

NOTICE OF MEETING

Meeting: PLANNING COMMITTEE

Date and Time: WEDNESDAY, 8 AUGUST 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

Bob Jackson
Chief Executive

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

AGENDA

Apologies

1. MINUTES

To confirm the minutes of the meeting held on 11 July 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) **The Dome, 121 Barton Court Avenue, Barton-on-Sea, New Milton (Application 18/10060) (Pages 1 - 10)**

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

RECOMMENDED:

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

(b) **Perhaver, Barton Common Road, Barton-on-Sea, New Milton (Application 18/10124) (Pages 11 - 22)**

Three-storey block of 10 flats; bin store and cycle store; parking; demolition of existing

RECOMMENDED:

Refuse

(c) **63 High Street, Lymington (Application 18/10361) (Pages 23 - 28)**

Display 1 non-illuminated hanging sign (Application for Advertisement Consent)

RECOMMENDED:

Grant Advertisement Consent

(d) **63 High Street, Lymington (Application 18/10368) (Pages 29 - 34)**

Display 1 non-illuminated hanging sign (Application for Listed Building Consent)

RECOMMENDED:

Grant Listed Building Consent

(e) **Land of 39 Salisbury Road, Totton (Application 18/10724) (Pages 35 - 52)**

2 Blocks of 4 flats; new access with car parking and amenity area.

RECOMMENDED:

Service Manager Planning Development Control authorised to grant planning permission.

- (f) **31 Long Lane, Holbury, Fawley (Application 18/10628) (Pages 53 - 58)**
Single-storey extension to existing outbuilding for use as residential annex

RECOMMENDED:

Grant permission subject to conditions

- (g) **Land of 21 Walkers Lane South, Blackfield, Fawley (Application 18/10685) (Pages 59 - 72)**

House

RECOMMENDED:

Grant permission subject to conditions

- (h) **14 Waterford Road, Ashley, New Milton (Application 18/10707) (Pages 73 - 78)**

First-floor extension

RECOMMENDED:

Refuse

- (i) **The Old Pumphouse, Marl Lane, Sandleheath (Application 18/10749) (Pages 79 - 90)**

Use as residential dwelling; rear extension; dormer window; parking

RECOMMENDED:

Refuse

4. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

To: Councillors:

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

Councillors:

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

STATUTORY TESTS

Introduction

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

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

The Development Plan

The Development Plan Section 38

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

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

Listed Buildings

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

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

Conservation Areas

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

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

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

Considerations relevant to applications for residential development

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

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

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

Areas of Outstanding Natural Beauty (AONB's)

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

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

Trees

Section 197. Trees Town and Country Planning Act 1990

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

Biodiversity

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

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

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

Conservation of Habitats and Species Regulations 2010

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

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

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

Equality

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

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

Financial Considerations in Planning

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

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

Application Number: 18/10060 Full Planning Permission

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

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

Applicant: Mr Dean

Target Date: 28/03/2018

Extension Date: 15/06/2018

RECOMMENDATION: Service Man Planning Grant

Case Officer: Vivienne Baxter

1 REASON FOR COMMITTEE CONSIDERATION

The application was deferred from the June Committee meeting, contrary to Member view. The deferral was made in order to secure more details and clarification as set out in the Introduction at Section 14 of this report.

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
- 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
- DM6: Coastal Change Management Area
- DM7: Restrictions on new soakaways

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - New Milton Local Distinctiveness

6 RELEVANT PLANNING HISTORY

- 6.1 85/NFDC/30231 - change of use from hotel to rest home for the elderly. Granted 14.11.85.
- 6.2 90/NFDC/44285 - two storey extension to rest home with additional parking. Granted 11.6.90. *This application was for the flats now know as flats 7, 8, 9 and 10 and included a covered way to the front elevation. There was a condition requiring 10 parking spaces to be provided and retained. (This layout is reflected in the current proposal with the addition of an eleventh space.)*
- 6.3 92/NFDC/49432 - addition of conservatory. Granted 30.3.92. *This replaced the covered way referred to above and has been removed as part of the current proposals.*
- 6.4 98/NFDC/64666 - change of use to form independent first floor flat. Granted 6.10.98. *This relates to the property known as flat 10, there were no restrictive conditions.*
- 6.5 99/66834 - part change of use to form one-bed self-contained sheltered flat. Granted 24.8.99. *This relates to the property now known as flat 8, there were no restrictive conditions relating to use or parking.*
- 6.6 99/67375 - change of use of part of premises to form 6 no additional self contained flats and 2 no additional sheltered flats (10 flats in total). Granted 10.5.00. *This application refers to the hairdressers, flats 2-5 inclusive and flat 7. The layout indicated 11 parking spaces (to be kept available for these purposes at all times) and a bin store (to be provided but no restriction to maintain it).*
- 6.7 17/10310 - use as hairdressing salon. Granted 26.6.17. *This permission includes a condition to require two spaces to be kept available at all times.*
- 6.8 17/11720 - (LDCE) continued use of flats 7 & 9 as residential. Was lawful. *These flats are indicated as 6 and 9 in the current scheme.*

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: no comment (in respect of original submission).

The Committee did not feel able to return a valid comment due to the list of validation issues with the application as below:

- No parking layout plan had been submitted.
- The application stated there will be no increase in floor space, which is clearly inaccurate.
- At least one of the flats has recently been sold with the benefit of two dedicated parking spaces, yet there is not adequate parking for 1 space per flat.
- The plans do not show all of the windows in the elevation facing Shoreacre.
- Extensive ground work has/is taking place on site.
- No details have been submitted in relation to the provision of a bin storage area.
- DM6 Coastal Change Management Policy may be relevant as the site is already over developed.

8 COUNCILLOR COMMENTS

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

9 CONSULTEE COMMENTS

9.1 Hampshire County Council Highway Engineer: no objection to amended proposals, subject to condition

9.2 Southern Gas Networks: offer advice

10 REPRESENTATIONS RECEIVED

10.1 Support has been received from a local resident advising that the forecourt could accommodate 12-14 cars if required and that the terrace would not be visible from Shoreacres.

10.2 Three objections have been received from local residents concerned with the following (original proposal)

- the certificate is incorrect
- no bin store details
- inaccuracies in the application form and plans
- no parking provision
- noise disturbance from roof terrace
- much work has already occurred without consent
- loss of light
- loss of privacy
- inadequate parking
- over development of the site
- will the foundations be strong enough?
- proposed parking provision conflicts with recent sales and tenancies

Since the initial Committee consideration, the following comments have been received:

The freeholder is supporting the scheme and makes a suggestion with regard to the bin store location.

The applicant has further clarified the situation with regard to serving notice on current owners within the red line and the number of parking spaces available.

A local resident suggests the bin store should be provided where it used to be located as its proposed location would be detrimental to the residential amenities of the occupants of Shoreacres and The Dome and the visual amenities of the area. Concern is also raised in respect of the proposed pedestrian gate adjacent to the bin store.

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

Clarification of the ownership of the site and the parking provision have been requested in order that a full assessment can be made. Following discussions at the June meeting of the Committee, additional details in respect of the bin and cycle store provision have also been received.

Introduction

This application was deferred at the June meeting of this Committee when it was considered that provision of a bin store is essential and clarification was sought about the provision of storage for bicycles and mobility scooters. The degree to which the site is affected by policies restricting development in an area of coastal change was to be clarified along with the exact terms of the lawful uses on the site. Members also noted that there was evidence that parking spaces were being allocated to the flats being sold contrary to the planning requirements for the site. These matters are dealt with in the assessment below.

The Site and Proposal

- 14.1 The site lies within the built up area of Barton on Sea in a prominent location at the southern end of Barton Court Avenue. It contains a detached part two, part single storey building which comprises 9 residential units and a hairdressing salon. There is a small garden area to the south, a courtyard to the north and parking to the west. Much of the site is presently undergoing refurbishment and few of the units are currently occupied. The site benefits from two vehicular accesses onto Barton Court Avenue.
- 14.2 The proposal entails the provision of first floor additions to extend two of the existing flats (3 and 5) and the replacement of the front conservatory with a lobby for flat 4. The works also include a small terrace area for flat 5. The front lobby element is now retrospective. Since the previous reporting of the application to Committee, a plan indicating cycle and bin store provision has been provided.
- 14.3 At present, flat 3 is sited to the rear of the building at ground floor level and comprises a lobby area (within the envelope of The Dome), WC, kitchen, lounge/diner, bedroom and bathroom. This space would be altered to provide a bathroom off the lobby with open plan kitchen/dining/living space and stairs leading to a new first floor comprising landing and two bedrooms (one ensuite).
- 14.4 Flat 5 is a first floor property to the front of the building and currently consists of kitchen, bathroom, lounge and two bedrooms. The proposal would add a further bedroom with ensuite and access to a small terrace off the kitchen area. The access to this area has already been created.
- 14.5 Flat 4 is a ground floor unit to the middle of the building and comprises bedroom, bathroom and lounge area with kitchen. A small section of the former conservatory also formed part of the unit and this has now been replaced with a lobby.

The Existing Situation

- 14.6 Having regard to the planning history referred to above, the property has accommodated 10 self-contained flats since the approval of 99/67375 in May 2000, one of which was subsequently converted into a hairdressing salon in 2017. Two of the flats have the benefit of an LDC confirming their residential status. While concerns have been raised in relation to whether some of the units have been occupied as sheltered units, this is

not relevant to the assessment of this application which is only for extensions to three of the units. Officers are satisfied that the authorised use of the whole building is that of 9 flats and a hairdressing salon.

- 14.7 Works have occurred at the site in recent months and part of this proposal is now retrospective. Other works which have continued are in connection with the refurbishment of the building and do not necessarily require planning permission. The forecourt of the site is not formally laid out with any parking layout although, clearly, it can accommodate several vehicles.
- 14.8 The planning department is satisfied that the ownership certificate and associated notices are an accurate picture of the current situation. In addition to this, the land registry details for four of the existing residential units include a single parking space each. A further unit is registered without any parking spaces. Ultimately, it is the applicants responsibility to ensure that the correct ownership certificates are issued and this should not hold up the determination of this application.

Residential and Visual Amenity

- 14.9 The first floor addition to the property would represent an improvement to the roofscape of the building through the loss of the variety of flat and pitched roofs currently in situ. The loss of the large conservatory to the frontage is also welcomed as it will enable greater space to provide an improved setting for the building. The single story addition to replace the conservatory is relatively small in relation to the frontage as a whole and has a limited impact on the overall appearance of the building.
- 14.10 The proposed extensions would not have any windows which would allow direct overlooking into adjoining sites. The proposed roof terrace would be an internal feature which would be screened from the adjacent flats by the new roof form. The site is to the south of the adjacent property in Barton Court Avenue and will have a higher roof than the existing building. However, in view of the slope away from the boundary and limited projection of the addition beyond the rear building line of this dwelling, it is not considered that light to this property would be adversely affected.
- 14.11 The bin store would be screened behind existing hedging and although the side of the enclosure may be visible from the street through the proposed access point, it is not considered that this would be detrimental to the character of the area. The proposed cycle store would be visible from the adjoining flats but separated by the vehicular access and a hedge/vegetation. At a height of 1.8m it would be no taller than a standard fence panel which could be provided along the boundary between the two sites. It is not considered that these enclosures would adversely affect either residential or visual amenity.

Other Matters

- 14.12 There has been much concern locally in respect of the parking provision for the site as a whole and in this respect, it is perhaps a little unfortunate that the application site area covers the whole property and not just the individual flats to be extended. At present, the three existing flats are two 1-bed and one 2-bed flats. One of the smaller units would remain a single bed flat and the others would each have an additional bedroom,

changing the flats to one 1-bed, one 2-bed and one 3-bed. The increase of 2 bedrooms would amount to an increase of 0.5 parking space (an additional 0.1 space for the 1-2 bed and an additional 0.4 space for the 2-3 bed).

- 14.13 The 2000 permission for the flats included a parking layout of 11 spaces and this can still be achieved and indeed, is indicated as the proposed parking layout for the current proposal. Although there are double yellow lines immediately adjacent to the site, there are on street parking bays close by to the south and west of the public toilets on the eastern most traffic island and to the south of the building on the western most traffic island at the southern end of Barton Court Avenue. In addition to this, there is unrestricted on street parking to the south side of Marine Drive.
- 14.14 Given that the proposal only generates the request for an additional 0.5 parking space and there is adequate on street parking in the immediate vicinity, it is not considered that the proposal would give rise to highway safety issues if the current level of parking is maintained. The site has the capacity to allow two spaces for the hairdressers as previously conditioned plus a further parking space for each residential unit.
- 14.15 Reference was made at the previous Committee to a need to ensure that parking spaces remain unallocated. The relevant permission is referred to in paragraph 6.6 above and includes a condition (No.4) which requires the parking to be kept available for their intended purposes at all times. There is no requirement that they should not be allocated to specific flats and it would therefore be unreasonable to impose a condition to require this as suggested by the Highway Engineer.
- 14.16 As can be seen from the history of the site outlined above, a bin store was provided as required under the 2000 permission and there is therefore no breach in this respect. The condition did not require its retention and whilst it is unfortunate that the bin store was removed some time ago, it is not considered that the onus of providing an area for the collection of bins for the entire site should lie with the current applicant who wishes to extend just three units. However, an area is now indicated on an additional plan in a location which would be screened from the road and accessed through a new pedestrian gate. It is located in an appropriate position having regard to the needs of the waste collection operatives and the residents of the flats.
- 14.17 The additional plan also details the provision of a cycle store which would accommodate 10 cycles. Again, it is not considered that the onus of providing cycle parking provision for the whole site should lie with the current applicant given that cycle parking has not previously been part of any approval for applications at this site. In relation to the matter of mobility scooters, there has been no requirement for the provision of this provision in the past and there is no policy requirement for this type of provision in relation to this current proposal.
- 14.18 Policy DM6 of the Local Plan Part 2 seeks to control development in this area of coastal change. The policy permits limited residential extensions that are closely related to the existing scale of the property. The extensions proposed are considered to fall within the terms of this policy and are acceptable in this respect.

Conclusions

- 14.19 The proposal would not have any adverse impact on visual or residential amenity and there is plenty of on street parking in the immediate area to accommodate any displaced parking. The additional plan indicates that bin and cycle store provision could be achieved within the site although it is not considered reasonable and proportionate to this particular application to require their provision. Much work has been carried out by Officers in relation to the lawful use of the property and they are satisfied that the authorised use is that of 9 flats and a hairdressing salon.
- 14.20 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) no new material objections to the submitted amended plans being received before August 13th, and
- 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: PL-010B, PL-012B, PL-013C, PL-112D, PL-113C, PL-014.

Reason: To ensure satisfactory provision of the development.

