter into a Section 106 agreement to pay an affordable housing contribution on the basis of the District Valuer's findings as follows:

1. If ground rents are abolished: provision of £46,283 for Affordable housing and s106 to be paid on implementation.
2. If ground rents are not abolished: £46,283 for Affordable housing and s106 to be paid on occupation of the 1st unit. A policy compliant provision 'top up' of £220,067 for affordable housing to be paid on occupation of the 34th unit if ground rents have not been abolished on completion of the development. This matter is the subject of further consideration and maybe the subject of an update at the meeting

14.10.4 The Council's Legal Section have been instructed to prepare a Section 106 agreement along the lines of the above, which is at an early stage of preparation. In the absence of a completed S.106 agreement to secure the mechanism by which an affordable housing contribution may be secured, this must be introduced as a further reason for refusal, the proposal being contrary to Policy CS15.

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

14.11 Housing Need

14.11.1 The LPA is not currently able to demonstrate a 5 year supply of housing land when assessed against its most recent calculation of Objectively Assessed Need. Relevant policies for the supply of housing are therefore out of date. In accordance with the advice at paragraph 14 of the NPPF, permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the NPPF indicate that development should be restricted. In this case, the presumption in favour of sustainable development does not apply because the development requires an appropriate assessment in compliance with the Birds or Habitats Directive, and there is therefore a specific policy in the NPPF (paragraph 119) which indicates that development should be restricted. Moreover, as set out above, it is considered that the adverse impact of the proposed development would significantly and demonstrably outweigh the benefits of the development.

14.12 Other considerations

14.12.1 With regard to the representations of neighbouring properties, not addressed above, arguments by those objecting to the proposal on the basis that family housing is required rather than more accommodation for the elderly are countered by those in support of the proposal that this type of accommodation for the elderly is needed locally. Policy CS13 of the Core Strategy and Policy DM10 of the Local Plan Part 2 identifies the need for this type of accommodation in the District and supports the principle of its provision. Similarly concerns raised that the type of accommodation provided will be too expensive with high service charges and that most occupiers will be from outside of the area is a matter for the market to influence. The type of accommodation proposed will undoubtedly place pressure on local health services, but this is a strategic issue, which needs to be covered by the relevant authorities in assessing demographic changes and the allocation of resources and cannot substantiate a reason for refusal in this instance.

14.13 Conclusion

14.13.1 Overall, while there is an identified need for this type of accommodation, the proposed development is considered to be inconsistent with Core Strategy policies. It would fail to take the opportunity to enhance local distinctiveness or the character and quality of the area and cause harm to the setting of the adjacent conservation area, contrary to adopted policies. Furthermore it currently fails to secure an affordable housing contribution. As such, the application is recommended for refusal.

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

Section 106 Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings	0	0	0
Financial Contribution	£46,283 or £220,067 dependent upon ground rent abolition	£46,283 or £220,067 dependent upon ground rent abolition	0

Habitats Mitigation			
Financial Contribution	£27,710 if CIL paid in full	£27,710 id CIL paid in full	0

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
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Dwelling houses	3254.88	1188.28	2066.6	2066.6	£80/sqm	£199,029.48 *
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Subtotal:	£199,029.48
Relief:	£0.00
Total Payable:	£199,029.48

* 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. The proposed layout, footprint, bulk and massing would result in an overdeveloped site, with a building of poor design quality which would be disproportionately large and out of scale with other buildings in the locality. As a result the proposed development would fail to take the opportunity to enhance local distinctiveness or the character and quality of the area and cause harm to the setting of the adjacent Hythe Conservation Area and associated heritage assets, contrary to the provisions of Policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park (2009), Policy DM1 of the Local Plan Part 2 (Sites and Development Management DPD) 2014 and Paragraph 64 of the NPPF.

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

Notes for inclusion on certificate:

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

In this case pre-application advice was sought on the form of development proposed. While the Council recognised that redevelopment of the site could be achieved, that view was on the proviso that more contextual analysis of the proposal was provided to demonstrate that it would be acceptable in the street scene and in terms of the character of the area. The concerns of the case officer and notified parties were made available to view on the Council's website and discussed with the agent prior to issuing the decision which resulted in the submission of amended plans. However, those amendments were not considered sufficient to overcome concerns and in this instance due to the level of justifiable harm the scheme would cause, it is not unreasonable to refuse the application.

Further Information:

Jim Bennett

Telephone: 023 8028 5588



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**Planning Development
Control Committee**

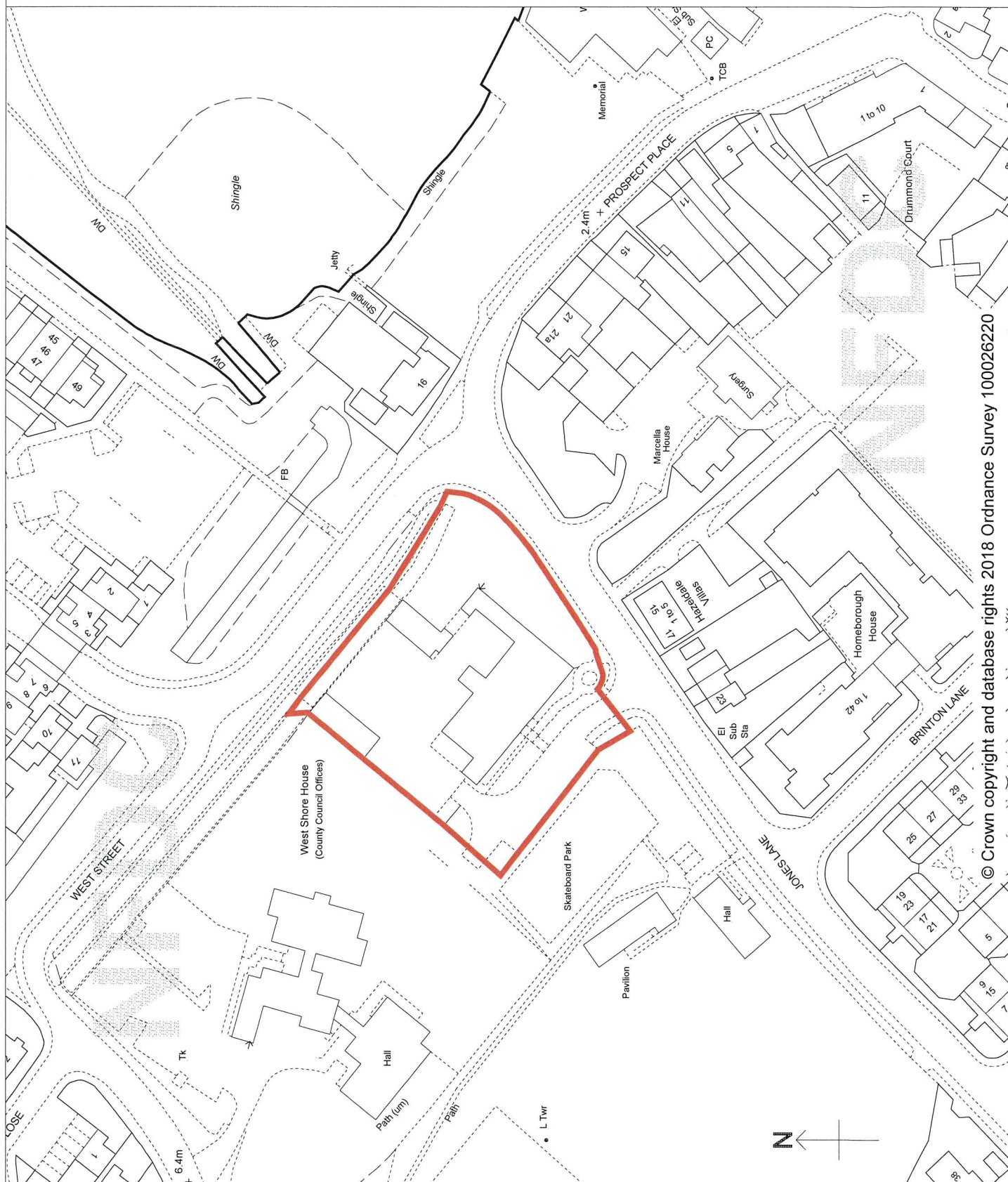
July 2018

Item No: 3b

Former Police Station
Jones Lane
Hythe
18/10050

Scale 1:1250

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



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Application Number: 18/10595 Full Planning Permission

Site: OLIVE COTTAGE, PARK LANE, MARCHWOOD SO40 4WL

Development: Two-storey rear extension; single-storey rear extension; front porch; flue

Applicant: Mr & Mrs Jepson

Target Date: 26/06/2018

Extension Date: 16/07/2018

RECOMMENDATION: Grant Subject to Conditions

Case Officer: Jacky Dawe

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Plan Area
Aerodrome Safeguarding Zone

Plan Policy Designations

Built-up Area

National Planning Policy Framework

Section 7

Core Strategy

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

Supplementary Planning Guidance And Documents

None relevant

3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

4 RELEVANT SITE HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
17/11545 Two-storey rear extension; porch; flue	12/01/2018	Refused	Decided	
XX/NFR/10420/2 House and garage, existing dwelling on site to be demolished.	09/04/1968	Granted Subject to Conditions	Decided	

5 COUNCILLOR COMMENTS

No comments received

6 PARISH / TOWN COUNCIL COMMENTS

Marchwood Parish Council: recommend refusal due to visual impact and scale

7 CONSULTEE COMMENTS

No comments received

8 REPRESENTATIONS RECEIVED

One objection received on the following grounds:

- length, height and width
- disproportionate
- erode definition and proportions
- imposing development on prominent corner location
- harmful to character of the area
- impact on light and amenity

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. Pre- application advice was given following the refusal in January 2018 prior to this application being submitted. The current proposal follows the advice given by officers. As the application was acceptable as submitted, subject to submission of an amended plan to correct a discrepancy, no specific further actions were required.

12 ASSESSMENT

- 12.1 The application site falls within the built up area. A traditional forest cottage, its form contributes to the semi-rural character of the road. It is on a corner plot at the entrance to Park Close. The front is open and views are achievable from the front, side and rear.
- 12.2 The main issues for consideration are the impacts upon neighbour amenity, street scene and character of the area.
- 12.3 This application follows the refusal of 17/11545 for a two-storey rear extension, porch and flue in January 2018. This application was refused due to its overall length, height and width, being considered as a disproportionate and imposing addition. Subsequent clarification advice was sought and the current application conforms to the advice given.
- 12.4 The current proposal has reduced the length of the first floor extension by 1m - to give a rearward extent of 4.5 m - and changed the roof configuration provides a double gable facing the side boundaries of the site. The ground floor extension has however been increased by 1.5m compared to previous refusal. The front porch and flue remains as previous proposed but no issues were raised with these elements of the previous scheme. The materials have been amended to be matching brick and slate. The hedge to the side boundary with Park Close would be retained.
- 12.5 These changes have reduced the overall bulk of the proposal when viewed from Park Close. By replicating the scale and form of the original dwelling this extension represents a traditional way of extending the property and is aesthetically pleasing in form and sympathetic to the existing dwelling. The proposals would be seen from public vantage points and particularly from the corner with Park Close, however due to the changes that have been made to the scheme it is now considered to be of a proportionate scale and as such it would not detract from the rural character of the area or be overly dominant within the street scene. The front porch is an appropriate addition to the property reflecting its traditional form.
- 12.6 The single-storey rear extension would be 2.5 m deep to give a rearward extent of 7.0 m. This increases the depth of the overall extension by 1.5 m when compared to the previous scheme. However the single storey element compliments the two-storey addition and would not be dominant in the street scene. Furthermore, it would not extend beyond the existing garage on the site which is located close to the boundary with Brymaril and furthermore would not extend beyond the existing rear extension of this neighbour.
- 12.7 In terms of neighbouring amenity, the overall proposal would be set 2.6 m back relative to the rear extensions of the neighbouring property Brymaril. The two storey element being set back by 5.1 m. This

neighbour has three existing side windows, all of which are obscurely glazed however one of these windows has been identified by this neighbour as serving an habitable room. The proposed extension would be located to the north west of this property, however neighbour amenity would not be harmfully affected by these proposals by way of dominance or loss of light, despite these side windows.

- 12.8 The same bat survey has been submitted as with the previous application, the report concluded that the opportunities are overall negligible and bat and bird species are unlikely to be significantly affected. The Ecologist was consulted and recommendations made that a condition should be added to include the provision of bat and bird boxes to provide enhancements which would assist accordance Local Plan Policies CS3 and DM2.
- 12.9 For the reasons that are set out in the above assessment given the changes that have now been made to the scheme these are considered to address the previous concerns and as such the application is recommended for approval.
- 12.10 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that 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: jeps sht 1, jeps sht 2 and jeps sht 3 A.

