

NOTICE OF MEETING

Meeting: PLANNING COMMITTEE

Date and Time: WEDNESDAY, 12 SEPTEMBER 2018, AT 9.00 AM*

Place: THE COUNCIL CHAMBER, APPLETREE COURT,
LYNDHURST

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

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

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Chief Executive

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

AGENDA

Apologies

1. MINUTES

To confirm the minutes of the meeting held on 8 August 2018 as a correct record.

2. DECLARATIONS OF INTEREST

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

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

3. PLANNING APPLICATIONS FOR COMMITTEE DECISION

To determine the applications set out below:

- (a) **Land of 27 & 29 & Rear of 29A Wainsford Road, Pennington, Lymington (Application 18/10342) (Pages 1 - 18)**
7 dwellings comprising 2 pairs of semi-detached houses; 3 detached houses; detached garage; cycle stores; bin parking and landscaping; new rear garden and parking to 29a; demolition of 2 dwellings at No 27 and 29 Wainsford Road
- RECOMMENDED:**
- Grant permission subject to conditions
- (b) **Land rear of 25-31 Provost Street, Fordingbridge (Application 18/10474) (Pages 19 - 30)**
Bungalow; access; parking; demolition of extensions to 25 and 27 Provost Street; rear porch canopy
- RECOMMENDED:**
- Refuse
- (c) **Argyle House, 12 Lower Ashley Road, Ashley, New Milton (Application 18/10607) (Pages 31 - 50)**
8 dwellings comprised of 1 block of 6 flats; 1 pair of semi-detached bungalows; associated parking and landscaping; demolition of existing
- RECOMMENDED:**
- Grant permission subject to conditions
- (d) **Site of Arrachar, Fox Pond Lane, Pennington, Lymington (Application 18/10774) (Pages 51 - 60)**
Variation of condition 2 of planning permission 17/10532 to allow revised plan numbers to allow first-floor side extension; revised front boundary details; timber cladding; fenestration alterations – changes to rear windows, side rooflights, provision of oriel window; provision of flue
- RECOMMENDED:**
- Grant permission subject to conditions
- (e) **Unit 2, Ricardo Way, Lymington (Application 18/10781) (Pages 61 - 70)**
Variation of conditions 10 and 11 of Planning Permission 11/97309 to allow opening and delivery times between 07:00 to 20:00 Monday to Saturday (including bank holidays) 09:00 to 17:00 Sundays
- RECOMMENDED:**
- Grant permission subject to conditions

(f) **The Old Mill, Barnes Lane, Milford-on-Sea (Application 18/10799) (Pages 71 - 84)**

Refurbishment and extension of existing buildings to create a single dwelling with glazed links; provision of garage/car port; new access including bridge over mill pond; landscaping

RECOMMENDED:

Refuse

(g) **The Old Mill, Barnes Lane, Milford-on-Sea (Application 18/10800) (Pages 85 - 94)**

Refurbishment and extension of existing buildings to create a single dwelling with glazed links; provision of garage/car port; new access including bridge over mill pond; landscaping (Application for Listed Building Consent)

RECOMMENDED:

Refuse

(h) **11 Carlton Avenue, Barton-on-Sea, New Milton (Application 18/10832) (Pages 95 - 102)**

Roof alterations in association with new first floor; two-storey side extension; single-storey front extension; two storey rear extension

RECOMMENDED:

Grant permission subject to conditions

(i) **Land off Mountfield, Hythe (Application 18/10838) (Pages 103 - 118)**

4 detached chalet bungalows; garages and parking; associated access (Outline application with details only of access and layout)

RECOMMENDED:

Grant permission subject to conditions

(j) **West Barns, Bleak Hill Farm, Bleak Hill, Ellingham, Harbridge & Ibsley (Application 18/10871) (Pages 119 - 130)**

Reconstruction of barn to form dwelling; use of barn as garage and ancillary residential accommodation (part retrospective)

RECOMMENDED:

Grant permission subject to conditions

- (k) **Rear of Rashley House, 77 High Street, Lymington (Application 18/10885) (Pages 131 - 136)**

Change of use of office (B1) to ancillary use to Rashley House (C3)

RECOMMENDED:

Grant permission subject to conditions

- (l) **Land of Aspen Cottage, Hythe Road, Marchwood (Application 18/10888) (Pages 137 - 148)**

House; detached garage

RECOMMENDED:

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

- (m) **Land rear of The Old Cinema in Junction Road, Maynard Road, Totton (Application 18/10898) (Pages 149 - 164)**

4 flats; associated landscaping; cycle store; fenestration alteration to The Old Cinema building (amended reason to advertise)

RECOMMENDED:

Grant permission subject to conditions

- (n) **Fawley Independent Day Nursery, 1 Rolleston Road, Holbury, Fawley (Application 18/10921) (Pages 165 - 174)**

Removal of condition 6 of Planning Permission 09/93731 to allow occupancy based on Ofsted requirements

RECOMMENDED:

Service Manager Planning Development Control authorised to grant the removal of condition subject to conditions

- (o) **16-18 Southampton Road, Ringwood (Application 18/11004) (Pages 175 - 184)**

Removal of condition 3 on planning permission 18/10726 facilitate use of the first-floor flats as independent dwellings

RECOMMENDED:

Grant permission subject to conditions

4. DATES OF MEETINGS

To agree the following dates of meetings for the Planning Committee (Wednesdays at 9.00 a.m.)

12 June 2019	11 December 2019
10 July 2019	8 January 2020
14 August 2019	12 February 2020
11 September 2019	11 March 2020
9 October 2019	8 April 2010
13 November 2019	13 May 2020

The meeting on 8 May 2019 also needs to be moved to Wednesday 1 May 2019, so that it falls just before the quadrennial election of councillors.

5. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

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

STATUTORY TESTS

Introduction

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

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

The Development Plan

The Development Plan Section 38

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

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

Listed Buildings

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

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

Conservation Areas

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

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

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

Considerations relevant to applications for residential development

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

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

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

Areas of Outstanding Natural Beauty (AONB's)

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

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

Trees

Section 197. Trees Town and Country Planning Act 1990

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

Biodiversity

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

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

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

Conservation of Habitats and Species Regulations 2010

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

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

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

Equality

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

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

Financial Considerations in Planning

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

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

Application Number: 18/10342 Full Planning Permission

Site: Land of 27 & 29 & Rear of 29A WAINSFORD ROAD,
PENNINGTON, LYMINGTON SO41 8GE

Development: 7 Dwellings comprising 2 pairs of semi-detached houses; 3 detached houses; detached garage; cycle stores; bin parking & landscaping; new rear garden and parking to 29a; demolition of 2 dwellings at No 27 and 29 Wainsford Road

Applicant: Robert A Govier Building & Roofing Ltd

Target Date: 10/05/2018

Extension Date: 13/09/2018

RECOMMENDATION: Grant Subject to Conditions

Case Officer: Richard Natt

1 REASON FOR COMMITTEE CONSIDERATION

The land owner is an employee of New Forest District Council

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area
Adjacent to New Forest National Park
Tree Preservation Order

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS10: The spatial strategy
- CS15: Affordable housing contribution requirements from developments
- CS24: Transport considerations

Local Plan Part 2 Sites and Development Management Development Plan Document

DM2: Nature conservation, biodiversity and geodiversity
DM3: Mitigation of impacts on European nature conservation sites

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

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

6 RELEVANT PLANNING HISTORY

None of direct relevance

7 PARISH / TOWN COUNCIL COMMENTS

Lymington and Pennington Town Council: no comment. As the applicant is a member of Lymington and Pennington Town Council, it has been deemed that, in view of such close connection, it would not be appropriate for the Council to receive this application for consideration.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

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

9.2 Tree Officer: No objection subject to condition

9.3 Ecologist: no objection subject to condition to secure all the measures set out in the Ecology report.

9.4 Natural England: No objection.

10 REPRESENTATIONS RECEIVED

10.1 9 letters of objection stating that the proposed development is out of character with the area. The proposed development is too intensive and cramped. Lack of amenity space. Loss of greenery, trees and vegetation. While some form of development may be acceptable, the number of houses needs to be reduced. Impact on the living conditions of the adjoining neighbouring properties by way of loss of outlook, visual intrusion, light and noise pollution and overlooking. Loss of hedgerow and loss of green infrastructure. Concerns over the failure to meet test of housing needs. Impact on habitat/ ecology. Impact on the long term retention of the protected trees. Concerns in relation to public highway safety for both vehicles and pedestrians. Poor pedestrian access. Lack of parking. The internal access arrangement is too tight. No parking for

delivery/ visitors. Proposed cycle provision falls short of the Councils SPD. A number of houses are smaller than the minimum gross internal area stipulated in the national DCLG Technical Housing Standards. The headroom of the first floor rooms are restricted and it is highly likely that the ridge heights would need to be increased to ensure sufficient head height is provided. Impact on trees, in particular the daylight and amenity of Plots 4 and 5. Concerns over the space for refuse vehicles.

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

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

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

Based on the information provided at the time of this report this development has a CIL liability of £39,330.14

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

13 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 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.

Pre application advice was sought by the applicant, however in response, Officers raised concerns over the extent and intensity of development and impact on the character of the area and living conditions of the neighbouring properties. Officers advised that the site has potential, but the level of development would need to be reduced and be of a more sympathetic design.

The planning application submitted did not address these concerns and Officers met the applicant and agent to explain the issues. Following a meeting and discussions, the applicant has now revised the design and layout of the site, and reduced the size, scale and number of dwellings. The planning application has now gone through its re-consultation stage and Officers consider that a number of the previous concerns have been addressed and the overall proposal is more sympathetic to the character of the area with an improved relationship with neighbouring properties.

14 ASSESSMENT

14.1 The application site extends to some 0.278 hectares in size and is a relatively large area of land comprising two detached dwellings and garaging at Nos 27 and 29 Wainsford Road in Pennington. The application site also includes a detached bungalow known as No 29A, although this property would be retained. The site lies close to Pennington Village and opposite the site is the grounds of St Marys Church. The developable area of the site lies to the rear of a detached bungalow at No 29A, which fronts onto Wainsford Road and a single narrow access serves this property together with Nos 27 and 29. No 29 is an attractive large detached two storey dwelling which is set within a backland position from Wainsford Road and has a slightly more spacious plot than the detached bungalow at No 27.

14.2 This full planning application proposes to demolish Nos 27 and 29 and associated outbuildings and to construct 7 two storey dwellings, comprising two pairs of semi-detached dwellings and three detached dwellings. The proposal would result in the net increase of 5 dwellings. The application also proposes a detached garage, bin store, parking and landscaping. The application seeks to retain the existing bungalow at No 29A, but the existing 1.8 metre high timber fence in front of No 29A adjacent to Wainsford Road would be removed and two new car parking spaces created to serve that property. A new rear garden area would also be provided to this property. The existing access into the site would be utilised and it is proposed to create an internal access road and turning area to serve the proposed 7 houses. The proposed internal access road would essentially create a short cul de sac with the proposed dwellings fronting onto the road. Visually the proposed dwellings would all rise to two storey, although most of their first floor accommodation would be created within the roof.

14.3 The main issues in this case are the effect on the character and appearance of the area, the effect on trees, the effect on the living conditions of the adjoining neighbouring properties, public highway safety matters and the effect on ecology.

14.4 In assessing the effect on the character of the area, the site lies within

the built up area. Other than a Tree Preservation Order to the south and south east of the site, there are no policy designations on the site. The site lies within Character Area 8 - Pennington Village of the Lymington Local Distinctiveness Document. The section which covers this area states that the rural workers cottages and former agricultural buildings scattered along the southern edge of Pennington Common (Wainsford Road), all the way down North Street to Pennington Cross, which still define the significant character of the village today, despite the many alterations and infill developments that have occurred in recent years. It is further explained within the document that Wainsford Road would appear to have lost its green, post war, to Conifer Crescent but the offset alignment of the older buildings is still evident in the distinctive grey slate roofs that can be seen here. Moreover the illustrative map within the document highlight the nearby buildings as 'important buildings ' which comprise the cluster of rural cottages set at an angle from the road. It also states that Conifer Crescent probably replaced a triangular green that would have fronted these cottages.

- 14.5 The character of the area is residential and comprises a mixture of property types, styles, and ages including bungalows, terraces and dwellings. The application site forms part of a wider area of land to the south of Wainsford Road, which has a number of distinctive features. A key feature of the area is the older rural cottages that are sited at right angles to Wainsford Road, which are set within relatively green garden settings with limited on plot parking. These properties make a significant contribution to the character of the area and are reflected as important buildings in the Lymington Local Distinctiveness Document. This also includes the dwelling to north west of the site, at No 33 Wainsford Road, which is a very attractive cottage set in a spacious open green setting bounded by trees and vegetation and this property is considered to be a heritage asset.
- 14.6 It is noticeable that there has been some infilling within this area, in which dwellings are sited either close to Wainsford Road or within a backland position. This has resulted in an area which is quite sporadic with no particular pattern of development. What is important is the green and spatial setting within which the dwellings lie. Hedgerows, trees and vegetation tend to define the boundaries of the site and this all contributes to the semi-rural feel of the area. In particular, both dwellings that form the application site have the largest garden areas and the space between the buildings and greenery create a relatively low density and tranquil feel.
- 14.7 The two detached dwellings on the application site are of no architectural merit, however, their spacious, green and tree'd garden areas contribute positively to the character of the area. Indeed, the large open garden area of No 29 with its vegetation, trees and greenery creates a sylvan backland feel to the context of the area.
- 14.8 The character to the south west of the site, in Conifer Crescent, is considerably different to the context of the application site and its immediate area. Conifer Crescent is a symmetrical arrangement of 6 pairs of semi-detached houses situated around a cul de sac. These dwellings were designed as a more comprehensive and fairly uniform development arranged around a single road. A recently constructed additional detached dwelling has been built within part of the gardens

at 5 Conifer Crescent, and the side boundary to this property forms the rear boundary of the application site.

- 14.9 The land to the south of the site, in Maple Court and Howards Mead, also differs significantly to the character of the application site and comprises a large three storey block of flats with areas of open land including a childrens play area and rows of high density terraced housing. For the most part, given the extent of vegetation and trees, the building is not clearly visible from within the application site.
- 14.10 In assessing this proposal, it is considered that the proposed development would clearly result in a considerable change in the character of the area. This should not mean that any redevelopment of the site should be resited, however, it is considered that any proposed development should be well integrated into the local character and local distinctiveness. This includes its fairly low density character and the qualities of the area which include the generally open green landscape with important trees. It should also be noted the existing two dwellings are of no architectural merit and the loss of these buildings would be acceptable, subject to an acceptable redevelopment scheme.
- 14.11 The proposed development seeks to create a traditional form of housing development, which will comprise a collection of low rise dwellings situated around a single internal access road. By utilising the existing access into the site, no further entrances are required. The proposed layout has been designed to retain the Protected trees on the southern boundary of the site. Dwellings are orientated to reflect the immediate context of the area which is characterised by low rise cottage style properties running at right angles to Wainsford Road. By positioning some of the proposed buildings at right angles allows views into the site, as well as picking up on the orientation of existing cottage style buildings in the area.
- 14.12 It is considered that the proposed design approach would be contextually appropriate, designed to a fairly high standard and sympathetic with the low density character of the area. The overall density of the development equates to around 25 dwellings per hectare, which is considered to be comparable to the area. The proposed dwellings would sit in fairly spacious plots, some of which would have rear garden areas in excess of 15 metres long. Each dwelling would have a good sized plot with reasonable garden areas, which would not appear either overdeveloped or cramped.
- 14.13 Visually the proposed dwellings have been designed as simple building forms, rising to between 6.2 metres and 7.6 metres. It is considered that their simple and modest form, scale and size, would help enable the development to appear less intrusive to the rear of Wainsford Road. It is felt that if sympathetic materials are used on the buildings, including good quality bricks and roofing materials, such as clay tiles and slate, this would help ensure that the proposed development reflects the high standard of design within this context. Equally, the hard and soft landscaping, including retaining some of the hedgerows/ vegetation and trees, together with the provision of new hedgerows and tree planting to sit amongst the housing would enhance the development. The final details can be dealt with by condition.

- 14.14 There are other positive benefits and visual improvements. Currently an unattractive 1.8 metre high timber fence is sited immediately adjacent to Wainsford Road and No 29A. In addition, the property at No 29A has no rear garden area. The proposal would remove this fence, provide car parking to the front of the site and create a rear garden area for that property. This is considered to be an improvement.
- 14.15 There are some important trees on the site, which are protected by a Tree Preservation Order. This includes an Oak tree, to the south of proposed dwelling on plot 4, and a Sycamore and Horse Chestnut which are situated towards the southern boundary of the site. Notwithstanding the trees which are covered by a Tree Preservation Order, the site has a dense range of trees, shrubs and hedges within the site's interior and along its curtilage. A large number of these trees are overgrown cypresses that have no arboricultural merit but do provide an effective screen between the site and adjacent blocks of flats.
- 14.16 The Tree Officer does not raise any objections to the relationship of the proposed dwelling on plot 3 to the Oak tree, but is concerned that the two protected trees situated on the southern boundary would result in shading over both plots 4 and 5, and in particular their rear garden areas. However, on balance, the Tree Officer feels that these trees have been previously reduced in both height and lateral crown spread and it is not expected that future containment pruning would be so excessive as to refuse permission on tree grounds. Moreover, the Tree Officer accepts the loss of other trees, which are not worthy of protection and these could be replaced.
- 14.17 In terms of the impact on public highway safety, the proposal is to utilise the existing access onto Wainsford Road and to provide an internal access within the site including a turning area for refuse and fire vehicles. Parking is generally provided on plot, either to the side or in front of the dwellings. The Highway Authority are satisfied with the access into the site, on the basis that there is space for two cars to pass at the site entrance. The internal access provides sufficient space for refuse vehicles and for vehicles used in association with the dwellings. In terms of car parking, the proposed development would accord with the number of parking spaces set out in the Councils adopted car parking standards. While representations have been made that there is no space for visitors or delivery vehicles, this is not a requirement of the SPD. Nevertheless, a significant part of the internal access road is 6 metres wide which would allow for some informal car parking within the site.
- 14.18 With regard to residential amenity, there are a number of properties that would be affected by the proposed development. The proposed dwelling on plot 1 would be sited adjacent to No 25 Wainsford Road. Given that the proposed dwelling would 'straddle' the side elevation of No 25, it is not considered to result in any unacceptable loss of light or outlook. The proposed first floor window on the side elevation, which would face No 25 serves a landing/ stairway and it would not be

unreasonable to impose a condition to mitigate against any overlooking.