3. The external facing materials shall match those used on the existing building.

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

Notes for inclusion on certificate:

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

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

Further Information:

Vivienne Baxter

Telephone: 023 8028 5588



New Forest
DISTRICT COUNCIL

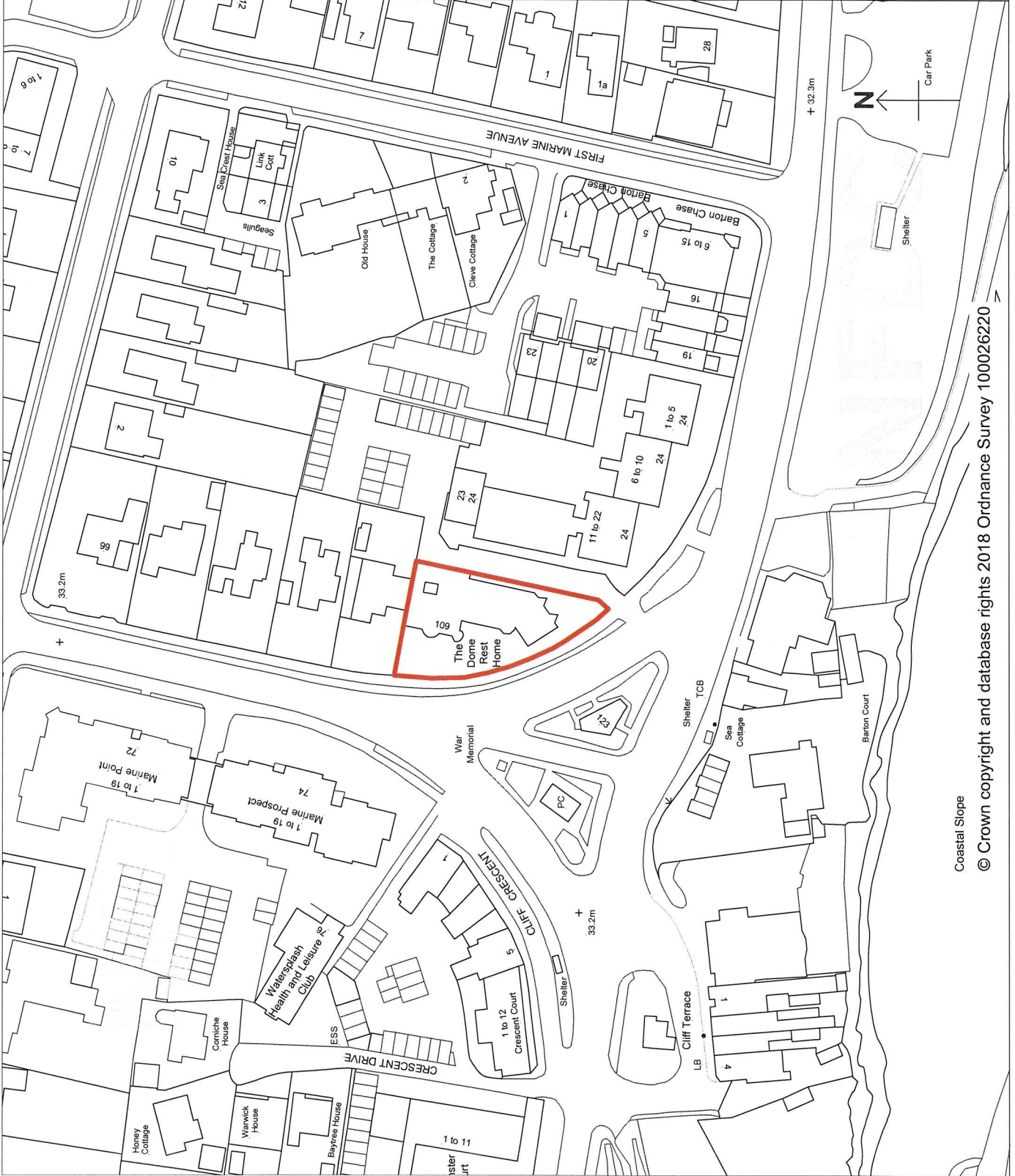
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New Forest District Council
Appletree Court
Lyndhurst
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**Planning Development
Control Committee**
August 2018

Item No: 3a
The Dome
121 Barton Court Ave
Barton on Sea
18/10060

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



Coastal Slope
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Application Number: 18/10124 Full Planning Permission

Site: PERHAVER, BARTON COMMON ROAD, BARTON-ON-SEA,
NEW MILTON BH25 5PR

Development: Three-storey block of 10 flats; bin store & cycle store; parking;
demolition of existing

Applicant: AJ Developments

Target Date: 02/05/2018

Extension Date: 10/08/2018

RECOMMENDATION: Refuse

Case Officer: Vivienne Baxter

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Town Council view in part

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

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
- 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
- Achieving Sustainable Development
- NPPF Ch. 5 - Delivering a sufficient supply of houses

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 17/11332 - 3-storey block of 12 flats, parking, landscaping, bin and cycle stores, demolition of existing. Withdrawn 22.12.17

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: recommend refusal and would not accept a delegated approval. Impact on Robin Green, lack of AH, loss of privacy, potential flooding issues associated with hard surfacing, bulk mass and scale, support Urban Design comments. The Town Council maintain that they own the grass verge.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

- 9.1 Urban Design - design issues have been resolved
- 9.2 Southern Gas Networks - offer advice
- 9.3 Tree Officer - no objection subject to condition
- 9.4 Hampshire County Council Highway Engineer - no objection subject to conditions
- 9.5 Waste Management - if private company is used to collect refuse, no issues.
- 9.6 Ecologist - the proposal doesn't demonstrate compliance with the NPPF or Local Plan policy. Further comments due
- 9.7 Hampshire County Council Flood Authority - request additional details
- 9.8 Southern Water - previous comments from 19.10.17 apply (request informative if permission granted)
- 9.9 Natural England - no objection

10 REPRESENTATIONS RECEIVED

Objections have been received from 29 local residents and on behalf of the New Milton Residents Association. Their concerns are:

- visually out of character and context
- too large and bulky
- loss of existing property is unacceptable as it is eroding the historical heritage of the area
- overlooking
- impact on wildlife - no ecology report
- taller than adjacent properties and permissions
- noise and disturbance from parking and turning area
- impact on oak trees
- damage to adjacent properties during construction of any piling
- increase in traffic generation
- limited on site turning
- increased danger to pedestrians
- excessive built form and tarmaced areas
- continued development of this type would result in a boring and over developed road
- footprint appears three times larger than the existing house
- would set a negative precedent
- any potential benefits of the scheme are obliterated by the huge downsides
- development to other end of road is already having an impact on traffic
- Barton would lose its identity and become an extension of Milford
- inadequate parking doesn't account for visitors, tradespeople or deliveries
- loss of green space
- not sure infrastructure would take increased sewage
- application next door was restricted in terms of window openings and distances
- noise and disturbance from access drive to adjacent property
- inadequate parking
- hard surfacing is detrimental to the wildlife
- the development would contribute to cliff erosion and loss of wildlife
- night sky pollution
- amendments are superficial and do not change the principle objections
- 10 flats is too many
- on street parking would result in hazardous driving conditions
- parking spaces too close to adjoining trees
- displaced parking would be problematic
- proposed building is in front of the building line
- proposed soakaways are inadequate
- plans are not consistent with requirements for the redevelopment of Creek House next door
- Infrastructure consultants have concluded the SUDS provision proposed is wholly inadequate
- one letter requests a street scene from the rear in winter to show the full impact on neighbouring properties

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive New Homes Bonus 10 x £1224 = £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 £94,045.42.

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 follows a previously withdrawn scheme which had been submitted without the benefit of pre-application advice. During the course of this application further amendments have been made to try and address the concerns raised although it is still considered that the proposed bulk and massing of the building is too large in this location.

14 ASSESSMENT

- 14.1 The site lies within the built up area of Barton on Sea overlooking Barton Common. There are residential properties to either side and at the rear. The existing 2-storey dwelling is set back from the road and is well screened by mature vegetation to all boundaries. There are several statutorily protected trees along the eastern and southern boundaries.

In addition to the dwelling, there are several outbuildings within the site including a triple garage and summerhouse. Much of the front and eastern boundaries of the site are noted in the New Milton Local Distinctiveness SPD as part of a wider area of important tree groups which extends beyond the frontage of the properties to the east as far as the junction of Barton Common Road with Milford Road. This SPD also refers to the area as having villas in extensive plots, that Barton Common Road is an 'older pre-car' road and that Robin Green to the rear of the site is an 'important building'.

- 14.2 The proposal entails the demolition of the buildings on site and the provision of a three storey building comprising 8 x 2-bed and 2 x 3-bed flats. Cycle and bin store structures would be provided along with 16 parking spaces and turning facilities. The development would utilise the existing access point.
- 14.3 The properties to this side of Barton Common Road are within the built up area although opposite the site is Green Belt land. New residential development can be acceptable within the built up area although this is subject to there being no adverse effect on a variety of considerations outlined below.
- 14.4 Residential amenity is a particular concern with many local residents and whilst this is predominantly in respect of privacy, noise and disturbance has also been raised as an issue. With regard to privacy, the rear elevation of the proposed building would be around 23.4m from the rear boundary at its closest. The property immediately to the rear of the site, Robin Green, is at least 20m from this boundary and Deepdene to the east around 17m from the eastern side of the proposed building. While these distances are generous and there is mature vegetation, including statutorily protected trees within the site and adjoining gardens, these properties currently enjoy a very high degree of privacy and it would not be appropriate to apply 'normal' privacy standards to these exceptional properties. The trees would provide a screening effect which would reduce significantly in the winter months and the loss of trees within the site itself to provide car parking would further open up the site to view. In addition to this, the proposal involves the provision of more windows, many of them habitable and at higher levels than existing windows, thus adding to the concerns in respect of privacy.
- 14.5 To the west, the proposed development would relocate the building away from the boundary with Creek House which has an extant permission for redevelopment into flats with houses to the rear. At present, there is a first floor window to the side elevation of this property which is understood to serve a WC. The proposals indicate a large amount of obscure glazing to a second floor bedroom to the side which would be around 14m from the proposed kitchen windows. Were approval to be recommended, a condition to ensure obscure glazing could be included to maintain privacy between the two proposals.
- 14.6 Concern has also been expressed with regard to the extent of parking (16 spaces) to the rear garden which is not characteristic of this area. While this ensures a better setting for buildings when viewed from the road, it has implications for residents in areas where they could reasonably expect peace. Having regard to other dwellings in the immediate area, many, including the existing dwelling (which has a triple garage and associated parking to the rear almost 10m from the rear

boundary), have some parking and garaging located to the rear of the property. However, the area taken up by parking and turning facilities does not encroach significantly into these extensive rear garden areas, unlike the proposed parking layout which takes up the majority of the rear garden area. The proposal would introduce parking spaces to the rear within 2m of the boundary with Robin Green and 2.4m from proposed bedroom windows which is not considered to be an appropriate situation as it would introduce an element of noise and disturbance and therefore harm to the established character of this semi-rural area and Robin Green, an 'important building'. The agents have indicated that the scheme is similar to that approved at 6, Barton Common Road where rear car parking was approved. However, this scheme has a road (Maple Close) running immediately behind it rather than a private rear garden and is therefore less sensitive than this application site.

- 14.7 Overall, while the distances between existing and proposed dwellings are generous, having regard to the special character of this part of Barton Common Road, it is considered that the proposal would give rise to an unacceptable loss of privacy between the proposal, Robin Green and, to a lesser extent, Deepdene. With regard to noise and disturbance, there is concern that the proposed parking area would give rise to some disturbance to the property at the rear and would compound the overall harm caused by the proposal.
- 14.8 In visual terms, there has been much discussion in respect of the size of the building which has a significantly greater footprint than the dwelling to be removed. While it is accepted that the adjacent Creek House has a substantial footprint, this property is two storey and flat roofed with an enclosed, single storey swimming pool adjacent to the site boundary. The approved scheme includes the provision of a second floor in a recessed pavilion style addition. The design of the front and rear elevations of the proposed flats reflects the character of the existing Arts and Crafts dwelling and there are some pleasing features such as the chimneys, eaves and flat roofed dormer windows. Had approval been recommended, it would have been important to ensure that this design was not watered down.
- 14.9 However, the depth of the proposed building is not consistent with a traditional Arts and Crafts style property having large, relatively stark side elevations which are not typical of this architectural era. Whilst the size of the building has been pared down and the design of the side elevations amended since the previous submission, the proposed depth still varies between 14.8m and 19.2m. Combined with the width of the proposed block (26.8m), it would result in a building of significantly greater mass than anything else along Barton Common Road and with excessively large areas of flat roof. The bulk and massing of the proposed flats together with the architecturally incongruent design would therefore be contextually inappropriate. The bulk and massing of the proposed flats would be readily apparent when viewed from neighbouring properties at Robin Green and Deepdene and this adds further weight to the inappropriate impact that a building of the scale proposed would cause.

- 14.10 The layout of the site maintains a green and verdant frontage by utilising the existing access and providing parking to the rear. However, in view of the number of units proposed, the parking requirement results in the rear garden area being almost completely taken over with parking or turning spaces. It is noted that there is a nursing home a few doors to the west which has the majority of its parking situated to the rear although this parking area is again adjacent to Maple Close where there are garage blocks. Where domestic properties have rear parking, it is very often due to the different orientation of the dwelling with main entrance to the north rather than across the front, south facing garden. During the course of the application, discussions were had in respect of frontage parking and it was not considered appropriate to provide any to the frontage. Given this desire, it is not considered that the proposed level of parking can be satisfactorily achieved without causing harm to the spacious garden and green oasis to the rear of the building which would be highly uncharacteristic of the area.
- 14.11 The proposed size of the building and extent of hard surfacing necessary for the provision of the parking spaces, concerns which are also raised locally, would not be a positive contribution to local distinctiveness and are considered to combine to result in over development of the site.
- 14.12 The property of Perhaver is subject to a single Tree Preservation Order (TPO/0050/17) which includes 6 individual trees and 2 groups of trees situated on the southern and eastern boundaries. There are two further trees within the garden of Robin Green to the north also included within this designation. This is therefore a constraint to the proposal. The site mainly consists of open lawn areas with small ornamental trees and shrubs within its interior and while none of this interior vegetation would form a constraint to the development, it does contribute to the green character of Barton Common Road. Small trees and shrubs are shown to be removed to facilitate the development. While this loss could be mitigated against to a certain extent, the potential for mitigation is quite limited given the size of the building proposed and further compounds the harm.
- 14.13 The majority of the proposed development is sufficiently far enough away from root protection zones and the submitted documentation provides detail as to how the development could be achieved without harming the trees. As a result, there are no objections from the Tree Officer to the proposed development, subject to appropriately worded conditions.
- 14.14 Although the Highway Authority no longer comment on parking provision for developments such as this, they have indicated that the proposed 16 spaces would result in a shortfall of two spaces. While more parking was initially indicated, it was not appropriately located and has now been deleted from the scheme along with one of the units. In this location, on-street parking would be very difficult as the road is narrow and could result in inconvenience to passing traffic. It would also impact on the character of the 'pre-car' road and on this basis, it is considered that any proposals should include the recommended standard average of provision which would further compound the harm already identified.

- 14.15 Concerns raised locally in this respect include the increased danger to pedestrians walking along this part of the road, particularly given the likely additional traffic generation. In order to try and promote sustainable travel, the standard of average provision also indicates that a development of this size should accommodate 22 cycles. The proposal includes at least one space for each unit and it is noted that there could also be some capacity for additional storage within the main building and on this basis, the lack of cycle parking provision is not considered to be of significant concern.
- 14.16 An Ecological Appraisal Report has been provided for the site and this indicates that there are several species of bats which frequent the area, including the rare grey long-eared bat. Although the report suggests that the roost could be historic, there is no evidence to demonstrate this and it is considered that further details should be sought prior to any redevelopment. A further reason to provide additional information in relation to bats follows comments received from a local resident which suggest that bats also use adjoining gardens. The loss of trees and significant increase in artificial light could impact upon this use and warrants further investigation.
- 14.17 Concerns have been raised locally in respect of foul and surface water drainage. This includes a concern from a consultant who has investigated the adjacent site which has an extant permission. The County Council Drainage team has also requested additional information in this respect although the information has not been forthcoming. Rather than refuse for this reason, it is likely that suitable conditions could satisfy these matters.