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. The works should be undertaken in accordance with the recommendations contained in the ecological report by ARBTECH submitted on 28 December 2017. A measure of biodiversity compensation/enhancement in the form of a suitable bat/bird box on a south facing aspect of the building or other suitable structure in the application site should be provided prior to occupation and thereafter retained unless otherwise agreed.

Reason: In order to secure compliance with CS3 of the Core Strategy for the New Forest District outside the National Park and DM2 New Forest District (outside the National Park) and Local Plan Part 2: Sites and Development Management.

Notes for inclusion on certificate:

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

In this case all the above apply. Pre- application advice was given following the refusal in January 2018 and prior to this application being submitted. The current proposal follows the advice given by officers. As the application was acceptable as submitted, subject to submission of an amended block plan, no specific further actions were required.

This decision relates to amended / additional plans received by the Local Planning Authority on 20 June 2018

Further Information:

Jacky Dawe
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

July 2018

Item No: 3c

Olive Cottage
Park Lane
Marchwood
18/10595

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, deferred from last meeting for all relevant plans to be available.

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: no objection subject to compliance with Parking Standards SPD
- 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 which have previously been found to be acceptable and would be appropriate to the character and appearance of the area.
- 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 schemes, 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 LPA is not currently able to demonstrate a 5 year supply of housing land when assessed against its most recent calculation of Objectively Assessed Need. Relevant policies for the supply of housing are therefore out of date. In accordance with the advice at paragraph 14 of the NPPF, permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the NPPF indicate that development should be restricted. In this case, the presumption in favour of sustainable development does not apply because the development requires an appropriate assessment in compliance with the Birds or Habitats Directive, and there is therefore a specific policy in the NPPF (paragraph 119) which indicates that development should be restricted.
- 14.9 Members will be updated at the meeting in terms of habitat mitigation.
- 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

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

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	887.1	0	887.1	887.1	£80/ sqm	£85,434.55 *
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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:

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

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

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

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New Forest
DISTRICT COUNCIL

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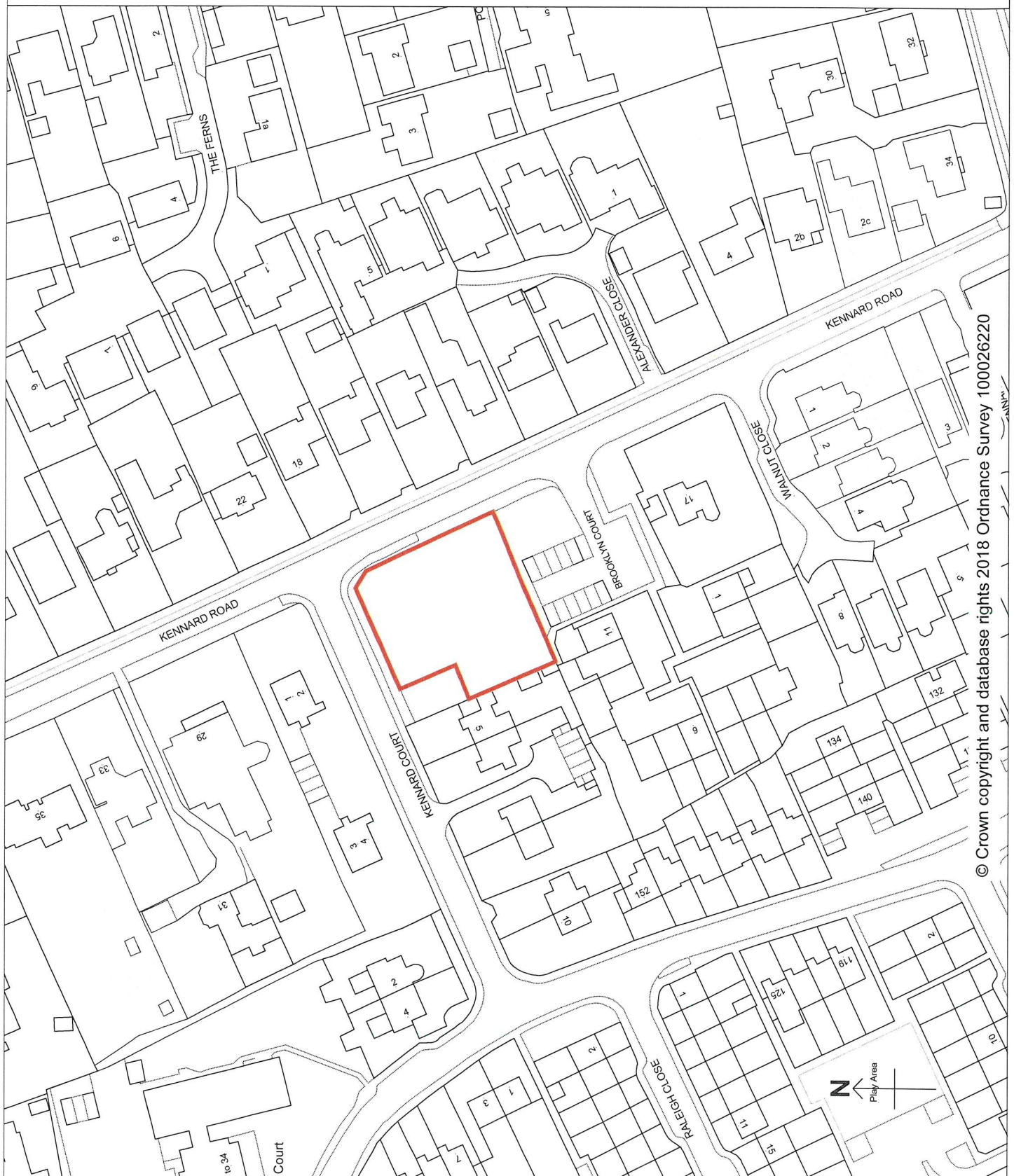
David Groom
Service Manager
Planning and Building Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee**
July 2018

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

Scale 1:1250

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Application Number: 18/10311 Full Planning Permission

Site: Land at AVERY LODGE, LONG LANE, MARCHWOOD SO40 4WR

Development: House; associated parking

Applicant: Mr Grier

Target Date: 03/05/2018

Extension Date: 13/07/2018

RECOMMENDATION: Grant Subject to Conditions

Case Officer: Vivienne Baxter

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Parish Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS15: Affordable housing contribution requirements from developments
- CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

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

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

- Section 38 Development Plan
- Planning and Compulsory Purchase Act 2004
- National Planning Policy Framework
- Achieving Sustainable Development
- NPPF Ch. 6 - Delivering a wide choice of high quality homes
- NPPF Ch. 7 - Requiring good design
- Section 197 Trees
- Town and Country Planning Act 1990

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Mitigation Strategy for European Sites
SPD - Parking Standards

6 RELEVANT PLANNING HISTORY

None

7 PARISH / TOWN COUNCIL COMMENTS

Marchwood Parish Council: recommend refusal and would not accept a delegated decision - loss of light, roof height out of proportion and scale too large.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer: comment only
- 9.2 Southern Gas Networks: offer advice
- 9.3 Tree Officer: no objection subject to conditions
- 9.4 Fulcrum Pipelines Ltd: offer advice

10 REPRESENTATIONS RECEIVED

Objections have been received from 6 local residents concerned with the following issues:

- over development
- loss of light
- solely brick elevation not in keeping
- proposed dwelling is close to the boundary
- impact on wellbeing of neighbours at 37, 38 and 39 Poplar Drive
- chimneys will affect amenity
- applicant will sell up once development granted
- won't help the housing crisis
- over bearing impact of new dwelling resulting in a sense of enclosure
- balcony would be intrusive
- noise and disturbance from car park adjacent to garden
- garden grabbing
- would be an eyesore due to the size
- additional traffic generation
- potential overlooking if roof lights are added to rear roof slope

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 £10,401.23.

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 plans have been amended to address a concern in respect of overlooking and additional information provided in order to assess the impact on the existing dwelling more fully.

14 ASSESSMENT

- 14.1 The site lies within the built up area of Marchwood opposite the Southampton Football Club Training Ground and is formed from the south eastern side of the garden to Avery Lodge. Beyond the south eastern boundary is an estate of houses which back onto Long Lane and to the north of the site is an access track to the rear of properties on Tavells Lane. There are three Tree Preservation Orders to the front boundary of the site although one has not yet been replaced following its removal 4 years ago.
- 14.2 The proposal entails the demolition of the existing garage, other outbuildings and a small side extension to Avery Lodge and their replacement with a detached dwelling comprising dining room, bathroom, kitchen, living room and ensuite bedroom at ground floor level with two further ensuite bedrooms at first floor level. The existing access would be utilised for both existing and proposed dwellings with each property to have three parking spaces at the front of the site. It is noted that those proposed for the existing dwelling are outside of the site area.
- 14.3 In visual terms, the proposed dwelling has been designed to reflect the character of the host dwelling which is double fronted with a front balcony over the porch. Although the window proportions are slightly different, the overall scale is comparable in terms of the eaves and ridge heights. To the rear of the host dwelling is a two storey projection, the footprint of which would be reflected in the proposed scheme at ground floor level only. In view of the set back of the proposed dwelling from the road and positioning of the adjacent house at 37, Poplar Drive, this single storey rear projection would have a limited impact on the street scene of Long Lane. From Poplar Drive, the flank elevation of the existing house is visible over the hedge. This view would alter through the provision of the new dwelling although given the similar materials proposed and the distance from the end of Poplar Drive along a private access (23m), it is not considered that the proposal would adversely affect visual amenity. However, it is considered appropriate to ensure the hedge is retained and/or replaced to maintain a green outlook along this access.
- 14.4 With regard to residential amenity, the two dwellings would be approximately 2m apart with fencing between the two ranging from 1.2m high to the front and 1.8m at the side of the dwellings and into the rear garden area; this would minimise any loss of amenity to the host dwelling which has two ground floor (dining room) side windows. The proposed dwelling has been designed so as to minimise overlooking to adjacent properties and the proposed French Windows at first floor level to the front elevation would be covered by a Juliet balcony to ensure minimal impact on the amenities of the occupants of 37, Poplar Drive.
- 14.5 There have been concerns relating to the potential loss of light to neighbouring properties. However, the proposed dwelling is to the north west of no.37 Poplar Drive and unlikely to result in a significant loss of light to this property. No.38 is to the east of the proposed dwelling and again, given the recessed nature of the single storey rear projection and the orientation, it is not considered that the proposal would result in a significant loss of light to this property either. It is accepted that the proposal would have an impact on the outlook from both these properties but the extent of this impact is not considered to be such that warrants refusal of the scheme.

14.6 Other material considerations

14.6.1 The LPA is not currently able to demonstrate a 5 year supply of housing land when assessed against its most recent calculation of Objectively Assessed Need. Relevant policies for the supply of housing are therefore out of date. In accordance with the advice at paragraph 14 of the NPPF, permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the NPPF indicate that development should be restricted. In this case, the presumption in favour of sustainable development does not apply because the development requires an appropriate assessment in compliance with the Birds or Habitats Directive, and there is therefore a specific policy in the NPPF (paragraph 119) which indicates that development should be restricted.

14.6.2 Members will be updated at the meeting in terms of habitat mitigation.

14.6.3 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.

14.7 In Conclusion, the proposal would provide an additional dwelling which would fit in with the host dwelling and its adjoining neighbours without adversely affecting light or privacy to neighbouring properties. Subject to an appropriate landscaping scheme, the visual amenities of the area would also be maintained and approval is recommended.

Section 106 Contributions Summary Table

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

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	128	20	108	108	£80/sqm	£10,401.23 *
Subtotal:	£10,401.23					
Relief:	£0.00					
Total Payable:	£10,401.23					

* 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: Design, Access and Planning Statement, Arboricultural assessment & method statement, SBA.3526-7-1 rev.B.

Reason: To ensure satisfactory provision of the development.

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

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

4. The trees/hedges 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 statement/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 and in accordance with policy CS2 of the New Forest District council Core Strategy.

5. Before the commencement of the development, 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 to include a replacement for the previously removed TPO (species, size, spacing and location);
- (c) areas for hard surfacing and the materials to be used;
- (d) other means of enclosure;
- (e) a method and programme for its implementation and the means to provide for its future maintenance.

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

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

6. 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.

The plans have been amended to address a concern in respect of overlooking and additional information provided in order to assess the impact on the existing dwelling more fully.

2. In discharging condition No.6 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

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New Forest
DISTRICT COUNCIL

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David Groom
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SO43 7PA

**Planning Development
Control Committee**
July 2018

Item No: 3e
Land at Avery Lodge
Long Lane
Marchwood
18/10311

Scale 1:1250

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the internet, it will not be to
scale.