- 14.19 In terms of the neighbouring residential flats to the south west of the flats at Maple Court, the proposed dwelling on plot 3 would have first floor windows facing this neighbouring building. The distance from the proposed first floor window to the rear boundary measures around 12 metres and these windows would face onto the existing blank north facing gable end of Maple Court. Two first floor windows are also proposed on the side (south west) but given the degree of screening and the oblique angle views, it is not considered that the proposal would unacceptably impact on the privacy of the residents of Maple Court.
- 14.20 Concerning the neighbouring property at No 31, this property is a two storey end terrace with a fairly long rear garden area. On the side elevation of this property facing the application site, there is a bathroom window and on the rear elevation there is a conservatory. The existing two storey dwelling at No 29 is positioned immediately adjacent to the side boundary and rear garden area of No 31, which is considered to have a relatively poor relationship. Indeed rising to a full two storeys, the existing dwelling at No 29 is sited approximately 3 metres away from the side boundary of No 31. It is also noted that the existing property at No 29 has a number of first floor windows which currently overlook the rear of No 31.
- 14.21 In assessing the impact on this neighbouring property, the distance between the proposed dwellings on plots 6 and 7 and the side boundary of No 31 would measure around 7.5 metres. Moreover, the proposed dwellings are of a fairly low scale, in which their ridge heights rise to approximately 6.5 metres and 3.8 metres to the eaves. It is considered that the proposal to position the two dwellings on plots 6 and 7 further away from the common boundary with No 31 would be an improvement. Concerns have also been expressed from that neighbouring property that the proposed development would result in an unacceptable impact from noise and light pollution. In response, two car parking spaces and turning would be located to the front of No 31, however there is already an existing parking area in this location. Moreover, the proposed layout would entail two rear garden areas backing onto No 31, which would be further away from the existing building. Accordingly, by re-siting the proposed dwellings further away from the existing dwelling, it is considered that any impact in terms of noise or light pollution would be neutral.
- 14.22 In terms of overlooking, two first floor rooflights are proposed on the rear elevation of plot 6 and three first floor rooflights are proposed on the rear elevation of plot 7. The distance from the proposed rooflights to the side boundary at No 31 measures just over 8 metres. Given that the existing dwelling currently has windows facing the garden area and conservatory of No 31, and the proposal would position the windows further away from this neighbouring property, it is not considered that the proposal would materially impact on their privacy. Moreover, rooflights would be less intrusive compared to windows in the main elevations. Overall it is considered that the proposed dwellings on plots 6 and 7 would not unacceptably compromise the

privacy, light or outlook of No 31.

- 14.23 The proposed dwelling on plot 5 would be sited close to the rear boundary of No 33 Wainsford Road. Currently, the property at No 33 has a number of trees and no buildings on their rear boundary. The proposal would bring a two storey building within 2 metres to the rear boundary of No 33, however, the side elevation would be facing that neighbouring property. While it is considered that the proposed dwelling on plot 5 would have some impact on the outlook of No 33, given the scale of the proposed building and its side elevation would be orientated to face their garden, it is considered that the proposal would not materially impact on their light or outlook. No first floor windows are proposed on the side elevation facing No 33, which would maintain a reasonable level of privacy.
- 14.24 The proposed rear elevations of plots 4 and 5 would face into the garden area of No 5a Conifer Crescent. On the first floor rear elevation, four windows are proposed. Two windows serve a bathroom, one the landing and one a bedroom. The distance from the proposed first floor windows on the rear elevation to the side boundary of No 5a measures just over 15 metres. It is considered that a condition can be imposed for the two first floor bathroom windows to be fitted with obscure glass to maintain a reasonable level of privacy. The bedroom window would be sited around just over 14 metres from the side boundary and it is considered providing the other windows are glazed with obscure glass, the proposed bedroom window alone would not result in an unacceptable loss of privacy. On the first floor side elevation of plot 4, two dormer windows are proposed which would face onto Maple Court. Given the oblique angle views and the distance from these proposed windows would measure more than 14 metres, it is not considered that the proposal would materially impact on the privacy of these residents.
- 14.25 With regard to ecological matters, an Ecological Report accompanies the application. The report states that there was no evidence noted for hedgehogs, slow worms or bats using the site and the trees and shrubbery were inspected for nesting birds. However, the site at 27 Wainsford Road is considered to hold a confirmed bat roost and the site at 29 Wainsford Road was seen to have a low number of bats emerging from the property. A European Protected Species Licence must be obtained from Natural England and this must be obtained after planning permission has been granted but prior to any demolition works starting on either building. The Ecologist raises no objection to the proposals subject to condition.
- 14.26 Representations have been made that a number of houses are smaller than the minimum gross internal areas stipulated in the national DCLG Technical Housing Standards. In addition many of the bedrooms are significantly smaller than the standards required. In response, the issue of internal spaces to housing and bedroom sizes is a means of classification for assessment purposes only when designing new homes and seeking planning approval if a local authority has adopted the space standard in its local plan. Accordingly, whilst consideration must be given to these standards,

there are no planning policies in the local plan which relate to internal space standards and a reason for refusal on these grounds would not be sustainable on appeal.

- 14.27 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.
- 14.28 The level of housing need in the District is sufficiently above the level of housing supply to know that a five year supply of housing land is currently unavailable. This situation will be addressed through the emerging local plan, but until the new Local Plan is adopted, paragraph 14 of the NPPF advises that planning permission for housing development should normally be granted unless any planning harm identified would "*significantly and demonstrably outweigh the benefits*". This is known as the 'tilted balance' in favour of sustainable development. In this case, it is considered that the adverse impacts of development set out above do not significantly and demonstrably outweigh the benefits and therefore the tilted balance in favour of granting permission applies.
- 14.29 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.
- 14.30 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, 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.
- 14.31 In conclusion the site lies within the built up area where the principle of residential development is acceptable, and while there are a number of constraints within and adjacent to the site, the technical issues have been addressed and it is considered that the proposed development would be appropriate and sympathetic to the area. It is also considered that the proposed development would have an acceptable relationship to the neighbouring properties and there are no objections relating to public highway safety matters.

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

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
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Dwelling houses	855.96	285.02	570.94	570.94	£80/sqm	£54,985.91 *
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Subtotal:	£54,985.91
Relief:	£0.00
Total Payable:	£54,985.91

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

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

Where:

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

R = the levy rate as set in the Charging Schedule

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

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: 401, A255_115, 500-02 Rev D, 500-01 Rev D, S255_116 Rev A, TPP.06.02.18 V1 Rev C, A255400 Rev B, A255_403 Rev A, A255_101 Rev A, A255_100 Rev A, A255_105 Rev A, A255_104 Rev A, A255_109 Rev A, A255_108 Rev A, A255_111 Rev A, A255_110 Rev A, A255_113 Rev A, A255_112 Rev A, A255_114 Rev B, A255_119, TPP.06.02.18 V1.

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. 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).

6. All external works (hard and soft landscape) shall be carried out in accordance with the approved plans and details as set out in condition 5 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).

7. The development hereby permitted shall not be occupied until the spaces shown on plan 401 for the parking and garaging of motor vehicles and cycles have been provided. The spaces shown on plan 401 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 dwellings hereby approved at all times.

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

8. 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.

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. The first floor landing/ stairway window on the side (north east) elevation of the approved dwelling identified as Plot 1 shall be obscurely glazed and fixed shut at all times unless the parts that can be opened are more than 1.7m above the floor.

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

11. The first floor bathroom and landing windows on the rear, south west, elevation of the approved dwellings on plots 4 and 5 shall at all times be glazed with obscure glass.

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

12. The trees on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted KJF Consultancy Ltd Tree report reference TR.27-29 WR.P.L dated 16th July 2018 and Tree Protection Plan reference TPP.06.02.18V1 Rev B while in accordance with the recommendations as set out in BS5837:2012. Prior to the commencement of any works (including site clearance, demolition and construction works) 3 working days notice shall be given to the Local Planning Authority Tree Officer to attend a pre commencement site meeting to inspect all tree preservation measures as detailed in the KJF Consultancy Ltd Tree report and method statement reference TR.27-29 WR.P.L dated 16th July 2018. No development, demolition or site clearance shall take place until a plan showing a detailed cross section drawing of pile and beam foundation to be used as detailed within the Tree Report. The exact cellular confinement system brand to be used for the construction of areas as

shown within the tree report.

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).

13. 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, protected trees and the spatial characteristics of the area 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).

14. Before development commences, details of the means of disposal of foul water from the site shall be submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. Development shall only take place in accordance with the approved details.

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

15. The works hereby approved shall be undertaken in strict accordance with the recommendations and enhancement measures set out in the Phillip Smith Ecological Survey methodology and details dated 8th August 2018 unless otherwise first agreed in writing with the Local Planning Authority.

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

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.

The planning application submitted did not address these concerns and Officers met the applicant and agent to explain the issues. Following a meeting and discussions, the applicant has now revised the design and layout of the site, and reduced the size, scale and number of dwellings. The planning application has now gone through its re-consultation stage and Officers consider that a number of the previous concerns have been addressed and the overall proposal is more sympathetic to the character of the area with an improved relationship with neighbouring properties.

Further Information:

Richard Natt

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New Forest
DISTRICT COUNCIL

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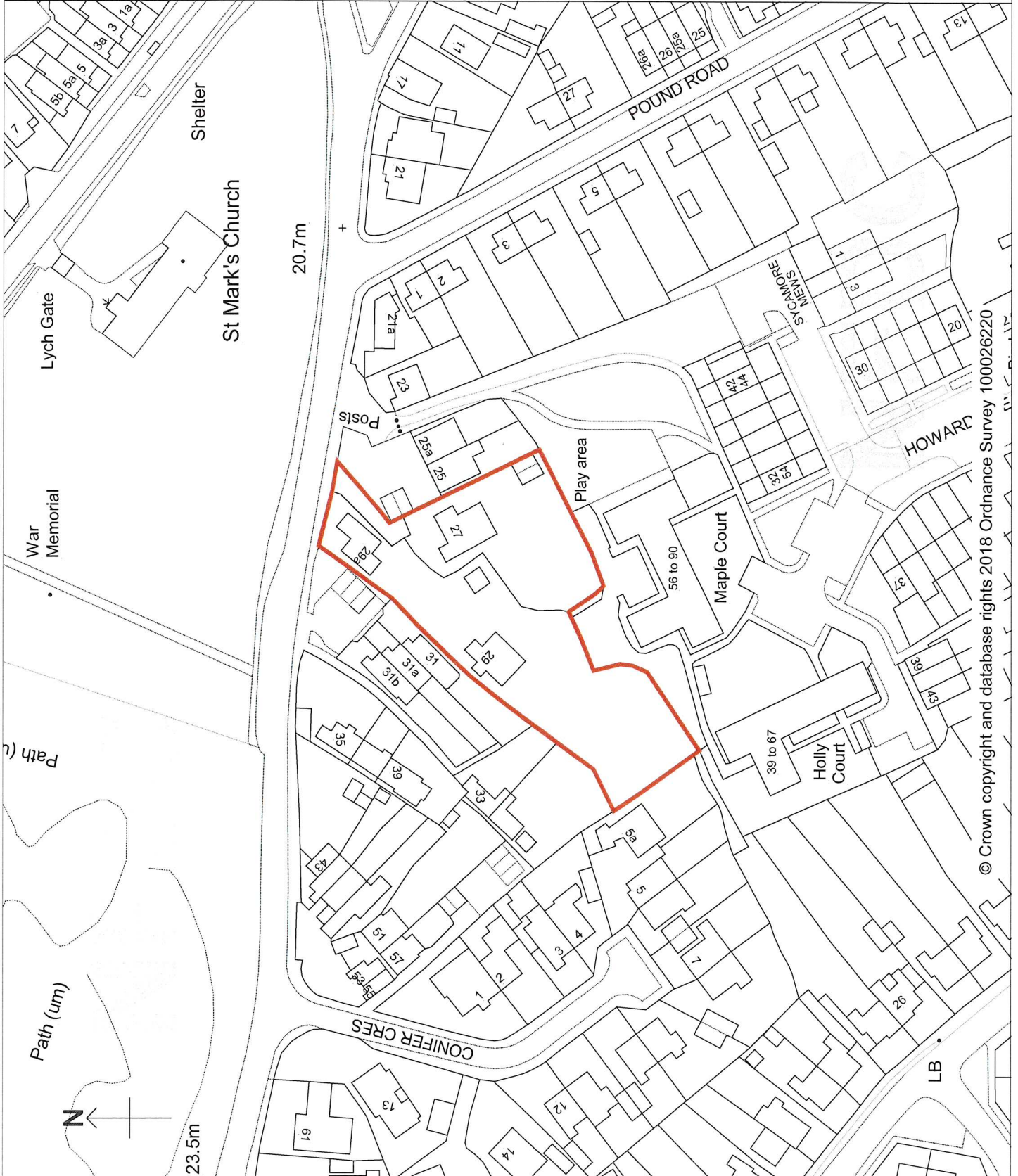
**Planning Development
Control Committee**
September 2018

Item No: 3a

Land r/o 27 & 29 & r/o 29A
Wainsford Road
Pennington Lymington
18/10342

Scale 1:1250

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



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Application Number: 18/10474 Full Planning Permission

Site: Land rear of 25-31 PROVOST STREET, FORDINGBRIDGE SP6 1AY

Development: Bungalow; access; parking; demolition of extensions to 25 and 27
Provost Street; rear porch canopy

Applicant: Crownshade Ltd

Target Date: 15/06/2018

Extension Date: 13/09/2018

RECOMMENDATION: Refuse

Case Officer: Richard Natt

1 REASON FOR COMMITTEE CONSIDERATION

Request of member of the Planning Committee

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Conservation Area
Built up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

Core Strategy 2009

- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS10: The spatial strategy
- CS15: Affordable housing contribution requirements from developments
- CS24: Transport considerations
- CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

- DM1: Protection of historic street and footpath patterns
- DM2: Locally designated sites of importance for nature conservation

DM3: Mitigation of impacts on European nature conservation sites

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Housing Design, Density and Character
SPD - Fordingbridge Town Design Statement
SPG - Fordingbridge - A Conservation Area Appraisal
SPD - Mitigation Strategy for European Sites
SPD - Parking Standards

6 RELEVANT PLANNING HISTORY

6.1 House, access (10113) Refused on the 8th April 2015

6.2 House, access (11689) Refused on the 10th February 2016

7 PARISH / TOWN COUNCIL COMMENTS

Fordingbridge Town Council: accept a decision reached by the DC Officers under their delegated powers.

8 COUNCILLOR COMMENTS

Cllr A Sevier: Request application go to committee.

9 CONSULTEE COMMENTS

9.1 Hampshire County Council Highway Engineer: it is noted that the land to be utilised for the proposed dwelling has actually provided car parking for several cars associated with the existing dwelling and this will be lost through the proposed development. As such, there are concerns in regard to where these lost parking spaces will be relocated. Accordingly it is requested that New Forest District Council ensure that the Parking Standards are fully adhered to and that any lost parking as well as proposed parking is fully replenished to ensure impacts on the highway is minimised. In addition, the access is of inadequate width to allow two cars to park within the curtilage of the site. Similarly the driveway is 4.6 metres wide at its narrowest point, and therefore not wide enough to accommodate two vehicles.

9.2 Conservation Officer: since the previous designs were submitted, the proposed building has been re-orientated along the rear boundary, which means it is more in keeping with a location in which an outbuilding associated with the houses to the front of the site should be placed. However, the development on the site would still have an uncomfortable cramped appearance that is not able to be overcome.

9.3 Hampshire County Council Archaeologist: no objection subject to condition

9.4 Wessex Water: No objection subject to condition

10 REPRESENTATIONS RECEIVED

10.1 3 letters of objection concerned that whilst some improvements have been made to the proposal, the proposal would still impact on the character and appearance of the Conservation Area. Concerns over parking and the shortfall could impact on the neighbouring roads. There is a risk that the access would be widened in the future which would result in the loss/ removal of the existing brick wall/ hedge. The proposal would impact on the amenity of the neighbouring properties. The site is currently untidy and has been left to deteriorate over time. Whilst it is understood that the owner of No 27 Provost Street has access rights to the plot, the Company that manages Highbank, would require the developer to show, should planning be granted, that he is able to transfer this and do so without the Management Company consent.

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 £673.19.

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

13 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 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 applicant sought pre-application advice, however in response, Officers raised concerns over the cramped and congested layout of the proposed development. While Officers welcomed the proposed enhancements to the existing dwellings overall, and appreciate improvements have been made, however, the proposal would have an adverse affect on the spatial character of the area, would appear cramped and neither preserve or enhance the character and appearance of the Conservation Area.

14 ASSESSMENT

- 14.1 This planning application relates to a proposal for the erection of a detached single storey dwelling on land to the rear of Nos 25-31 Provost Street. The application also proposes to demolish the existing garage, conservatory and extensions to the rear of Nos 25 and 27, together with replacement of windows (new timber windows), tiles to be re-roofed in slate and existing render to be removed and re-rendered.
- 14.2 The site in question lies behind a terrace of houses within Fordingbridge Conservation Area. The development at Highbank Gardens has been built behind the terrace of houses and is built parallel to the main Provost Street.
- 14.3 The rear of the terrace of properties at Nos 25 and 27 has been much altered and there are a number of small extensions that do not enhance the character of the building and certainly do not enhance the character of the Conservation Area. The front elevations of the terrace have also suffered from some inappropriate fenestration changes that have altered the buildings character meaning they currently do not enhance the setting of the Fordingbridge Conservation Area.
- 14.4 This planning application follows two previous planning applications that have been refused for a detached dwelling on this site. Although there were several reasons for refusal, it is considered that there were essentially two main issues, which is the effect on the character and appearance of the Conservation Area and the effect on the neighbouring residential properties at No 4 Highbank Gardens and 25-31 Provost Street. The main concern related to the size, scale and design of the building, the cramped form of development with small garden area and the lack of understanding/ relationship to No's 25-31 Provost Street and Highbank Gardens. The site was also considered

not to positively contribute to the spatial character of the area.