Other material considerations

- 14.18 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. The Town Council's concerns in this respect are noted and relate to the fact that the application as submitted was for 11 units, reduced to 10 following discussion.
- 14.19 In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting planning permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites, but that the adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact in accordance with the Council's Mitigation Strategy or mitigation to at least an equivalent effect.

- 14.20 In accordance with the Habitat Regulations 2017 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard
- 14.21 Although the applicants have made various changes in order to try and address concerns raised in respect of access, turning and the bulk of the proposed building, it is considered that the amount of development proposed is too much for this site. Decisions should aim to ensure that development "is sympathetic to local character and history including the surrounding built environment and landscape setting" (NPPF para.127) and it is not considered that the proposed building would comply with this having an adverse affect on the qualities of the existing plots and their properties which contribute very significantly to local distinctiveness.
- 14.21 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

Section 106 Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings	0		
Financial Contribution	0		
Habitats Mitigation			
Financial Contribution	£36,260		

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	1395.67	419.16	976.51	976.51	£80/ sqm	£94,045.42 *
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Subtotal:	£94,045.42
Relief:	£0.00
Total Payable:	£94,045.42

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

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

Where:

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

R = the levy rate as set in the Charging Schedule

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

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. By virtue of the number of units and resultant size of the proposed building, incorporating large areas of flat roof and a depth disproportionate to the Arts and Crafts design, along with a large area of hardstanding, the proposal constitutes an over development of the site of excessive bulk and massing with little space to properly integrate the development into its setting. The proposal would not reinforce local distinctiveness nor integrate appropriately into its setting and would adversely affect the setting of the site and that of Robin Green and Deepdene in terms of the scale of the building and amount of hardsurfacing. Although the proposal does not provide adequate parking in line with the recommended standards, the location of the parking area in close proximity to the boundary in an area where tranquillity is expected would adversely affect the residential amenity of Robin Green and displaced parking could be detrimental to both highway safety and visual amenity. The proposal would therefore be contrary to policies CS2 and CS24 of the New Forest District Council Core Strategy, the New Milton Local Distinctiveness SPD and the National Planning Policy Framework.

Notes for inclusion on certificate:

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

The application follows a previously withdrawn scheme which had been submitted without the prior benefit of pre-application advice. During the course of this application further amendments have been made to try and address the concerns raised although it is still considered that the proposed bulk and massing of the building is too large in this location.

Further Information:

Vivienne Baxter

Telephone: 023 8028 5588



New Forest
DISTRICT COUNCIL

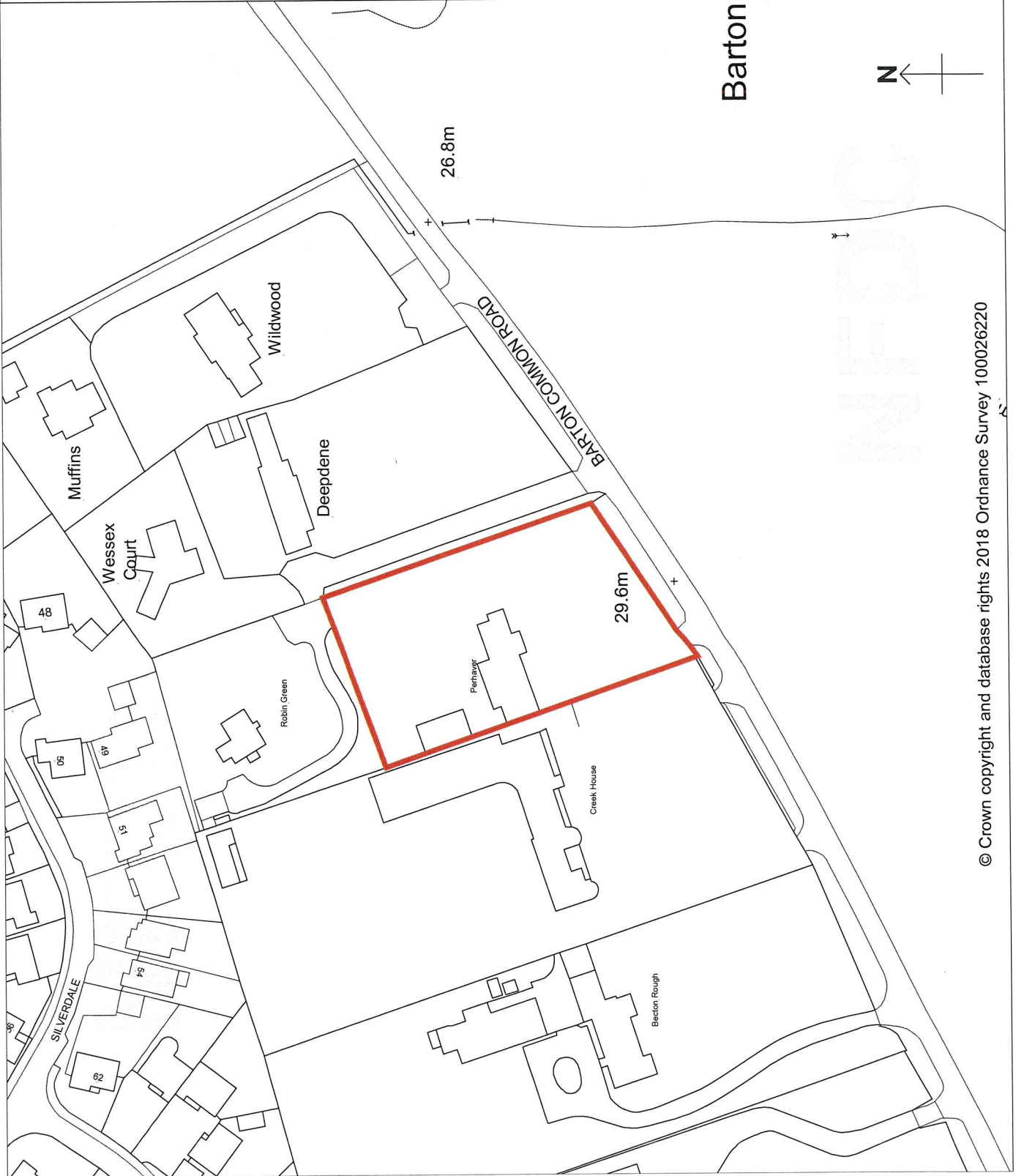
Tel: 023 8028 5000
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David Groom
Service Manager
Planning and Building Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee**
August 2018

Item No: 3b
Perhaver
Barton Common Road
Barton on Sea New Milton
18/10124

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



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Application Number: 18/10361 Advertisement Consent
Site: 63 HIGH STREET, LYMINGTON SO41 9ZT
Development: Display 1 non-illuminated hanging sign
(Application for Advertisement Consent)
Applicant: Scott Bailey LLP
Target Date: 04/07/2018
Extension Date: 08/08/2018

RECOMMENDATION: Grant (Advert)

Case Officer: Julie Parry

1 REASON FOR COMMITTEE CONSIDERATION

Contrary view to Town Council

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Plan Area
Archaeological Site
Aerodrome Safeguarding Zone

Conservation Area: Lymington Conservation Area
Listed Building Grade: Grade II* 552.20.039

Plan Policy Designations

Primary Shopping Area
Town Centre Boundary
Landscape Feature
Built-up Area

CS20: Town, district, village and local centres

National Planning Policy Framework

Section 12 Achieving well designed places.
Section 15 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

SPD - Lymington Local Distinctiveness

3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

4 RELEVANT SITE HISTORY

Proposal	Decision Date	Decision Description	Status
18/10368 Display 1 non-illuminated hanging sign (Application for Listed Building Consent)			Decision pending
07/90614 Retention of internal partitions & doors; smoke/heat detectors; emergency lights; call points; fire panels; alterations to fireplaces (Application for Listed Building Consent)	17/09/2007	Granted Subject to Conditions	Decided
88/NFDC/37845 Display non-illuminated projecting hanging sign.	14/07/1988	Refused	Decided

5 COUNCILLOR COMMENTS

No comments received

6 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council: recommend refusal. We do not support the use of vinyl lettering on a sign attached to a Grade II listed building.

7 CONSULTEE COMMENTS

Hampshire County Council Highway Engineer: no objection (no conditions)

Historic England: no comment

Conservation Officer: no objection - the sign is small and non-illuminated and would not affect the character of this building or the setting of the others around it.

8 REPRESENTATIONS RECEIVED

One letter of objection from the Lymington Society who considers that the proposed sign would intrude upon the local amenity and deface the elevation of this Grade II Listed building.

9 CRIME & DISORDER IMPLICATIONS

None relevant

10 LOCAL FINANCE CONSIDERATIONS

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

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

11 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraph 38 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

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

12 ASSESSMENT

- 12.1 The property is a four storey Grade II* Listed Building within Lymington Conservation Area. It is currently used as offices and a small plaque is positioned adjacent to the door showing the corporate details. The adjoining property, number 65, displays a hanging sign on the front elevation which was granted consent in 2001 (01/71369), albeit at that time it was for a different company.
- 12.2 The application is for advertisement consent for a non-illuminated hanging sign positioned between the two windows at ground floor. Considerations are the impact on local amenity and highway safety. Given that the property is a Listed Building and within a Conservation area the Conservation Officer was consulted.
- 12.3 A previous application for a hanging sign was refused in 1988. This was a larger sign than what is currently proposed and would have been positioned higher on the building. It was considered that this sign would have conflicted with the domestic character of the building, however this use has changed given that the first floor is now used for office purposes and with the signage on number 65 the domestic character has been eroded.
- 12.4 The Conservation Officer has advised that the proposed sign is small and non illuminated. Given that the function as a dwelling has changed along with the appropriate position and limited size of the hanging sign proposed it will not adversely affect the character of this building or the setting of the others around it.
- 12.5 The materials proposed are to be timber with vinyl lettering. Whilst a sign written sign would be preferable the materials will match that of the sign on the neighbouring listed building. The vinyl letters will not be shiny and would be in an appropriate font and colour. Therefore they have no objection to the proposal.

- 12.6 The Conservation Officer has suggested that the bracket should be fixed to the mortar joints of the masonry rather than the brick where practicable to minimise the damage to the fabric of the historic building as much as possible. However safety would be a prime consideration and therefore this advice should only be followed if it ensured that the sign is secure.
- 12.7 Furthermore, the application building is used by the same company as the neighbouring building at number 65 and the hanging sign would match the existing sign on number 65 which includes the same corporate design, colour and materials. While number 65 was granted consent for a sign in 2001 this was however for a timber sign with gold vinyl lettering of a different design. The Council has not received any objections to the altered company logo/colours on this sign but to regularize this advertisement consent and listed building consent applications have been requested.
- 12.8 No objections are raised from the Highway Authority
- 12.9 Lymington and Pennington Town Council have recommended refusal as they do not support the use of vinyl lettering on a sign attached to a Grade II listed building. However in the light of the Conservation Officer's comments regarding this material, refusal on this basis is not considered to be justified.
- 12.10 In conclusion the proposed sign would be in keeping with other signs in this location. Being of a modest size constructed of timber with flat, non-shiny lettering the sign would not have a detrimental impact on either the Listed Building or Conservation Area. Therefore the application is recommended for approval.
- 12.11 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

13. RECOMMENDATION

GRANT ADVERTISEMENT CONSENT

Standard Conditions

1. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
3. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.
4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
5. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).

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 submitted with the application on 9th May 2018: Block Plan; Proposed Plan

Reason: To ensure satisfactory provision of the development.

Notes for inclusion on certificate:

1. In accordance with paragraph 38 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

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

Further Information:

Julie Parry

Telephone: 023 8028 5588



New Forest DISTRICT COUNCIL

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

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

**Planning Development
Control Committee**
August 2018

Item No: 3c & 3d
63
High Street
Lymington
18/10361 & 18/10368

Scale 1:1250

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the internet, it will not be to
scale.



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Application Number: 18/10368 Listed Building Alteration
Site: 63 HIGH STREET, LYMINGTON SO41 9ZT
Development: Display 1 non-illuminated hanging sign
(Application for Listed Building Consent)
Applicant: Scott Bailey LLP
Target Date: 04/07/2018
Extension Date: 08/08/2018

RECOMMENDATION: Grant Subject to Conditions

Case Officer: Julie Parry

1 REASON FOR COMMITTEE CONSIDERATION

Contrary view to Town Council

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Plan Area
Aerodrome Safeguarding Zone
Archaeological Site

Conservation Area: Lymington Conservation Area
Listed Building Grade: Grade II* 552.20.039

Plan Policy Designations

Secondary Shopping Frontage
Town Centre Boundary
Primary Shopping Area
Landscape Feature
Built-up Area

CS20: Town, district, village and local centres

National Planning Policy Framework

Section 12 - Achieving well designed places
Section 15 - 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

SPD - Lymington Local Distinctiveness

3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

4 RELEVANT SITE HISTORY

Proposal	Decision Date	Decision Description	Status
18/10361: Display 1 non illuminated hanging sign (Advertisement Consent)			Awaiting decision
09/95031: Single-storey extension (Application for Listed Building Consent)	24/03/2010	Granted Subject to Conditions	Decided
07/90614: Retention of internal partitions & doors; smoke/heat detectors; emergency lights; call points; fire panels; alterations to fireplaces (Application for Listed Building Consent)	17/09/2007	Granted Subject to Conditions	Decided
88/NFDC/37845: Display non-illuminated projecting hanging sign.	14/07/1988	Refused	Decided

5 COUNCILLOR COMMENTS

No comments received

6 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council: recommend refusal. We do not support the use of vinyl lettering on a Grade II listed building.

7 CONSULTEE COMMENTS

Historic England: no comment

Conservation Officer: no objection - the sign is small and non-illuminated and would not affect the character of this building or the setting of the others around it.

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.

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

11 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraph 38 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

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

12 ASSESSMENT

- 12.1 The property is a four storey Grade II* Listed Building within Lymington Conservation Area. It is currently used as offices and a small plaque is positioned adjacent to the door showing the corporate details. The adjoining property, number 65, displays a hanging sign on the front elevation which was granted consent in 2001 (01/71369), albeit at that time it was for a different company.
- 12.2 The application is for Listed Building consent for a non-illuminated hanging sign positioned between the two windows at ground floor.
- 12.3 The main consideration was the impact on the Listed Building and the historic fabric and therefore the Conservation Officer was consulted.
- 12.4 A previous application for a hanging sign was refused in 1988. This would have been a larger sign than what is currently proposed and would also have been positioned higher on the building. The reason for the refusal was that the sign would have conflicted with the domestic character of the building, however this use has changed given that the first floor is now used for office purposes and with the signage on number 65 the domestic character has been eroded.
- 12.5 Lymington and Pennington Town Council have recommended refusal as they do not support the use of vinyl lettering on a sign attached to a Grade II listed building. However in the light of the Conservation Officer's comments regarding this material, refusal on this basis is not considered to be justified.

- 12.6 The Conservation Officer has advised that the proposed sign is small and non illuminated. Given that the function as a dwelling has changed along with the appropriate position and limited size of the hanging sign proposed it will not adversely affect the character of this building or the setting of the others around
- 12.7 The materials proposed are to be timber with vinyl lettering. While a sign written sign would be preferable, the materials would match the sign on the neighbouring listed building. The vinyl letters would not be shiny and would be in an appropriate font and colour. Therefore they have no objection to the proposal.
- 12.8 Furthermore, the application building is used by the same company as the neighbouring building at number 65 and the hanging sign would match the existing sign on number 65 which includes the same corporate design, colour and materials. While number 65 was granted consent for a sign in 2001 this was however for a timber sign with gold vinyl lettering of a different design. The Council has not received any objections to the altered company logo/colours on this sign but to regularise this an advertisement consent and listed building consent applications have been requested.
- 12.9 In conclusion the proposed sign would be in keeping with other signs in this location. Being of a modest size constructed of timber with flat, non-shiny lettering the sign would not have a detrimental impact on either the Listed Building or Conservation Area. Therefore 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 LISTED BUILDING CONSENT

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 submitted with the application received 9th May 2018: Block Plan; Proposed Plan

Reason: To ensure satisfactory provision of the development.