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Application Number: 18/10331 Full Planning Permission

Site: 23-25 HIGH STREET, FORDINGBRIDGE SP6 1AS

Development: Use first floor as 2 flats; first-floor rear extension; roof terrace;
Juliet balcony; window alterations; rooflights

Applicant: Mr Baggot

Target Date: 12/06/2018

Extension Date: 13/07/2018

RECOMMENDATION: Grant Subject to Conditions
--

Case Officer: Jim Bennett

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Policy DM14.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Primary Shopping Area

Flood Zone

Town Centre Boundary

Archaeological Site

Built-up Area

Fordingbridge Conservation Area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Local Plan Part 1 (Core Strategy) 2012:

CS1: Sustainable development principles

CS2: Design quality

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

CS6: Flood risk

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

DM14: Primary 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 - Fordingbridge Conservation Area Appraisal

SPD - Fordingbridge Town Design Statement

SPD - Mitigation Strategy for European Sites

6 RELEVANT PLANNING HISTORY

6.1 Following withdrawal of 17/10792, the applicant sought the Council's pre-application advice on the proposal now put forward.

6.2 17/10792 - Shopfront; create front and rear entrance; steps; rear windows 09/06/17 Withdrawn

7 PARISH / TOWN COUNCIL COMMENTS

Fordingbridge Town Council: recommend permission as Fordingbridge needs more accommodation.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

9.1 Environmental Design (Conservation): the aim to reuse the upper floors for living accommodation would be supported. The changes to the design have been significantly improved in design and form. The drawings do lack some details for the elevations but I am comfortable that these can be easily handled with a set of robust conditions. I would support the revised application as submitted subject to conditions.

9.2 Southern Gas Networks: give informatives

- 9.3 Waste Management (NFDC): NFDC Waste and Recycling are unable to collect from 240ltr bins. We are a sack collection authority and will collect these from the curtilage.
- 9.4 Natural England: no objections

10 REPRESENTATIONS RECEIVED

Four letters of support have been received for the proposal.

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 £3,852.31.

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 clarification over the type and materials of windows sought from the applicant and subject to submission of a Flood Risk Assessment to address the Environment Agency's Standing Advice, the proposal was considered to be acceptable as submitted.

14 ASSESSMENT

- 14.1 The proposal relates to the former C. Harrison & Son premises fronting the High Street in Fordingbridge. The site is located within the Fordingbridge Conservation Area, Town Centre and Primary Shopping Area and adjoins a listed building (19-21 High Street) to the north east.
- 14.2 It is proposed to retain the majority of the ground floor of the former shop for A1 (retail) use, but seeks to convert a small proportion of the ground floor to provide a bin store, bike store and access to 2 no. flats to be created at first floor level. At first floor level, the existing flat roof over the ground floor premises would be converted to subdivided amenity space for future occupiers of the flats, with a small extension to the east and a parapet wall to the west to preserve the amenity of residents to the east and west. The first floor of the premises has previously been occupied as a flat associated with the ground floor shop, with an internal staircase from the shop to the first floor. No car parking is provided for occupiers of the development.
- 14.3 Policies CS3 and DM1 state that changes of use to a building of importance to the character of a Conservation Area shall not entail alterations which would harm its character. The building fronting the High Street would be largely unaltered save for some minor repairs and cleaning. The applicant has clarified that the first floor windows to the front would be retained. The main external alterations are proposed to the rear of the site where an extension and terraced amenity space would be created. The Conservation Officer considers that following a series of pre-application meetings the previous submission has been amended and the alterations to the roof have been enhanced significantly. The rear range now forms a more attractive pitched roof addition which enhances the poor quality flat roof which exists at present. In addition the position of the rear addition hides the wider flat roof allowing this to become a more attractive and discretely hidden rear space for the upper floor flats. The agent has changed the details as requested and this now results in a scheme which significantly enhances the rear of these properties. The materials, form and scale of development would be appropriate in the context of the conservation area and setting of listed buildings, accordance with Policies CS3 and DM1.
- 14.4 In terms of neighbouring amenity, use of the first floor as two flats rather than one would be acceptable in principle, although the introduction of the first floor extension and external amenity space and their impact upon neighbours needs to be considered. There are residential dwellings in the locality above shop units, but the proposal is unlikely to harm adjoining residential amenity and the proposal complies with the amenity related provisions of Policy CS2. No objections have been received to the proposal.

- 14.5 The site is within Flood Zone 2 and 3, where the Environment Agency refer the Planning Authority to their Standing Advice for 'more vulnerable developments', which states that details of emergency escape plans for any parts of a building that are below the estimated flood level should be provided to demonstrate that occupants can leave the building if there's a flood. Details of surface water discharge from the site and proposed floor levels also need to be submitted to support the proposal in relation to flood risk. The applicant has submitted a Flood Risk Assessment which demonstrates the proposal's acceptability in relation to flood risk, in accordance with the Environment Agency's Standing Advice and Policy CS6, the proposals are therefore acceptable in this respect.
- 14.6 Policy CS20 places emphasis on retaining a good range of town centre uses, where it can be demonstrated that an alternative use would be complementary to the retailing function and would enhance the overall vitality of the centre. Policy DM14 relates to primary shopping frontages and states that on upper floors, uses which are compatible with retail uses may be acceptable. This could include residential uses where this can be achieved without the loss of gross floor space in retail use or the loss of ancillary storage space. The proposal doesn't result in any loss of commercial space at first floor level, though does result in the loss of some ground floor ancillary retail space, (approximately 10%). However, it is considered that sufficient space is retained for the retail unit to make its continued commercial use a viable proposition. Overall the introduction of 2 no. independent town centre flats at first floor level, with a marginal loss of retail space, would be a benefit to the vitality and viability of the town centre.
- 14.7 In terms of highway impacts it is acknowledged that the proposal does not include any off-street parking, which would not ordinarily comply with the adopted Parking Standards. However, it should be acknowledged that few dwellings in the locality have dedicated off-street parking arrangements and that provision of off-street parking in this location, within a conservation area and curtilage may lead to additional design concerns. Furthermore, the site is in a town centre location, where future occupiers would have good access to public transport and other services, so in this instance it is not considered that a reason for refusal on the basis of non-provision of off-street parking could be substantiated.
- 14.8 Members will be updated at the meeting in terms of habitat mitigation.
- 14.9 The LPA is not currently able to demonstrate a 5 year supply of housing land when assessed against its most recent calculation of Objectively Assessed Need. Relevant policies for the supply of housing are therefore out of date. In accordance with the advice at paragraph 14 of the NPPF, permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the NPPF indicate that development should be restricted. In this case, the presumption in favour of sustainable development does not apply because the development requires an appropriate assessment in compliance with the Birds or Habitats Directive, and there is therefore a specific policy in the NPPF (paragraph 119) which indicates that development should be restricted.
- 114.10 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

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

Section 106 Contributions Summary Table

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

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	322	282	40	40	£80/sqm	£3,852.31 *
Subtotal:	£3,852.31					
Relief:	£0.00					
Total Payable:	£3,852.31					

** 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: S3111/01 D, S3111/02 A, S3111/03 F, S3111/04 A, S3111/05 A, S3111/06 F, S3111/07 F and Heritage Statement, Design and Access Statement (March 2017).

Reason: To ensure satisfactory provision of the development.

3. Before development commences, samples or exact details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- Large scale section and elevational drawings of the new windows and doors
- Large scale section and elevational drawings of the new rooflights
- Large scale section and elevational drawings of the new railings and balcony details
- Large scale section and elevational drawings of the new chimney, side boundary wall, eaves and verge

- Samples of all external materials including roofing, walls, bricks, ridge tiles, rainwater goods and chimney pots
- Details of all new external services, flues, ducts and vents

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

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

4. The development shall 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. 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.

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 installation of fittings and fixed appliances in the dwelling(s) hereby approved shall be designed to limit the consumption of wholesome water to 110 litres per person per day in accordance with Regulation 36(2)b of Part G of the Building Regulations 2010 as amended.

Reason: The higher optional standard for water efficiency under Part G of the Building Regulations is required in order to reduce the waste water discharge that may adversely affect the River Avon Special Area of Conservation by increasing phosphorous levels or concentrations and thereby contribute to the mitigation of any likely adverse impacts on a nationally recognised nature conservation interest.

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 clarification over the type and materials of windows sought from the applicant and submission of a Flood Risk Assessment to address the Environment Agency's Standing Advice, the proposal was considered to be acceptable as submitted.

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
3. New Forest District Council has adopted a Community Infrastructure Levy (CIL) charging schedule and any application now decided, including those granted at appeal, will be CIL Liable. CIL is applicable to all applications over 100sqm and those that create a new dwelling. Under Regulation 42A developments within the curtilage of the principal residence are likely to be exempt from CIL so CIL may not be payable provided the applicant submits the required exemption form prior to commencement of the development.

4. In discharging condition No. 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/>
5. 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.

Further Information:

Jim Bennett

Telephone: 023 8028 5588



New Forest
DISTRICT COUNCIL

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David Groom
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**Planning Development
Control Committee**

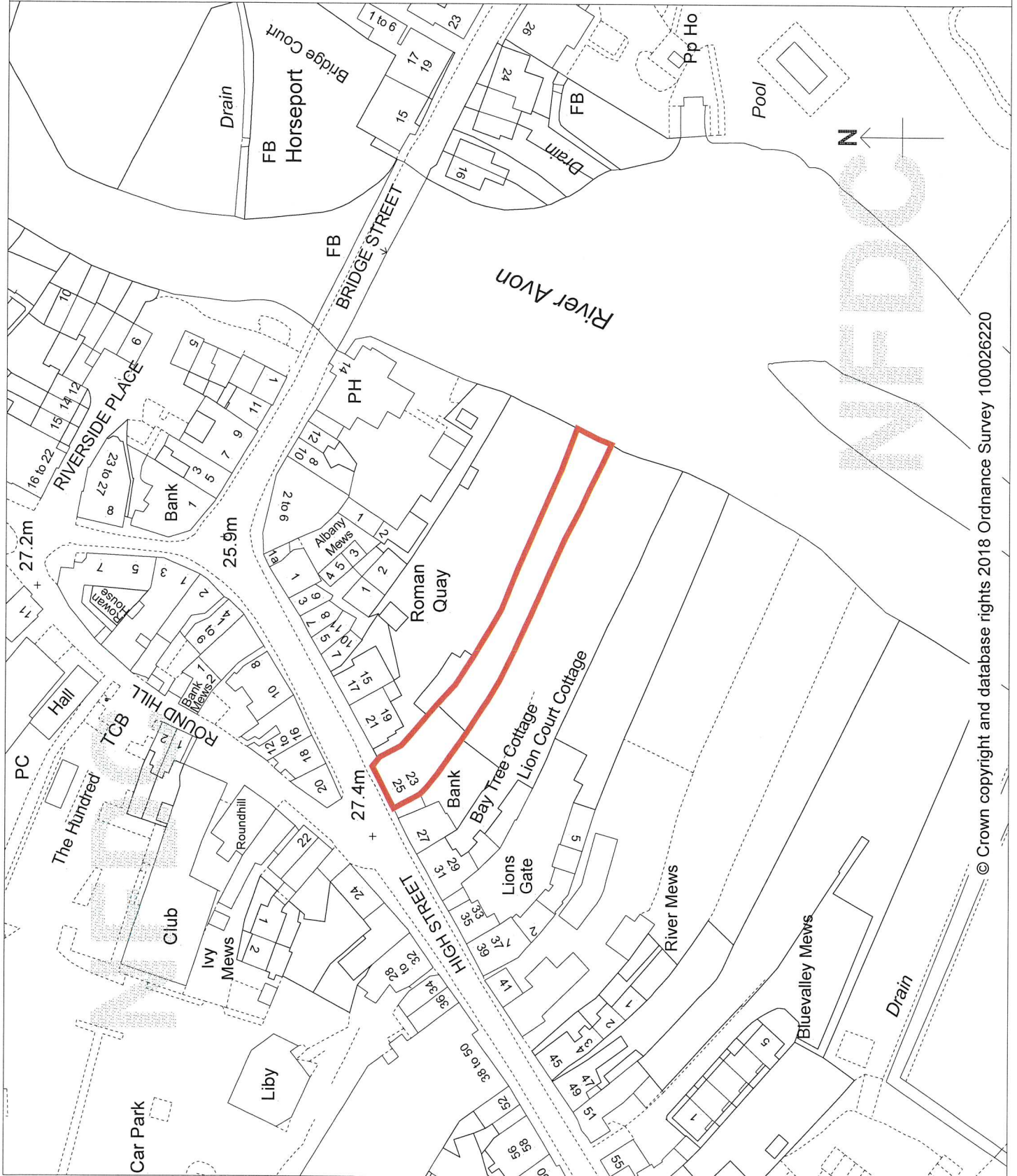
July 2018

Item No: 3f

23-25
High Street
Fordingbridge
18/10331

Scale 1:1250

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scale.