- 14.5 This proposal has been changed and seeks to address the concerns previously raised. Changes have been made to the layout of the site, scale, design, form/appearance of the building. One of the main changes is the overall reduction in the scale of the building from two storeys (first floor accommodation provided in the roof) to single storey. It also appears that the site area has slightly increased in size and this has been achieved by taking more of the rear gardens to Nos 25-31. The proposed dwelling would be positioned to the rear (south east) of the site incorporating a gap between the rear of 25-27 Provost Street and the proposed dwelling, which is at a similar angle when compared to the previously refused schemes. Visually the proposed building would be single storey, with a pitched roof. The proposed building would be constructed from timber under a slate roof and it is considered to have a more simple form akin to an outbuilding.
- 14.6 In assessing the effect on the character of the Conservation Area, the site can be seen from Provost Street and from the residential properties across the Ashford Water in Brook Terrace.
- 14.7 The site is currently open with a small detached garage enclosed by a low, well-maintained, hedgerow. From standing in Highbank Gardens, the site appears as the rear garden areas of the row of four dwellings fronting onto Provost Street. Views can be greatly appreciated of the rear elevations to Nos 25 to 31 Provost Street and the length of the application site gives a spatial character and an appropriate setting for the dwellings. Apart from the cluster of garages on one side of the cul de sac, there is a clear gap between the dwellings fronting onto Provost Street and the front of the dwellings in Highbank Gardens. There are a number of important views across the site including those of the attractive row of cottages at 7-19 Brook Terrace. Standing in Provost Street, the internal access of Highbank Gardens is well landscaped on either side, with views of some of the dwellings set back at the end of the cul de sac. Highbank Gardens itself is a pleasant cul de sac with the dwellings positioned in a single line on one side of the road, set in relatively large curtilages, with the garages on the other side, with an open central access driveway.
- 14.8 It is considered that this current proposal would fail to be integrated into this context and would have a harmful and negative impact on the character and appearance of the Conservation Area. The site is small in size and currently makes a positive contribution to the character of the area. The proposed development would appear very cramped on the site incorporating a small garden area and a single car parking space. The proposed dwelling would be built up to three boundaries of the site, occupying a large portion of it, with a very small side garden area and no space to the rear. It is accepted that there are some small plots in the area generally, however the surrounding development tends to have deeper rear garden areas and space to the side. Indeed, the garden area seems smaller and less usable than the previously rejected applications which had proposed the garden areas to the side and rear.
- 14.9 The Conservation Officer feels that this proposal is of an improved

design when compared to the previous refusal, however, does feel that if ever a small dwelling was to be allowed on this site, it would need to appear as an outbuilding, rather than as a bungalow. The proposal, to some extent, with its low scale and form achieves this, however, the proposed development would still have an uncomfortable cramped appearance. The congested feel of the proposal is exacerbated by the close relationship to the setting of Nos 25-31 Provost Street and generally within Highbank Gardens. The current openness of the site also enables views across the site to a number of important buildings and areas of character. There are views across the site from the east towards Brook Terrace, across Ashford Water, set in a foreground of trees, all sat in front of the church spire; and from the west side of Ashford Water, towards the roof of the town hall.

- 14.10 The Conservation Officer considers that the demolition of the single storey elements to the rear of Nos 25 and 27 to the rear to reveal the original elevations would be an improvement. The enhancements proposed to the front elevations of the terrace fulfill our duty under Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 which requires us to seek all opportunities to preserve or enhance the character of the Conservation Area. The windows on the front elevation are inappropriate and the proposal to replace with ones of a more appropriate style is welcomed.
- 14.11 The proposed building would be located away from the rear of the properties at Nos 25-31 Provost Street. It is proposed to remove the rear buildings to these properties which would increase the level of garden space and create a greater distance from their rear elevations to the proposed dwelling. Given the position of the proposed building and that the building would be single storey, the proposal would have an acceptable physical relationship to these properties and there would be no material loss of outlook.
- 14.12 Concerning the neighbouring property at No 4 Highbank Gardens, this property has its front elevation facing the application site. On the front elevation of No 4 there is a ground floor kitchen and bathroom window and on the first floor, there is a bedroom and bathroom. The distance from the front elevation to the proposed building measures approximately 11 metres. The proposed side elevation of the building would be directly in line with the front of No 4 and the building would rise to an overall height of 4.7 metres. The eaves height would rise to around 3.5 metres and the roof would be sloping away from the boundary. Whilst it is considered that the physical relationship of the proposed dwelling to No 4 is not ideal, given the single storey scale and distances of around 11 metres, this would not unacceptably compromise their light or outlook. Equally, given the separation and single storey scale, the proposal would not materially impact on the light or outlook of No 3. The proposed building has been positioned and designed to minimise the impact on these neighbouring properties and the windows proposed on the side elevation would be at a low level and can be screened by existing or proposed vegetation/ boundary treatment.
- 14.13 In terms of access and car parking, the Highway Authority has raised a concern that the access is of inadequate width to allow two cars to park within the curtilage of the site in that the driveway is 4.6 metres wide at its narrowest point, and therefore not wide enough to accommodate

two vehicles. Moreover, the Highway Authority has raised a concern in that the proposal would result in the loss of a car parking space for the existing property at No 27, and no details have been provided regarding the replenishment of car parking that is to be lost.

- 14.14 In response, the proposed layout would provide one car parking space to serve the one bedroom dwelling, which would broadly accord with the recommended car parking guidance. Moreover the site layout would be similar for vehicles as the current situation. It is therefore not anticipated that the proposal would result in a public highway danger in what is a relatively quiet cul de sac. Access onto Provost Street is more of a difficulty given the positioning of the dwellings fronting right up to the road frontage and the close proximity of the footpath. Given the location of the site close to the town centre and that there are no off street car parking spaces to nos 27, 29 or 31, a reason for refusal on the grounds of the loss of parking would not be sustainable on appeal. It should also be noted that whilst concerns have been raised that Highbank Gardens is a private road, owned and maintained by the existing resident who undertake shared responsibility for the maintenance and upkeep of its road, restrictive covenants are civil matters and are not planning issues. If planning permission is granted it would be for the applicant to resolve this matter to ensure that they have a right of access to the approved development.
- 14.15 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.
- 14.16 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
- 14.17 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, Natural England have been consulted on this and raised no objection. 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.
- 14.18 The Council has recently been advised by Natural England and the

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

- 14.18 In conclusion, S72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty to pay attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area. While the alterations proposed to the existing dwellings at Nos 25 and 27 would be an enhancement, the proposed dwelling would appear unacceptably cramped and would be of a design and scale that would reduce the spaciousness of the area and poorly relate to the host dwelling. Because the development would be relatively small scale in comparison to the total size of the conservation area, it would cause less than substantial harm to the special interest and significance of it.
- 14.19 A further material consideration is that the level of housing need in the District is sufficiently above the level of housing supply to know that a five year supply of housing land is currently unavailable. This situation will be addressed through the emerging local plan, but until the new Local Plan is adopted, paragraph 14 of the NPPF advises that planning permission for housing development should normally be granted unless any planning harm identified would "*significantly and demonstrably outweigh the benefits*". This is known as the 'tilted balance' in favour of sustainable development. In this case it is considered that the adverse impacts of development set out above, do not significantly and demonstrably outweigh the benefits and therefore the tilted balance in favour of granting permission is a material consideration in assessing this application.
- 14.19 In these circumstances paragraph 134 of the National Planning Policy Framework says that the harm should be weighed against the public benefits of the proposal. The dwelling would add to the supply of housing in a sustainable location. However, this benefit would not sufficiently offset the impact on the distinctive character of the area. In consequence, it is not considered that there are any public benefits of the proposal sufficient to outweigh the harm found. It is therefore concluded that the proposed dwelling would fail to preserve or enhance the character and appearance of the Fordingbridge Conservation Area.
- 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 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			
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
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Dwelling houses	41.67	34.68	6.99	6.99	£80/sqm	£673.19 *
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Subtotal:	£673.19
Relief:	£0.00
Total Payable:	£673.19

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

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

Where:

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

R = the levy rate as set in the Charging Schedule

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

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The generally open nature of the site with its modest structures enclosed by a low hedge positively contributes to the spatial character of the area, creating an appropriate setting to the rear of the terrace at No's 25-31 Provost Street and enables a number of important views across the site from the east towards an attractive C19th terrace and from the west side of Ashford Water, towards the roof of the town hall. It is considered that by reason of its layout, size and scale, the proposal would be a cramped and inappropriate form of development that would appear incongruous in its setting and would result in the loss of space and openness around the site reducing important views across the site and creating a poor and awkward relationship to the neighbouring development at Highbank Gardens. For this reason, the proposed development would fail to preserve and enhance the character and appearance of the Conservation Area and would make a harmful contribution to local distinctiveness contrary to Policies CS2 and CS3 of the Core Strategy for New Forest District outside the National Park, Policy DM1 of the Local Plan Part 2 Sites and Development Management Document and the Fordingbridge Conservation Area Appraisal Supplementary Planning Guidance.

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.

The applicant sought pre-application advice, however in response, Officers raised concerns over the cramped and congested layout of the proposed development. While Officers welcomed the proposed enhancements to the existing dwellings and felt that further improvements could be made to the proposed design of the dwelling, overall, the proposal would have an adverse effect on the spatial character of the area, would appear cramped and neither preserve or enhance the character and appearance of the Conservation Area.

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

Further Information:

Richard Natt

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New Forest DISTRICT COUNCIL

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

Planning Development Control Committee

September 2018

Item No: 3b

Land rear of 25-31
Provost Street
Fordingbridge
18/10474

Scale 1:1250

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



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Application Number: 18/10607 Full Planning Permission

Site: ARGYLE HOUSE, 2 LOWER ASHLEY ROAD, ASHLEY,
NEW MILTON BH25 5AD

Development: 8 dwellings comprised of 1 block of 6 flats; 1 pair of
semi-detached bungalows; associated parking and landscaping;
demolition of existing

Applicant: Brownsea Build Ltd

Target Date: 27/06/2018

Extension Date: 14/09/2018

RECOMMENDATION: Grant Subject to Conditions
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Case Officer: Jim Bennett

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Policies CS17 and CS21, which seek to protect existing employment sites.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up Area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Local Plan Part 1 (Core Strategy) 2012:

CS1: Sustainable development principles
CS2: Design quality
CS10: The spatial strategy
CS17: Employment and economic development
CS25: Developers contributions

Local Plan Part 2 Sites and Development Plan Management Document

DM3: Mitigation of impacts on European nature conservation sites

National Planning Policy Framework

Achieving sustainable development Delivering a wide choice of high quality homes
(chapter 6)
Requiring Good design (chapter 7)

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

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

6 RELEVANT PLANNING HISTORY

- 6.1 18/10100 - 8 dwellings comprised of 1 block of 6 flats, two detached houses, parking, landscaping, demolition of existing - withdrawn April 2018
- 6.2 08/92106 - 1 three-storey building comprising of 2 commercial units (B1/A1/A2 uses); 3 flats; 2 houses; associated parking; access - refused December 2008 due to concerns over: overdevelopment, excessive height and massing, loss of privacy, limited amenity space and inadequate provision on site for the parking of vehicles and cycles.

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: object but would allow a delegated decision

- (1) Contrary to Core Strategy policy CS17 due loss of employment site
- (2) Lack of amenity space for the flats
- (3) Lack of on-site parking, potentially causing displaced parking issues
- (4) Rear sited bungalows will negatively affect Molyneux Road residents
- (5) Bulk, mass and scale
- (6) Negative effect to the amenities of 4 Lower Ashley Road.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Environmental Health Section (Contaminated Land): no objections subject to conditions.
- 9.2 Hampshire County Council Highway Engineer: No objection subject to the NFDC Parking Standards being adhered to.
- 9.3 Natural England: no objections
- 9.4 Southern Gas Networks: no objections, but give informatives.
- 9.5 NFDC Waste Management: bin stores are located at the rear of the buildings, some distance from Lower Ashley Road. Waste collections would be from Lower Ashley Road as the access track is unsuitable for refuse vehicle access, therefore the bin store should be closer to the main road. No objections if a private contractor is collecting, but problems may arise if the residents do not want this.
- 9.6 Senior Valuer: New Forest District Council's Housing Services is keen to acquire additional housing stock for social and affordable rent to alleviate the chronic shortage of affordable housing in the District. Housing Services have instructed the Council's in house Estates team to seek out potential residential sites and to be built or newly built units. Imperial Homes, who have an interest in this site, approached the Council to ascertain if it was interested in purchasing the complete development of

6 flats and a pair of semi-detached bungalows

The District Council's Housing Services and Estates Team consider that a proposed re-development of this site with small residential units, in what is predominantly a residential area, whether for open market sale or social rent, is to be supported as there is strong demand for this type of property, which is coupled with a supply shortage.

There is no obligation on Imperial Homes 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 housebuilders should they become available.

10 REPRESENTATIONS RECEIVED

Three representations have been received which object to the proposal on the following grounds:

- Inadequate off-street parking provision
- Increased traffic generation
- Loss of highway safety
- The block of 6 flats will be both overbearing and cause loss of privacy.
- The semi-detached bungalows will cause loss of privacy due to the roof windows overlooking neighbouring property.
- The building is too heavily massed, as most dwellings at the top part of Lower Ashley Road are single storey.

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive New Homes Bonus £9,792 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 £8,008.00.

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

13 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 take a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome.

This is achieved by

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

In this case the design of the proposal has been amended and evolved following withdrawal of the initial application and negotiations between the case officer and the agent, resulting in a scheme which is considered to be acceptable as amended.

14 ASSESSMENT

14.1 The Site and Proposal

- 14.1.1 The site is within the built up area of Ashley between the local shopping parade and residential properties to the south east and church opposite. The site currently comprises a two storey brick built builders depot and office, occupied by South Street Builders, with a flat roof attached to a large store with corrugated pitched roof and an open yard area for the storage of building materials. There are two smaller garage type buildings within the site adjoining the western/rear boundary with no. 1 Molyneux Road. Along Lower Ashley Road, the buildings are predominantly single storey with the exception of the site itself, shopping parade and church opposite.
- 14.1.2 It is proposed to demolish all buildings on the site and to erect a total of 8 dwellings. The proposal is split into two elements, with a block of 6 no. flats to the front of the site and 2 no. semi-detached bungalows to the rear. The main building would be two storeys in height and finished in a mix of white render, engineering brick and timber cladding with slate effect roof, well within the footprint of the large structure currently on the site. Nine car parking spaces would be provided to the front and middle of the site, interspersed with landscaping. Access to 5 no. car parking spaces would be shared with the access running along the rear of the shop units and another 4 no. parking spaces would be provided on the site frontage with Lower Ashley Road.

14.2 Design and Character Considerations

14.2.1 Policy CS2 of the Core Strategy and the Local Distinctiveness

Document, stipulate that new development will be required to be well designed to respect the character, identity and context of the area's towns. The site is occupied by buildings and paraphernalia of limited visual merit and it may be the case that an appropriately designed scheme could be delivered on this site. The applicant has taken on board advice offered by the Planning Authority in considering the previous scheme, in relation to design, siting and layout concerns and a balance has been struck between providing an acceptable setting for the development with scope for landscaping and the requirement to meet full parking standards. The applicant has adopted much of what has been asked for by the Council.

14.2.2 The application is accompanied by a Design and Access Statement and full plans, which have assisted determination of the proposal. The site is occupied by buildings and yard areas of limited visual merit, within a predominantly residential area. While dwellings to the south are of single storey design, the buildings to the north (within the shopping parade) are of two storey construction, as demonstrated by the submitted street scene elevation. The existing building on site is a two storey, flat roofed structure and the proposed flatted development is, in fact, of reduced massing and scale when compared with the existing structure, incorporating a subservient roofing form to the south to assist with the transition from two storey to the north to single storey to the south. Officers consider an acceptable transition could be achieved with the form of roofing proposed, together with a building that follows the established building line along Lower Ashley Road.

14.2.3 With regard to the bungalows to the rear of the site, care has been taken to ensure that their scale and massing is subservient to the frontage building. The submitted elevations and layout plans demonstrate bungalows of quite modest footprints and proportions would be provided, with a reasonable level of space about the buildings that would be acceptable in terms of their character impacts. Subject to securing final landscaping arrangements, building details and materials, which may be secured by condition, the design would result in a development which makes efficient use of available land and complies with the character provisions of Policy CS2 and the New Milton Local Distinctiveness Document.

14.3 Loss of employment site

14.3.1 Policy CS17 sets out the strategy for employment and economic development. Key to this strategy is the retention of existing employment sites for continued employment use. While the occupier has intimated their intention to re-locate and it is recognised that there are problems associated with the juxtaposition of the current use to adjoining land uses, the site itself would be lost to employment use. Core Strategy Policies CS17 and CS21 set out the strategy for the economy. Key to this strategy is the retention of existing employment sites for continued employment use. The proposal would result in the loss of buildings and land in employment use and, in the absence of overriding circumstances, would be contrary to policy. In light of this the applicant was requested to

provide justification for the proposal, which is summarised in italics below.

- *Policy CS17 is out of date and it is important to recognise that this is not an allocated site for employment. The proposed redevelopment of the site meets the principles of Sustainable Development (Policy CS1); is well designed and appropriate to its townscape setting (Policy CS2); and is an appropriate form of development in an identified large town (Policies CS9 & CS10). Furthermore, the existing use of the site is unneighbourly and non-conforming, so in the absence of any demonstrable harm, it is outrightly and reasonably to be welcomed.*
- *The Core Strategy encourages redevelopment and intensification of existing employment uses and it is suggested that any intensification of the current use of this site would be a major concern for adjoining residents.*
- *The existing owner and users of the site have confirmed an intention to relocate within New Milton so there will actually be no loss of employment.*
- *The council does not have an identified 5 year housing supply and in such circumstances the NPPF places a strong presumption in favour of granting planning consent.*
- *The NPPF calls upon local planning authorities to “promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions”. In this case, the proposed redevelopment of the site will ensure effective and efficient use of a central brownfield site in a manner which both safeguards and improves the amenities of local residents and significantly enhances the townscape/street scene.*
- *The NPPF states:- “Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework”.*

14.3.2 While your officers consider weight can still be attached to Policy CS17, the points raised to justify loss of this employment site are acknowledged. Bearing in mind the close relationship to adjoining dwellings, intensification of the existing use on the site could have a much more harmful impact on residential amenity than the proposed use. The current occupier of the building has expressed their intention to relocate within New Milton and it is not considered that the proposal would undermine key economic sectors or harm the vitality and viability of town centres. Conversely, the sustainable location of the proposal is likely to increase the level of footfall within the adjoining shopping parade by occupiers of the development. Furthermore 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 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, it is considered that the benefits of the proposed development would significantly and demonstrably outweigh the adverse impacts of the development. Consequently officers consider the proposed development may be supported, as a departure to the provisions of Policies CS17 and CS21.

14.4 Highway Impacts

14.4.1 The Highway Authority and local residents have raised concerns over the level of off street parking provision. The Highway Authority's concerns revolve around the fact that adopted parking guidelines require 14 unallocated spaces, where the proposal initially indicated provision of 9 spaces. In light of the concerns raised, the applicant was requested to provide an additional space to the rear of one of the bungalow plots, which would bring the total to 10 no. spaces. There is scope to provide an additional space on the frontage of the development, indeed the applicant's previous submission showed this. However, as explained in the Design and Character Section above, a balance needs to be struck between meeting adopted parking standards and enhancing the appearance of the development within the street scene, through incorporation of landscaping, rather than eroding the frontage setting of the building with a block of parked vehicles.