Notes for inclusion on certificate:

1. In accordance with paragraph 38 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

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

Further Information:

Julie Parry

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New Forest
DISTRICT COUNCIL

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New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee**
August 2018

Item No: 3c & 3d

63
High Street
Lymington
18/10361 & 18/10368

Scale 1:1250

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



Application Number: 18/10724 Full Planning Permission

Site: Land of, 39 SALISBURY ROAD, TOTTON SO40 3HX

Development: 2 Blocks of 4 flats; new access with car parking and amenity area

Applicant: Imperial Homes South Ltd

Target Date: 24/07/2018

RECOMMENDATION: Service Man Planning Grant or Refuse

Case Officer: Stephen Belli

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Town Council view (to scheme as submitted)

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area
Town centre designation
New Forest SPA
Solent and Southampton Water SPA
Tree preservation orders

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

Special qualities, local distinctiveness and a high quality living environment
Climate change and environmental sustainability
Housing
Economy
Travel
Towns villages and built environment
Minimising deprivation

Policies

CS1: Sustainable development principles
CS2: Design quality
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
CS15: Affordable housing contribution requirements from developments
CS20: Town, district, village and local centres
CS24: Transport considerations
CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

NPPF 1 - presumption in favour of sustainable development

NPPF 127 - design quality

DM2: Nature conservation, biodiversity and geodiversity

DM3: Mitigation of impacts on European nature conservation sites

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

TOT15: Totton town centre opportunity sites

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework 2018

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPG - Totton Town Centre - Urban Design Framework

SPD - Parking Standards

SPD - Mitigation Strategy for European Sites

SPD - Housing Design, Density and Character

6 RELEVANT PLANNING HISTORY

6.1 ENQ/18/20260- Pre application enquiry for 4 x 2 bed flats. 2 x 1 bed flats in a 2.5 storey block plus 2 x 2 bed semi-detached houses

6.2 17/11521 – Two semi-detached houses , 1 block of 5 flats – Withdrawn 18/01/18

6.3 16/11048 – Block of 10 flats landscaping and parking - Refused 13/10/16

6.4 12/98500 – 1 block of 5 flats and terrace of 3 dwellings – Refused 19/09/12

6.5 02/75466 – 6 flats and demolish existing dwelling – Refused 02/10/02

7 PARISH / TOWN COUNCIL COMMENTS

Totton & Eling Town Council: recommend refusal

Although a number of improvements have been made since the last application there are still concerns about the recent submission. The use of this site is still allocated for commercial and community use at a ground floor level under the local plan. While this may not always be achievable it is still a belief of the Town Council that a percentage of the use could be successful commercial use.

Despite this a good scheme could possibly overcome this as a sole reason for refusal. However there are still many restricting factors on this site. The Tree Officer has once again recommended refusal due to the loss of protected trees and the Town Council would support this reason for refusal as there are so few large trees left in the area. There are also concerns about potential overlooking across to the bungalows to the North from large first floor windows which would have a clear vantage point across the entire garden of number 41 in particular.

The size of the large building is an improvement on the previous scheme and the shared amenity space is much improved, but it is not felt that the block to the rear of the site is subservient enough given its sensitive position. The number of parking spaces is also not sufficient for the amount of flats proposed and it is felt that the required number should be 12 spaces. Overall it is still felt that the site is still being overdeveloped and is not in harmony with its existing landscape, its much smaller surrounding buildings and is still contrary to planning policy.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS (concerning original scheme)

9.1 Tree Officer

There are 2 protected trees, a poplar and oak, on site and a protected blue cedar tree growing on the adjacent property close to the south east boundary of the site. These trees have high amenity value and are particularly important to this part of Totton as the area is highly built up with limited tree coverage.

The plans for the proposed block of flats show that the protected Lombardy poplar will be lost with the oak and cedar (on adjacent land) retained. The Lombardy Poplar has been categorised as an 'A1' in the tree survey schedule of the submitted tree report (Eco Urban Ltd Arboricultural Implications Assessment & Method Statement Ref:17919-AIA 2) using the categorisation method set out in BS5837:2012 and is therefore considered a constraint to development. This tree is one of the most prominent trees in the centre of Totton and the loss of this tree would detrimentally impact the amenity of the area. The applicant's Arboriculturalist has stated that the loss of this tree can be mitigated by new planting that is carefully selected. The submitted landscaping proposals for this site show ornamental pear trees to be planted along the northwest boundary. These trees are of small stature and although they will provide amenity in the immediate vicinity they will not mitigate the loss of a skyline tree which can be viewed from many vantage points from around the town.

None of the plans in the submitted tree report show the root protection areas (RPAs) of the protected trees to be retained, the onsite oak T2 and the offsite blue cedar T1. Using the data provided in the report I overlaid the root protection areas for both trees (the RPA of the oak is also likely to be off set with a greater RPA into the site due to the off-site constraints of the pavement and highway on the other side of this tree). This shows that there will be extensive alterations to the surfacing within the RPAs of both trees. It would appear that over 20% of both trees will become permanent hard standing this is contrary to BS5837:2012 (see section 7.4.2.3).

Therefore I object to the loss of a prominent A1 categorised skyline tree to this proposal. I also object on tree grounds that the applicant has failed to convince me that this proposal can be constructed without causing long term damage to the retained oak and blue atlas cedar due to the extensive alterations within the rooting areas of both these trees.

9.2 Urban Design

The proposal doesn't contribute positively to local distinctiveness and sense of place. It is not appropriate and sympathetic to its setting in terms of scale, height, density, layout, appearance, materials, and its relationship to adjoining buildings and landscape features. The proposal fails to provide public and private spaces that are well-designed, safe, attractive, and complement the built form; or to provide appropriate green spaces and landscaping (see Policy CS7 below).

Notwithstanding that I have not been party to pre-application discussions, I have some broad objections to the design but would suggest further consideration as this is a difficult site to bring forward and would be happy to engage in proactive design discussion. The buildings are rather bulky and fail to respond adequately to either their neighbouring buildings or the streetscape which they will form part. Their appearance is bland and uninspiring, they do not properly address the external spaces or public realm.

The loss of the poplar tree is regrettable and if there was a distinctive development of some quality to enhance the local character and sense of place then there might be an argument for its loss. However, I agree with the tree officer – there is no such mitigating circumstance. Meanwhile I do not see that the remaining trees will be adequately protected.

The relationship of the development to the edge of the car park access and to the service road is poor, the proposed trees are not given adequate space and the space for landscape planting or good boundary treatment is inadequate or left off the site so that it will not be dealt with under this application (a state of affairs that really must be addressed through the red line plan before we continue dialogue).

Amenity for residents is lacking. The impact on the slip road corridor of Salisbury Road is potentially damaging and this needs further exploration.

9.3 Environmental Health (Contaminated Land)

No concerns with this application.

9.4 Hampshire County Council Highway Engineer

Engineer no objection subject to conditions

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. These standards indicate an unallocated requirement of 12 spaces or 16 allocated spaces (rounded up and inclusive of visitor parking). The proposed quantum is 8 spaces which falls below the recommended standards laid out by NFDC. It is up to NFDC as the local parking authority to ascertain whether this shortfall is acceptable. However it is noted that a public car park is adjacent to the site, and although it is restricted for only 20 hours stay in 24 hours, it would be considered to be a suitable use for visitor parking.

The proposals indicate secure cycle storage for each of the units. The total provision of 12 spaces is in line with the standards laid out in the SPD and is therefore acceptable. It is noted that all spaces are indicated as vertical storage, which would not be suitable for all users. It is requested that 50% of cycle storage does not require the user to lift their bike.

The central parking area is of sufficient width to allow full manoeuvrability for all spaces to access and egress the site in forward gear. The location of the bin collection points are also suitably located to remove the necessity for a refuse vehicle to enter the site. As the egress is to be left turn only, it is requested that a left turn arrow is painted at the exit to make the junction clear.

The applicant should be aware that as the proposals include the formation of a new or altered access onto the highway, which will include works within the highway, these works will be required to be undertaken in 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>.

9.5 Natural England

Note appropriate assessment carried out. NE has no objections to this assessment provided that suitable mitigation is secured.

9.6 Environment Agency

Our remit with regard to Japanese Knotweed extends to the need for approval from us if application/use of herbicides occurs within or adjacent to any watercourse. Any offsite disposal must be made in accordance with relevant waste legislation. We no longer provide best practice guidance but it is still available on our web site.

9.7 Estates and Housing Services

New Forest District Council's Housing Services is keen to acquire additional housing stock for social rent to alleviate the chronic shortage of affordable housing in the District.

Housing Services have therefore instructed the Council's in house Estates team to seek out potential new residential opportunities. Imperial Homes were approached by the Estates Team to ascertain whether they would be prepared to sell the 8 completed units to the Council for social rent.

The District Council's Housing Services consider that a proposed re-development of this site with small residential units close to the Town Centre, whether for open market sale or social rent, is to be supported as this is where the greatest demand and supply shortages exist.

There is no obligation on the applicants to sell the completed units to the Council. However, the Council's Cabinet has recently increased the Housing Capital Programme to enable it to be in a position to purchase additional newly built residential units direct from house builders should they become available.

10 REPRESENTATIONS RECEIVED (to original scheme)

3 Letters of objection raising the following points

- Site contains Japanese Knotweed and should not be developed until this has been properly eradicated
- Previous attempts at eradication of Knotweed have been insufficient
- Loss of Poplar tree unacceptable
- New access is poor
- Lack of parking will lead to residents' disagreement
- Access road will have a detrimental impact on Blue Cedar tree
- Proposed design results in loss of privacy over whole of my garden
- Would prefer to see more employment offices and some accessible bungalows for elderly residents as the site is close to local amenities.
- Design of the flats is not in keeping
- Potential loss of Blue Cedar because of access would be unforgivable
- Street scene is inaccurate as it shows the trees being further from the property that they actually are.

11 CRIME & DISORDER IMPLICATIONS

None relevant

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive New Homes Bonus (net increase in 8 dwellings x £1224 = £9792) in each of the following four years, subject to the following conditions being met:

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

This development has a CIL liability of £47,141.65

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

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

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

In this case all the above apply. The application whilst not being acceptable on receipt has been the subject of discussions with the applicants and amended plans are anticipated which improve the quality of the development to such an extent as to be considered to overcome the concerns raised by consulted parties with regard to the initial submission.

14 ASSESSMENT

14.1 Site description and location

14.1.1 The site lies within the Totton Town Centre designated boundary as shown in the Local Plan. The site comprises a rectangular parcel of land which has a narrow frontage onto Salisbury Road, a deep side frontage onto the access road to the Council owned Westfield Road car park and a rear narrow frontage to the car park. The site measures approximately 60 metres in length by 16 metres in width. There is a change in levels between Salisbury Road and the site itself which is at a higher level.

14.1.2 At the present time the site is devoid of any buildings and is boarded off from Salisbury Road and the car park access road. The site contains two trees one oak, and one poplar with a blue cedar tree just outside the site boundary, covered by Tree Preservation Orders.

14.2 Proposals

14.2.1 The proposal is split into two elements, with a block of 4 no. 2 bed flats towards the front of the site and 4 no. 1 bed flats to the rear. The buildings would be two storeys in height. No on site parking is now proposed with the area to the front of the site providing landscaping. The area in the middle of the site separating the two buildings is a grassed amenity space as shown.

14.2.2 The buildings form substantially two brick clad blocks which would be 2 storey in height and formed by a number of distinct gables with link sections. Both buildings would be provided with an artificial slate roof with uPVC windows and doors. The two blocks are arranged on the site with one block set back from Salisbury Road so as to avoid two of the TPO trees with the Poplar TPO tree having to be removed.

14.2.3 The building at the rear fronts onto the public car park road and the car park itself and is separated from the front block by a square shaped area of amenity grassland. This area also contains a cycle store building that will be extended to address the concerns of Hampshire Highways.

14.3 The key considerations are

- Principle of the development
- Design quality
- Impact on local environment (trees)
- Access and parking
- Impact on local residential amenities

Principle

14.3.1 The site lies in an excellent location within walking distance of the town centre with its range of shopping and healthcare facilities. It is well located in relation to local transport infrastructure with bus stops nearby. The site lies within the Town Centre boundary as set out in the Local Plan. The principle of residential development on this site fits well with Core Strategy and Local Plan policy. The site adjoining to the south is currently owned by the County Council and is used as a community facility drop in centre. The Local Plan Part 2 identifies 37-39 Salisbury Road as a Town Centre Opportunity Site (policy 15.13) primarily for office/ community use. The proposed application site also falls within the Town Centre Boundary which states that residential development will be permitted where it is not on the ground floor of a defined Town Centre Opportunity Site and does not prejudice identified development opportunities..

14.3.2 As part of its Core Strategy the Council has set out its key priorities and objectives. In this case the key objective centres on housing provision to those in need. The Council in this case is working in partnership with the developer who intends to deliver much needed affordable housing on behalf of the Council. Historically opportunities for such low cost affordable housing in the town have been constrained and thus this opportunity needs to be taken. Allied to this such housing should provide a quality environment for those residents who live there. This is discussed below.

14.3.3 The applicants have submitted a survey which illustrated the number of empty retail and commercial units available locally. They consider that the additional supply of retail or commercial units on this site will have an adverse effect of increasing current vacancy rates in the town centre.

14.3.4 The restriction on residential development as set out in the policy can be set aside as there are other opportunity sites for offices; neither does the site fall within the recognised town centre retail frontage; community uses are already catered for in the town centre under TOT 16 and finally the vacant nature of the site for the last 7 years does suggest it has no real prospect of being developed along the lines suggested in the Local Plan.

14.4 Design quality

- 14.4.1 Policies CS2 states that new development will be required to be well designed to respect the character, identity and context of the area's towns and villages. All new development will be required to contribute positively to local distinctiveness and sense of place, being appropriate and sympathetic to its setting in terms of scale, height, density, layout, appearance, materials and its relationship to adjoining buildings and landscape features.
- 14.4.2 Added to this the Totton Town Centre Urban Design Framework has a specific section on Salisbury Road. It states that the issues here are this is a key route from the M27 and north, there is currently a poor streetscape, and there is a failure to announce arrival in the town. The opportunities are stated as improving views and character – tree planting and streetscape and to improve the sense of arrival. The guide goes on to state that development should create visual character, retain valued elements of existing character and ensure legibility with a recognition of location and natural sense of direction.
- 14.4.3 Prior to the submission of this application the applicant entered into pre application discussions with the planning team. The advice set out by officers at that time did recommend changes to the proposals particularly in ensuring the building at the rear was subservient to the building at the front.
- 14.4.4 The views of the Town Council are pertinent in this respect. They consider that the proposal is inadequate in design quality. These concerns are noted and are echoed by the Council's Urban Design Officer.
- 14.4.5 Given the concerns raised and the need to improve the general design quality of the buildings the applicants have made design changes which provide a better quality external appearance of the building while retaining the general form and footprint of the buildings.
- 14.4.6 As far as the site layout is concerned, car parking and access is dealt with below. Regarding the boundary treatment of the side road leading to and bordering the Westfield Road car park, the landscaping strip squeezed between the site boundary and the buildings is to be replaced by a low decorative brick wall interspersed with railings to provide a more practical boundary.