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Application Number: 18/10366 Full Planning Permission

Site: OUTWICK FARM, OUTWICK, BREAMORE SP6 2BT

Development: Single-storey rear extension

Applicant: Mr & Mrs Booth

Target Date: 14/05/2018

Extension Date: 16/07/2018

RECOMMENDATION: Grant Subject to Conditions
--

Case Officer: Kate Cattermole

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Policy

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Meteorological Safeguarding
Plan Area
Aerodrome Safeguarding Zone

Conservation Area: Bream ore Conservation Area
Listed Building Grade: Grade II

Plan Policy Designations

Countryside

National Planning Policy Framework

NPPF Ch. 7 - Requiring good design
NPPF Ch. 11 - Conserving and enhancing the natural environment
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
DM2: Nature conservation, biodiversity and geodiversity
DM20: Residential development in the countryside

Supplementary Planning Guidance And Documents

SPG - Breamore Village Design Statement

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

Section 66 General duty as respects listed buildings in exercise of planning functions.

Planning (Listed Buildings and Conservation Areas) Act 1990

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

Planning (Listed Buildings and Conservation Areas) Act 1990

4 RELEVANT SITE HISTORY

Proposal	Decision Date	Decision Description	Status
18/10367 Single-storey rear extension; demolish conservatory and rear porch; open up fireplace and form cupboards in bedroom 1; remove stud walls to study, sitting room and bedrooms; create stud walls to form utility/W.C., ensuite and bedroom; create wall between sitting room and new kitchen; remove 2 external walls in new kitchen, additional first floor window in rear elevation (Application for Listed Building Consent)		Application registered - awaiting decision	
84/NFDC/26118 Erection of a stable block of 3 loose boxes.	16/05/1984	Granted Subject to Conditions	Decided
77/NFDC/07695 Alterations and addition of a lounge.	21/06/1977	Granted Subject to Conditions	Decided

5 COUNCILLOR COMMENTS

No Comments Received

6 PARISH / TOWN COUNCIL COMMENTS

Breamore Parish Council: recommend permission but would accept the decision reached by the District Council's Officers under their delegated powers

As per comments forwarded after 9 April 2018 special meeting, the members believe that the Listed Building is in need of attention and sensitive refurbishment. The removal and replacement of the existing conservatory will enhance setting.

7 CONSULTEE COMMENTS

7.1 Ecologist: no objection subject to condition

7.2 Conservation Officer: no objection subject to condition

8 REPRESENTATIONS RECEIVED

No comments received

9 CRIME & DISORDER IMPLICATIONS

None Relevant

10 LOCAL FINANCE CONSIDERATIONS

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

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

11 WORKING WITH THE APPLICANT/AGENT

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

In this case amended plans were accepted that would result in a more appropriate and sensitive extension to the Listed Building, and the revised application was acceptable. Whilst the application would increase the floorspace beyond that permitted under Policy it is considered in this instance that an exception can be justified.

12 ASSESSMENT

12.1 The property is a Grade II Listed Building, situated in the Breamore Conservation Area. It is located in the Countryside. The application site is situated on the corner of the crossroads identified as Outwick Cross. The dwelling has been subject to modern extensions, most recently a single storey side extension in the 1970s, prior to its listing in 1984, which abuts the boundary with the road. There is a row of detached outbuildings to the rear of the dwelling, which back onto the side boundary with the road.

12.2 A concurrent Listed Building application (Ref:18/10367) has also been submitted and awaits decision, but there is no reason to bring this application before the Committee.

12.3 The nearest neighbour located to the south of the application site is Rose Cottage, and the amenities of this neighbour would not be affected by this development. Therefore the considerations are the impact on the character and appearance of the Listed Building and Breamore Conservation Area, the countryside and the street scene.

- 12.4 Amended plans have been accepted following concerns identified early on in the application process with regard to the proposed extensions. The proposed single storey rear extension would consist of a flat roofed link to a dual pitched solid roof extension with glazed walls, that would replace an existing conservatory. The existing modern porch would also be removed and a new window inserted above the existing lean-to on the rear elevation. The existing upvc conservatory is sited to the front of the existing detached outbuildings and the replacement of this structure with the linked extension would effectively connect the dwelling to the outbuildings.
- 12.5 For the purposes of Policy DM20 as these outbuildings would now be linked, the existing floorspace of the outbuildings would need to be included in the calculations of additional floorspace. The floorspace of the existing dwelling is approximately 158.78 sq m and the 30% additional floorspace increase allowable under this policy would equate to 47.63 sq m. The proposed extension has an internal floor area of 17.28 sq m and taking into account the removal of the porch the increased floorspace would be 15.04 sq m which is 11% of the allowable floorspace. Taking into account the floorspace of the now attached outbuildings - which is 98 sq m or 61% of the original, it would result in an extension of 70.47% of the original which is well in excess of 30% permitted under the policy. It would therefore be contrary to Policy DM20.
- 12.6 However, the loss of the existing conservatory and replacement with a more appropriately designed extension would be an enhancement to the Listed Building. It will result in a more acceptable extension more appropriate to the character of the Breamore Conservation Area. Furthermore, there is no intention for any internal access between the extension and the outbuildings. As these works relate to a Listed Building, they would ensure that the side wall of the outbuilding is retained intact, so that the outbuildings do not in the future get used as part of the floorspace of the existing cottage.
- 12.7 In addition, there would be limited additional urbanising impact within the Countryside as the outbuildings already exist and the proposed extension is located behind these existing outbuildings within the site. Therefore, in this case it is considered that despite the fact that the floorspace is in excess of that usually permitted in this location, there would be a resultant improvement and enhancement to the Listed Building and limited additional impact on the Countryside. In this case this is considered to outweigh the policy constraints of Policy DM20 and provide a justification for an exception to it. It is however considered appropriate to remove permitted development rights to retain control over future extensions.
- 12.8 Due to its rural location and the presence of water bodies within 500m of the site, the surrounding landscape is conducive to the presence of bat species. No ecological information has been provided during the course of the application, but this information can be secured by appropriate condition.
- 12.9 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the

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

13. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development permitted shall be carried out in accordance with the following approved plans: MBN1B/1; MBN1B/2; MBN1B/3A; MBN1B/4B

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

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

5. The outbuildings which are connected to the proposed extension shall only be used incidental to the dwelling on the site and not part of its main accommodation, and at no time should an internal opening be made to access these outbuildings from the single storey rear extension approved under this application.

Reason: To protect the character and appearance of the countryside in accordance with Policy CS2 of the Local Plan for the New Forest District outside of the National Park (Core Strategy) and Policy DM20 of the Local Plan for the New Forest District outside of the National Park. (Part 2: Sites and Development Management).

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

Reason: To ensure the dwelling remains of a size which is appropriate to its location within the countryside and to comply with Policy DM20 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

Notes for inclusion on certificate:

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

In this case amended plans were accepted that would result in a more appropriate and sensitive extension to the Listed Building, and the revised application was acceptable. Whilst the application would increase the floorspace beyond that permitted under Policy it is considered in this instance that an exception can be justified.

2. This decision relates to amended/additional plans received by the Local Planning Authority on 5 June and 27 June 2018

Further Information:

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Planning Development Control Committee

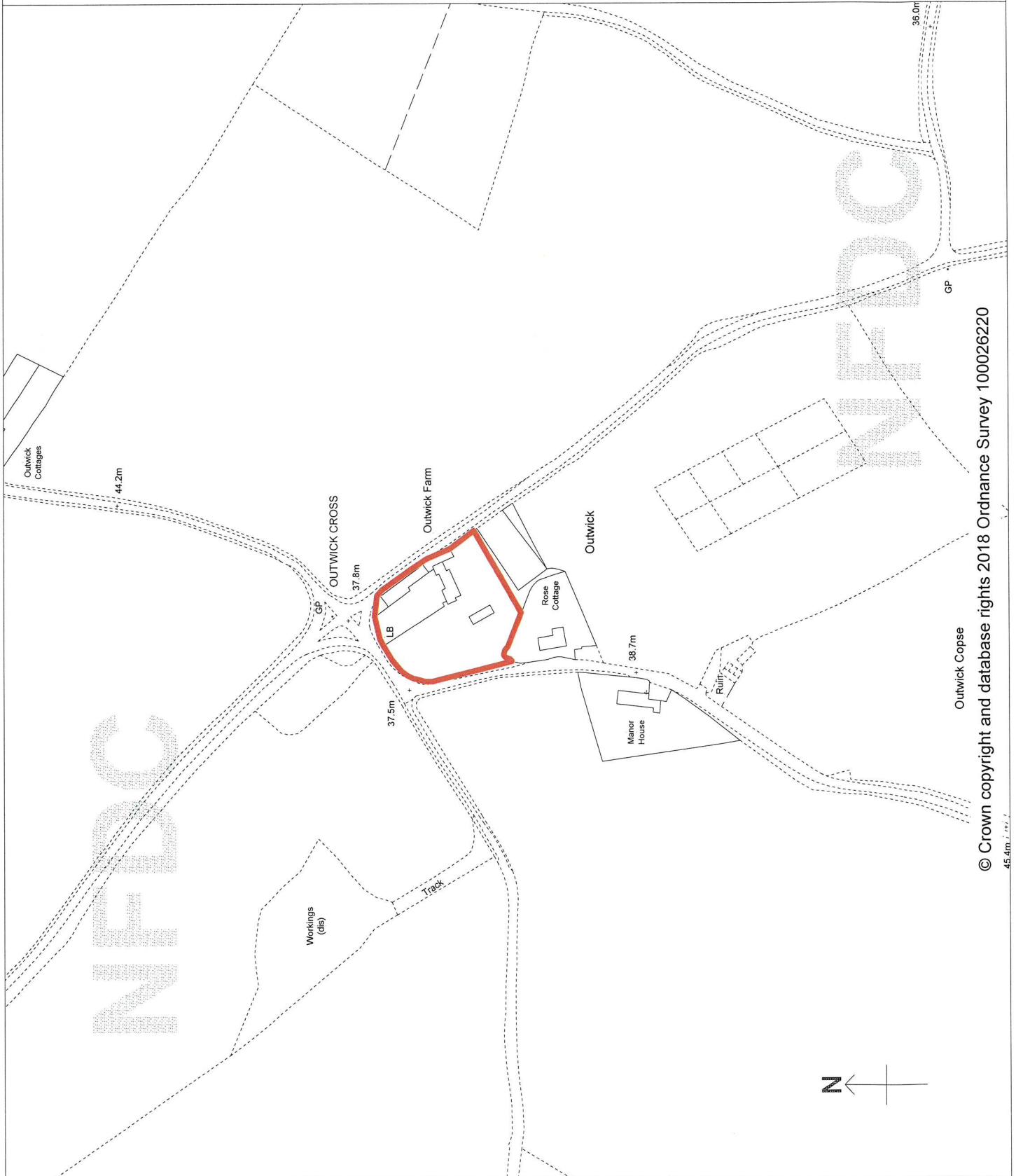
July 2018

Item No: 3g

Outwick Farm
Outwick
Breamore
18/10366

Scale 1:2500

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



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Application Number: 18/10433 Full Planning Permission

Site: SHIP INN, 68 HIGH STREET, FORDINGBRIDGE SP6 1AX

Development: Kitchen intake and extract ducting (Retrospective)

Applicant: Greene King plc

Target Date: 06/06/2018

Extension Date: 13/07/2018

RECOMMENDATION: Grant Subject to Conditions
--

Case Officer: Jim Bennett

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Secondary Shopping Frontage

Primary Shopping Area

Town Centre Boundary

Built-up Area

Fordingbridge Conservation Area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

CS2: Design Criteria

CS3: Protecting and enhancing our special environment

Local Plan Part 2 Sites and Development Management Development Plan Document

DM1: Heritage and Conservation

National Planning Policy Framework

Section 12: Conserving and enhancing the historic environment

Conservation Area: Y Fordingbridge Conservation Area:

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

Fordingbridge Conservation Area Appraisal
SPD - Fordingbridge Town Design Statement

6 RELEVANT PLANNING HISTORY

No relevant history

7 PARISH / TOWN COUNCIL COMMENTS

Fordingbridge Town Council: recommend refusal as the incorrect equipment appears to have been fitted and the effect on residents is unacceptable.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Environmental Health (Pollution) - The application proposes to regularise the use of the extract and ventilation equipment that is already in use at the application address. The location in a mixed use commercial / residential area in the centre of the town is likely to experience noise impacts from a variety of sources. However, as the residential property is located to the rear of the buildings behind the high street, noise impacts are lower and therefore, noise from the kitchen extract unit is likely to be the predominant feature. In order to ensure that there are no significant adverse impacts on local residents, noise and odour should be considered and mitigation applied where appropriate. This department received complaints regarding noise emissions from the operation of the Ship Inn's kitchen ventilation system and this has recently been assessed by ENL Acoustic Consultants Ltd, and the applicable noise assessment has been submitted with this application. Appropriate works were carried out in January 2018 on the recommendations of the noise assessment, and the works, which included the replacement of anti-vibration mounts on the extract unit fitted to the rear wall of the application premises have reduced the residual background noise to a level proportionate to the typical use required by this equipment. Provided the noise levels emitted from the use of this equipment remain at this level, the continuing use of this equipment is considered to be acceptable, subject to conditions to ensure the equipment is maintained appropriately and regularly and only operated between defined hours. An informative is also suggested stating that the granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of part III of the Environmental Protection Act 1990 be received.