14.4.2 In support of the proposal, the applicant points out that the existing premises should be providing 10 spaces for a builders yard use, where currently only 5 are provided to the front of the site. Details have also been provided of typical traffic movements to the premises associated with the current builders yard use, which identifies that there is some overlap between peak levels of commercial traffic and school traffic in the morning, which would be diminished as a result of the development. Considering there is some public transport provision locally and the site's proximity to the local shopping frontage (The Parade) and the Nisa convenience store, the site's location would reduce the need for car borne movements. Consequently, officers are satisfied that the form of development proposed would be acceptable in terms of provision of 10 no. off-street parking spaces. Amended plans have been provided showing 10 no. off-street parking spaces and the comments of the Highway Authority are awaited on the amendments. Any approval will need to be subject to conditions to ensure that car parking is provided in accordance with the approved plans and that details of cycle parking are provided for the bungalows.

14.5 Residential Amenity Impacts

14.5.1 Policy CS2 requires the Planning Authority to consider the impact of development proposals upon the amenity of existing adjoining occupiers and upon the amenity of future occupiers of the new units. Overall, there is an opportunity to improve residential amenities given the juxtaposition of the existing employment use to the rear curtilages of adjoining dwellings to the south and west. However, comments have been received from neighbouring occupiers raising concerns over loss of

privacy and overbearing impacts.

- 14.5.2 In terms of privacy, overlooking from the upper floors of the development could be prevented by requiring cill levels of first floor rooflights to be at least 1.8m above the associated floor level. A condition could be applied to any approval to require rooflights to be installed with cills at 1.8m, along with a condition to removed permitted development rights to install new first floor windows/rooflights.
- 14.5.3 In respect of overbearing impact, although the flatted structure would be a large building, it is in fact smaller than the building it is intended to replace. The roof to the south of the flatted building is subservient to the main ridge and hipped away from the side of the nearest dwelling (no 4 Lower Ashley Road), which assists with the transition of roof form from two storey to the north to single storey to the south. Furthermore, the line of the building has been moved slightly away from the boundary with no. 4 Lower Ashley Road. With regard to the bungalows to the rear of the site, they would be 8m away from the rear curtilages of dwellings on Molyneux Road and a total of 16m from rear wall to rear wall. The proposed dwellings would appear as single storey in height, albeit with rooms in the roof, with low eaves and the development is not considered to have any significant overbearing impact upon existing neighbours.
- 14.5.4 While the semi -detached bungalows would have an adequate level of amenity space, the flats would have little communal amenity space. However, the site is physically constrained and it is not unusual for flatted developments to come forward without communal open space arrangements. It should also be noted that Ashley Recreation Ground is just 70m away to the west which offers convenient access to existing public open space.
- 14.5.5 There would be less than 15m between the proposed first floor windows in the north west elevation of the flats and the rear windows to the rear of the shopping parade to the north. Consequently obscure glazing should be introduced to first floor windows (including the stairwell) in the north west elevation to preserve the privacy of existing residents. It is noted that the first floor flats would retain non-obscurely glazed windows to the west and east. While the distance between the first floor flat windows and proposed bungalow windows is not ideal at 16m-17m separation, it is not unacceptable across a communal parking courtyard and it would be a matter for future occupiers to consider.
- 14.5.6 Consequently, the proposed development would have no significant adverse impacts upon the amenity of adjoining or future occupiers in terms of loss of privacy, overbearing impact or amenity space provision. Subject to conditions to ensure cill heights are at an acceptable level, obscure glazing is incorporated and removal of permitted development rights, the impacts of the proposal comply with the amenity related provisions of Policy CS2 of the Core Strategy.

14.6 Habitat and wildlife considerations

- 14.6.1 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, Natural England have been consulted on this. 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. 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. Natural England raise no objections subject to the appropriate mitigation being carried out in accordance with the Council's scheme.

14.7 Other Matters

- 14.7.1 In response to the comments of the Waste Management Team and the location of bin stores to the rear of the buildings, some distance from Lower Ashley Road. The applicant confirms that waste would be collected by a private contractor.

14.8 Contributions

- 14.8.1 Since April 2015 the Council has imposed a charge on all new residential development to fund necessary infrastructure such as transport improvements and public open space. This is known as the Community Infrastructure Levy. The Levy is charged at a rate of £80 per square metre of new floorspace Index Linked using the All-In Tender Index Price published by the Build Cost Information Service (BCIS) and is collected on commencement of development.
- 14.8.2 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. 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 As a proposal for residential development not exceeding 10 no. units, the Council would not pursue an affordable housing contribution. However, it is noted that the Council's Valuation Section is in negotiation to purchase the completed development, subject to external valuation, with a view to making the 8 no. dwellings available under the Council's Housing portfolio.

14.9 Conclusion

- 14.9.1 The proposed development would assist in providing much needed housing and is considered to be of good quality, could take place without impacting the amenities of the wider area, and without significant adverse affects to highway safety. In addition, the proposals would enhance this site both in visual terms and by removing a non-conforming use in this area. While an employment site would be lost, the loss has been justified and the benefits of the proposal weigh in its favour. Therefore, subject to conditions to ensure that the scheme's specific benefits are fully delivered, the application is recommended for

permission.

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	0	0	0
Habitats Mitigation			
Financial Contribution	£26,648		

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	91		91	91	£80/sqm	£8,008.00 *
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Subtotal:	£8,008.00
Relief:	£0.00
Total Payable:	£8,008.00

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

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

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: 1262r1P/100 S, 1262r1P/101 S, 1262r1P/102 S, 1262r1P/103 S, 1262r1P/104 a, 1262r1P/105 S, 1262r1P/106 S, 1262r1P/107 S, 1262r1P/108, 1262r1P/109 S, S1262r1P/110 S and the Design and Access Statement by Pure Town Planning.

Reason: To ensure satisfactory provision of the development.

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

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

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

Reason: To ensure adequate on-site car and cycle parking provision for the approved development, in accordance with Policies CS2 and CS10 of the Core Strategy for the New Forest District outside the National Park.

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

(a) the existing trees and shrubs which have been agreed to be

- retained;
- (b) a specification for new planting (species, size, spacing, location and tree pits);
- (c) areas for hard surfacing, the materials to be used and proposed land levels;
- (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).

6. 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).

7. 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.

8. No development shall start on site until a construction method statement has been submitted to and approved in writing by the Planning Authority, which shall include:
- (a) A programme of and phasing of demolition (if any) and construction work;
 - (b) The provision of long term facilities for contractor parking;
 - (c) The arrangements for deliveries associated with all construction works;
 - (d) Methods and phasing of construction works;
 - (e) Access and egress for plant and machinery;
 - (f) Protection of pedestrian routes during construction;
 - (g) Location of temporary site buildings, compounds, construction material, and plant storage areas;

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

Reason: In order that the Planning Authority can properly consider the effect of the works on the amenity of the locality.

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. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions relating to contamination no. 12 to 15 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition no. 15 relating to the reporting of unexpected contamination has been complied with in relation to that contamination.

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

11. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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

the National Park (Core Strategy) and Policy DM4 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

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

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

13. Where a remediation scheme has been approved in accordance with condition no. 13, the approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

14. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition no. 12, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition no. 13,

which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition no. 14.

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

15. 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).

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any re-enactment of that Order) no rooflights or dormer windows shall be inserted into any roof of any part of the development hereby approved 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 amenities of neighbouring properties, contrary to Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

17. All rooflights hereby approved shall be installed with an internal cill height at least 1.7m above the associated floor level.

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

18. The first floor windows on the north west elevation of the approved flatted building shall at all times be glazed with obscure glass and shall be fixed at all times unless the parts that can be opened are more than 1.7m above the floor. The aforementioned windows should be fitted with obscure glass with a minimum obscurity of level 3 glazing and not an applied film.

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

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 the design of the proposal has been amended and evolved following withdrawal of the initial application and negotiations between the case officer and the agent, resulting in a scheme which is considered to be acceptable as amended.

2. In discharging condition no. 8 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/>
3. New Forest District Council has adopted a Community Infrastructure Levy (CIL) charging schedule and any application now decided, including those granted at appeal, will be CIL Liable. CIL is applicable to all applications over 100sqm and those that create a new dwelling. Under Regulation 42A developments within the curtilage of the principal residence are likely to be exempt from CIL so CIL may not be payable provided the applicant submits the required exemption form prior to commencement of the development.
4. The County Highway Authority advise that it will be necessary for the kerb to be dropped across the frontage of the site to allow suitable access to the spaces. It should be noted that forming an altered access onto the highway, which will include works within the highway, 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>.

The granting of planning permission is independent of the license application, and it is strongly recommended the applicant understands the criteria to be met in order for a license to be granted.
5. The application drawings/form does not state how surface water will be discharged of. There should be no increase in flow to any surface water system or watercourse. The reason for this is that most of the watercourses in the New Forest catchment flood out of bank during high rainfall which can cause property flooding. A predicted 30% increase in flow rate caused by climate change over the next 100 years is likely to cause more properties to flood. NFDC Building Control can advise on the disposal of surface water.

6. Southern Gas Networks (SGN) advise that an extract from their mains records for your proposed work area have been forwarded to the Council and are available to view on the Council's website. Any SGN assets are described in the map legend. On some occasions blank maps may be sent, due to proposed works being in a no gas area but within SGN's operational boundaries.

This mains record only shows the pipes owned by SGN in their role as a Licensed Gas Transporter (GT). Please note that privately owned gas pipes or pipes owned by other GTs may be present in this area and information regarding those pipes needs to be requested from the owners. If SGN know of any other pipes in the area they will note them on the plans as a shaded area and/or a series of x's. The information shown on this plan is given without obligation or warranty and the accuracy cannot be guaranteed. Service pipes, valves, siphons, stub connections etc. are not shown but their presence should be anticipated. Your attention is drawn to the information and disclaimer on these plans. The information included on the plan is only valid for 28 days.

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

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

It must be stressed that both direct and consequential damage to gas plant can be dangerous for your employees and the general public and repairs to any such damage will incur a charge to you or the organisation carrying out work on your behalf. Your works should be carried out in such a manner that SGN are able to gain access to their apparatus throughout the duration of your operations.

Further Information:

Jim Bennett

Telephone: 023 8028 5588



New Forest
DISTRICT COUNCIL

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

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

**Planning Development
Control Committee**
September 2018

Item No: 3c
Argyle House
2 Lower Ashley Road
Ashley New Milton
18/10607

Scale 1:1250

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



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Application Number: 18/10774 Variation / Removal of Condition

Site: SITE OF ARRACHAR, FOX POND LANE, PENNINGTON,
LYMINGTON SO41 8FW

Development: Variation of condition 2 of planning permission 17/10532 to allow revised plan numbers to allow first-floor side extension; revised front boundary details; timber cladding; fenestration alterations - changes to rear windows, side rooflights, provision of oriel window; provision of flue

Applicant: Ms Ashworth

Target Date: 16/08/2018

Extension Date: 14/09/2018

RECOMMENDATION: Grant Subject to Conditions

Case Officer: Vivienne Baxter

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Town Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

- CS1: Sustainable development principles
CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

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

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework
NPPF Ch.2 - Achieving sustainable development

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Lymington Local Distinctiveness
SPD - Parking Standards

6 RELEVANT PLANNING HISTORY

- 6.1 18/10773 - outbuilding (LDCP). Not lawful 20.8.18
- 6.2 18/10327 - house, detached outbuilding, demolition of existing.
Withdrawn 19.4.18
- 6.3 17/11503 - outbuilding, Refused 10.1.18
- 6.4 17/10532 - house, detached outbuilding, 1.8m high boundary fencing
and gate, demolition of existing. Granted 6.6.17

7 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council: recommend refusal. We cannot support this application which does not address concerns from the neighbouring properties relating to loss of amenity from potential overlooking and the impact of the mass, appearance and scale of the buildings within the whole development.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

No comments received

10 REPRESENTATIONS RECEIVED

In addition to the concerns raised in respect of the procedure and working continuing on site, the following 10 objections have been received from local residents:

- conditions on the previous application shouldn't be discharged e.g. landscaping and slab levels
- first floor side addition has an overbearing impact on lounge and study of adjacent dwelling
- loss of privacy due to large windows/roof light in side addition, fins would need to be monitored
- cladding is out of keeping
- PD rights should be taken away
- loss of privacy from larger rear dormer and full height windows
- potential for additional works to outbuilding/s to provide habitable accommodation
- loss of privacy from porthole window
- loss of privacy from loft space/window in outbuilding
- 1st floor extension not in keeping, makes house too large for plot
- too many roof lights looks horrendous

- vehicular access should be recessed again
- rear dormer has been built differently to that indicated on the plans
- roof lights not shown correctly
- cladding is out of keeping
- house is now too large for plot
- so many rooflights are not necessary for storage space
- cladding is suggested as an alternative to materials not previously approved

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 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 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.

Concerns were raised in respect of the overlooking which could occur from the new first floor bedroom window and amendments received to mitigate against this concern.

14 ASSESSMENT

14.1 The site lies within the built up area of Pennington in a residential area. There is a variety of house types and styles in the area including bungalows, houses and terraced properties. Prior to works commencing on site, the site contained a detached chalet bungalow with garage in the rear garden. Following the approval for a replacement dwelling, the site was cleared and works commenced on the replacement structure. Works to the new dwelling are now nearing completion but are subject to the conclusion of this application. The rear garden boundaries to the site consist of 1.8m fencing.

14.2 The proposal entails the variation of condition 2 of 17/10532 to allow the following changes:

- front boundary - a 1m high rendered wall leading to recessed 1.8m high gates was approved. The proposal is now for a dwarf brick wall (implemented) with palisade fencing above with planting behind (implemented). The gate would be the same design along the front boundary.
- new flue
- high level first floor porthole window to the north elevation
- minor window/door alterations and provision of a mezzanine to the outbuilding
- alterations to the position and number of roof-lights to the southern elevation
- partial cladding to all but the southern elevation
- enlarged rear dormer
- first floor side addition
- reduction in size of the ground floor glazing to the rear

To clarify, there are no changes to the approved footprint or ridge height of the dwelling or outbuilding. While other works have occurred on site in relation to another outbuilding and a excavation on the site, they do not relate to this application and are being dealt with separately. While comments have been made about a lack of enforcement, this case has been dealt with in the appropriate way. The outbuilding would be permitted development had the dwelling been occupied and the excavation in the rear garden would not require planning permission in its own right.

14.3 Taking these changes in turn, there are no particular concerns with regard to the alternative boundary wall/fence/hedge now implemented. The area contains a variety of front boundaries and that now in situ is not out of context with the general character of the area. Behind this boundary, the frontage is now able to accommodate a green area in addition to the hard surfacing for cars and this is welcomed.

14.4 The flue is close to the ridge of the dwelling and has a limited visual impact. Several other properties in the area have chimneys, as did the previous dwelling on site. It is not considered that this would harm visual or residential amenity.

14.5 The new fixed porthole window in the northern elevation is situated in bedroom 2. It is 2.6m above floor level within this room and while it is clear glazed, it is not possible to look out of it. However, in view of concerns expressed locally about a loss of privacy and the changes

made internally to the buildings resulting in mezzanine floor space, it is considered appropriate to add a condition to prevent further mezzanine floorspace in this room. In view of the window's location to the side elevation, it has a limited visual impact.

- 14.6 The outbuilding was initially approved as a garden office/classroom with WC. The windows which included a rooflight and full height side window indicated that the classroom area was to have a vaulted ceiling. Works now implemented to this building show that a storage area is being created above the classroom and the window in the side elevation is just at high level. It is not proposed to have a staircase leading to this storage area and it would not be possible to stand up within it. The elevation with the side window would be some 6.2m from the boundary and would have a limited impact on residential amenity. Whilst this side window is perhaps less attractive than the original full height glazing, in visual terms, it is considered an acceptable change.
- 14.7 It is understood that the southern elevation of the proposed dwelling has undergone several variations between the initial approval and the situation now under consideration. The floor plan in this area has also changed from two ensuites and a dressing room to three smaller ensuites and part of an additional bedroom, the rest of which is included in the first floor extension. Above this area, a storage platform has been created.
- 14.8 The approval allowed three large rooflights - two for ensuites and a third a little higher up the roof slope servicing a dressing area. They would all have been above head level within those rooms. These roof lights have been provided slightly nearer to the ridge than approved and service the storage area now provided over the first floor accommodation. To account for the loss of roof lights to this area, three smaller roof lights have been provided for three smaller ensuites at first floor level. The cross section indicates that these are 2.3m above floor level. A further large roof light is also now included and this serves the new bedroom. The drawings indicate that this window would have opening restrictors.
- 14.9 In visual terms, whilst there are several roof lights to this southern elevation, they are only glimpsed from the street due to the set back of the dwelling from both Bay Tree House and the cottages south of this. It is however accepted that they have an impact on the residential amenity of the adjoining property.
- 14.10 Bay Tree House has a roof light to its northern elevation which provides light to the stairwell/landing. The large bedroom rooflight is not quite opposite this and the distance between the two is approximately 3m. Having looked through both roof lights, it is not considered that the new dwelling would have a reduced level of amenity due to the existence of the Bay Tree House roof light and due to the angle between the openings, it is not possible to see into Bay Tree House from the site. However, when open, the bedroom roof light would allow views into the rear garden of the adjacent property; the indication that a bed would be below the roof light cannot be guaranteed. The roof light is the only opening window for this bedroom, as well as the means of escape, so it would be inappropriate to request that it is fixed shut. The provision of a restrictor would enable both ventilation to, and escape from, the room when required while preventing inappropriate overlooking.

- 14.11 The approved scheme indicated that the replacement dwelling was to be rendered. The proposal now includes the provision of cladding in addition to maintaining render to the southern elevation. Cedar cladding is now proposed to the front, rear and side elevations of the front and rear projections and the front and rear of the main body of the dwelling. This leaves the main side elevations and side projection as render.
- 14.12 In this respect, the properties in the area are mainly constructed in brick and render with tiled or slate roofs. The area also contains timber fences and trelliswork and until Bay Tree House was built adjacent to the site, there was a timber shed located adjacent to the road. The proposed cladding would be quite recessive and would result in the dwelling being less obtrusive than were it fully rendered. The cladding would also weather down, resulting in a relatively pale property comparable to the rendered houses to the north of the site. This element of the proposal would not impact on residential amenity.
- 14.13 At the rear of the property, a dormer window was approved measuring 2.8m wide. The proposal includes a wider dormer of 4.6m wide and as a result, the bathroom roof light would be higher up the rear roof slope. While objections have been received from local residents in respect of increased overlooking, the window is in the same plane as the rear wall below and while it cuts through the eaves line whereas the approved dormer did not and at 47m, it is no closer to the properties at the rear than the approved dormer. The increase in size of this dormer (and associated relocation of the roof light) is not therefore considered to adversely affect residential amenity.
- 14.14 However, the works which have been implemented so far in this respect are neither the approved or proposed scheme and the overlooking concerns are understood as the existing structure has floor to ceiling windows and projects out over the ground floor. If approved, this projecting structure would be replaced with the dormer window, indicated as having a cill height of 1.03m. In visual terms, the enlarged dormer is not considered to have a significant impact on the amenities of the area given the modern design of the new dwelling.
- 14.15 The approved dwelling has a single storey side projection accommodating a utility room. During the construction process of the dwelling, permission was refused for a larger outbuilding and as a result of this and the requirements of the applicant's family, changes were required to the dwelling in order to accommodate mobility equipment. This resulted in an extension over the utility room, created by extending the roof slope down and glazing the front and rear elevations. Visually, this element of the building is recessed from the main elevation and has a limited impact on the street scene.
- 14.16 With regard to residential amenity however, the rear glazing, while facing directly down the applicant's garden, due to its proximity to the boundary, it also has views into the rear garden of Bay Tree House. The proposal therefore includes the provision of timber fins to the outer 0.9m of this window in order to prevent direct overlooking. Concern has also been expressed locally that this addition is overbearing to the adjacent dwelling and while it is accepted that it is relatively close to the boundary, it does not take additional light from the neighbouring property, being to its north.