14.5 Impact on local environment (trees)

- 14.5.1 The Tree Officer expresses concern regarding the loss of the poplar tree. A view supported by the Town Council and Urban Designer. In addition grave concerns were expressed regarding the potential impact on the remaining two TPO'd trees by virtue of the proposed access road and car parking hard surfaced area.
- 14.5.2 The applicants are now proposing a car free development. While the views of the Town Council are noted it is clear from a sustainability point of view that the site is well located within walking distance of all necessary facilities for day to day living. The presence of the Council owned car park directly adjoining the site presents an opportunity for

those residents who do have a car or for visitors to park there during the day or overnight. The loss of the car park and access would resolve any impact on the remaining TPO'd trees and provide a better quality environment for the residents of the flats, as well as a softer greener feel to the frontage of the site. Additional tree planting and grass amenity areas would also provide a better frontage to the building rather than a car park which really ought to be hidden out of sight at the rear. The loss of the car park would however require better facilities for sustainable modes of transport such as cycling and the scheme has been amended to provide enhanced cycle storage.

14.6 Access and parking

14.6.1 Parking guidelines are set out in the Council's SPD. It requires an unallocated parking standard of 12 spaces or 16 spaces if allocated. Notwithstanding this and bearing in mind the issues above relating to the TPO'd trees it is considered that, given the site's location adjoining the town centre, this development could be planned as being car free. The adjoining car park can accommodate vehicles up to a maximum of 20 hours in any 24 hour period which would be suitable if those residents were out at work during the day. On balance it is considered that the trees should not be prejudiced by the provision of a new access road and car parking area. This coupled with the need to improve the amenity levels for the flat occupiers points to a car free development subject to an appropriate and easily useable cycle parking provision. Additional amenity land at the front would take the pressure off the rear amenity area and allow a better designed cycle store, as is required by the Highway Authority.

14.7 Impact on residential amenity

14.7.1 One letter of objection refers to a loss of privacy by virtue of being overlooked by the new blocks. This overlooking affects one property No.41. The new blocks have a total of 8 living room windows split between the two blocks which look towards the objector's property. However, the distance from those windows to the objector's boundary is some 12 metres. In addition, 4 of the windows are at first floor level and four at ground floor level where the overlooking is much less of an issue. The first floor windows do not all directly look into the objector's garden. Only two of the windows do so, with the other windows looking at an oblique angle. The objector's garden is also partially shielded from the site and any overlooking by their own conifer trees. While there would be some overlooking and loss of privacy it is considered that this is not at such a level that would warrant a refusal of permission on this basis. The two blocks have blank gables to the nearest neighbour no. 37 (the community drop in centre). That property does not suffer unduly from overlooking or loss of sunlight. The front block is well set back from the road and does not unduly impact on other properties along Salisbury Road.

14.8 Other matters

14.8.1 The objectors point to the presence of Japanese Knotweed on site. This has been drawn to the attention of the applicants who consider that they have dealt with this invasive plant. There are no overriding

impediments to the development of this site however. In other cases applicants have been required to submit an eradication proposal by way of a planning condition. Given the lack of concerns expressed by statutory consultees such an approach is not warranted on this occasion. The developers would still have a legal duty to dispose of any Knotweed found.

14.8.2 The Local Planning Authority 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 11 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 177) which indicates that development should be restricted.

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

14.8.4 In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Assessment has been carried out as to whether granting planning permission would adversely affect the integrity of the New Forest and Solent Coast European sites, view of that site's conservation objectives. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites, but that the adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact in accordance with the Council's Mitigation Strategy or mitigation to at least an equivalent effect.

14.9 Conclusions

14.9.1 This proposal for new residential development on a sustainable site close to the town centre and its amenities and the provision of low cost affordable housing fulfils a key objective of the Council. The new development, as amended, meets necessary standards of design, does not impact on landscape features of importance, and provides a good quality of accommodation for those residents who are to be housed. Amended plans will be received and a

re-consultation exercise started prior to the meeting taking place. The recommendation is subject to no new material objections being received during the consultation period.

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

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	489.49	0	489.49	489.49	£80/sqm	£47,141.65 *
Subtotal:	£47,141.65					
Relief:	£0.00					
Total Payable:	£47,141.65					

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

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

Where:

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

R = the levy rate as set in the Charging Schedule

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

15. RECOMMENDATION

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

No new material objections being received in respect of the amended plans hereby approved, and

- i) the completion, of a planning obligation entered into by way of an Agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure mitigation under the Habitats Regulations, and
- ii) the imposition of the conditions set out below.

Conditions to be attached to any consent:

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

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

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

Site location plan Dwg. 20; Revised site layout plan Dwg. TBC; Proposed elevations plan Dwg. TBC; Proposed street scene elevations Dwg. TBC; Proposed floor plan Dwg. TBC

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 building shall not be first occupied until

- (a) details of the treatment of the boundaries of the site have been approved in writing by the Local Planning Authority, and
- (b) these means of enclosure have been implemented in accordance with the details thus approved.

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

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

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

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

- (a) the existing trees and shrubs which have been agreed to be retained;
- (b) a specification for new planting (species, size, spacing and location);
- (c) areas for hard surfacing 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 Local Plan for the New Forest District outside the National Park (Core Strategy).

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

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

8. Before development commences (including site clearance, demolition and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a method statement detailing timing of events, all changes of existing surfaces and plans showing the protective fencing or other measures required for the avoidance of damage to retained trees all in accordance with BS 5837 (2012) "Trees in Relation to Construction Recommendations". Such fencing shall be erected prior to any other site operation and at least 24 hours notice shall be given to the Local Planning Authority that it has been erected. 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. In addition a plan shall be submitted to and agreed in writing with the Local Planning Authority confirming the actual lines of drainage runs and equipment in relation to the tree root systems.

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

9. Before first occupation of the development hereby approved, a surface water sustainable drainage system (SuDS) shall be designed and installed to accommodate the run-off from all impermeable surfaces including roofs, driveways and patio areas on the approved development such that no additional or increased rate of flow of surface water will drain to any water body or adjacent land and that there is capacity in the installed drainage system to contain below ground level the run-off from a 1 in 100 year rainfall event plus 30% on stored volumes as an allowance for climate change as set out in the Technical Guidance on Flood Risk to the National Planning Policy Framework.

Infiltration rates for soakaways are to be based on percolation tests in accordance with BRE 365, CIRIA SuDS manual C753, or a similar approved method.

In the event that a SuDS compliant design is not reasonably practical, then the design of the drainage system shall follow the hierarchy of preference for different types of surface water drainage system as set out at paragraph 3(3) of Approved Document H of the Building Regulations.

The drainage system shall be designed to remain safe and accessible for the lifetime of the development, taking into account future amenity and maintenance requirements.

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

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

- (c) The development shall be carried out in accordance with and subject to the approved proposals.

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

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

Reason: To ensure adequate provision within the site.

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. The application whilst not being acceptable on receipt has been the subject of discussions with the applicants and amended plans have been submitted which on balance improve the quality of the development to such an extent as to overcome the concerns raised by consulted parties.

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

Further Information:

Stephen Belli

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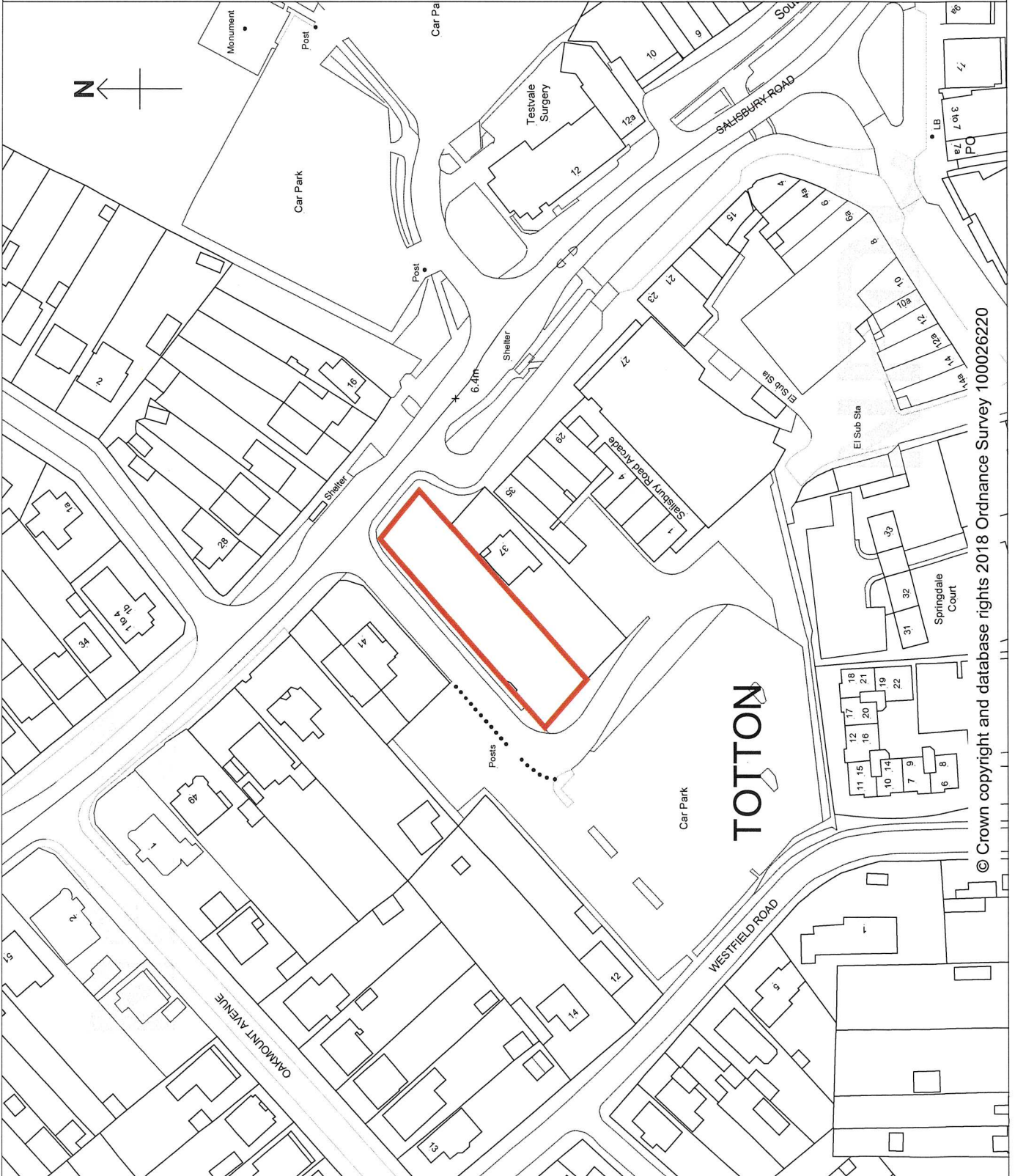
David Groom
Service Manager
Planning and Building Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee**
August 2018

Item No: 3e
Land of
39 Salisbury Road
Totton
18/10724

Scale 1:1250

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scale.



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Application Number: 18/10628 Full Planning Permission

Site: 31 LONG LANE, HOLBURY, FAWLEY SO45 2LF

Development: Single-storey extension to existing outbuilding for use as residential annex

Applicant: Mrs West

Target Date: 16/07/2018

Extension Date: 08/08/2018

RECOMMENDATION: Grant Subject to Conditions
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Case Officer: Julie Parry

1 REASON FOR COMMITTEE CONSIDERATION

Contrary view to Parish Council

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Aerodrome Safeguarding Zone
HSE Consultation Zone
Plan Area

Tree Preservation Order: 40/97

Plan Policy Designations

Built-up Area

National Planning Policy Framework

Section 12 - Achieving well designed places

Core Strategy

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

No relevant documents

Supplementary Planning Guidance And Documents

No relevant documents

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
15/10405 Extension to outbuilding and use as ancillary accommodation	13/10/2015	Granted Subject to Conditions	Decided
07/91487 Smoking shelter	13/02/2008	Granted Subject to Conditions	Decided
93/NFDC/51419 Ground floor rear extension and form rooms on first floor	19/02/1993	Granted Subject to Conditions	Decided
92/NFDC/49765 Erect detached garage/workshop & 1.9m high fence & access	19/06/1992	Granted Subject to Conditions	Decided

5 COUNCILLOR COMMENTS

No comments received

6 PARISH / TOWN COUNCIL COMMENTS

Fawley Parish Council: we recommend refusal due to concern relating to over development, access and parking.

7 CONSULTEE COMMENTS

Tree Officer: no objections as the proposed extension would be far enough from the protected tree and the existing site features provide suitable tree protection measures.

8 REPRESENTATIONS RECEIVED

One letter of comment from the neighbour at number 33 requesting that a condition is applied to any consent for the use of the outbuilding to remain ancillary to the host property so that a new dwelling is not created at the site.

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 paragraph 38 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

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

12 ASSESSMENT

12.1 The property is a detached bungalow on a fairly large plot within the built up area of Holbury. The rear of the property has been extended with a "smoking shelter" which was granted planning permission in 2007. Beyond the smoking shelter is an outbuilding (6.3 m x 5m) which is the subject of this application. The rear of the site is fairly well screened with high fences. A large Oak tree to the side of the property is protected with a tree preservation order. There are also a number of containers located to the rear of the site.

12.2 The main consideration when assessing this application is the impact on the neighbouring property. The proposal includes extending the existing outbuilding (by a further 3 metres) to the rear and to use this extended outbuilding as ancillary living accommodation.

12.3 It is of relevance that a previous application in 2015 (15/10405) was approved for an extension to the outbuilding and use of the outbuilding as living accommodation. This consent was never implemented but remains extant. The current proposals differs from this extant consent in that it would extend directly from the rear elevation of the outbuilding whereas the previous approval was to extend beyond the rear of the lean-to (adjacent to the shared boundary with number 33).

Furthermore, it should be noted that using the existing outbuilding as ancillary living accommodation, without any external changes, would not be development and consequently would not require planning consent.

12.4 The neighbour to the north, 33 Long Lane is set away from the proposed extension to the outbuilding and there is a high wall on the shared boundary. The proposed extension to the outbuilding due to its relative position and low height would mean that the impact on this neighbour's amenity would be acceptable.

12.5 The proposal also includes the use of the existing outbuilding and the proposed extension as residential living accommodation. The applicant has confirmed that the outbuilding will be used by the family as part and parcel to the residential property. The neighbour at number 33 Long Lane has commented on the application and stated that the use of the outbuilding should be retained as ancillary to the main dwelling and a condition should be applied to any planning consent to ensure that a separate dwelling is not created on the site. Whilst there is no indication that this element would be used as a separate dwelling it would not be unreasonable to apply a condition to any approval for this element to be used in conjunction with the main dwelling and not to form a separate unit of accommodation.