- 9.2 Environmental Design Team (Conservation) - The site is in the Fordingbridge Conservation Area. While unlisted, the building contributes to the Conservation Area with its age and architectural interest. This contribution should be preserved and enhanced where possible. The intake and extraction ducts installed to the rear are large and obtrusive. Despite being to the rear, they detract from the appearance of the building and consequently harm the appearance of the area due to their sheer size and protrusion. Good quality design is a key consideration of the NPPF (Ch.7) and these ducts do not uphold this. While the impact of these ducts on the Conservation Area does have an adverse impact, their need is understood and a fence with trellis would be an acceptable way of screening their visual impact.

10 REPRESENTATIONS RECEIVED

- 10.1 Two pieces of correspondence have been received on behalf of the owner and the tenants of Park Mews, which adjoins The Ship Inn. The basis of the objection is that, as things stand, the noise issue is unresolved as the replacement extraction equipment is considered to be significantly noisier than the original equipment. It is considered that the equipment has degraded in terms of its noise emissions in a short space of time, and the concern is that it will continue to do so in the future. Concern is also raised that the permitted hours of operating this equipment appear to be excessive, ie from 7am until 11pm daily. The enforceability of conditions suggested by the EHO is brought into question. It is requested that further mitigation be investigated and implemented before the current application is determined, and that the equipment is then re-tested to ascertain what if any reduction in noise and vibration has been achieved as a result of those measures; that the noise levels emitted by the equipment are set at a tolerable, quantifiable and enforceable level in terms of the relationship to Park Mews; and that the permitted hours for operating this equipment are further restricted in light of the intimate relationship between Park Mews and The Ship Inn. If successful, planning permission can be granted subject to suitable, enforceable conditions. However if unsuccessful, then clearly more thought will need to be given to alternative ways of reducing noise to acceptable levels.

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 following agreement from the applicant to enhance boundary treatment around the extraction facilities and the alteration of the proposed hours of operation, the proposal was considered to be acceptable.

14 ASSESSMENT

- 14.1 The site lies within the built up area of Fordingbridge, its town centre boundary and is within the Fordingbridge Conservation Area. The Ship Inn is a long established public house on High Street. The site has a close relationship to residential land uses to the east.
- 14.2 The application is made retrospectively for retention of 1 no. intake and 1 no. extraction flue on the rear elevation of the public house and sited at ground floor level. The flues were installed in 2016, replacing an older system that had been in situ for over 25 years. The applicant has explained that the equipment was installed in the same position as the old apparatus, albeit protruding from the rear wall of the kitchen, in order to comply with health and safety regulations which require extraction systems to be directly linked to the operation of the gas supply. Without the equipment now in situ, the public house could not operate its gas fired ovens and hobs, to prepare meals, which is a fundamental aspect of its day to day operations.
- 14.3 The main issues to consider are the visual impact of the flues on the character and appearance of the Conservation Area and its effect on the living conditions of the occupiers of surrounding residential properties.
- 14.4 The equipment was installed in the same position as the old apparatus, albeit protruding from the rear wall of the kitchen and in this respect is more visually intrusive than the former extractors. The extraction equipment in this form is necessary in order to comply with current health and safety requirements in relation to the use of commercial gas appliances at the premises. The Conservation Officer notes that while

unlisted, the building contributes to the Conservation Area, which should be preserved and enhanced where possible. The intake and extraction ducts installed detract from the appearance of the building and consequently harm the appearance of the area. However, the Conservation Team acknowledge the need for intake and extraction ducts and that a fence with trellis could be an acceptable way of screening their visual impact. In this respect the applicant has agreed to enhance the boundary treatment to the rear of the pub to incorporate better quality fencing, trellis and planter to assist with mitigating the visual harm of the extraction equipment, full details of which can be secured by condition. With good quality boundary treatment the form of the proposal would assist with preserving the character and appearance of the conservation area, in accordance with Policies CS2 and CS3 of the Core Strategy, Policy DM1 of the Local Plan and Section 12 of the NPPF.

- 14.5 The proposal has a very close relationship to the adjoining dwelling at Park Mews and an objection has been received on behalf of the occupiers that the existing extraction equipment is causing harm to adjoining amenity, by virtue of the noise nuisance. The Environmental Health Section have assessed the submitted noise report and the proposed noise and odour mitigation measures, concluding that the proposal would have no significant harmful impact upon adjoining residential amenity, subject to conditions.
- 14.6 In response to objections received to the proposal, the Environmental Health Section comments that following complaints relating to noise from the extract units at this premises, they were investigated, but did not find a statutory nuisance to be present. However, the owners of the public house, Greene King, agreed to review the extraction units and employed the services of an acoustic consultant. The result of the acoustic report concluded that some changes could be made to lower some of the noise levels emitted by the units, and subsequent works were carried out. These works related to the servicing of the units and renewal of the anti-vibration mounts at the points where the extract unit is attached to the wall. The result of this work means that the fans have been adjusted to ensure the correct speed and rotation to avoid sound impulses, and less vibration being carried through the party wall. Further sound tests confirmed the noise level had decreased as expected and recommendations were given to Greene King by the Environmental Health Section in order to maintain these standards. The recommendations relate directly to the noise mitigation conditions requested by the Environmental Health Section. The condition relating to servicing and maintenance is to ensure the equipment remains at, or improves on, the current level of noise as assessed by the acoustic testing. This condition is considered to be enforceable as the pub will be required to maintain records of compliance for inspection by the Council on request. The business operates as accommodation with breakfast, as well as the normal pub trading hours and requires quite extensive hours of operation for the extraction equipment, albeit not for the entire duration of the day. However, in light of the comments of objectors regarding the operating hours of the extraction equipment, the applicant has been requested to re-visit the requirement to operate between 07:00 - 23:00 and has confirmed that a reduction in hours of use between 07:30 and 22:00 each day would be acceptable.

14.7 Noise levels experienced at the objecting property do not meet any of the tests for statutory nuisance but this can be reviewed by Environmental Health at any time in the future should the occupiers of the property feel that the noise levels have become substantially worse than current levels. Officer's are, therefore of the opinion that the level of noise currently generated by the extraction system is at an acceptable level in this town centre location and associated with historic use of the premises as a public house. Its impact upon adjoining properties can be mitigated through imposition of the reasonable and enforceable conditions outlined below. Consequently the proposal is considered to comply with the amenity related provisions of Policy CS2.

14.8 In light of the fact that the visual impact and amenity impact of the proposal have been satisfactorily mitigated, the application is recommended for approval, subject to conditions.

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.

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

1. The development permitted shall be carried out in accordance with the following approved plans: 1:1250 Location Plan, DPP/VENT/Q264267 Rev A, Environmental Noise Assessment Report by ENL Acoustic Consultants Ltd (March 2018) and Planning Statement by Walsingham Planning (March 2018)

Reason: To ensure satisfactory provision of the development.
2. Within three months of the date of this decision a written scheme shall be submitted to and approved in writing by the local planning authority to provide that: A permanent six monthly maintenance and servicing scheme, to ensure that the equipment remains at, or improves upon the current noise levels as stated in the ENL Acoustic Consultants Ltd report, post mitigation work, dated March 2018. The servicing and maintenance of the anti-vibration mounts shall form part of this scheme and the applicant shall maintain adequate records of compliance for inspection by the Council at any time.

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

3. The associated plant hereby approved shall not be operated before 07:30 hours nor after 22:00 hours daily.

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

4. Within three months of the date of this decision a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :

- (a) full details of the revised means of enclosure, to include new fencing, trellis and planter
- (b) a specification for new planting (species and location);

The works hereby approved shall be implemented in their entirety within 3 months of their approval and then only in accordance with those details.

Reason: To ensure that the development mitigates its impact visual upon the character and appearance of Fordingbridge Conservation Area to comply with Policies CS2 and CS3 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM1 of the Local Plan Part 2.

5. All external works (hard and soft landscape) shall be carried out in accordance with the approved plans and details within six months of the date of this decision 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).

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 agreement from the applicant to enhance boundary treatment around the extraction facilities and the alteration of the proposed hours of operation, the proposal was considered to be acceptable.

2. The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of part III of the Environmental Protection Act 1990 be received.

Further Information:

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New Forest DISTRICT COUNCIL

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Planning Development Control Committee

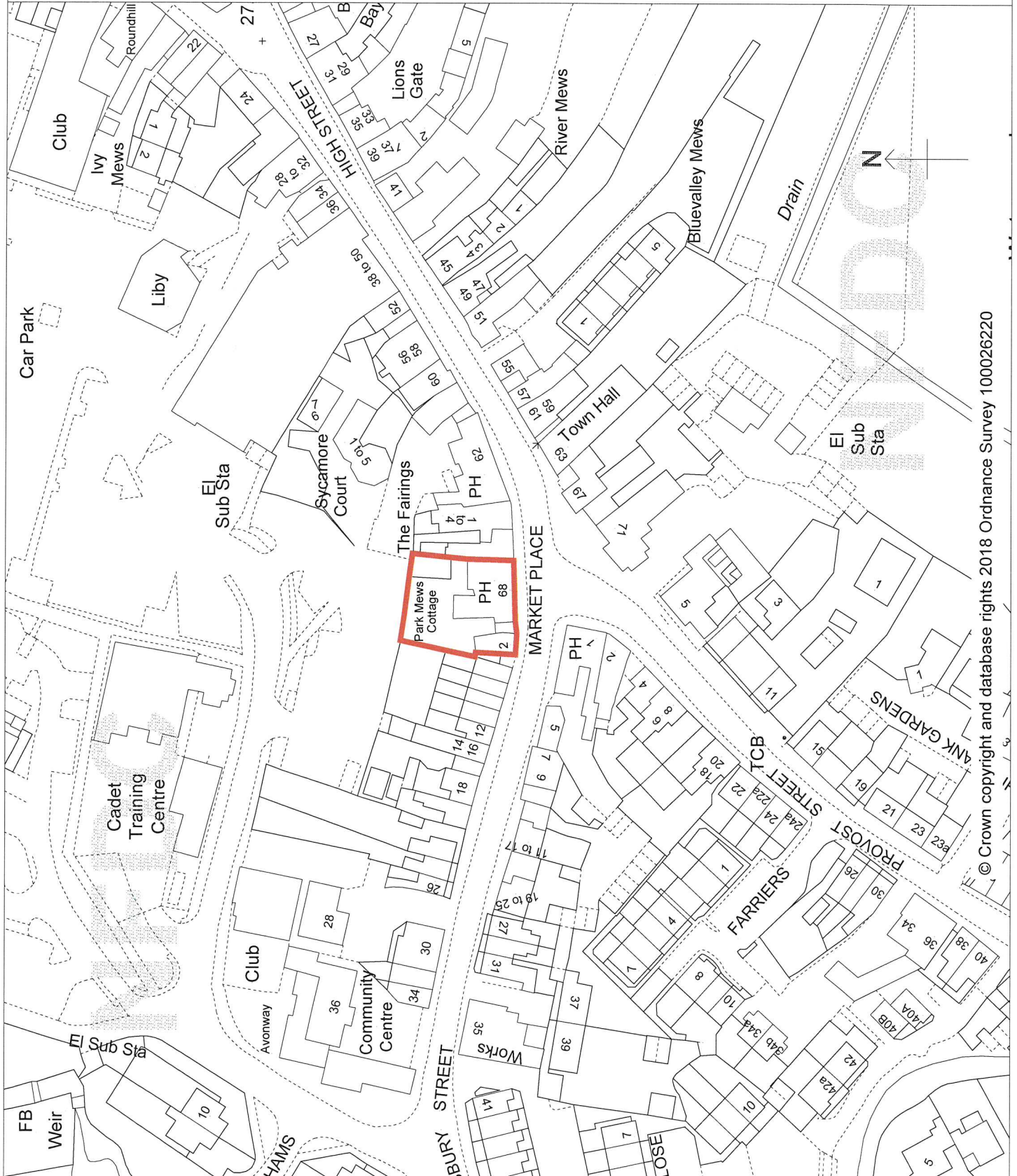
July 2018

Item No: 3h

Ship Inn
68 High Street
Fordingbridge
18/10433

Scale 1:1250

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



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Application Number: 18/10481 Full Planning Permission

Site: 12 ST GEORGES CRESCENT, FORDINGBRIDGE SP6 1ET

Development: 1 Pair of semi-detached bungalows; parking; demolish existing

Applicant: CNB Builders & Development Ltd

Target Date: 11/06/2018

Extension Date: 13/07/2018

RECOMMENDATION: Refuse
Case Officer: Stephen Belli

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up Area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

3. Housing

Policies

CS2: Design quality

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

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 - Fordingbridge Town Design Statement
SPD - Mitigation Strategy for European Sites
SPD - Parking Standards
Memorandum of Understanding regarding Phosphate levels in the River Avon

6 RELEVANT PLANNING HISTORY

None relevant

7 PARISH / TOWN COUNCIL COMMENTS

Fordingbridge Town Council: recommend permission as the erection of the dwellings doesn't adversely affect the street scene, however it is recommended that the parking provision is reduced to two per property to limit the impact on the street scene.