- 14.17 The living space at the rear of the property is now proposed to have a slightly narrower extent of glazing proposed. To the north of this elevation, this will line up with the revised dormer window above and in visual terms would be an improvement. There would be no residential amenity issues in this respect.
- 14.18 The proposal includes several changes to the original approved dwelling. However, subject to the imposition of additional conditions specifically related to these changes, they are not, cumulatively or individually, considered to adversely affect the residential or visual amenities of the area.
- 14.19 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

Section 106 Contributions Summary Table

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

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
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Dwelling houses	268.29	165.17	103.12	103.12	£80/sqm	£9,931.25 *
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Subtotal:	£9,931.25
Relief:	£0.00
Total Payable:	£9,931.25

* 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 the VARIATION of CONDITION

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: LP.01B, EE.01, EP.01, LP.01A, PP.01, PE.02, GR.01, PP.01C, PE.01D, PE.02F, S.01C, FG.01D, PL.01B.

Reason: To ensure satisfactory provision of the development.

3. The proposed colour of the render and the new planting along the front boundary shall be as approved by the Council's decision notice dated 20.7.18 unless alternatives are previously agreed in writing.

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

4. The slab level shall be as approved by the Council's decision notice for 17/10532 and dated 20.7.18.

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 vaulted roof space in bedroom 1 and the storage space at second floor level shall not be used for or converted to habitable accommodation and at no time shall access to them be facilitated by way of a permanent staircase.

Reason: The creation of additional habitable accommodation could adversely affect residential amenity in view of the window openings above first floor level which would be contrary to Policy CS2 of the New Forest District Council Core Strategy.

6. Within 3 months of the date of this permission, full details of the proposed fins for the rear bedroom window shall be submitted to for approval in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details within 3 months of their approval.

Reason: In the interests of the residential amenities of the area and in accordance with policy CS2 of the New Forest District Council 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.

Concerns were raised in respect of the overlooking which could occur from the new first floor bedroom window and amendments received to mitigate against this concern.

Further Information:

Vivienne Baxter

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New Forest DISTRICT COUNCIL

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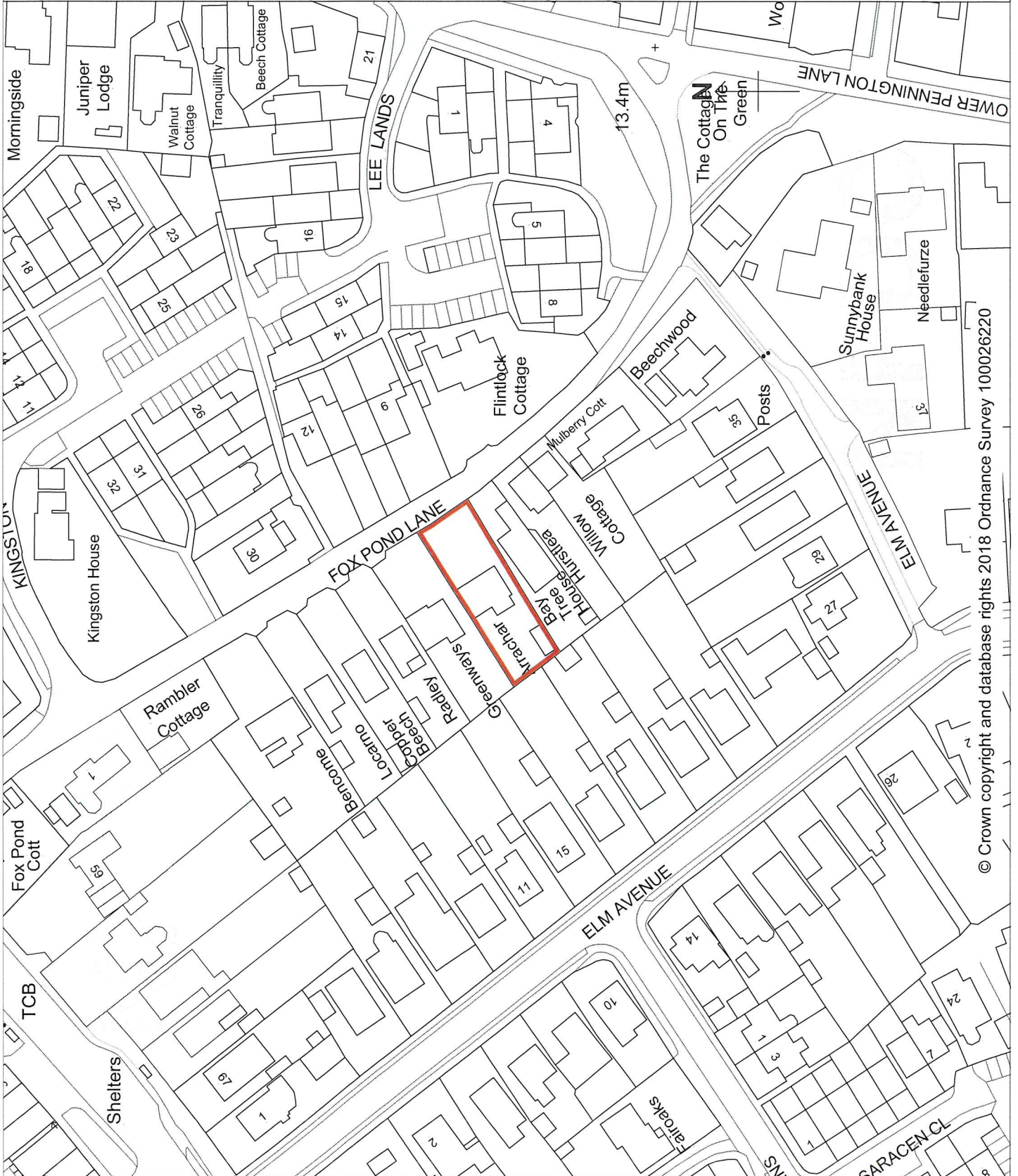
David Groom
Service Manager
Planning and Building Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee**
September 2018

Item No: 3d
Site of Arrachar
Fox Pond Lane
Pennington Lymington
18/10774

Scale 1:1250

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



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Application Number: 18/10781 Variation / Removal of Condition

Site: UNIT 2, RICARDO WAY, BOLDRE SO41 8JU

Development: Variation of conditions 10 & 11 of Planning Permission 11/97309
to allow opening and delivery times between 07:00 to 20:00
Monday to Saturday (including bank holidays) 09:00-17:00
Sundays

Applicant: Toolstation Ltd

Target Date: 05/09/2018

Extension Date: 12/09/2018

RECOMMENDATION: Grant Subject to Conditions
--

Case Officer: Richard Natt

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council View

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
4. Economy
7. The countryside

Policies

CS2: Design quality
CS17: Employment and economic development
CS24: Transport considerations

Local Plan Part 2 Sites and Development Management Development Plan Document

LYM07: Ampress Park, Southampton Road

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 - Lymington Local Distinctiveness
SPD - Parking Standards

6 RELEVANT PLANNING HISTORY

- 6.1 De-culverting and re-routing of Passford Water, and erection of a building (Units 1-3) to be used for trade counter uses (within Classes B1c & B8) and a building (Unit 4) to be used as a builders merchant including outside storage, along with access, parking and servicing (11/97309) - granted 17/1/12
- 6.2 Use for the storage, distribution and sale of hard wall and floor finishes and associated products - sui generis (17/10544) Granted with conditions on the 19th July 2017

7 PARISH / TOWN COUNCIL COMMENTS

Boldre Parish Council: recommend refusal. In view of the proximity of the residential area to this unit and bearing in mind that the two adjacent units have restricted opening times, it is felt that the existing restrictions should be retained.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Environmental Health (Pollution): No objection subject to condition

This application has been reviewed along with the Noise Assessment submitted with the application. The site is orientated in a way that allows the buildings and the acoustic fence to provide some protection to the residential properties situated behind the unit. In particular the position of the delivery roller shutter door part way down the building minimises the impact of deliveries on nearby residential uses.

With regard to the extended opening and delivery hours, the noise report shows that noise from the alterations would be well below the existing background level, and accordingly, they have no objections to this part of the proposal.
- 9.2 Southern Water: no objection.

10 REPRESENTATIONS RECEIVED

1 letter of objection concerned that there is enough noise from the Ampress site in normal hours to extend it to outside normal hours plus bank holiday would be unacceptable. Planning conditions were imposed on the original consent to minimise impact on residential amenity and should be adhered to.

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

In accordance with 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 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 originally submitted planning application proposed to vary Condition 11 to allow 24 hour deliveries. In light of the concerns raised, the applicant has removed the 24 hour delivery and now proposes that the delivery times to be the same as the proposed extended opening hours.

14 ASSESSMENT

14.1 The site and planning history

14.1.1 The application site forms the middle section of a 3 unit building that was granted planning permission in 2012 under reference 11/97309. The unit in question has permission to be used for trade counter uses and uses falling within Use Classes B1(c) and B8. The unit is currently used by Toolstation. It should be noted that while planning permission was granted in 2017 to use the unit (now subject to this current application) for the storage, distribution and sale of hard wall and floor finishes and associated products - sui generis (under reference/10544) - this has not

been implemented. Accordingly, the current user and applicant, Toolstation, are operating in accordance with the planning permission granted in 2012 under reference 97309.

- 14.1.2 This current planning application seeks consent for the variation of conditions 10 and 11 of planning permission 97309, which relate to opening hours and delivery times. The conditions are set out below:

Condition 10 of planning permission 11/97309

The development hereby approved shall not operate outside the hours of 07:30 to 18:00 hours on Monday to Friday and 08:00 to 12:00 hours on Saturdays and shall not operate at all on Sundays and Public / Bank Holidays.

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

Condition 11 of planning permission 11/97309

No deliveries shall take place other than between the hours of 07:30 to 18:00 hours on Monday to Friday and 08:00 to 12:00 hours on Saturdays and there shall be no deliveries at all on Sundays and Public / Bank Holidays.

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

- 14.1.3 It should be noted that when planning permission was granted under 17/10544, the time restrictions were slightly extended, but the delivery hours were unchanged. That permission was never implemented. The hours of use that were eased enabled the unit to operate all day Saturday until 18:00, rather than the original permission which was up to 12:00. In addition, the unit could operate during the day (between 9.00 and 17.00) on Sundays including public holidays. This shows that the principle of extended opening hours at this site has been established.

14.2 The proposal

- 14.2.1 This application seeks consent to vary conditions 10 and 11 of planning permission 11/97309 to allow the current user of unit 2, Toolstation, to start operating with longer opening hours and extended times for deliveries, including Sundays and Bank Holidays.
- 14.2.2 The proposed re-wording of conditions 10 and 11 would allow unit 2 to be open to the public and available for deliveries between 07:00 to 20:00 hours Monday to Saturday (including Bank Holidays) and between 09:00 and 17:00 on Sundays. This would effectively mean that the opening and delivery hours are extended 30 minutes earlier in the morning and an extra two hours until 20:00 Monday to Friday and including Saturday afternoon and early evening. The proposed variation would also mean that the unit would be open on Sundays and Bank Holidays during the day. Car parking and loading locations are as existing.

14.2.3 In support of the planning application, it is stated that the main purpose is to provide clarity on the permitted opening hours for unit 2 and the hours where deliveries can take place and to provide consistency in maximum opening hours with Toolstation units nationwide.

14.2.4 The supporting statement sets out that Toolstation is a UK wide subsidiary of Travis Perkins plc with 300 outlets across the UK and specialises in the sale of power tools and accessories, hand tools, screws and fixings decorating materials, plumbing/ heating and electrical supplies, work clothing and other products associated with building/ DIY. Each unit stocks approximately 10,000 catalogue products and serves predominantly the building industry, although Toolstation do accept trade from private customers. As a result of occupying this unit, Toolstation employ between 5 and 8 full time staff and expect no more than 4 members of staff to be on site at any one time.

The application is accompanied by a noise assessment report, which concludes that the applicant would be able to trade for the proposed additional hours without causing disturbance or adverse impacts to nearby residents.

14.3 Assessment

14.3.1 In policy terms, Core Strategy Policy CS17 relates to employment and economic development. The aim of the strategy is to make better use of existing employment land and encourage intensification of existing employment sites and to generally keep all existing employment sites. Policy LP-7 of the Local Plan is a site specific policy and is also applicable, which allocates the Ampress site for Industrial/office/business development in accordance with Core Strategy Policy CS17. The policy requires new development to respect the location of the site adjacent to the National Park, and the Lymington River SSSI.

14.3.2 Given that the application seeks to extend hours and allow greater flexibility for the operations of the business, it is considered that the proposals fully accord with these policies. Moreover, given that there is no change to the use of the unit, which simply seeks to continue to operate unit 2 in accordance with the lawful use, the variation of the conditions accord with employment policies.

14.3.3 The National Planning Policy Framework (NPPF) states that there is a presumption in favour of sustainable development which has three dimensions, namely: economic, social and environmental. The Government is committed to ensuring that the planning system supports sustainable economic growth. At the same time the NPPF seeks to promote safe and accessible environments; improved conditions in which people live, work, travel and take leisure; and avoid noise from giving rise to significant adverse impacts.

14.3.4 The main issue in this case is whether the variation in the conditions would lead to an unacceptable impact on the amenities of the neighbouring properties.

14.3.5 The application site lies at the northern end of the Ampress Business Park. There is a public footpath which bounds the site on its northern and eastern sides. Beyond this footpath to the north are a number of

residential properties set at a higher level than the application site. The main A337 bounds the site to the west from where the site is clearly visible. There is a watercourse which runs to the rear of the site, which is largely culverted for most of its length through the site. While the site lies within the Built-up area, it is bounded by the National Park to the north, and east. To the south of the site lies the more central part of Ampress Business Park which includes large buildings used as B1 and B8 uses, including petrol filling station. It is noted that the petrol station is open all week and 24 hours, which is likely to generate traffic movement throughout the day and night.

- 14.3.6 The submitted acoustic report states that the cumulative noise levels (i.e the sum of access road and car parking activity noise) will be very low. The report states that comparing these levels with the existing noise climate indicates that the noise levels generated by the proposal would be some 20dB below the existing noise climate at any time during the proposed hours, even based on peak hour activity in the nearest possible car parking location to the neighbouring residential properties. The submitted acoustic report concludes that Toolstation could trade on this site for the proposed additional hours on weekday mornings and evenings, Saturday afternoons and all day Sunday and bank holidays without causing disturbance or adverse impacts to nearby residents.
- 14.3.7 The delivery process involves the arrival of an articulated HGV which manoeuvres to unloading position, which includes reversing alarms, and this takes 2 minutes. The unloading of metal cages is carried out via a tail lift and wheeling cages into the unit, which takes around 20 minutes. The HGV departure takes less than one minute and involves engine starting and moving off. The delivery area serving the unit would be approximately 50 metres from the properties to the north, with a similar level of screening resulting from the buildings and acoustic barrier. The noise report concludes that a single delivery received would not lead to an adverse impact in the context of the existing noise environment.
- 14.3.8 There is a single access into the Ampress Business Park from the A337 which is off a roundabout. From the roundabout, the application site is accessed about 90 metres from Ricardo Way, in which there is a large area of hardstanding used for access and car parking. The subject building lies to the north of the hardstanding and has been designed so that all main openings face away from the residential properties to the north of the site, to help minimise the impact of noise on these residential properties. Indeed, the overall design and layout of the building, subject to this application was to provide quite an effective barrier to noise from activities on the application site.
- 14.3.9 The Environmental Health Officer does not raise any objections to the proposal to extend the opening trading hours and the delivery times and considers that having regard to the location of the site there is likely to be a considerable amount of road traffic and activity on the estate and in the area during the early evenings Monday to Saturdays and Sundays. Indeed, the petrol filling station which is located nearby is open 24 hours Monday to Sundays, which is likely to generate a significant amount of noise. The Environmental Health Officer concludes that the submitted noise report from the alterations would be well below the existing background level and accordingly they have no objection.

14.4 Conclusion

- 14.4.1 In summary, while the proposal would result in a modest amount of additional noise and disturbance for residents, it would not cause material or unacceptable harm to their living conditions. In view of this, any negative impacts caused would be materially outweighed by the benefits that would result from the extended hours. The development would satisfy the economic, social and environmental dimensions of sustainable development. Indeed, the proposal has the potential to increase local employment, provide a broader service for local builders and tradesmen. These factors weigh in favour of the scheme.
- 14.4.2 Accordingly, on the main issue the proposal would not have a materially adverse impact on the living conditions of any local residents due to additional noise and disturbance. The scheme would therefore comply with Policy CS2 which seeks to ensure that developments do not cause unacceptable effects for residents. It would similarly comply with the NPPF.
- 14.4.3 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			

15. RECOMMENDATION

GRANT the VARIATION of CONDITION

Proposed Conditions:

1. The development permitted shall be carried out in accordance with the following approved plans: 1418913/L, 1418913/SP, 1418913/B.

Reason: To ensure satisfactory provision of the development.

2. The development hereby approved shall not operate outside the hours of 07:00 to 20:00 hours on Monday to Saturday (including Bank Holidays) and 09:00 to 17:00 hours on Sundays.

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

3. No deliveries shall take place other than between the hours of 07:00 to 20:00 hours on Monday to Saturday (including Bank Holidays) and 09:00 to 17:00 hours on Sundays.

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

4. The combined Rating Level of noise emitted from activities on the site and from fixed plant and associated equipment shall not exceed the Background Noise Level (LA90) at any time, as measured at 3.5 metres from the façade of the nearest noise sensitive premises and shall be made in accordance with BS4142:2014.

Reason: To safeguard the amenities of nearby residential properties in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National

5. No external lighting shall be installed on the north elevation of the building unless details of the position, size and type of lighting to be installed have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to minimise impact on ecological interests in accordance with policies CS2 and CS3 of the Core Strategy for New Forest District outside the National Park.