- 12.6 There are protected trees on the site frontage. However there are no objections raised by the Tree Officer as the proposed extension would be far enough from the protected tree and the existing site features provide suitable tree protection measures.
- 12.7 Fawley Parish Council have recommended refusal due to concern relating to over development, access and parking. The built form to the rear of the property has already been extended with the smoking shelter which almost joins onto the existing outbuilding. The proposal would increase this built form but not to such a degree to be considered an overdevelopment of this site given the large plot size and position of the extension to the rear.
- 12.8 There is already access to the site at the front and rear and no change to this access is proposed. The applicant has provided an additional plan showing that there is sufficient parking available on the site as well as parking within the slip-road outside the property where there are no parking restrictions. Consequently there would not be any highway safety concerns in respect of any additional parking required from the proposed alterations.
- 12.9 The proposed extension to the existing outbuilding would extend the built form into the plot but the garden is extensive and given that it would be to the rear of the property there would not be an adverse impact on the street scene or local area. Furthermore, the use of timber cladding on the extension is acceptable in its context.
- 12.10 In conclusion the proposed extension, being to the rear of the property, would not have a detrimental impact on local or neighbour amenity. The use of the existing outbuilding and extension as living accommodation would not result in a new dwelling being created on the site and its use would be conditioned to be used in conjunction with the main dwelling. As such the proposal would comply with local and Government policies and the application is recommended for approval.
- 12.11 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

13. RECOMMENDATION

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: LP02; BP 03; FP 01; FP 02; SP 1; SP 2; PE 1; PE 2; PE 3; PE 4; PE 5; PD 01; OB 1; OB 2; OB 3 & OB 4

Reason: To ensure satisfactory provision of the development.

3. The development hereby approved shall only be used in conjunction with the existing accommodation as an extended family unit ancillary to the use of the site as a single dwelling house and at no time shall a separate dwelling be created, unless a further grant of planning permission has been given by the Local Planning Authority.

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

Notes for inclusion on certificate:

1. In accordance with paragraph 38 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

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

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

Further Information:

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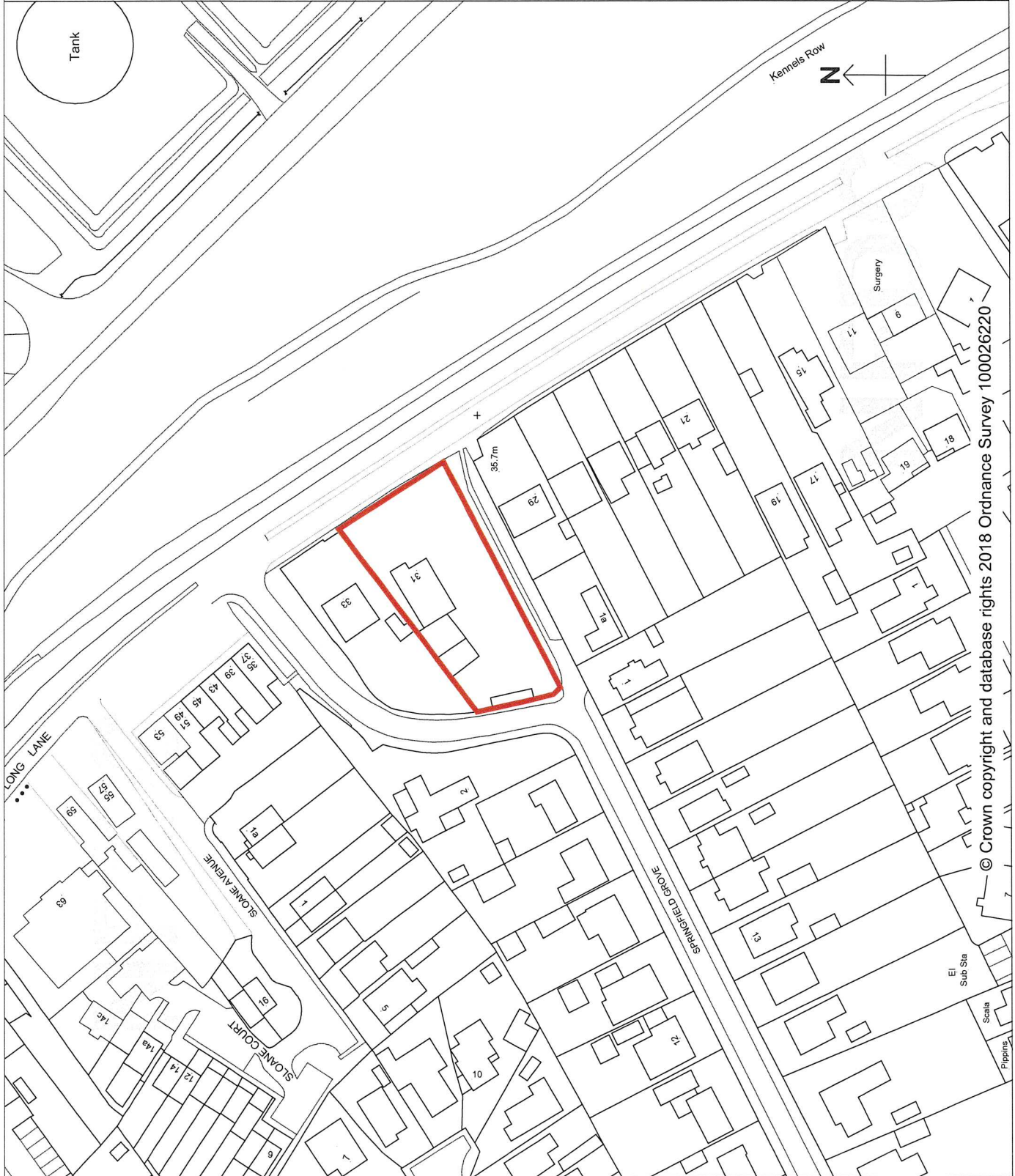
David Groom
Service Manager
Planning and Building Control
New Forest District Council
Appletree Court
Lynchhurst
SO43 7PA

**Planning Development
Control Committee**
August 2018

Item No: 3f
31
Long Lane
Holbury Fawley
18/10628

Scale 1:1250

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scale.



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Application Number: 18/10685 Full Planning Permission

Site: Land of 21 WALKERS LANE SOUTH, BLACKFIELD,
FAWLEY SO45 1YN

Development: House

Applicant: Mr & Mrs Bubb

Target Date: 11/07/2018

RECOMMENDATION: Grant Subject to Conditions

Case Officer: Richard Natt

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to councillor view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area
HSE Consultation Zone (outer zone)

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

CS2: Design quality
CS10: The spatial strategy
CS24: Transport considerations
CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

DM3: Mitigation of impacts on European nature conservation sites

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Parking Standards
SPD - Mitigation Strategy for European Sites

6 RELEVANT PLANNING HISTORY

6.1 12 houses comprising 4 detached houses, 1 terrace of 4 houses, 1 pair of semi-detached houses, 1 pair of linked detached houses, access to Walkers Lane South (06/88782) Refused on the 5th December 2006. Appeal allowed.

7 PARISH / TOWN COUNCIL COMMENTS

Fawley Parish Council: recommend permission, we note officer comments.

8 COUNCILLOR COMMENTS

Cllr Alexis McEvoy: Objection.

Initial comments

This planning application represents an unneighbourly form of development.

The proposed development, by reason of its siting in this backland position, would result in a cramped and awkward form of development which would inevitably see an increase in environmental problems such as noise, outlook and garden enjoyment. This would especially affect the property at 43, Thornbury Avenue with a loss of privacy as the proposed 1st floor front facing window will look directly into its garden.

The new dwelling would have a limited amount of usable garden area resulting in a large building on a small plot which raises concerns of surface drainage and a risk of flooding in adjacent properties.

The proposed vehicular access will be squeezed between the proposed new property and 1, St. George's Court causing noise and nuisance to these properties.

The very narrow road of St Georges Court is owned collectively by the twelve residences and covenants allow no access to a 13th residence.

A single storey build with a shared driveway with 21, Walkers Lane South would avoid the very seriously detrimental impact of the proposed development upon the surrounding residents.

Subsequent comments

I offered my previous comments on the basis of the information available to me at that time. Additional information has now become available.

The owners of 21, Walkers Lane South advise me that when they initially decided to develop St. Georges Court in 2005, they retained one building plot for their own amenity. This was part of the agreement with the developer and the owners of 21, Walkers Land South tell me they have a legal right of access to St. Georges Court. To facilitate future development of the retained plot, a dropped kerb was installed together with access gates and sewer connection.

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer: comment that St Georges Court is a private road and that the applicant should therefore establish the right of way for access
- 9.2 Natural England: have issued standing advice in relation to an Appropriate Assessment
- 9.3 Health and Safety Executive: no comment made

10 REPRESENTATIONS RECEIVED

- 10.1 7 letters of objection concerned that the proposal is backland and an overdevelopment of the site. There are too many vehicles using St Georges Court, and the road is narrow and heavily congested with car parking. Concerned with loss of light, loss of privacy, loss of outlook. The overall footprint is larger than No 1. The existing access that serves No 21 should be extended to serve the proposed dwelling. Could the proposed dwelling be single storey? If approved, this would be the 13th house added to the road and will require street lights. St Georges Court is owned and maintained collectively by the 12 residents. There are covenants imposed on the residents to undertake shared responsibility for the maintenance and upkeep of its road, pathways, common user areas and curtilage.

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive New Homes Bonus £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 £13,868.31.

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

14 ASSESSMENT

- 14.1 This full planning application proposes to construct a three bedroom detached chalet style bungalow with integral garage on part of the existing rear garden of No 21 Walkers Lane South. The proposed dwelling would be accessed from and front onto a recently developed residential cul de sac known as St Georges Court. Currently, the property at No 21 has an existing vehicular access into their rear garden from St Georges Court. The proposal would utilise this existing access point. The proposed dwelling would be sited immediately adjacent to No 1 St Georges Court and the existing property at No 21 would retain a rear garden area and car parking to the front.
- 14.2 The main issues in this case are the effect on the character and appearance of the area, the effect on the living conditions of the adjoining neighbouring properties and public highway safety matters.
- 14.3 In assessing the effect on the character and appearance of the area, the application site lies within a predominantly residential area. No 21 is a relatively large detached chalet style bungalow, which is set back from Walkers Lane South. The property sits on a spacious plot and has a fairly long front garden and there is a graveled area used for car parking to the front of the dwelling. The existing rear garden area is a pleasant open lawn with some small trees and its rear boundary backs onto No 1 St Georges Court. The north eastern boundary of the application site bounds Queen Elizabeth II Recreation Ground.
- 14.4 Walkers Lane South is characterised by detached bungalows, chalet style bungalows, with the occasional detached house. Dwellings are typically set back from the road with low walls and green front garden, in what is a low density and fairly spacious context.

- 14.5 The proposed dwelling has been designed to form an integral part of the residential development at St Georges Court which is a recent development comprising 12 dwellings served off a single private access road. St Georges Court was originally developed within the garden area of No 21 and is a relatively long and narrow strip of land between the residential dwellings of Thornbury Avenue and Queen Elizabeth II Recreation Ground. A long internal access road extends along the length of the site running adjacent to the rear boundaries of the properties on Thornbury Avenue.
- 14.6 St Georges Court is a high density development in which the dwellings are sited close to the road with short front and rear gardens. Rising to two storeys in height, the properties within this short cul de sac comprise detached, terraced and semi-detached dwellings. It is considered that the long access road with pavement on one side at St Georges Court is a rather harsh feature in its setting with limited soft landscaping. A 1.8 metre high boundary wall with fence panels form the side boundary of the application site which immediately abuts St Georges Court.
- 14.7 In considering the impact on the character of the area, it is considered that the severance of part of the existing garden area at No 21 to create a chalet style bungalow to front onto St Georges Court would be acceptable from a character point of view. The main views of the proposed dwelling would be seen from the public recreation ground to the north east and views from Walkers Lane south. However the proposed dwelling would be positioned around 45 metres back from Walkers Lane South and, accordingly, the views of the proposed development would be relatively limited. The main impact on the character of the area would be from St Georges Court.
- 14.8 The proposed dwelling has been designed to reflect the style and appearance of the neighbouring property at No 1 St Georges Court. Indeed, the two buildings would appear nearly identical, although the proposed dwelling has a slightly larger footprint. The proposed dwelling would front onto the road, following the established pattern of development in St Georges Court and as such would not be seen as a backland development. Moreover, the proposed plot size would measure around 22 metres long by 11 metres wide and this would be the same as the neighbouring plot size at No 1. The plot sizes to the other detached dwellings within St Georges Court are also of the same size. Accordingly, it is considered that the proposed development would respond to the character of St Georges Court.
- 14.9 While it is accepted that the size of the proposed plot is fairly small, this would be comparable to the other plot sizes in the area. Moreover, following the severance of part of the rear garden, the overall length of curtilage to No 21 would measure around 42 metres and it is considered that the property would still retain a spacious plot. If planning permission is granted, there is very limited scope for any further subdivisions to the rear garden of No 21 as this would leave the existing property with limited rear garden space.
- 14.10 Overall it is considered that the proposed development has been designed to reflect the character, scale and style of the properties in St Georges Court and the subdivision of the site and plot size would be comparable to what currently exists in the cul de sac.

- 14.11 With regard to residential amenity, the neighbouring properties that would be most affected by the proposal would be No 1 St Georges Court, the host property at No 21 and Nos 41 and 43 Thornbury Avenue.
- 14.12 The proposed dwelling would face onto the rear gardens of Nos 41 and 43 Thornbury Avenue, but separated by the existing road. There are a number of existing residential properties that face onto the rear gardens of Thornbury Avenue. Two first floor windows are proposed on the front elevation which would face in the direction of No 41 and 43 Thornbury Avenue. One of the windows is set back on the proposed building, but the main issue is whether the first floor bedroom window on the front gable would result in unacceptable overlooking to the properties in Thornbury Avenue. As stated above, there are already existing properties in St Georges Court which face the rear of the properties in Thornbury Avenue.
- 14.13 The distance from the proposed window to the rear boundary of these neighbours measures 8.5 metres and approximately 27 metres to their rear elevations. It is noted that there is currently an evergreen hedge along the rear boundary of No 41, which appears to be in the control of that property, whereas there is a small shed along the rear boundary at No 43. It is considered that the proposal would increase the extent of overlooking to these two dwellings, however, given the distances involved, in which there is a separation of around 27 metres, it is considered that the proposal would not materially impact on the privacy of these neighbours. It is also considered that given the scale of the dwelling and distances involved, the proposal would not materially impact on the light or outlook of those neighbours. Again, the proposed development would have a similar relationship to that already existing in St Georges Court and Thornbury Avenue.
- 14.14 In relation to No 1 St Georges Court, the proposed dwelling would be sited against its side elevation, but would not extend much beyond its rear elevation. There are currently two ground floor windows on the side elevation of No 1 which face the application site. One of the windows serves a bathroom and the other window is a study room. These windows currently face onto a 1.8 metre high boundary fence. The proposed dwelling has been designed such that the side elevation of the building would be recessed back from these two windows and this avoids the full length of the building spanning across the side elevation of No 1. Accordingly, given that the two ground floor windows do not serve main habitable rooms, they already face a high boundary fence, and the design of the building which is partly recessed in front of these windows, the proposal would not unacceptably compromise the available light or outlook of that neighbour.
- 14.15 Concerning the existing property at No 21, no first floor windows are proposed on the side elevation facing that property, which would maintain a reasonable level of privacy. Moreover, while the proposed dwelling would be sited to the rear of No 21, given the design of the proposed dwelling and fairly low scale, it is not considered that the proposal would unacceptably compromise their light or outlook.
- 14.16 In terms of public highway safety matters, there is currently an existing cross over and entrance gates to No 21 accessed from St Georges Court. It is proposed that the existing access and crossover will remain

to serve the proposed dwelling. Given that there is already an access and entrance which serves No 21, it is not considered that the proposal to utilise this entrance for a single dwelling would result in public highway safety issues.