8 COUNCILLOR COMMENTS

No comments received

9 CONSULTEE COMMENTS

Hampshire County Council Highway Engineer: no objection subject to a condition and an informative note.

10 REPRESENTATIONS RECEIVED

10.1 Two letters of objection expressing the following concerns (summary):

- House is likely to contain asbestos (Environmental Health officer could be consulted);
- Will adversely impact highway safety - road is very narrow, junction with St George's Crescent is regularly obstructed by parked cars and vehicles park along Waverley Close;
- Proposals have poor rear access making it difficult to access cycle storage;
- More local residents should have been notified of the proposal;
- Building works will cause noise/ smell/ dirt disturbance to elderly residents of Waverley Close (many of whom suffer ill health);
- First floor rear windows will overlook residents behind at a distance of 13.3m.

10.2 One of these letters of objection is accompanied by a petition signed by 10 residents of Waverley Close.

11 CRIME & DISORDER IMPLICATIONS

Not applicable

12 LOCAL FINANCE CONSIDERATIONS

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

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

Based on the information provided at the time of this report this development has a CIL liability of £5,903.66.

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 agent has been made aware of the objections to the application and it is not considered that these objections can be adequately addressed as a part of this planning application.

14 ASSESSMENT

- 14.1 The application seeks approval for a pair of semi-detached chalet bungalows that would replace a chalet dwelling on the north side of St Georges Crescent, Fordingbridge. Waverley Close directly adjoins the site to the rear but there is no access from this road. The site falls within the built up area.

- 14.2 There is a mix of dwelling type in the locality formed of two and single-storey properties but the general character of the area comprises detached dwellings with conformity in plot shape and size albeit with more close knit development at the end of the cul-de-sac.
- 14.3 The proposal would divide the application site into two equal halves to allow the subdivision of the plot to accommodate the two dwellings. The proposals would be of handed design with forward projecting bedrooms centrally positioned straddling the boundary and each with a rear dormer and velux. Three parking spaces would be provided for each property encompassing near the entirety of the front garden with cycle and refuse provision shown in the rear garden.
- 14.4 The plot is considered to be of insufficient size to accommodate two dwellings that would be out of keeping with the established character and pattern of development as described. This harm would be highlighted by the excessively cramped appearance of the dwellings caused by their restricted plot width, the lack of space around the building and with the front garden areas given over to parking, leaving very limited space for any meaningful landscaping. Therefore, while the proposal would provide an additional dwelling which weighs in favour of the scheme, it is not considered that this outweighs the harm that would be caused and there is an objection to the application on this basis.
- 14.5 On issues of residential amenity, the proposals would align with neighbouring properties either side, would be devoid of side facing windows (with the exception of one velux), would be slightly inset from the boundary and would be single-storey with a roof hipped away from the boundary. With this in mind, having regard to no.10, this is a two-storey dwelling set in from the boundary with a 2m high (approx.) boundary hedge. This hedge, and a tree within this neighbouring garden screen views of this dwelling and it is not considered that any significant adverse impact in residential amenity would be caused.
- 14.6 14 St. Georges Crescent is a single-storey dwelling with its main outlook to the front and rear. There are however 3 side facing windows and a door, albeit with the door and two of them being obscure glazed. That towards the front is not obscure glazed but the stepped side wall of the proposal would open up the spacing around this window. On balance, it is considered that any associated refusal reason would prove difficult to sustain.
- 14.7 Properties to the rear are located some 25m away thus any views from the new rear dormers would be at an appreciable distance and towards the front of these dwellings that are open to public view. Regarding the neighbouring dwellings in front, no first floor facing windows are shown (unlike the existing dwelling) and having regard also to the siting and the design of the proposals, it is not considered that any significant adverse impact in residential amenity would be caused.
- 14.8 On matters pertaining to highway safety, the proposal provides 3 parking spaces for each dwelling; with each property providing 2 bedrooms this is in excess of the recommended average provision of 2 spaces per unit. The Highway Engineer has raised no objection to the application based on the level of car parking provision proposed. In the event that permission were granted, it is considered that 1 space for each dwelling

could be omitted as per the comments from the Parish Council. These changes have not been sought given the other objections to the application.

- 14.9 Having regard to the further issues raised, any asbestos would be appropriately dealt with by separate legislation while any planning refusal based on the noise/ disturbance/ dust caused during construction would be unreasonable.

Other material considerations

- 14.10 The LPA is not currently able to demonstrate a 5 year supply of housing land when assessed against its most recent calculation of Objectively Assessed Need. Relevant policies for the supply of housing are therefore out of date. In accordance with the advice at paragraph 14 of the NPPF, permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the NPPF indicate that development should be restricted. In this case, the presumption in favour of sustainable development does not apply because the development requires an appropriate assessment in compliance with the Birds or Habitats Directive, and there is therefore a specific policy in the NPPF (paragraph 119) which indicates that development should be restricted. Moreover, as set out above, it is considered that the adverse impact of the proposed development would significantly and demonstrably outweigh the benefits of the development.
- 14.11 Members will be updated at the meeting in terms of habitat mitigation.
- 14.12 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 would be dealt with by condition which would prevent occupation of this development until implementation of the necessary mitigation or offsetting has been secured, had the development otherwise been acceptable.
- 14.13 In conclusion, the proposed development would result in an overly intensive and cramped form of development which would be out of character with the surrounding pattern of development
- 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 this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones

and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

Section 106 Contributions Summary Table

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

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	180	118.7	61.3	61.3	£80/sqm	£5,903.66 *

Subtotal:	£5,903.66
Relief:	£0.00
Total Payable:	£5,903.66

* 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. The application would result in an overly intensive and cramped form of development that would be out of keeping with the more spacious character of development in the area which comprises detached dwellings on regular shaped plots. The proposal would therefore be contrary to the provisions of the NPPF and Policy CS2 of the Core Strategy for the New Forest District outside of the National Park (Adopted) October 2009.

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 agent was been made aware of the objections to the application and it was not considered that these objections could be adequately addressed as a part of this planning application.

Further Information:

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New Forest DISTRICT COUNCIL

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David Groom
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Planning and Building Control
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Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee**
July 2018

Item No: 3i
12
St Georges Crescent
Fordingbridge
18/10481

Scale 1:1250

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Application Number: 18/10571 Full Planning Permission

Site: 7 VINEY ROAD, LYMINGTON SO41 8FF

Development: House; detached garage/store; demolition of existing

Applicant: Mr & Mrs Merry

Target Date: 20/06/2018

Extension Date: 13/07/2018

RECOMMENDATION: Grant Subject to Conditions
--

Case Officer: Vivienne Baxter

1 REASON FOR COMMITTEE CONSIDERATION

Request of Member of this Committee.

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

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
Section 197 Trees
Town and Country Planning Act 1990

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Lymington Local Distinctiveness

6 RELEVANT PLANNING HISTORY

The property was built in the 1960s and extended in 1975, 1995 and 2005.

7 PARISH / TOWN COUNCIL COMMENTS

Lymington and Pennington Town Council - recommend permission but would accept a delegated decision subject to opaque windows and retention of vegetation.

8 COUNCILLOR COMMENTS

Cllr Penson - please put to Committee if approval is recommended

9 CONSULTEE COMMENTS

9.1 Tree Officer - no objection subject to conditions.

9.2 Southern Gas Networks - offer advice.

10 REPRESENTATIONS RECEIVED

10.1 Objections have been received from 3 local residents including on behalf of the Lymington Society. Their concerns are:

- rear gable is very dominant
- reduced distance between dwellings and loss of obscure glazing would result in overlooking
- it would be preferable to have a bathroom in the rear gable
- provision of obscure glazing to bedrooms might not be permanent
- rear windows intrude upon adjacent amenity spaces
- proposed dwelling has a greater mass than existing and is out of character
- harm to outlook from adjacent property
- ridge inappropriately increased to allow split floor levels
- existing extensions should be taken into account
- existing 'overlooking' is less of a problem than proposed bulk

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

Based on the information provided at the time of this report this development has a CIL liability of £10,786.46.

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

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

The application has been amended since submission in order to try and address concerns raised by local residents. This has resulted in an amended roof form and window restrictions to the rear which has enabled a positive recommendation to be made.

14 ASSESSMENT

- 14.1 The site lies within the built up area of Lymington albeit opposite land which falls within the National Park. It is at the end of a row of mainly chalet style properties, most of which have been previously extended and altered. There are statutorily protected trees in a row across the front garden and the front boundary also contains much mature vegetation. The rear garden is quite restricted but is very well screened from neighbouring properties by mature hedges, other vegetation and fence/trellis work. The curtilage also includes a narrow strip of land between the adjacent property (no.6) and Coppice Lee to the rear and this contains a shed and greenhouse.
- 14.2 The proposal entails the demolition of the existing dwelling and attached garage and its replacement with a two storey dwelling comprising entrance hall, boot room, study, WC at ground floor level with 2 steps down to the north, west and south of this section leading to a snug, large open plan kitchen/diner with pantry and utility/plant room off it and large open plan dining/family room. At first floor level, 4 double bedrooms, one with two ensuites, and a family bathroom are proposed. A detached single garage and store building is proposed to the south side of the front garden, maintaining the existing access and drive.

- 14.3 In principle, the replacement of existing dwellings within the built up area is acceptable. The existing property is not listed nor within a conservation area and therefore its demolition is acceptable subject to the replacement dwelling being acceptable.
- 14.4 The properties in this row have substantial front garden areas and relatively restricted rear gardens and the site is no exception to this. The present property has two bedrooms and a bathroom at first floor level with the latter having a dormer window to the rear roof slope. This window is approximately 19m away from the nearest part of Coppice Lee, a bungalow to the rear and is separated by a mature boundary hedge belonging to Coppice Lee. A supporting photograph shows that only the top of the ridge to Coppice Lee is visible from this window and it does not presently have any adverse impact on residential amenity. At garden level, the existing dwelling is not visible from this property nor is this property visible from the site.
- 14.5 The proposal includes two bedroom windows, shown as being obscure glazed, within the proposed rear projection and in view of the increase in size of the dwelling, they would be between 13m and 14.5m from the nearest part of Coppice Lee. The boundary vegetation would not be disturbed by the proposed building and as the majority of it is outside of the site area, it is out of the applicant's control. It is further noted that the proposed dwelling is very slightly angled away from this property compared to the existing. Subject to a restriction to ensure the windows are obscure glazed and fixed shut, the proposed rear bedroom windows would not adversely affect residential amenity. To the south are secondary windows to the main bedroom and these are also shown to be obscure glazed in view of their proximity to the rear garden of Sheepfold. Although the existing property has a clear glazed window in its southern elevation, the proposal would be closer to the boundary and a similarly worded condition is also considered appropriate here to minimise the potential for overlooking.
- 14.6 There is concern locally that the proposed building is too large and that this impacts on the outlook from the adjoining property. The two storey element of the proposed dwelling would be over 11m from the nearest part of the adjacent property and 19m from a side window. Whilst the proposal would affect the outlook from this window, it is considered to be sufficiently far enough away not to adversely affect residential amenity. An existing clear glazed window in the northern elevation would be removed to be replaced by an obscure glazed bathroom window.
- 14.7 Given the mature vegetation surrounding the rear garden, the outlook from Coppice Lee would not be affected. Although the proposed dwelling would be visible from Sheepfold through gaps in the boundary planting, the proposed garage, directly behind this property, would have a minimal impact due to the flat roof.
- 14.8 With regard to the visual amenities of the area, the design of the proposed dwelling reflects the chalet style of many dwellings in this area. A single storey eaves line is maintained and accommodation provided within the enlarged roof space. The flat roof over the garage/store building, albeit a detached structure would mirror the flat roof to the north side of the property. Although the property, while slightly larger in size than the existing dwelling, would be visible from Viney Road, it is not considered to be significantly intrusive such as to warrant refusal of the scheme.