6. No window, door or rooflight openings shall be formed in the north elevation of the building, other than those shown on the approved plans, unless express planning permission has first been granted.

Reason: To safeguard the amenities of nearby residential properties in accordance with Policy CS2 of the Core Strategy for the New

Forest District outside the National Park.

Notes for inclusion on certificate:

1. In accordance with 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:

Richard Natt

Telephone: 023 8028 5588



New Forest DISTRICT COUNCIL

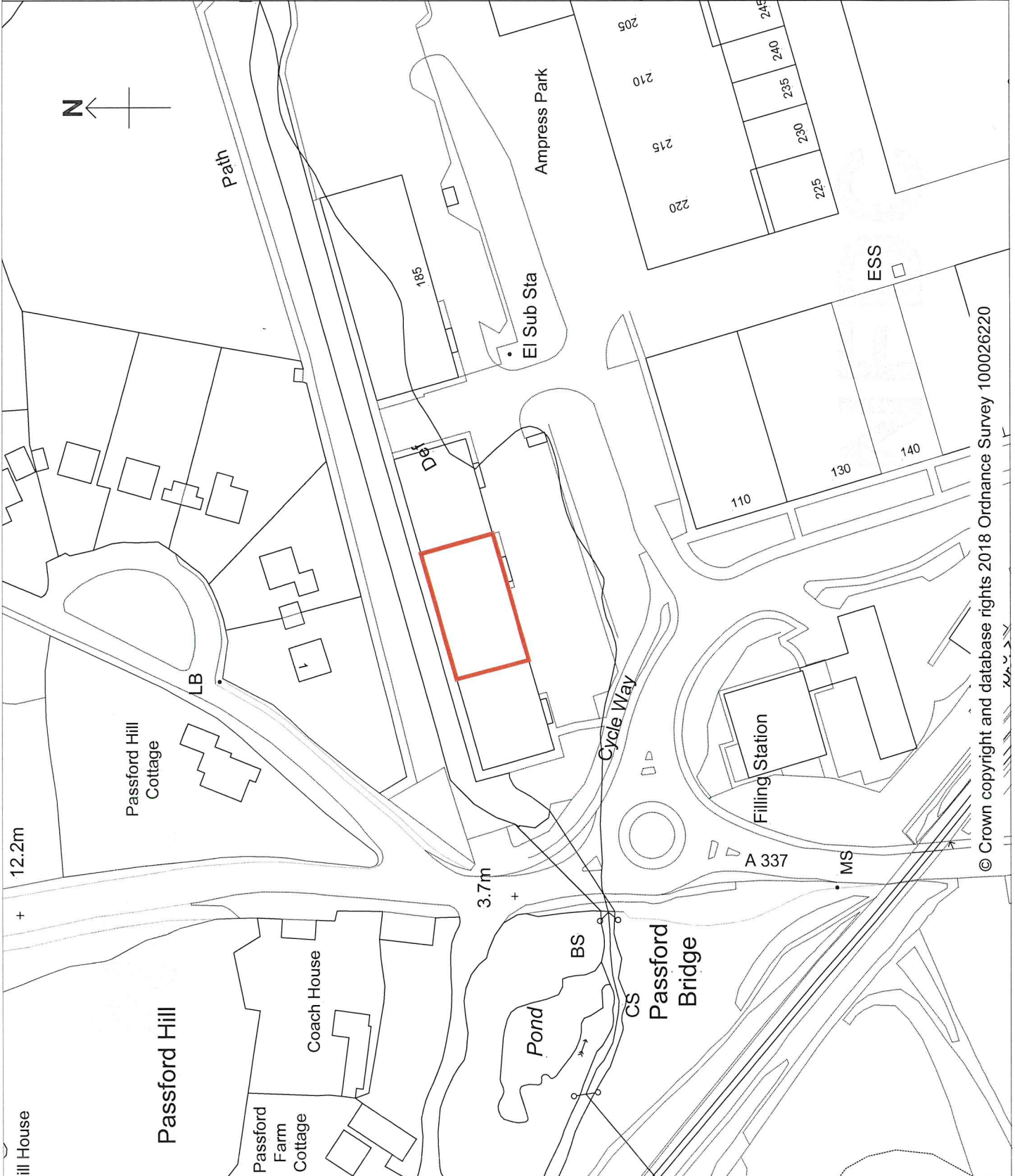
Tel: 023 8028 5000
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David Groom
Service Manager
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Lynchhurst
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**Planning Development
Control Committee**
September 2018

Item No: 3e
Unit 2
Ricardo Way
Lymington
18/10781

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



Application Number: 18/10799 Full Planning Permission

Site: THE OLD MILL, BARNES LANE, MILFORD-ON-SEA SO41 0RL

Development: Refurbishment and extension of existing buildings to create a single dwelling with glazed links; provision of garage/car port; new access including bridge over mill pond; landscaping

Applicant: Mr & Mrs Davies

Target Date: 03/08/2018

RECOMMENDATION: Refuse

Case Officer: Catherine Cluett

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Member and Parish Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up Area
Aerodrome Safeguarding Zone
Landscape Feature
Plan Area
Local Nature Reserve
Flood Zone
Conservation Area
Listed Buildings Grade II

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
8. Biodiversity and landscape

Policies

CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
CS6: Flood risk

Local Plan Part 2 Sites and Development Management Development Plan Document

DM1: Heritage and Conservation
DM2: Nature conservation, biodiversity and geodiversity

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework 2008
Section 2
Section 14
Section 15
Section 16

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPG - Milford-on-Sea Village Design Statement
SPG - Milford-on-Sea - A Conservation Area Appraisal

6 RELEVANT PLANNING HISTORY

- 6.1 12/98409: Refurbishment and extension of existing dwellings to create a single dwelling; conversion of mill building to ancillary residential accommodation; provision of garage/store building; new access including bridge over mill stream. Application refused and subsequent appeal dismissed 15 February 2013
- 6.2 12/98410: Refurbishment and extension of existing dwelling to create a single dwelling; conversion of mill building to ancillary residential accommodation (Application for Listed Building Consent) Consent refused and subsequent appeal dismissed 15 February 2013
- 6.3 13/10772: Refurbishment and extension of existing dwelling to create a single dwelling; conversion of mill building to ancillary residential accommodation; provision of garage/store building; new access including bridge over mill stream. Granted permission 28 August 2013
- 6.4 13/10773: Refurbishment and extension of existing dwellings to create a single dwelling; conversion of mill building to ancillary residential accommodation (Application for Listed Building Consent) Permission granted 28 August 2013

7 PARISH / TOWN COUNCIL COMMENTS

Milford On Sea Parish Council: recommend permission
Despite the lack of a Conservation Officer's report, the Parish Council supports this application to save, restore and enhance the historic Old Mill site.

8 COUNCILLOR COMMENTS

Cllr Kendal - supports the application

9 CONSULTEE COMMENTS

- 9.1 Natural England: refer to standing advice.
- 9.2 Environment Agency: no objection, subject to condition regarding implementation of the submitted flood risk assessment.

- 9.3 Conservation Officer: object to the proposal. Raise concerns over the relationship of the proposed extensions to this historic group and the appropriateness of alterations to the existing buildings. They also remain unconvinced on the soundness of the viability case put forward to justify the nature and extent of works proposed and realisation of the works given the worsening condition of the buildings.
- 9.4 Drainage: note that comments made by the Environment Agency are satisfactory in covering the surface water issues relating to this development.
- 9.5 Ecologist: no objection subject to securing final details of biodiversity mitigation, compensations and enhancement via condition. Also makes recommendations regarding ongoing ecological input in management of the leat.
- 9.6 Tree Officer: no objection, subject to condition concerning the undertaking of works and provision of further information in respect of the driveway and bridge construction.

10 REPRESENTATIONS RECEIVED

78 in support for the following reasons:

- Proposals have been well considered and are sympathetic to the historic character of the buildings and the environment of its setting. They would offer opportunity to secure the future of the site, which has been subject to deterioration through vandalism and antisocial behaviour over recent years, enhancing its setting, benefiting the wider village and surrounding environment.

1 objection to the application noting the following:

- Concerns over the loss of significance in respect of the separate identity of the buildings, historic plan form and fabric. The former unsympathetic alterations to the buildings and their poor state does not justify accepting the current proposals which should form a basis for negotiation on a more sympathetic scheme.

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

Based on the information provided at the time of this report this development has a CIL liability of £0.00.

13 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 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.
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This proposal has been submitted following extensive pre-application discussions. However, with reference to the pre-application advice offered it is noted that although much has been taken on board of note in respect of the design of the mill house rebuild, and mill house alterations, points of contention remain. In the light of the level of local support for this scheme, Officers have been in discussion with the applicant with regard to conditions that may be necessary.

14 ASSESSMENT

- 14.1 This site is located near to the centre of Milford on Sea within the Conservation Area. It comprises a group of three buildings associated with the former water mill and includes the mill building, house and coach house with attached outbuildings. The mill building and house are both listed in their own right Grade II, with the coach house curtilage listed by association. The group of buildings sits well within their grounds which are heavily vegetated, completely screening them from any public vantage point, with the exception of some limited glimpses from the pathway along the western side of the site. They also include water features associated with the former use, including a pond and leat, with the Danes Stream defining the western side of the site. Neighbouring premises are located adjacent to the north and east of the site, however these enjoy a notable degree of separation from the buildings.
- 14.2 The buildings sit in a courtyard arrangement which once comprised five buildings. A former cottage enclosed the courtyard on its western side while another property projected to the south-west of the group. The

historical access to the site runs to the southern side of the mill and arrives into this central area through the gap between the mill and mill house building.

14.3 The complex has been subject to neglect from the end of the C20 through the inability of the former owner to undertake maintenance and more recently as a result of vacancy, over the past 9 years. The condition of the site has led to notable vandalism of the grounds and buildings, an episode of which resulted in a substantial fire in the mill house in 2015 which destroyed the roof, and much of the upper floor. To stop any further damage to the site and buildings the new owners have made best efforts to secure the buildings to protect them from further decline, and are currently living on site within the coach house building.

14.4 The Development Proposed

The development proposes work to all of the existing buildings on site, including refurbishment, repair and alterations to upgrade and increase the areas of habitable accommodation, including conversion of the mill building and new extensions. A new detached garage building would be provided to the rear of the coach house, connected by a covered walkway and new access driveway created over a new bridge. The proposals also include associated renovations to the wider site, including new landscaping and works to maintain the mill pond and leat.

14.5 The Conservation Officer Comments

There are a number of detailed elements of these proposals which, alone and cumulatively, led to objection from the Council's Conservation Officer. These are detailed more extensively in their formal comments, however to summarise, these include concerns over the relationship of the proposed extensions to this historic group and the appropriateness of alterations to the existing buildings. They also remain unconvinced on the soundness of the viability case put forward to justify the nature and extent of works proposed, and realisation of the works given the worsening condition of the buildings.

14.6 The Key Elements of the Development

The linkage elements: A core element to these proposals is the linkage of the group of buildings, which incorporates the new extensions. Reflecting on the buildings individually and as a wider group within the landscape, the separation between them makes an important contribution to their character and significance. The proposed link extension would see the loss of this physical separation between the mill house and coach house, however it is recognised that the principle of this has been established under the 2013 scheme. This said, there are differences in the design of the extension which would result in a more expansive addition, in terms of its continuation across the south and west elevations of the mill house and the comparative depth of the linking corridor between the south-west wing and coach house.

14.7 Although it is noted the single storey nature of the extension would assist in emphasising its subservience to the original buildings as a result of its footprint this would nonetheless add significant mass to the

west of the group. Cumulatively this would result in a comparatively bulky extension which would move away from the concept of a light touch link between the original and new 'buildings' as was established with the former approval. This would harmfully erode the separation between these two buildings and be unsympathetic to the established relationship that exists. Although concern has been raised by Conservation regarding the contemporary design of this addition, in itself this is not considered wholly inappropriate. However this is subject to achievement of an appropriate design which is not considered to be the case in this instance.

- 14.8 The applicant contends that a corridor style link was found to be problematic in terms of the viability of implementing the former approval and also that the Council has previously advised that an addition larger than simply a corridor may be acceptable. To this effect it is recognised that indeed the former approval saw the inclusion of a habitable room along this section. However it is the articulation of this space which is crucial to the acceptability of this element of the proposals.
- 14.9 The Mill House: In respect of the mill house the proposals intend to preserve the remaining fabric, reinstate the lost upper floor and roof, incorporating a subtly contemporary design approach in the use of a modern roof material and treatment of window openings. A new celestory glazed element would also be incorporated between the wall plate and new roof. Given the current condition of this building its reinstatement is welcomed and it is noted the form would follow the outline of the original building as requested at pre-application stage. Furthermore there is no in principle objection to following a more contemporary approach for the choice of materials and agreement could potentially be reached on solar panels of appropriate finished appearance.
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- 14.11 The proposed void to create a double height space in the kitchen area has raised concern over the lack of justification for the further loss of fabric, although it is noted that the ceiling in this area is already badly damaged and as such the principle of this may not be unacceptable. Another matter for consideration is the realisation of the proposed works, insofar as the current application has not been accompanied by an updated structural report. Although a covering letter from the agent's engineer is included, this references further remedial works and repairs which have not been fully detailed and therefore their potential extent cannot be fully understood.

- 14.12 The Mill Building: Works to the mill building would include a number of interventions to provide a suitable layout for use as habitable accommodation and to bring it up to the required standards. Internally this would see the insertion of a new staircase, provision of services, insulation and new partitions; and externally this would see the addition of new roof light windows and window replacement with double glazed units. All of these works would impact on the fabric of the building and furthermore erode its simple industrial character, which is reflected in its simple plan form and external appearance. Furthermore in respect of the necessary internal alterations, although additional information has been provided, this remains limited, such that the full implications cannot be understood in detail at this stage.
- 14.13 It is recognised that the addition of roof lights was previously considered acceptable in respect of the 2013 approval, following on from the Inspector's decision on the 2012 refusal. However the former proposal sought a less intensive use for the mill building. In this case more extensive works are required and together, it follows these would have a more significant impact on the building. There is no in-principle objection to the continued use of the mill building to support the residential accommodation, however it is the implications of this more intensive use which give rise to concerns.
- 14.14 The applicants have agreed to consider changes to the plan form in light of the Council's concerns. This would include the removal of a modern partition on the first floor and omission of the originally proposed partitions at first and second floor level. With reference to the comments from Conservation, this would directly address concerns raised over these matters. Although viewed as a positive change, this would not however overcome the concerns expressed over other aspects of work to this building.
- 14.15 The proposals would also see the mill building linked to the mill house with a glazed corridor which would see the loss of the historical access route to the site. Although the intention is to maintain the presence of the track, the loss of this route and the separation between the buildings would further detract from the interest of this group
- 14.16 The applicant contends that this was not likely the main access to the site, with reference to the likely original access to the Mill Building from the north and referencing to OS maps and historical photographs which show that the gap between the two buildings had a gate and possibly a fence. Although it may be likely the former original access to the Mill was from the opposite side, on the Council's assessment of the historical maps and photographs provided as part of the application, they appear to indicate that access to the site took this route between the two buildings. In any case it is not the original working frontage of the Mill that is of concern, it is the loss of the historical access route and relationship between the two buildings.
- 14.17 In terms of the new vehicular access route however, this was part of the former approved scheme albeit the bridge was in a different location, and is again considered to be acceptable. The design of the new bridge would be a simple timber construction, appropriate in this context.

- 14.18 The Coach House: The coach house would be subject to internal alterations including changes in plan form, staircases and also first floor levels in conjunction with increasing the height and eaves level of its two flanking wings. The coach house was converted to annex accommodation in the mid-late C20 and, as such, subject to notable modern alteration. Nonetheless it is still considered that some features of interest remain and the roof form of the building contributes to its appearance and context as an ancillary building within the wider group.
- 14.19 The retention of more of the building's plan form at ground floor level is welcomed, in comparison with the former approval. However the proposed increase in the height of the flanking wings and their respective eaves would increase the status of the building, elevating it from a subservient ancillary character. Furthermore the current internal floor levels and arrangement therein contribute to the interest of this building and reflect its former use. Although it is recognised the maximum height of the building would not be increasing, the overall size would see a proportionately significant increase which would impact on its relationship with the wider group.
- 14.20 The Garage/Car Port: The new garage/car port would be positioned to the north of the coach house, linked with a covered walkway and follow the alignment of the new extension. Further to advice offered at pre-application stage this is now proposed as a traditional style building however this continues to follow the alignment of the proposed extension and also incorporates a further linking structure. Although there is no in principle objection to the provision of a new garage building on this side of the group, there are concerns that its positioning would relate poorly to the historical layout of the site. Furthermore given its proximity it would read as further bulk in association with the new extension, detracting from the primacy of the original buildings and their setting. The applicant contends that the position of the garage would offer a more discrete option, however the assessment of impacts on the setting of heritage assets is not necessarily restricted to specific public or key vantage points. It is a wider contextual appreciation of them, in how they are experienced and how this affects the ability to appreciate this significance.
- 14.21 For the reasons set out above it is considered the proposed extensions and alterations to the buildings would result in harm, less than substantial in the National Planning Policy context, to the significance of these heritage assets.
- 14.22 However, in cases where harm is identified planning guidance in the form of the National Planning Policy Framework 2018 (para 196) advises that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing an optimum viable use. Furthermore in para 202 it advises that Local Planning Authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.
- 14.23 This balance is particularly pertinent to this case. As previously noted, these buildings and the wider site have been subject to vandalism including a fire which has destroyed a large part of the mill house. The Council acknowledges that these are buildings at risk, and as such

wishes to see them brought back into use. Contextually this is an important group of Listed Buildings within the Milford Conservation Area which are of public interest in both historical and communal value to the history of the village and its community.