- 14.17 Indeed, the proposed layout shows two off street car parking spaces to serve the proposed dwelling, one of which would be within the integral garage and the existing dwelling at No 21 would retain a large on site car parking area accessed from Walkers Lane South. Therefore the proposal would broadly accord with the recommended car parking standards set out in the Councils SPD.
- 14.18 A number of representations are concerned that St Georges Court is a private road owned and maintained by the existing 12 residents and that there are covenants imposed on the residents to undertake shared responsibility for the maintenance and upkeep of its road, pathways, common user areas and curtilage. In response to these concerns, it should be noted that restrictive covenants are civil matters and are not planning issues. The applicant has confirmed that they have a legal right of access to St Georges Court and this was part of their agreement when the development of the site came forward. Accordingly, if planning permission is granted it would be for the applicant to ensure that they have a right of access to the approved development.
- 14.19 The Local Planning Authority 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 11 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 177) which indicates that development should be restricted.
- 14.20 In the light of recent changes to national planning policy, it is considered inappropriate to secure a contribution towards affordable housing in respect of schemes of 10 residential units or fewer. In essence, national planning guidance would now outweigh the Council's own policies on this particular issue
- 14.21 In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting planning permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites, but that the adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact in accordance with the Council's Mitigation Strategy or mitigation to at least an equivalent effect.

- 14.22 In accordance with the Habitat Regulations 2017 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard
- 14.23 In conclusion, the proposed development would provide an additional house within the established settlement boundary which would appear as an integral part of the recently built development, known as St Georges Court. While the proposed plot size is fairly small, it is comparable to the other dwellings in the cul de sac and the overall impact of the proposed development would be low. The proposed development has been designed to blend into the existing development and still allow the retained garden area to No 21 to feel spacious. The proposed development would not have a detrimental impact on the living conditions of the neighbouring properties or on public highway safety. Accordingly approval is recommended.
- 14.24 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	144	0	144	144	£80/sqm	£13,868.31 *
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Subtotal:	£13,868.31
Relief:	£0.00
Total Payable:	£13,868.31

* 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:

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

Where:

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

R = the levy rate as set in the Charging Schedule

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

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

1. The development hereby permitted shall be begun before the expiration of 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: bubb sht 3 Rev X, bubb sht 2 Rev X, bubb sht 1 Rev X.

Reason: To ensure satisfactory provision of the development.

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

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

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

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

5. The development hereby permitted shall not be occupied until the spaces shown on plan bubb sht 3 Rev X for the parking and garaging of motor vehicles and cycles have been provided.

The spaces shown on plan bubb sht 3 Rev X for the parking and garaging of motor vehicles and cycles shall be retained and kept available for the parking and garaging of motor vehicles and cycles for the dwelling hereby approved at all times.

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

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, B or 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, or means of enclosure otherwise approved by Class A of Part 2 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.

Reason: In view of the physical characteristics of the plot, the Local Planning Authority would wish to ensure that any future development proposals do not adversely affect the visual amenities of the area and the amenities of neighbouring properties, contrary to Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

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

8. All external works (hard and soft landscape) shall be carried out in accordance with the approved plans and details set out in condition 7 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).

9. 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.

10. Before first occupation of the development hereby approved, a surface water sustainable drainage system (SuDS) shall be designed and installed to accommodate the run-off from all impermeable surfaces including roofs, driveways and patio areas on the approved development such that no additional or increased rate of flow of surface water will drain to any water body or adjacent land and that there is capacity in the installed drainage system to contain below ground level the run-off from a 1 in 100 year rainfall event plus 30% on stored volumes as an allowance for climate change as set out in the Technical Guidance on Flood Risk to the National Planning Policy Framework.

Infiltration rates for soakaways are to be based on percolation tests in accordance with BRE 365, CIRIA SuDS manual C753, or a similar approved method.

In the event that a SuDS compliant design is not reasonably practical, then the design of the drainage system shall follow the hierarchy of preference for different types of surface water drainage system as set out at paragraph 3(3) of Approved Document H of the Building Regulations.

The drainage system shall be designed to remain safe and accessible for the lifetime of the development, taking into account future amenity and maintenance requirements.

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

Notes for inclusion on certificate:

1. In discharging condition No 9 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/>
2. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

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

Further Information:

Richard Natt

Telephone: 023 8028 5588



New Forest
DISTRICT COUNCIL

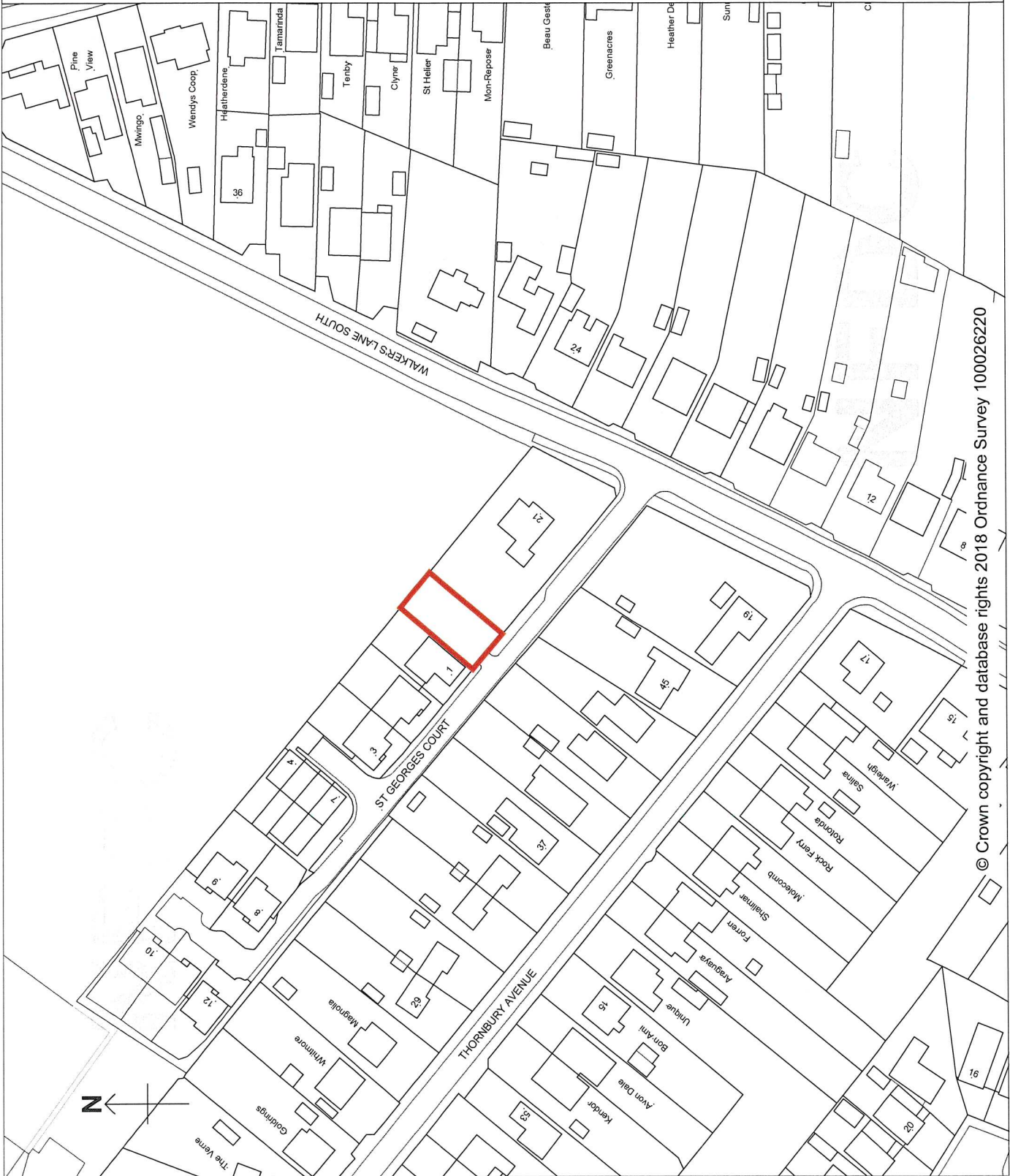
Tel: 023 8028 5000
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David Groom
Service Manager
Planning and Building Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee**
August 2018

Item No: 3g
Land of 21
Walkers Lane South
Blackfield Fawley
18/10685

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



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Application Number: 18/10707 Full Planning Permission

Site: 14 WATERFORD ROAD, ASHLEY, NEW MILTON BH25 5BH

Development: First-floor extension

Applicant: Mr Arnold

Target Date: 24/07/2018

Extension Date: 10/08/2018

RECOMMENDATION: Refuse

Case Officer: Rosie Rigby

1 REASON FOR COMMITTEE CONSIDERATION

Request of member of the Planning Committee

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Plan Area
Aerodrome Safeguarding Zone
Flood Zone

Plan Policy Designations

Built-up Area

National Planning Policy Framework

Section 12 Achieving well designed places

Core Strategy

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

Supplementary Planning Guidance And Documents

SPD - New Milton Local Distinctiveness

3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

4 RELEVANT SITE HISTORY

Proposal	Decision Date	Decision Description	Status
85/NFDC/29478 Addition of a bedroom on first floor.	26/06/1985	Granted	Decided

5 COUNCILLOR COMMENTS

Councillor Christine Ward requested the application be considered by the Planning Committee.

6 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: strongly object (Delegated):

- (1) Negative impact to the amenities of number 12 at ground and first floor level, which includes loss of light, privacy and would create a general feeling of enclosure.
- (2) Unneighbourly.

7 CONSULTEE COMMENTS

Natural England: no comment - refer to Standing Advice

8 REPRESENTATIONS RECEIVED

Total Number of Representations Received: 1

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

Objections:

- Loss of light and overshadowing
- Loss of privacy
- Sense of enclosure
- Red line incorrect
- First floor plan incorrect.

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 paragraph 38 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive

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

The applicant did not use the pre-application advice service available from the Council prior to the application being submitted. Although the applicant submitted amended plans which addressed the overlooking issue by proposing a high level window on the north elevation, the overshadowing and loss of light concerns remained. Further plans were provided to address inaccuracies with the red line and a Certificate B submitted along with a revised first floor layout plan. Having considered the issues and comments received on the application, there is sufficient justification to refuse the current application.

12 ASSESSMENT

- 12.1 The site consists of an end of terrace property, part of a group of unsymmetrical appearance, on an established residential road in the built up area of New Milton. The manner in which these terraced properties have been sub-divided means that what exists at ground floor level, is different at first floor level. The properties have all been subject to alterations and extensions resulting in the remainder of the terrace extending further back in their plots than the application site.
- 12.2 Waterford Road is characterised by mixed architectural styles and sizes, while Oak Road, which the application site also faces onto, is predominantly made up of bungalows with a stream running across the fronts of the properties on the western side of the road.
- 12.3 The application proposes a first floor extension to the side and rear with the existing rear single-storey flat roof being altered to a mono-pitch roof and a high level window to the existing rear elevation. The main considerations are the impact on the amenity of the adjoining neighbour at No 12 Waterford Road and the impact on the street scene.
- 12.4 The neighbour, No 12 Waterford Road, has a roof lantern on the flat roof adjoining No 14. This roof lantern serves an internal room that is used as a study. Due to later additions to the dwelling this room does not have any other external light sources, just windows looking out into the conservatory style single-storey extension. Consequently this room is already dark with limited available light. The proposed extension and alteration to the single-storey roof would further reduce the limited light to this room to the detriment of reasonable amenity of the neighbour, and this impact would be exacerbated by the orientation of the properties, being north facing. The fact that the room is already dark does not justify a further harmful reduction in light as a result of the proposed extensions.
- 12.5 The applicant has offered to paint the walls white to reflect more light into the roof lantern. Notwithstanding that this would improve the situation, the degree of harm to amenity would remain unacceptable for the reasons set out above.
- 12.6 No 12 has a two-storey rearward projection with a rear bedroom having both side and a rear facing windows. The part of the proposal extending to the rear would present a blank brick wall at a separation of 3.6 metres from the side window of the rear bedroom. This would impact on this window but there is another, rear facing, window serving this room.

Furthermore, the first floor extension would only project a further 1.2 m to the rear and this limited extent, together with the separation, would reduce any enclosing impact to an acceptable level.

- 12.7 Although the addition of the proposed window on the north elevation would face towards the rear garden of No 12 Waterford Road this is a high level window and as such it would not lead to unacceptable overlooking.
- 12.8 The proposed extension would be viewed from Oak Road, however it would have a roof form that would be subservient to the existing property and would not appear out of keeping with the host dwelling. As such the impact on the street scene would be acceptable.
- 12.9 There would be two new side windows at first floor fronting onto Oak Road. However there would be a separation across the road of at least 28 metres so no unacceptable overlooking would result.
- 12.10 The cottage at No. 20 Oak Road, which adjoins the site to the north, is recognised as being a key building in the New Milton Local Distinctiveness Supplementary Planning Document. It is one of the old forest cottages or rural dwellings which make the Ashley character area distinctive. However, the proposal would have a separation of 12.5 metres from this dwelling across the rear garden of No. 12 Waterford Road and the impact would be acceptable.
- 12.11 The proposal would increase the number of bedrooms to 4, the requirement set out in the NFDC document "Parking Standards Supplementary Planning Document" adopted in October 2012 recommends an average provision of 3 on-site car parking spaces for a four bedroomed property. Paragraph 3.4 states that if a development provides significantly less than the recommended provision consideration will need to be given as to whether there is likely to be an unsatisfied demand which could lead to severe road safety hazards or serious environmental damage. In this case, the proposal is not significantly below the recommended provision, there are no parking restrictions on Waterford Road and no harm is likely to be caused, furthermore additional parking space could possibly be made available within the curtilage to provide for future demands for on-site parking provision.
- 12.12 In conclusion although there would be an enclosing impact on the neighbour at No.12 this would not, on balance be sufficient to justify a refusal, however the overshadowing to the rear of No.12 Waterford Road would result in a loss of light which would, on balance be unacceptable and a refusal would be justified for this reason.
- 12.13 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

13. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposed first floor extension and roof alteration by reason of its close proximity to the rooflight on No 12 Waterford Road's north facing flat roof would cause overshadowing resulting in an unacceptably harmful loss of light to the detriment of this neighbour's reasonable amenity. As such it would be contrary to the provision of Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

Notes for inclusion on certificate:

1. This decision relates to amended plans received by the Local Planning Authority on 14 June & 9 July 2018
2. In accordance with paragraph 38 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

The applicant did not use the Pre-application advice service available from the Council prior to the application being submitted. Although the applicant submitted amended plans which addressed the overlooking issue by proposing a high level window on the north elevation, the overshadowing and loss of light concerns remained. Further plans were provided to address inaccuracies with the red line and a Certificate B submitted along with a revised first floor layout plan. Having considered the issues and comments received on the application, there is sufficient justification to refuse the current application.