- 14.9 The protected trees to the frontage are a material consideration in the determination of this application. The tree officer has assessed the information submitted with the application and has confirmed that the trees would not be adversely affected and recommended the imposition of conditions.
- 14.10 The site accommodates adequate space for the parking and turning of vehicles and there are no alterations to the access provisions to warrant consideration by the Highway Authority.
- 14.11 In conclusion, it is considered that the proposed dwelling would be appropriate to the character of this area with acceptable implications for neighbouring property and with no adverse impact on the protected trees.
- 14.12 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

Section 106 Contributions Summary Table

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

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Self Build (CIL Exempt)	337	225	112	112	£80/sqm	£10,786.46 *
Subtotal:	£10,786.46					
Relief:	£10,786.46					
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: EE01; EE02; EP01; SL01; 18145-BT1; 1595-001; G 01 Rev A; PFFP.01.Rev A; PGFP.01.Rev A; PE 01 Rev B; PE 02 Rev B; SS 01 Rev B; CGI of rear elevation; Arboricultural Assessment and Method Statement; Planning, Design and Access Statement.

Reason: To ensure satisfactory provision of the development.

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

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

4. The 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 Barrell Tree Consultancy Arboricultural Assessment and Method Statement (18145-AA-AS) dated 2nd May 2018 and Tree Protection Plan (18145-BT1) 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 Local Plan for the New Forest District outside of the National Park (Core Strategy).

5. Prior to the commencement of any works (including site clearance, demolition and construction works), 3 working days notice shall be given to the Local Planning Authority Tree Officer to attend a pre-commencement site meeting to inspect and confirm that all tree protection measures are in accordance with the submitted Barrell Tree Consultancy Arboricultural Assessment and Method Statement (18145-AA-AS) dated 2nd May 2018 and Tree Protection Plan (18145-BT1).

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

6. No development, demolition or site clearance shall take place until the following information has been provided:

Detailed cross section drawings for the foundation design of the garage and store as suggested in the Barrell Tree Consultancy Tree Protection Plan (18145-BT1)

Barrell Tree Consultancy: Manual for Managing Trees on Development Sites as stated in the Arboricultural Method Statement to be included with the submission of the planning documents

Cross section drawings and exact specifications for the construction of new surfacing within the root protection areas of protected trees illustrated in yellow within the Barrell Tree Consultancy Tree Protection Plan (18145-BT1)

and approved in writing by the Local Planning Authority. Development shall only take place in accordance with these approved details.

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).

7. The first floor windows on the rear (NW) and side (SW) elevations of the approved dwelling shall at all times be glazed with obscure glass and fixed shut. Those to the NE side elevation shall be obscure glazed.

The aforementioned windows should be fitted with obscure glass with a minimum obscurity of level 3 glazing and not an applied film.

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

Notes for inclusion on certificate:

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

The application was amended following submission in order to address concerns raised by local residents. This resulted in an amended roof form and window restrictions to the rear which enabled a positive recommendation to be made.

Further Information:

Vivienne Baxter

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New Forest DISTRICT COUNCIL

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Planning and Building Control
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Planning Development Control Committee

July 2018

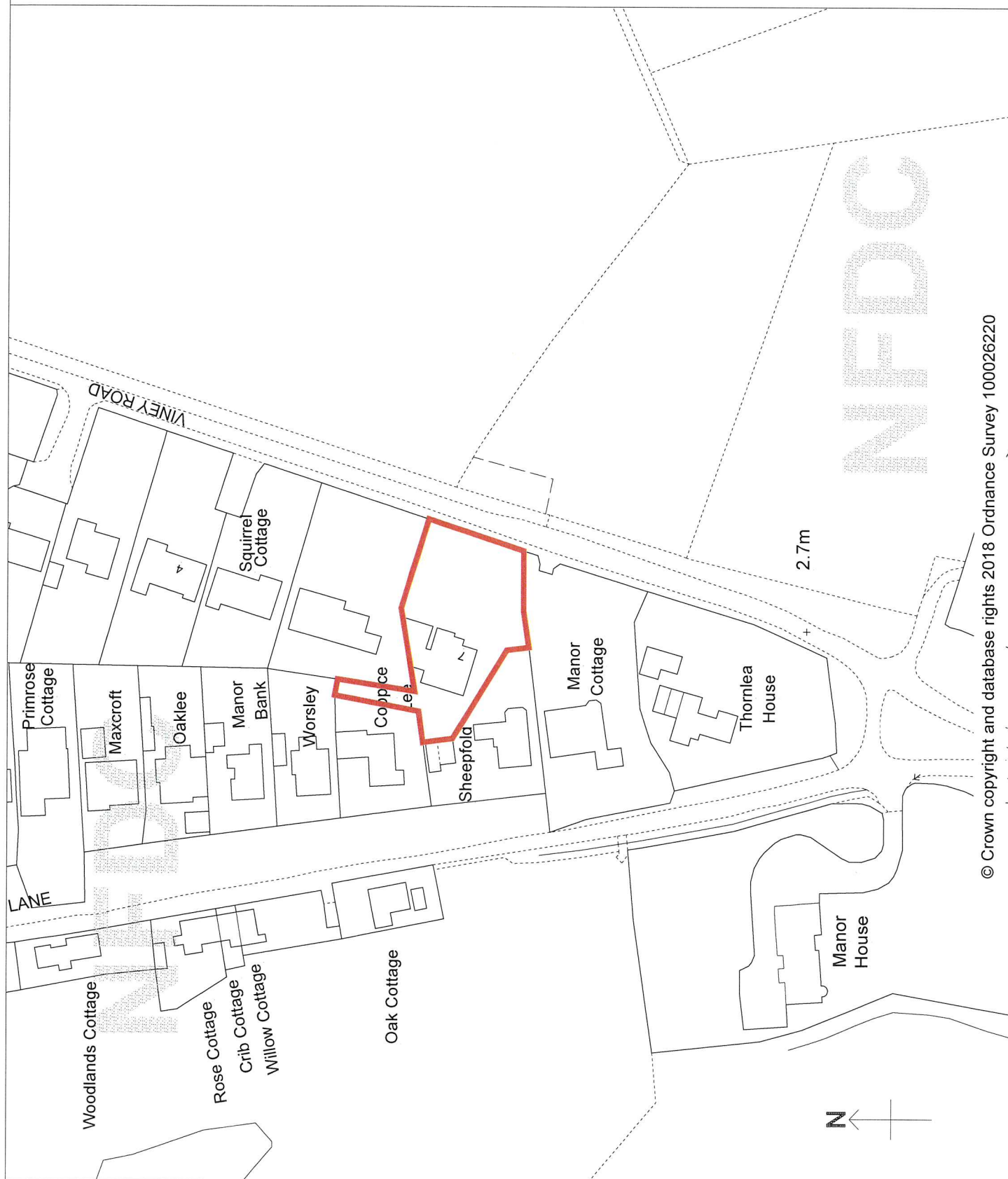
Item No: 3j

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Viney Road
Lymington
18/10571

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Application Number: 18/10594 Full Planning Permission

Site: 61 SOUTH STREET, HYTHE SO45 6EA

Development: Single-storey and first-floor rear extensions (part Retrospective)

Applicant: Mr Wells

Target Date: 26/06/2018

Extension Date: 16/07/2018

RECOMMENDATION: Refuse

Case Officer: Kate Cattermole

1 REASON FOR COMMITTEE CONSIDERATION

Councillor request

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Aerodrome Safeguarding Zone
Plan Area

Conservation Area: Hyde Conservation Area

Plan Policy Designations

Built-up Area

National Planning Policy Framework

NPPF Ch. 7 - Requiring good design

NPPF Ch. 12 - Conserving and enhancing the historic environment

Core Strategy

CS2: Design quality

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

Local Plan Part 2 Sites and Development Management Development Plan Document

DM1: Heritage and Conservation

Supplementary Planning Guidance And Documents

SPG - Hythe - A Conservation Area Appraisal

3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework
Section 72 General duty as respects conservation areas in exercise of planning functions
Planning (Listed Buildings and Conservation Areas) Act 1990

4 RELEVANT SITE HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
17/11515 Single-storey and first-floor rear extensions (Retrospective)	09/01/2018	Refused	Appeal Dismissed	
XX/NFR/02780 Additions.	03/02/1954	Granted	Decided	

5 COUNCILLOR COMMENTS

Cllr B Thorne: requests referral of this planning application to the Planning Committee.

6 PARISH / TOWN COUNCIL COMMENTS

Hythe & Dibden Parish Council: happy to accept the decision reached by the DC Planning Officers under their delegated powers.

7 CONSULTEE COMMENTS

NFNPA Conservation Officer: not able to support this application

8 REPRESENTATIONS RECEIVED

No comments received

9 CRIME & DISORDER IMPLICATIONS

None relevant

10 LOCAL FINANCE CONSIDERATIONS

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

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

11 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council

takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

The current application proposes changes to the materials to attempt to make the development more acceptable. However, this does not address the concerns with the size and design of the extensions especially in respect of the first floor extension. This development had been judged previously to be harmful and the removal of the cladding would not be sufficient to mitigate this harm. A recent appeal has been dismissed for a single-storey and first-floor rear extensions on the site (17/11515). As this application now falls to be determined, a refusal is justified in this instance.

12 ASSESSMENT

- 12.1 The application site consists of an end of terrace dwelling, situated in the Hythe Conservation Area. The property has been extended at both ground and first floor level within the last 3-5 years, and this is a retrospective application.
- 12.2 A recent application to allow the retention of the extensions as built was refused, and this decision has been upheld at appeal. It is relevant to note that these extensions would not have met the criteria of permitted development, neither would the ground floor extension have been eligible for the prior approval for larger extensions procedure, as the site is on article 2/3 land, and furthermore cannot be applied for retrospectively.
- 12.3 The previous application (17/11515) was refused for the following reason:
"By reason of their length, design and materials the retrospective ground and first floor extensions form an over dominant and unsympathetic addition that is disproportionate in scale to the original dwelling. The increase in the linear length of the building would also create a more dominant building within the context of the surrounding properties, to the detriment of the street scene harmful to the character and appearance of the original dwelling and wider Hythe Conservation Area. As such they are contrary to Policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park, Policy DM1 of the Local Plan Part 2: Sites and Development Management Development Plan, Chap 7 and 12 of the National Planning Policy Framework, and the Hythe Conservation Area appraisal."
- 12.4 An appeal challenging the refusal was dismissed on 15 June 2018.
- 12.5 The current application is proposing to remove the first floor cladding. The plans also show that the ground floor extension would be painted to match the existing dwelling. Despite this, with regard to the ground floor, the agent has stressed in the supporting statement that his client would prefer not to paint the brickwork, and presents an argument in support of this.
- 12.6 61 South Street contributes to the character of this area by being part of the Victorian development of the town. Part of the character of a Victorian terraced house is its scale and layout which are often small, two roomed buildings at first and second floor level. While it is recognised that to a certain degree buildings must change to meet

modern living standards, this can be achieved while conserving the character of the original dwelling. Other buildings within this small terrace of 4 houses have been extended to the rear however none have been extended as far backwards as this property and, as such, it is out of keeping with the scale of extensions usually found on properties of this type. Alterations such as this if allowed to take place upon buildings in a terrace, can create cumulative harm on the character of the Conservation Area.