- 14.24 In support of their case the applicants have provided comprehensive supporting statements including heritage assessments and financial information on the envisaged costs of the works. Although these may not meet fully with the English Heritage guidelines for demonstrating enabling development, they demonstrate that completion of the works, including maintenance of the waterways on site will entail significant financial investment.
- 14.25 On this basis the proposed extensions and increases in habitable accommodation are put forward as enabling development, such that the costs of renovating the historic buildings and site can be recouped in the final property value. This was a similar approach taken with the 2013 approval, albeit the circumstances on site have now altered given the further deterioration of the site and buildings such that further investment would be required. The proposal also seeks to address issues with the realisation of proposals for this site, the applicants arguing that the former approved scheme was not implemented as the resulting living accommodation would not meet the expectations of modern day living standards or those commensurate with this calibre of property. They consider a key factor in this to be the absence of inclusion of the mill building into the habitable accommodation, thus necessitating the current design. Although this has not been supported by marketing evidence, it cannot be disputed that the property failed to sell, even with the benefit of the former permission.
- 14.26 From understanding the background to this application the current applicants have clear intentions to carry out the works proposed and thus offer the opportunity to secure the long term future of this group of buildings and renovation of the wider site. They also have the full support of the local Parish and community, with 76 representations of support being received to date and have taken the time to engage with them at an early stage which is encouraged by National Government Guidance. However, this needs to be balanced against the harm which would be caused. Although the use as a single residential unit would represent the optimum viable use, given the gravity of concerns over a number of aspects of these proposals it is not considered at officer level this balances in favour of the public benefit in respect of this particular scheme. The level of harm to these buildings would diminish their significance to the extent this would not be outweighed by the public benefit. This is however a value judgement.
- 14.27 It is recognised that the background to this application follows extensive pre-application discussions and also includes consideration of former refused and approved development as referenced in the planning history and referred to where relevant in the discussion above. However, with reference to the pre-application advice offered, it is noted that although much has been taken on board of note in respect of the design of the mill house rebuild, and mill house alterations, points of contention remain. These comprise overriding concerns in respect of the scale of the extension, level of intervention to the mill building, loss of the historical access route through linking the mill house and mill building, changes to the coach house roof, position of the garage, inappropriate alterations to the window openings on the mill house and

the level of loss of original fabric from the mill house.

- 14.28 Concerning other relevant matters, given the separation from neighbouring premises the proposal would not result in any harm to the living conditions of neighbouring occupiers.
- 14.29 The Flood Risk Assessment submitted with this proposal is considered acceptable to the Environment Agency, subject to the implementation of works in accordance with its recommendations. This could be addressed by condition to ensure that the development does not pose an unacceptable risk to the environment.
- 14.30 A number of trees are scheduled for removal, however given the heavy tree covered nature of the site this would not lead to any harm to amenity. This would be subject to adherence with the arboricultural report and subject to the agreement of further details regarding the bridge and driveway as recommended by the Tree Officer. This could be addressed by condition.

14.31 Conclusion

On the basis of the above it is considered the scale and design of the extensions and new garage would visually overwhelm and diminish the separate architectural interest and historic functions of this group of buildings. Furthermore, the degree of alteration to the existing buildings which would result in harm to their historic fabric and interest. As such this would result in harm, less than substantial, to the significance of these heritage assets, diminishing their significance to the extent this would not be outweighed by the public benefit. This would be contrary to Policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park, Policy DM1 of the Local Plan Part 2: Sites and Development Management Plan and Section 16 of the National Planning Policy Framework (2019).

- 14.32 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
Self Build (CIL Exempt)	200.4		200.4	200.4	£80/sqm	£19,300.06 *

Subtotal:	£19,300.06
Relief:	£19,300.06
Total Payable:	£0.00

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

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

Where:

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

R = the levy rate as set in the Charging Schedule

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

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. As a result of their scale and design the proposed extensions and new garage building would visually overwhelm and diminish the separate architectural interest and historic functions of this group of buildings. Furthermore, the degree of alteration to the existing buildings would result in harm to their historic fabric and interest. As such this would result in harm, less than substantial, to the significance of these heritage assets, diminishing their significance to the extent this would not be outweighed by the public benefit. This would be contrary to Policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park, Policy DM1 of the Local Plan Part 2: Sites and Development Management Plan and Section 16 of the National Planning Policy Framework (2018).

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.

This proposal has been submitted following extensive pre-application discussions. However, with reference to the pre-application advice offered it is noted that although much has been taken on board of note in respect of the design of the mill house rebuild, and mill house alterations, points of contention remain. In the light of the level of local support for this scheme, Officers have been in discussion with the applicant with regard to conditions that may be necessary.

2. This decision relates to additional plans received by the Local Planning Authority on 23/07/2018

Further Information:

Catherine Cluett

Telephone: 023 8028 5588



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Planning Committee 12 September 2018 **Item 3 g**

Application Number: 18/10800 Listed Building Alteration

Site: THE OLD MILL, BARNES LANE, MILFORD-ON-SEA SO41 0RL

Development: Refurbishment and extension of existing buildings to create a single dwelling with glazed links; provision of garage/car port; new access including bridge over mill pond; landscaping (Application for Listed Building Consent)

Applicant: Mr & Mrs Davies

Target Date: 03/08/2018

RECOMMENDATION: Refuse

Case Officer: Catherine Cluett

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Member and Parish Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up Area
Aerodrome Safeguarding Zone
Landscape Feature
Plan Area
Local Nature Reserve
Flood Zone
Conservation Area
Listed Buildings Grade II

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

1. Special qualities, local distinctiveness and a high quality living environment

Policies

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

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPG - Milford-on-Sea Village Design Statement
SPG - Milford-on-Sea - A Conservation Area Appraisal

6 RELEVANT PLANNING HISTORY

- 6.1 12/98409: Refurbishment and extension of existing dwellings to create a single dwelling; conversion of mill building to ancillary residential accommodation; provision of garage/store building; new access including bridge over mill stream. Application refused and subsequent appeal dismissed 15 February 2013
- 6.2 12/98410: Refurbishment and extension of existing dwelling to create a single dwelling; conversion of mill building to ancillary residential accommodation (Application for Listed Building Consent) Consent refused and subsequent appeal dismissed 15 February 2013
- 6.3 13/10772: Refurbishment and extension of existing dwelling to create a single dwelling; conversion of mill building to ancillary residential accommodation; provision of garage/store building; new access including bridge over mill stream. Granted permission 28 August 2013
- 6.4 13/10773: Refurbishment and extension of existing dwellings to create a single dwelling; conversion of mill building to ancillary residential accommodation (Application for Listed Building Consent) Permission granted 28 August 2013

7 PARISH / TOWN COUNCIL COMMENTS

Milford On Sea Parish Council: recommend permission Despite the lack of a Conservation Officer's report, the Parish Council supports this application to save, restore and enhance the historic Old Mill site

8 COUNCILLOR COMMENTS

Cllr Kendal - supports the application.

9 CONSULTEE COMMENTS

Conservation Officer: object to the proposal. Raise concerns over the relationship of the proposed extensions to this historic group and the appropriateness of alterations to the existing buildings. They also remain unconvinced on the soundness of the viability case put forward, to justify the nature and extent of works proposed and realisation of the works given the worsening condition of the buildings.

10 REPRESENTATIONS RECEIVED

30 Comments received.

29 in support for the following reasons:

- Proposals have been well considered and are sympathetic to the historic character of the buildings and the environment of its setting. They would

offer opportunity to secure the future of the site, which has been subject to deterioration through vandalism and antisocial behaviour over recent years, enhancing its setting, benefiting the wider village and surrounding environment.

1 objection to the application noting the following:

- Concerns over the loss of significance in respect of the separate identity of the buildings, historic plan form and fabric. The former unsympathetic alterations to the buildings and their poor state does not justify accepting the current proposals which should form a basis for negotiation on a more sympathetic scheme.

11 CRIME & DISORDER IMPLICATIONS

None relevant

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 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 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.
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14 ASSESSMENT

14.1 This site is located near to the centre of Milford on Sea within the Conservation Area. It comprises a group of three buildings associated with the former water mill and includes the mill building, house and coach house with attached outbuildings. The mill building and house are both listed in their own right Grade II, with the coach house curtilage listed by association. The group of buildings sits well within their grounds which are heavily vegetated, completely screening them from any public vantage point, with the exception of some limited glimpses from the pathway along the western side of the site. They also include water features associated with the former use, including a pond and leat, with the Danes Stream defining the western side of the site. Neighbouring premises are located adjacent to the north and east of the site, however these enjoy a notable degree of separation from the buildings.

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- 14.12 The Mill Building: Works to the mill building would include a number of interventions to provide a suitable layout for use as habitable accommodation and to bring it up to the required standards. Internally this would see the insertion of a new staircase, provision of services, insulation and new partitions; and externally this would see the addition of new roof light windows and window replacement with double glazed units. All of these works would impact on the fabric of the building and furthermore erode its simple industrial character, which is reflected in its simple plan form and external appearance. Furthermore in respect of the necessary internal alterations, although additional information has been provided, this remains limited such that their full implications cannot be understood in detail at this stage.
- 14.13 It is recognised that the addition of roof lights was previously considered acceptable in respect of the 2013 approval, following on from the Inspector's decision on the 2012 refusal. However the former proposal sought a less intensive use for the mill building. In this case more extensive works are required and, together, it follows these would have a more significant impact on the building. There is no in-principle objection to the continued use of the mill building to support the residential accommodation, however it is the implications of this more intensive use which give rise to concerns.
- 14.14 The applicants have agreed to consider changes to the plan form in light of the Council's concerns. This would include the removal of a modern partition on the first floor and omission of the originally proposed partitions at first and second floor level. With reference to the comments from Conservation, this would directly address concerns raised over these matters. Although viewed as a positive change, this would not however overcome the concerns expressed over other aspects of work to this building.

- 14.15 The proposals would also see the mill building linked to the mill house with a glazed corridor which would see the loss of the historical access route to the site. Although the intention is to maintain the presence of the track, the loss of this route and the separation between the buildings would further detract from the interest of this group.
- 14.16 The applicant contends that this was not likely the main access to the site, with reference to the likely original access to the Mill Building from the north and referencing to OS maps and historical photographs which show that the gap between the two buildings had a gate and possibly a fence. Although it may be likely the former original access to the Mill was from the opposite side, on the Council's assessment of the historical maps and photographs provided as part of the application, they appear to indicate that access to the site took this route between the two buildings. In any case it is not the original working frontage of the Mill that is of concern, it is the loss of the historical access route and relationship between the two buildings.
- 14.17 In terms of the new vehicular access route however, this was part of the former approved scheme albeit the bridge was in a different location, and is again considered to be acceptable. The design of the new bridge would be a simple timber construction, appropriate in this context.
- 14.18 The Coach House: The coach house would be subject to internal alterations including changes in plan form, staircases and also first floor levels in conjunction with increasing the height and eaves level of its two flanking wings. The coach house was converted to annex accommodation in the mid-late C20 and, as such, subject to notable modern alteration. Nonetheless it is still considered that some features of interest remain and the roof form of the building contributes to its appearance and context as an ancillary building within the wider group.
- 14.19 The retention of more of the building's plan form at ground floor level is welcomed, in comparison with the former approval. However the proposed increase in the height of the flanking wings and their respective eaves would increase the status of the building, elevating it from a subservient ancillary character. Furthermore the current internal floor levels and arrangement therein contribute to the interest of this building and reflect its former use. Although it is recognised the maximum height of the building would not be increasing, the overall size would see a proportionately significant increase which would impact on its relationship with the wider group.
- 14.20 The Garage/Car Port: The new garage/car port would be positioned to the north of the coach house, linked with a covered walkway and follow the alignment of the new extension. Further to advice offered at pre-application stage this is now proposed as a traditional style building however this continues to follow the alignment of the proposed extension and also incorporates a further linking structure. Although there is no in principle objection to the provision of a new garage building on this side of the group, there are concerns that its positioning would relate poorly to the historical layout of the site. Furthermore given its proximity it would read as further bulk in association with the new extension, detracting from the primacy of the original buildings and their setting. The applicant contends that the position of the garage would offer a more discrete option, however the assessment of impacts on the setting of heritage assets is not necessarily restricted to specific public or key vantage

points. It is a wider contextual appreciation of them, in how they are experienced and how this affects the ability to appreciate this significance.

- 14.21 For the reasons set out above it is considered the proposed extensions and alterations to the buildings would result in harm, less than substantial in the National Planning Policy context, to the significance of these heritage assets.
- 14.22 However, in cases where harm is identified planning guidance in the form of the National Planning Policy Framework 2018 (para 196) advises that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing an optimum viable use. Furthermore in para 202 it advises that Local Planning Authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.
- 14.23 This balance is particularly pertinent to this case. As previously noted, these buildings and the wider site have been subject to vandalism including a fire which has destroyed a large part of the mill house. The Council acknowledges that these are buildings at risk, and as such wishes to see them brought back into use. Contextually this is an important group of Listed Buildings within the Milford Conservation Area which are of public interest in both historical and communal value to the history of the village and its community.
- 14.24 In support of their case the applicants have provided comprehensive supporting statements including heritage assessments and financial information on the envisaged costs of the works. Although these may not meet fully with the English Heritage guidelines for demonstrating enabling development, they demonstrate that completion of the works, including maintenance of the waterways on site will entail significant financial investment.
- 14.25 On this basis the proposed extensions and increases in habitable accommodation are put forward as enabling development, such that the costs of renovating the historic buildings and site can be recouped in the final property value. This was a similar approach taken with the 2013 approval, albeit the circumstances on site have now altered given the further deterioration of the site and buildings such that further investment would be required. The proposal also seeks to address issues with the realisation of proposals for this site, the applicants arguing that the former approved scheme was not implemented as the resulting living accommodation would not meet the expectations of modern day living standards or those commensurate with this calibre of property. They consider a key factor in this to be the absence of inclusion of the mill building into the habitable accommodation, thus necessitating the current design. Although this has not been supported by marketing evidence, it cannot be disputed that the property failed to sell, even with the benefit of the former permission.
- 14.26 From understanding the background to this application the current applicants have clear intentions to carry out the works proposed and thus offer the opportunity to secure the long term future of this group of buildings and renovation of the wider site. They also have the full support

of the local Parish and community, with 76 representations of support being received to date and have taken the time to engage with them at an early stage which is encouraged by National Government Guidance. However, this needs to be balanced against the harm which would be caused. Although the use as a single residential unit would represent the optimum viable use, given the gravity of concerns over a number of aspects of these proposals it is not considered at officer level this balances in favour of the public benefit in respect of this particular scheme. The level of harm to these building would diminish their significance to the extent this would not be outweighed by the public benefit. This is however a value judgement.

14.27 It is recognised that the background to this application follows extensive pre-application discussions and also includes consideration of former refused and approved development as referenced in the planning history and referred to where relevant in the discussion above. However, with reference to the pre-application advice offered, it is noted that although much has been taken on board of note in respect of the design of the mill house rebuild, and mill house alterations, points of contention remain. These comprise overriding concerns in respect of the scale of the extension, level of intervention to the mill building, loss of the historical access route through linking the mill house and mill building, changes to the coach house roof, position of the garage, inappropriate alterations to the window openings on the mill house and the level of loss of original fabric from the mill house.

14.28 Conclusion

On the basis of the above it is considered the scale and design of the extensions and new garage would visually overwhelm and diminish the separate architectural interest and historic functions of this group of buildings. Furthermore, the degree of alteration to the existing buildings which would result in harm to their historic fabric and interest. As such this would result in harm, less than substantial, to the significance of these heritage assets, diminishing their significance to the extent this would not be outweighed by the public benefit. This would be contrary to Policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park, Policy DM1 of the Local Plan Part 2: Sites and Development Management Plan and Section 16 of the National Planning Policy Framework (2012).

14.29 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.

15. RECOMMENDATION

REFUSE LISTED BUILDING CONSENT

Reason(s) for Refusal:

1. As a result of their scale and design the proposed extensions and new garage building would visually overwhelm and diminish the separate architectural interest and historic functions of this group of buildings. Furthermore, the degree of alteration to the existing buildings would result in harm to their historic fabric and interest. As such this would result in harm, less than substantial, to the significance of these heritage assets, diminishing their significance to the extent this would not be outweighed by the public benefit. This would be contrary to Policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park, Policy DM1 of the Local Plan Part 2: Sites and Development Management Plan and Section 16 of the National Planning Policy Framework (2018).

Notes for inclusion on certificate:

1. This decision relates to additional plans received by the Local Planning Authority on 23/07/2018
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.

This proposal has been submitted following extensive pre-application discussions. However, with reference to the pre-application advice offered it is noted that although much has been taken on board of note in respect of the design of the mill house rebuild, and mill house alterations, points of contention remain. In the light of the level of local support for this scheme, Officers have been in discussion with the applicant with regard to conditions that may be necessary.

Further Information:

Catherine Cluett

Telephone: 023 8028 5588

Application Number: 18/10832 Full Planning Permission

Site: 11 CARLTON AVENUE, BARTON-ON-SEA, NEW MILTON BH25
7PS

Development: Roof alterations in association with new first floor; Two-storey side extension; single-storey front extension; two storey rear extension

Applicant: Mr Lewis

Target Date: 29/08/2018

Extension Date: 14/09/2018

RECOMMENDATION: Grant Subject to Conditions

Case Officer: Kate Cattermole

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view.

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Aerodrome Safeguarding Zone
Plan Area

Plan Policy Designations

Built-up Area

National Planning Policy Framework

Chap 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

4 National Planning Policy Framework
RELEVANT SITE HISTORY

Proposal	Decision Date	Decision Description	Status
14/10760 Single-storey front & two-storey rear extensions; raise ridge height; dormers and rooflights in association with new first floor	16/07/2014	Granted Subject to Conditions	Decided

5 **COUNCILLOR COMMENTS**

No comments received

6 **PARISH / TOWN COUNCIL COMMENTS**

New Milton Town Council: object (non-delegated)

- 1) Overdevelopment as the footprint is too large for a bungalow plot, with subsequent loss of amenity space;
- 2) Unneighbourly due to the overlooking potential from the rear gable window and extension roof lights.

7 **CONSULTEE COMMENTS**

Trees Officer: no objection

8 **REPRESENTATIONS RECEIVED**

Two objections received on the following grounds (summary):

- overlooking to 20 Naish Road
- increased footprint would be an erosion of green space and garden area
- overdevelopment of the site
- reduction of natural drainage on site
- no burning on site should be allowed during construction
- the front wall extends over the boundary with no 9

Comments from applicant (summary):

- Confirms line of side boundary with 9 Carlton Avenue
- Windows in rear elevation (although of a different design) are as previously approved under 2014 planning permission
- no 7, 9 and 3 Carlton Avenue all have first floor windows on the rear elevation that would overlook dwellings to the rear
- 20 Naish Road already overlooked
- current accommodation very small and want to take advantage of south facing aspect by extending to rear
- Increase in rear extension would not increase effect of overlooking
- Rooflights proposed to remain fixed shut
- No objections from previous occupants of 20 Naish Road, during first application

9 **CRIME & DISORDER IMPLICATIONS**

None relevant

10 LOCAL FINANCE CONSIDERATIONS

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

Regulation 42 of the CIL Regulations 2010 (as amended) states that CIL will be applicable to all applications over 100sqm GIA and those that create a new dwelling. Whilst the development is over 100sqm GIA under Regulation 42A developments within the curtilage of the principal residence and comprises up to one dwelling are exempt from CIL. As a result, no CIL will be payable provided the applicant submits the required exemption form. Tables setting out all contributions are at the end of this report.

Based on the information provided at the time of this report this development has a CIL liability of £0.00.

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.