Further Information:

Rosie Rigby
Telephone: 023 8028 5588



New Forest
DISTRICT COUNCIL

Tel: 023 8028 5000
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David Groom
Service Manager
Planning and Building Control
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**Planning Development
Control Committee**
August 2018

Item No: 3h

14

Waterford Road
Ashford New Milton
18/10707

Scale 1:1250

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Application Number: 18/10749 Full Planning Permission

Site: THE OLD PUMPHOUSE, MARL LANE, SANDLEHEATH
SP6 1NU

Development: Use as residential dwelling; rear extension; dormer window;
parking

Applicant: Sean Kelly

Target Date: 02/08/2018

RECOMMENDATION: Refuse
Case Officer: Stephen Belli

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Parish Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

- 1 Special qualities and local distinctiveness
2. Climate change and environmental sustainability
3. Housing
5. Travel

Policies

CS1: Sustainable development principles

CS2: Design quality

CS3: Protecting and enhancing our special environment (Heritage)

CS9: Settlement hierarchy – countryside designation

CS10: Spatial strategy

CS15: Affordable housing contribution requirements from developments

Local Plan Part 2 Sites and Development Management Development Plan Document

NPPF1: Presumption in favour of sustainable development

DM1: Heritage and conservation

DM3: Mitigation of impacts on European sites

DM20: Residential development in the countryside

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Residential design guide for rural areas

SPD - Mitigation Strategy for European Sites

SPD - Parking Standards

6 RELEVANT PLANNING HISTORY

None

7 PARISH / TOWN COUNCIL COMMENTS

Sandleheath Parish Council recommend approval for the reasons listed below

1. This is a solid proposal to convert a derelict building into a residential one
2. There would be no meaningful impact on traffic in Marl Lane
3. Scheme is in keeping with the nature of the property and makes good use of an old building.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

Conservation Officer - The Old Pumphouse is considered to be a non-designated heritage asset and is important to the character of the area. It was built between 1901 and 1909 as an engine house and appears on the 1909 map along with a new dwelling on the site of what is now Hurley Farm. It is highly likely that the two were built at the same time and the engine house may have pumped water from a well up to the house giving it running water in a rural location, still something of a novelty in rural areas at this stage in history.

This building is important to the understanding of the development of this area and is architecturally interesting as an industrial building. The roof slope of the building is simple and uncluttered and it is in this simple form that part of the character of this building lays.

Given the current interventions into the roof slope and the loss of the rear circular window, along with the rather odd roof form of the rear extension and lack of a heritage assessment. I feel that paragraph 189, paragraph 197 and paragraph 130 of the NPPF should apply in this case and I am unable to support the scheme as it stands.

10 REPRESENTATIONS RECEIVED

6 letters of objection received raising the following concerns

- Marl Lane is heavily used by walkers and horses and is not suitable for extra vehicular traffic by virtue of its unmade and narrow nature. Consideration should be given to highway safety and the danger that this dwelling will bring to existing users
- Site is in open countryside where there is a presumption against new dwellings on the grounds of sustainability
- Plans are inaccurate and impinges on other boundaries and land
- No gas, water or electricity and there is concern over how surface and foul waste will be dealt with
- Location is prone to flooding so surface water systems of disposal will not work
- No ecological report has been submitted - bats have been seen in the area
- Proposed works have an adverse impact on the character of the building, new extensions, roof extension and external timber cladding are unacceptable
- Both adjoining owners dispute that the red line site boundary is wholly within the applicant's ownership.
- The site is too small to allow for adequate drainage. There is insufficient room to site a sewage disposal system within the grounds. Neither are there any proven and adequate ways of disposing of surface water – the whole area is waterlogged in winter months. There is no evidence that the proposal will comply with Building Regulations

11 CRIME & DISORDER IMPLICATIONS

None relevant

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive £1224.00 New Homes Bonus in each of the following four years, subject to the following conditions being met:

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

Based on the information provided at the time of this report this development has a CIL liability of £2,118.77.

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

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

In this case all the above apply and as the application was unacceptable both in principle and in matters of detail as submitted no specific further actions were required. The applicant did not avail himself of the Council's pre application advice service where matters of principle and design considerations could have been set out thus avoiding what is considered to be an abortive application on this occasion. The applicant has been advised of the case officer's concerns but no response has been received.

14 ASSESSMENT

14.1 Application site and surroundings

14.1.1 The site is located in the open countryside and outside the settlement limits of both Ashford to the south and Sandleheath to the west. Fordingbridge lies to the east. The site comprises a former Pumphouse building constructed to manage water supplies, it is thought in

connection with Hurley Farm to the west. The building has the appearance of an ornate lodge type structure at the entrance to Hurley Farm, albeit its purpose was as an engine pump house not residential. The building as described by the Conservation Officer has a number of ornate architectural details such as exposed rafters, round windows and English brick bond brickwork.

14.1.2 The building is constructed in brick under a clay tiled roof and is of a simple rectangular form with a lean to extension to one end. The building presents its gable end to the access road to Hurley Farm which in this case is also a public footpath. The building sits in a small fenced curtilage which separates it from the agricultural land to the west and north, and the domestic access and gardens belonging to Sandle Grange house to the east. Little survives in the interior of the building apart from a queen post roof and some original window frames. There is currently no first floor.

14.1.3 Access to the site is via a long unmade track leading from the Fordingbridge Fire station. This track known locally as Marl Lane is approximately 2-3 metres in width with no passing places other than where there is local widening to serve cottages along the lane or by using driveways. There are a number of older residential properties along the lane probably built as estate workers cottages.

14.2 Proposal

14.2.1 The proposal involves the renovation and conversion of the building to form a single open market dwelling. The building works include a modification to and part new extension on the site of the existing single storey lean to and a large dormer type extension to the western roof slope. The lean to extension would be extended upwards to form part of the new first floor.

14.2.2 The existing building measures some 8 metres by 4.5 metres wide with a ridge height of 5.5 metres. The proposed new accommodation would comprise an open plan lounge and dining area with a kitchen on the ground floor, with a new floor inserted to form a first floor with a double bedroom, dressing room and bathroom.

14.2.3 The building at the present time has no water supply or means of disposing of foul waste. The application form states that surface water will be dealt with via a sustainable drainage system, but that the means of foul water disposal are unknown at this time. Access is intended via Marl Lane and the submitted site layout plan indicates two tandem parking spaces to serve the new dwelling. The building would to be provided with a fenced garden area to the north and east with a smaller strip of land to the west. The red line boundary appears according to the neighbours to cross land in their ownership. A large tree exists on the eastern side of the building.

14.2.4 The applicant currently lives in London and he describes the use of the building as being a storage lock up historically an engine house. It is understood that the property more recently used to belong to Sandle Grange to the east but was recently sold at auction. There were no pre application discussions leading up to the submission of the application.

The key issues in this case are as follows

- the principle of development in the open countryside,
- impact on the character and appearance of the existing building and area,
- impact on neighbours,
- highway safety including rights of way,
- drainage and services.
- Ecological impact

14.3 Principle

- 14.3.1 The site is in the open countryside where normally new dwellings are not permitted unless they are required for agricultural purposes or to serve an established rural based business where there is a functional need to live on the spot. The proposal for an open market rather than affordable dwelling is also contrary to established Core Strategy and Local Plan Part 2 policies as set out above and comprises an isolated new dwelling which is contrary to paragraph 79 of the National Planning Policy Framework. While the building could be described as a local non designated heritage asset it is not a Listed Building so there are no overriding exceptional circumstances to allow an exception in this case as there might be with a Listed Building at risk for example.
- 14.3.2 From a sustainability point of view it is clear that this isolated new dwelling would require any occupiers to have the use of a motor car to access everyday services. Both local and national policy dictates that there need to be very special circumstances to set aside such a presumption against residential development in the open countryside.
- 14.3.3 In the light of recent changes to national planning policy, it is considered inappropriate to secure a contribution towards affordable housing in respect of schemes of 10 residential units or fewer. In essence, national planning guidance would now outweigh the Council's own policies on this particular issue
- 14.3.4 The Local Planning Authority 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 11 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 177) 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.

14.4 Character impact

- 14.4.1 The Conservation Officer considers the building to be of interest and important locally to the history of the area. The Officer advises that national policy dictates as follows -

Paragraph 197 of the NPPF states that consideration needs to be given to the significance of a non-designated heritage asset when determining an application. A balance needs to be struck between the harm caused and the significance of the heritage asset. This building is important to understanding of the landscape of the area and its development in the late Victorian / Edwardian period. Its architectural detailing is important to its character and the simple roof slope is characteristic of late Victorian buildings but appropriate for the industrial use it was intended for. The building is unique to the area and therefore the survival of its intrinsic character is important. This building could be capable of conversion however, there needs to be more of an understanding as to what makes this building special and in accordance with paragraph 189 of the NPPF a basic heritage assessment should be provided that describes the buildings architectural character and what is significant about it. This should be reflected in the proposal.

14.4.2 It is clear that the proposed alterations to the building, particularly by way of a first floor upwards extension of the lean to at the rear, and a large flat roofed dormer window extension in the roof space jars with the simple uncluttered lines and character of the building detracting from its appearance and undermining its character and historical significance. The Conservation Officer in her report also refers to other changes which adversely impact on the building. In addition other domestic features and paraphernalia surrounding the building would also impact adversely on the character and appearance of the building and the site. The Conservation Officer considers that the building *could* be converted to a dwelling but much more understanding is required of the form and features of the building, what makes it special, and a much simpler approach being taken, without roof or other extensions or other changes of materials or changes to windows and doors.

14.4.3 While the building is clearly of some local importance and interest it should also be stated that it is not a building at risk in the conventional sense. There is no pressure to find an alternative use and in any event such a use does not have to be residential in nature. The applicants purchased the building at auction with a view to a residential use but there was no indication given that such a use would be acceptable in planning policy terms. The existing or former use of the building as storage could be re-instated. Alternatively the building could go back to the ownership of either Hurley Farm or Sandle Grange and be used as an ancillary outbuilding of some sort which in real terms would be a more appropriate use, connected to an existing dwelling. Such a low key use would put less pressure on needing to service the site or in changing and adapting the building to a full blown residential use.

14.5 Impact on neighbours' amenity

14.5.1 The two nearest neighbours to the site are Sandle Grange and Hurley Farm both of whom have objected. While there is no direct loss of privacy to either property they are both concerned regarding the details of the proposal and the fact they say that the red line boundary crosses their own land. The applicant has been made aware of this but has not responded. This raises civil law matters between property owners. The grant of a planning permission does not override civil law and in this respect the Authority must take at face value the Certificate A submitted with the application notwithstanding the concerns of the neighbours. There are a number of other local residents in the area but the impact on

those is more limited to the stated difficulties of accessing the site and the way in which this impinges on their opportunity to enjoy the lane as a public right of way.

14.6 Highway safety and rights of way

- 14.6.1 There have been a number of objections submitted by those neighbours who currently use the access track leading to the site. They all point to the inadequacy of the existing track. An additional dwelling together with the usual comings and goings (6-8 traffic movements per day is a rough guide) they consider would be prejudicial to highway safety. The track itself is loose gravel and has potholes and is clearly in need of maintenance. There are very few passing places along the length of the track leading to the site (some 700 metres). This could result in traffic meeting each other in the lane and having to reverse in an area frequented by walkers and horse riders and with no lighting.
- 14.6.2 There is another means of access from Puddleslosh Lane but if anything this access is even more substandard. Policy CS10 seeks to ensure that there is adequate access to all development sites and that any adverse impacts from traffic and access are minimised. In this case there are no submitted proposals to improve the access road, which in any event is not within the control of the applicant. The fact that the access road is a well-used public right of way means that any additional traffic does not meet the policy requirements notwithstanding that it could be argued that only one additional dwelling is not a material increase in traffic volumes. Added to these difficulties is the added short term problem of accessing the site by construction traffic. Given the distance of the site from every day services and local employment it is also unlikely that more sustainable forms of transport can be used instead of the motor car.

14.7 Drainage and services

- 14.7.1 The application at this stage contains inadequate details in relation to the disposal of surface water or how waste flows would be dealt with. The application form and plans contain no details as to how this would be accommodated within the site. While these matters are more generally dealt with under the building regulations there is a concern that the applicant has failed to demonstrate that a new dwelling can be satisfactorily accommodated together with all the necessary services. This however does not result in a reason for refusal albeit any works outside the curtilage of a dwelling to install such drainage works would require planning permission in their own right.

14.8 Ecological impact

- 14.8.1 In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting planning permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites, but that the adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact in accordance with the Council's Mitigation Strategy or mitigation to at least an equivalent effect.

- 14.8.2 In accordance with the Habitat Regulations 2017 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard
- 14.8.3 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 to that effect has been signed by the aforementioned parties Hereafter, all new residential development will be subject to a condition which will prevent occupation of the development until either mitigation in accordance with the Council's Phosphorous Mitigation Strategy is secured or, in advance of the publication of the Strategy, on-site foul drainage infrastructure capable of achieving an equivalent reduction in phosphorous has been installed in accordance with details approved by the Council.
- 14.8.4 Finally some local objectors point to anecdotal evidence that there may be bats using the building. If that is the case there is then an onus on the applicant to show that the conversion of the building would not harm any potential ecological interest the site may have. It is an offence under the Wildlife and Countryside Act to harm any bats or to destroy or harm any roosting area. However, given that the recommendation in this case is one of refusal on grounds of principle it is considered unnecessary to require any further evidence to be submitted to demonstrate there would be no harm to matters of ecological importance.

14.9 Conclusions

- 14.9.1 The building in question clearly has some local and historic importance and can be considered a non-designated heritage asset. It is clear from the submitted plans that the proposals would harm this asset in terms of its character and appearance. The building in any event lies in the open countryside and there are no exceptional circumstances which would allow the setting aside of local and national policies of restraint on new dwellings in such non sustainable locations. The access road leading to the site is severely substandard and additional traffic would be prejudicial to highway safety of existing users both in vehicles and on foot or horseback. The proposal is considered to be contrary to a range of policies as set out in the Development Plan and government advice as set out in the National Planning Policy Framework.

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

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
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Dwelling houses	58	36	22	22	£80/sqm	£2,118.77 *
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Subtotal:	£2,118.77
Relief:	£0.00
Total Payable:	£2,118.77

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

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

Where:

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

R = the levy rate as set in the Charging Schedule

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

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The site lies in the open countryside divorced from local facilities and services. The proposed new open market dwelling is not required for any agricultural or rural based business for the occupier to live on that spot. Any occupiers of the proposed new dwelling will be reliant on the use of a private motor car to service their everyday needs. This is compounded by a long narrow inadequately lit and surfaced access road with few opportunities for vehicles to pass. In addition the access road is used as a public right of way. Any additional traffic would be material and would add to the current dangers, and would be prejudicial to highway safety for existing users of the track. The proposed new dwelling is not sustainable and is considered to be contrary to Core Strategy Policies CS1, CS9 and CS10, DM20 of the Local Plan Part 2, as well as with the principles of sustainability set out in the National Planning Policy Framework (NPPF). There are no exceptional circumstances in this case to warrant setting aside this presumption against new dwellings in such areas.
2. The proposed works to the building do not respect the building's qualities, local distinctiveness and character, and will adversely impact on the significance of this local non designated heritage asset. There are insufficient details submitted to demonstrate an understanding as to what makes this building special and how the proposed works are in sympathy with the building. The proposal is considered contrary to Core Strategy Policy CS2 as well as Local Plan Part 2 policy DM2 which set out the necessary high standards of design and in particular that adverse impacts on buildings considered to be of heritage importance should be avoided. The proposal is furthermore considered to be contrary to the advice on heritage assets and good design as set out in the NPPF

Notes for inclusion on certificate:

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

In this case all the above apply but as the application was unacceptable both in principle and in matters of detail as submitted no specific further actions were required. The applicant did not avail himself of the Council's pre application advice service where matters of principle and design considerations could have been set out thus avoiding what is considered to be an abortive application on this occasion. The applicant has been advised of the case officer's concerns but no response has been received.

Further Information:

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**Planning Development
Control Committee**
August 2018

Item No: 3i
The Old Pumpphouse
Marl Lane
Sandheath
18/10749

Scale 1:2500

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



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