- 12.7 The dwelling falls within the Hythe Conservation Area, and therefore all development should either enhance or preserve the character of the Conservation Area. The Hythe Conservation Area appraisal states that: *'The cottages lining the eastern side of South Street are at its upper end very small and in short terraces.'* The extensions have increased the linear length of the building, and coupled with the earlier extension dating from the 1950s, has resulted in a dwelling that is disproportionate in scale and out of context with the surrounding properties and has detrimentally eroded the character of the original cottage.
- 12.8 The Planning Inspector at the recent appeal agreed that *'further extensions over and above those built in the 1950's would in principle have a propensity to cause harm to the previously modest proportions of the building and thereby the character of the conservation area'*. Although the extensions are to the rear of the dwelling, limited views of the extended roof line are achievable from South Street and this was also noted in the Planning Inspector's report.
- 12.9 The harm caused by the extensions is further exacerbated by the materials. In an attempt to overcome the harm of the development, this application proposes to remove the cladding and replace it with painted render, to match the colour of the existing. The first floor of the house is painted brick and therefore a wall of painted render would look incongruous and would not overcome the concerns expressed.
- 12.10 The ground floor extension is constructed of blue engineering bricks combined with red brick (which were purportedly salvaged from an original 1887 party wall boundary). The plans propose to paint the brickwork to match the existing house, although the agent has argued that this is not necessary and stated that the applicant would like to retain the existing ground floor as it is.
- 12.11 Another feature of the character of a Victorian terrace is its uniformity of style and materials. The use of the proposed differing brick, render and painted brick would appear out of keeping with the character of the building. Although not highly visible within the street scene the cumulative impact of the extensions would harm the character of the building, and would affect its ability to contribute in a positive way to the character of the Conservation Area.
- 12.12 The limited changes proposed since the earlier application was refused and dismissed at appeal are not significant and do not address the previous objections raised and supported by the appeal Inspector. As such the application is recommended for refusal.

- 12.13 With regard to neighbour amenity, 59 South Street - to the north-east of the site- would have already been affected by the previous 2 storey extension dating from the 1950s. Even though the recent ground and first floor extension would project out further into the rear garden and further enclose the rear of this neighbouring property, it would only exacerbate the existing relationship and therefore is not considered harmful.
- 12.14 With regard to the other neighbour (63 South Street), the extensions do not extend beyond the rear of the built form next door. There were first floor windows on the original rear elevation, and therefore the introduction of French doors would not unduly exacerbate the overlooking of the neighbouring properties. The French doors would be inward opening with a Juliet balcony installed, to restrict access to the flat roofed area of the ground floor extension. Adverse impact on neighbour amenity was not cited as a reason for refusal on the previous application, and the removal of the cladding at first floor level would not change this aspect. The letters of support from neighbours in respect of the first refused application have been re submitted in the supporting evidence provided by the agent as part of this application. However, no further comments have been received following the publication of the current application.
- 12.15 The application form states that the development was done in stages, with the ground floor extension completed over a year before the first floor extension was commenced. There are no building regulation records applying to either of these extensions, so this cannot be confirmed through council records, and neither has building regulations been applied for retrospectively. If a case can be made that these extensions have been in situ for longer than 4 years, a Lawful Development Certificate (Existing) should be applied for with supporting evidence and an assessment made accordingly.
- 12.16 To conclude, the first floor extension by reason of its length, design and materials would be harmful to the character and appearance of the original dwelling, creating an over dominant extension out of scale with the original property. This extension would detract also from the character of the Hythe Conservation Area. The removal of the cladding would not be sufficient to mitigate the harm arising from the development, and the retention of the brick finish on the ground floor extension is also judged harmful as it would result in a combination of finishes on the exterior that would not complement each other and would detract further from the character and appearance of the extended dwelling.
- 12.17 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

13. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. By reason of its length, design and materials the retrospective first floor extension would form an over dominant and unsympathetic addition that is disproportionate in scale to the original dwelling. The retention of a brick finish to the ground floor extension would further detract from the character and appearance of the dwelling and wider area, by introducing a contrast of finishes on the extended dwelling. The increase in the linear length of the building would also create a more dominant building within the context of the surrounding properties, to the detriment of the street scene harmful to the character and appearance of the original dwelling and wider Hythe Conservation Area. As such they are contrary to Policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park, Policy DM1 of the Local Plan Part 2: Sites and Development Management Development Plan, Chap 7 and 12 of the National Planning Policy Framework, and the Hythe Conservation Area appraisal.

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 current application proposes changes to the materials to attempt to make the development more acceptable. This though does not address the concerns with the size and design of the extensions especially in respect of the first floor extension. This development has been judged previously to be harmful and the removal of the cladding would not be sufficient to mitigate this harm. As this application now falls to be determined, a refusal is justified in this instance.

Further Information:

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Planning Development Control Committee

July 2018

Item No: 3k

61

South Street
Hythe

18/10594

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PLANNING COMMITTEE - 11 JULY 2018

Application Number: 17/11646

Site: 2 South Street, Hythe SO45 6EB

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

Applicant: Churchill Retirement Living Ltd.

RECOMMENDATION: No evidence be provided at the forthcoming appeal in support of the second reason for refusal of planning application 17/11646 in relation to affordable housing contributions

Case Officer: Nick Straw

1. REASON FOR COMMITTEE CONSIDERATION

- 1.1 Urgent decision required prior to the submission of the Council's Statement of Case for an appeal

2. PURPOSE OF THE REPORT

- 2.1 To consider whether to pursue the defence of one of the reasons for refusal relating to the lack of a contribution to affordable housing, in light of updated viability evidence which demonstrates that the scheme would be unviable if such a contribution were required.

3. BACKGROUND

- 3.1 At its meeting on 14 March 2018 the Planning Committee considered a report by officers concerning an application for detailed planning permission to erect a block of 43 retirement apartments at 2 South Street, Hythe to replace an office building occupied by PC Building Supplies. The Committee accepted the officer recommendation to refuse permission for two reasons. The first reason related to the proposed building's inappropriate scale and design and harm to the Hythe Conservation Area and the setting of adjacent listed buildings. The second reason related to a failure to make any contribution to addressing the need for affordable housing. Permission was refused for these reasons on 14 March 2018.

- 3.2 In relation to affordable housing, whilst the applicant had submitted a report to demonstrate that the scheme was not viable if an affordable housing contribution was required, the District Valuer's assessment was that the scheme would be viable if the affordable housing contribution were to be reduced from £327,230 to £73,320. The applicants then agreed to make the reduced contribution specified by the District Valuer. The Committee was updated as to the applicants' position. The second reason for refusal relating to a lack of affordable housing contribution remained in place only because a legal agreement had not been completed to secure the reduced affordable housing contribution at the time the application was determined.

4. CURRENT POSITION

- 4.1 On 19 March the applicants submitted an appeal against the Council's refusal of planning permission. The appeal is to be considered at a public inquiry which is currently scheduled to commence on 22 January 2019. The Council's statement of case is due for submission on 18 July 2018.
- 4.2 On 15 June the appellants submitted to the Council an updated report on the viability of their scheme. The report indicates that since the previous report the costs of their scheme have increased and, as a result it would not now be viable if an affordable housing contribution were made. The report indicated that without any affordable housing contribution, the scheme would generate a deficit of **-£105,712**. The applicant's agreement to make a contribution to affordable housing is therefore withdrawn.
- 4.3 The District Valuer has considered the appellant's report and produced his own assessment of the viability of the scheme. While the District Valuer does not agree with the extent of the deficit indicated in the appellant's report, nevertheless, the District Valuer now considers that, having regard to updated costs, the scheme would generate a deficit of **-£56,922**, assuming no affordable housing contribution were made. The assessment concludes that the scheme is not able to make an affordable housing contribution due to a lack of viability.
- 4.4 The single most significant increase in costs relates to construction. On the basis of recognised industry standards, in the last 6 months the costs of construction for the scheme have risen by some £113,824 (an increase of £32 per square metre). In addition, the Council's Community Infrastructure Levy for this scheme has risen by £30,280. Moreover, the scheme would now be liable to a new Habitat Mitigation contribution of £32,608 (Solent Recreation Mitigation Partnership contribution). While some costs have decreased over the last 6 months (empty property costs, interest on loans), these do not offset the more substantial increase in costs.

5. CONCLUSION

- 5.1 In light of the updated viability report produced by the appellants and the assessment of that report by the District Valuer, there is objective evidence that the scheme is now not able to make a contribution towards affordable housing.

- 5.2 Policy CS25 of the Local Plan Part 1 (Core Strategy) states that in implementing the policy on developer contributions “*regard will be had to economic viability considerations, consistent with meeting the Core Strategy Objectives*”. Paragraph 173 of the National Planning Policy Framework advises that, to ensure viability “*...the costs of any requirements likely to be applied to development, such as requirements for affordable housing , when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable*”.
- 5.3 In the revised circumstances of this case, it is recommended that no evidence be produced at the forthcoming appeal in support of the second reason for refusal relating to a lack of contribution to affordable housing.
- 5.4 This does not affect the Council's first reason for refusal relating to the harm the development would cause to the character and appearance of the area and to heritage issues, which will continue to be defended vigorously at the appeal.

6. RECOMMENDATION

That no evidence be provided at the forthcoming appeal in support of the second reason for refusal of planning application 17/11646 in relation to affordable housing contributions.

For further information contact:

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Background Papers:

Application file 17/11646

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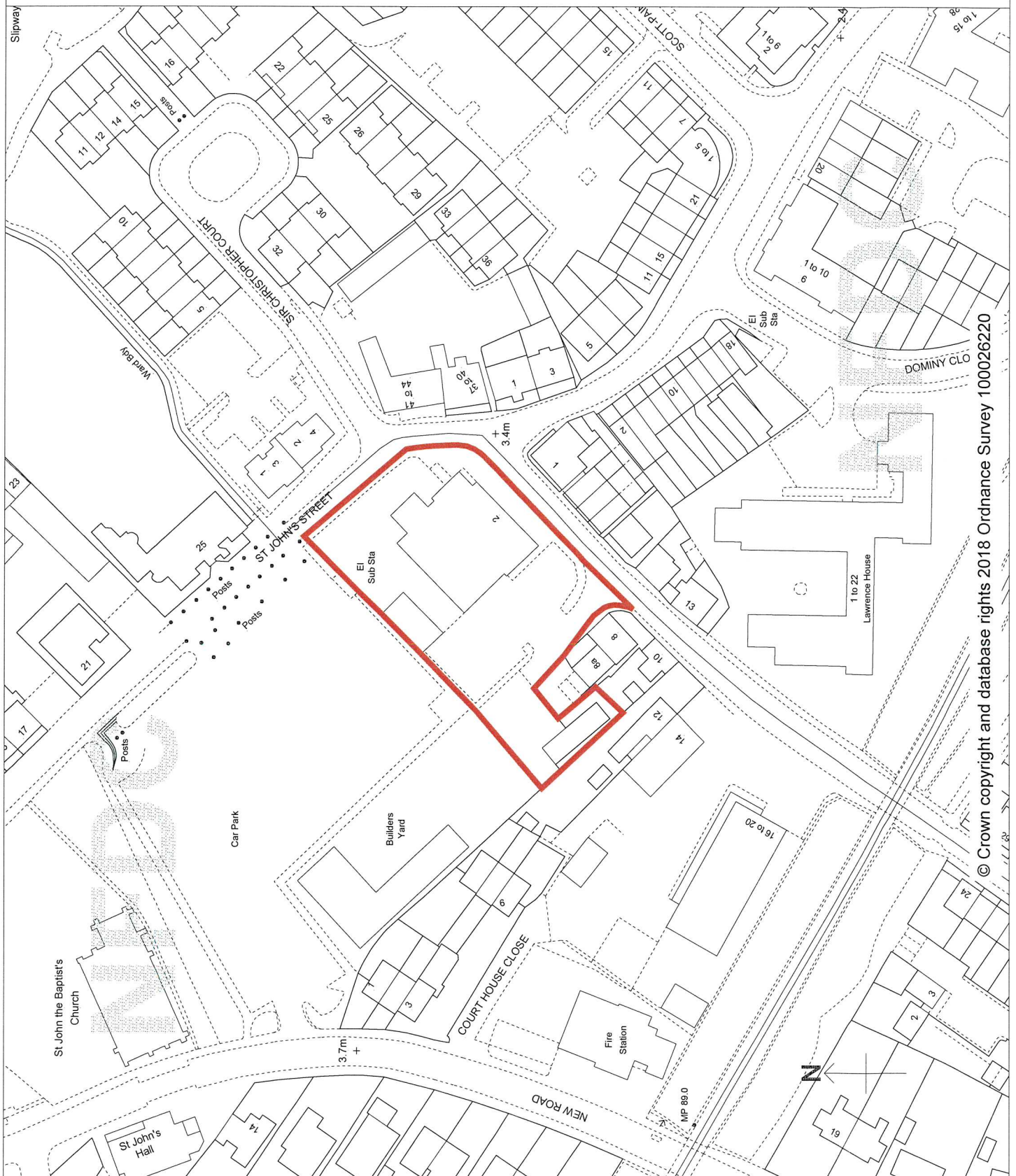
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**Planning Development
Control Committee**
July 2018

2
South Street
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17/11646

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