No pre application advice was sought prior to application being submitted. The proposed scheme is more extensive than a previously approved development on site, however it is considered to have an acceptable impact within the street scene and on residential amenity so approval is recommended. An extension of time for determination has been agreed as this application needs to be determined by the Planning Committee.

12 ASSESSMENT

12.1 The application site consists of a semi-detached bungalow, which forms a pair with no 15 Carlton Avenue; these properties are currently connected by single storey flat roofed garages. No 11 & 15 are the only pair of semi-detached properties within the road, as the prevailing character is of detached properties, being a mix of bungalows and houses. There are examples of roof alterations to some of the bungalows to provide first floor accommodation, generally achieved by the addition of dormers.

12.2 A previous consent for extensions to the dwelling was approved in 2014 (Reference 14/10760) for a single storey front and two storey rear extensions, raise ridge height, dormers and rooflights in association with new first floor. This consent has now expired. The current proposal would be a larger development than that previously approved.

12.3 The current proposed increase to the overall ridge height would measure 6.9m but the eaves height of the existing dwelling would be respected; the two storey extension to the eastern side of the existing dwelling, would result in the development being set off the side boundary with 9 Carlton Avenue by approximately 1 metre; the roof form would have cropped gables on both side elevations; the existing single storey

garage would be demolished, effectively detaching the dwelling from no 15 Carlton Avenue, the side wall on the western elevation would be set a further 400mm from the boundary with no 15, although the two storey rear extension would kick out resulting in a set off from the side boundary with no 15 of 300mm; the proposed two storey rear extension would project out 7m- an additional 2.5 m over the previous approval - and the apex of the rear gable would be glazed; dormer windows are proposed in the front and rear elevations, and also rooflights on the side roofslopes of the two storey rear extension- which reflect what was previously approved.

- 12.4 The principle of increasing the height of the dwelling was accepted under the previous planning permission, and taking into account the varied street scene this change in roof form to cropped gables on both side elevations would be appropriate. Furthermore, by separating the dwelling from no 15, it would be respecting the prevailing character of detached dwellings within the road.
- 12.5 The proposed development would also include an extension to the eastern side of the dwelling by a further 1.0 m. This would result in the extended dwelling virtually spanning the width of the plot. However, taking into account the varied street scene, which includes two storey houses, there is no defined rhythm with regard to gaps between properties. Therefore, even though the visual bulk of the extended dwelling would be increased, this would not create a demonstrable level of harm to either the street scene or the general character of the area.
- 12.6 The existing dwelling has a modest rear garden measuring 15m in depth, and enclosed by fencing. The rear extension, by reason of its length which extends a further 2.5m than that previously approved, could be considered a disproportionate form of extension to the existing dwelling. As it is to the rear of the dwelling only limited views of this element would be visible from public vantage points, and therefore it would not adversely impact upon the street scene. Even though it would increase the footprint of the dwelling and would be larger than other dwellings within the immediate area, it is set within a reasonably sized rear garden which could accommodate these extensions.
- 12.7 There could be an impact on the light to no 15 Carlton Avenue due to the increase in the scale and overall length of the rear extension over that previously approved. Nevertheless due to the relative orientation of these properties; with no 15 to the west; it should still not create a significant level of harm to this neighbour's amenities. Furthermore, even though it would occupy just under half of the depth of the rear garden boundary, by reason of its single storey form, low eaves and the roof pitching away from the boundary it would not result in an overbearing or unacceptably enclosing form of development to this neighbour.
- 12.8 The increase in the width of the dwelling to the east would bring the development closer to the boundary 9 Carlton Avenue. However this neighbouring property is set away from its boundary and the increased width is limited to the depth of the existing dwelling with the rear extension set away so no additional impact would result.
- 12.9 The proposed rear dormers on the extended dwelling, are as previously proposed and would have a back to back distance with the bungalow to the rear - 20 Naish Road - of approximately 34m. It is noted that there

are two existing large dormer windows also on the rear elevation of no 7 Carlton Avenue.

- 12.10 The rear extension has been increased in length by 2.5 m with a larger rear facing apex first floor window. This change would result in a distance to the rear boundary of the application site of only 8m. Despite this and the associated reduction in the separation there would still be a back to back distance of approximately 26m with the bungalow to the rear. Due to the urban setting there is already overlooking from rear windows of two storey properties, and roof alterations incorporating dormers in the vicinity of the site. Whilst there would be a change in the impact on the adjoining properties this is not considered to be an untypical urban relationship and as such no harmful additional overlooking would result sufficient to justify refusal on these grounds
- 12.11 Rooflights are proposed on the side elevations of the rear extension, these would be sited below 1.7m from the finished floor level of the bedroom they would serve and as such could achieve direct views over the rear gardens of no 9 and 15 Carlton Avenue. This concern could be addressed by applying a condition to obscure glaze and fix shut these rooflights, and this could be considered to mitigate any overlooking from these rooflights. This would be a reasonable condition as there is another window to the rear serving this room.
- 12.12 The application site is not subject to any Tree Preservation Orders and is not situated within a Conservation Area. A mature oak tree is however situated in the front garden of 9 Carlton Avenue and so the tree officer was consulted. While the building footprint extends into the root protection area, this minor extent of encroachment would be of no significance to the health of the tree, therefore specialist foundations would not be required. Overall, given the compact ground conditions and presence of a driveway, the proposal would not have a detrimental impact on this oak tree and as such no tree objection is raised.
- 12.13 New Milton Town Council have objected to the application on the grounds that it would be overdevelopment of the plot and there would be potential overlooking. These matters are considered in the assessment made but are not considered to be justifiable reasons for refusal. It is accepted that the scale of the dwelling would be significantly increasing, but the property would still have an acceptable amenity space and as such it is not considered to be an overdevelopment of the site. With respect to overlooking, the rooflights could be conditioned to be obscure glazed and fixed shut which would mitigate any overlooking to the neighbours either side. The rear window would achieve views over the rear garden of 20 Naish Road, but as this property is already overlooked from neighbouring properties, and there remains a sufficient back to back distance between the properties, this is considered to be acceptable in an urban setting. Overall the proposals are therefore recommended for approval.
- 12.14 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed.

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

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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Self Build (CIL Exempt)	220.3	78.47	141.83	141.83	£80/sqm	£13,659.32 *
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Subtotal:	£13,659.32
Relief:	£13,659.32
Total Payable:	£0.00

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

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

Where:

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

R = the levy rate as set in the Charging Schedule

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

13. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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: 11-CA-01 (Rev 2), 11-CA-02 (rev 7)

Reason: To ensure satisfactory provision of the development.

3. The first floor roof lights on the east and west elevations of the approved extension shall at all times be glazed with obscure glass and fixed shut. The aforementioned windows should be fitted with obscure glass with a minimum obscurity of level 3 glazing and not an applied film.

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

Notes for inclusion on certificate:

1. In accordance with 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.

No pre application advice was sought prior to application being submitted. The proposed scheme is more extensive than a previously approved development on site, however it is considered to have an acceptable impact within the street scene and on residential amenity as so approval is recommended. An extension of time for determination has been agreed as this application needs to be determined by the Planning Committee.

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

Further Information:

Kate Cattermole

Telephone: 023 8028 5588



New Forest DISTRICT COUNCIL

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

**Planning Development
Control Committee**
September 2018

Item No: 3h
11

Carlton Avenue
Barton on Sea New Milton
18/10832

Scale 1:1250

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



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Application Number: 18/10838 Outline Planning Permission

Site: Land off MOUNTFIELD, HYTHE SO45 5AQ

Development: 4 detached chalet bungalows; garages and parking; associated access (Outline application with details only of access & layout)

Applicant: The Turnbull Group

Target Date: 16/08/2018

RECOMMENDATION: Grant Subject to Conditions

Case Officer: Vivienne Baxter

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to policy

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside outside the New Forest

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
3. Housing
7. The countryside

Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS7: Open spaces, sport and recreation
- CS10: The spatial strategy
- CS15: Affordable housing contribution requirements from developments
- CS24: Transport considerations
- CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

- NPPF1: National Planning Policy Framework – Presumption in favour of sustainable development
- DM2: Nature conservation, biodiversity and geodiversity
- DM3: Mitigation of impacts on European nature conservation 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
NPPF Ch.2 - Achieving sustainable development
NPPF Ch. 4 - Decision-making
NPPF Ch. 5 - Delivering a sufficient supply of homes
NPPF Ch.11 - Making effective use of land
NPPF Ch.12 - Achieving well-designed places
NPPF Ch.15 - Conserving and enhancing the natural environment
Section 197 Trees
Town and Country Planning Act 1990

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

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

6 RELEVANT PLANNING HISTORY

- 6.1 13/11623 - development of 11 dwellings comprised 4 detached 2-storey dwellings, 1 terrace of 3 houses, 1 block of 4 flats, parking, access road, bridge. Refused 11.4.14, appeal dismissed.
- 6.2 13/10200 - 6 2-storey dwellings, 3 detached garages, cycle and bin stores, access, parking, landscaping. Refused 2.8.13

7 PARISH / TOWN COUNCIL COMMENTS

Hythe Parish Council - recommend permission but would accept a delegated decision. Subject to houses being no larger than indicated, appropriate access for turning and absolute protection for trees and open space.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

- 9.1 Waste Management (NFDC): comment only
- 9.2 Southern Gas Networks: offer advice
- 9.3 Environmental Health (Contamination): request informative
- 9.4 Tree Officer: no objection subject to conditions
- 9.5 Natural England: no objection
- 9.6 Hampshire County Council Highway Engineer: no objection (no conditions)
- 9.7 Ecologist: no objection subject to condition

10 REPRESENTATIONS RECEIVED

Objections have been received from 13 local residents raising the following concerns:

- the site is not an allocation site
- the land gets very boggy in winter
- noise and disturbance from vehicles close to boundary
- proposed public open space wouldn't be used by anyone
- inadequate drainage details
- inadequate access
- protected trees will be removed
- junction of Mountfield with Southampton Road will be more congested
- previous reasons for refusal still apply
- bats and badgers (and other wildlife) frequent the site
- there are alternatives to realise the value of the land
- potential harm from street lighting
- development would put pressure on adjoining woodland/countryside
- parking provision should be greater
- pressure to remove additional trees
- inadequate turning for refuse/emergency service vehicles
- car headlights shining through windows of properties
- some positive elements have been removed from the scheme
- no management details regarding the open space
- could open the flood gates for more housing
- parking in Mountfield is already difficult
- public transport is limited in the area
- the proposal would still harm the character and appearance of the area
- adverse impact on wildlife

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive a New Homes Bonus £4,896 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 £72,423.38.

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

13 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 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.

A pre-app was submitted for this site several months ago although the scheme at that time was for 9 dwellings. Since that time, additional details have been provided in respect of the ecology of the area and the scheme reduced in order to enable the retention of and less pressure on the trees within and adjoining the site.

14 ASSESSMENT

- 14.1 The site lies outside of but adjoining the built up area of Hythe to the west of Lower Mullins Lane and accessed off Mountfield between two bungalows. To the south of the site is a large area of public open space which extends north to Southampton Road and south to the local junior school. There is an area of proposed public open space to the west of the site beyond wooded land edged blue. The site itself contains several statutorily protected trees and is higher in the middle and west of the site than the south eastern corner and access point from Mountfield. Boundaries to existing residential properties are generally mature hedgerows interspersed with trees although there are some dwellings which can be seen clearly from the site. At present the field is empty and the grass is up to knee length in height.
- 14.2 The proposal entails the provision of 4 detached dwellings, each with a detached double garage and is in outline form with means of access and layout to be considered.
- 14.3 Planning History
- 14.3.1 The most relevant planning history in this case is that referred to in paragraph 6.1 above. The appeal in relation to a proposal to develop this site with 11 dwellings was dismissed on the grounds of "the harm that the proposal would cause to the character and appearance of the

area and the development's potential to cause harm to protected species".

- 14.3.2 In dismissing the appeal the Inspector did not take issue with the principle of residential development on the site (which at that time proposed 7 of the 11 dwellings to be affordable) and that the proposal met the exception set out in Policy DM20.
- 14.3.3 The Inspector considered that the development of the site with 11 dwellings "would result in a significant urbanising effect that would unacceptably harm the semi-wooded character and appearance of the appeal site and the important contribution the site makes to the wider area".
- 14.3.4 In addition, the Inspector raised concerns that the proposals would lead to future pressure to fell protected trees, which would be hard to resist given the number and proximity of trees to the proposed dwellings.
- 14.3.5 The Inspector raised no concerns in respect of highway issues and living conditions of neighbours and concluded that the proposal would provide benefits in the form of new housing of which a significant proportion would have been affordable units.

14.4 Principle

- 14.4.1 In principle, new residential development is contrary to policy (DM20) in this location unless it can be demonstrated that there is a need for forestry or agricultural workers or affordable housing to meet a local need. Neither of these alternatives have been put forward as arguments in this case as the proposal is for open market housing. In determining the appeal, the Inspector concluded that the previous proposal would meet one of the exceptions to allow development in the countryside as an appropriate level of affordable housing was included in that scheme. While no affordable housing is proposed with this scheme there is clearly a benefit in the form of new housing being provided which the Inspector also recognised in coming to a view on the appeal scheme.
- 14.4.2 The NPPF (paragraph 11) advises that sustainable development should be approved where it accords with an up to date development plan. In respect of housing policies, this authority's development plan is out of date and policies which protect assets of particular importance (e.g. habitat sites) come into play. Natural England have advised that subject to an appropriately worded condition, the proposal would not harm habitats sites. The site is not sited within or close to any other designations which may impact upon this element of the decision making. Consideration also has to be given to whether or not the benefits of the proposal would significantly and demonstrably outweigh any disbenefits having regard to the NPPF.

14.5 Residential amenity

- 14.5.1 The proposed siting of the dwellings would not result in any significant loss of residential amenity for the adjoining occupiers given the distances involved and the orientation of the dwellings. Similarly, with the shortest distance between existing and proposed dwellings being 20m, there would be no significant loss of light to existing occupiers.

The Appeal Inspector found no harm in terms of residential amenity when determining the appeal and this scheme has been appropriately designed to minimise any impact subject to conditions and any reserved matters application.

14.5.2 Concerns have been raised with regard to noise and disturbance and the loss of amenity through car headlights shining through windows. The noise and disturbance relates to increased vehicular activity close to garden boundaries. In this respect, the northern most section of the access is in a similar position to that previously proposed and the rest is 50m from Lower Mullins Lane properties. The previous scheme for 11 dwellings would have generated much more traffic than the current proposal and this was not a reason for refusal at that time. While increased noise and disturbance is a negative impact, it has to be considered with all other matters.

14.5.3 With regard to car headlights, it is noted that the access road would be at a higher level than adjoining properties and that the bungalow adjacent to the western side of the access has a relatively open aspect across the site, with substantial glazing to part of the rear elevation. The access road is not proposed in a layout which would allow direct light from cars into the rear of this property but it is accepted that there would be some light visible on occasion, particularly during the winter months. Given the limited number of proposed dwellings and potential for planting to mitigate against this, it is considered to be a limited harmful impact.

14.6 Visual amenity

14.6.1 Mountfield is an estate of bungalows through which the site is accessed although other dwellings adjacent to it are more varied and include two storey houses as well as chalet style properties. The indicative elevations for the proposed dwellings would not appear out of context given the variety although their final appearance would be a matter for the reserved matters.

14.6.2 The site is relatively well enclosed and there would be limited views into the site. Whilst the existing landscaping to the southern boundary would not preclude all views into the site from the existing footpath and adjoining public open space, the visual impact of the proposal would be limited from the south and overall impact would be acceptable.

14.6.3 In dismissing the previous appeal the Inspector recognised that the site's semi-wooded character provided an important transition between the built development and countryside to the south and west. Your officers are of the view that the current proposal for a much reduced number of dwellings which enables most important trees to be retained with appropriate new planting, would ensure that the important landscaped character would be protected.

14.7 Trees

14.7.1 The previous scheme was considered to result in much overshadowing to gardens due to the tree canopies and the decision included a reason that the proposal would compromise the long term future of the trees and this was supported by the Inspector. The proposal now includes fewer dwellings and this enables bigger garden areas, larger parts of which would have full sun throughout the day and as such, the local

planning authority would be able to robustly defend applications for felling.

- 14.7.2 It is noted that 6 trees are proposed to be removed from the site and while this is a concern raised locally, it is considered that this element of the proposal would have a minimal impact on the amenity of the site given the number to be retained and space within the site to plant replacements which over time, would provide a greater contribution to the amenity of the area.
- 14.7.3 There is a protected tree adjacent to the access point into the site. As part of the access provisions, a root bridge is proposed in order to achieve access into the site without harming the tree roots and the Tree Officer has concluded that if installed correctly, this should allow access without significant harm to the tree. Crown lifting this tree to 5m above ground level in combination with this is also considered not to adversely affect the tree and subject to appropriate conditions, the Tree Officer does not raise any objections to the proposal. In addition, the Appeal Inspector concluded that this would be an acceptable proposal.
- 14.8 Ecology
- 14.8.1 Previously, the application was refused and subsequent appeal dismissed on the grounds of a lack of ecological survey work. Since that time, additional work has been undertaken and a revised report submitted to support the proposal. The proposal has also been revised to enable development to occur in less sensitive parts of the site. Indeed, the dense woodland to the west has been removed from the site area.
- 14.8.2 With the significant reduction in built form in comparison to the previous scheme, the proposal has less of an impact on the ecology of the area. While there are concerns that although the development has sought to avoid direct impacts on sensitive areas, there are indirect impacts as a result of introducing domestic uses to the area (e.g. lighting and other forms of disturbance); this is also recognised locally. However, given the outline nature of the application, it is considered that the subsequent reserved matters application could be detailed and conditions imposed on this application such as to minimise harmful impacts.
- 14.8.3 With regard to the management of the area, the site has been used most recently for grazing horses although due to illness the field is presently vacant. A different management system is likely to have resulted in the land being more suitable for invertebrates and reptiles although this is unlikely to be realised in the future. Therefore the proposals for securing some form of mitigation and compensation need to be weighed with this in mind and in reaching an ecological recommendation they should be viewed as representing positive benefits.
- 14.8.4 The level of provision for wildlife is still modest given the impacts and while the provision of the land edged blue as a mitigation area and the current level of artificial structures helps to balance this, it is considered that further compensation through the use of suitably worded conditions is appropriate in this instance. This would cover issues such as bat/bird boxes and landscape management.

14.9 Highways

14.9.1 The Highway Authority has considered the proposal and is satisfied that the local highway network can accommodate the additional traffic from four new houses (this view was shared by the Inspector in relation to the previous appeal which was in respect of a much larger number of dwellings). The layout of the site indicates that adequate turning can be provided for both cars and larger emergency/service vehicles although it is accepted that this could require regular maintenance of the statutorily protected tree adjacent to the access into the site.

14.9.2 As stated above, the Tree Officer is satisfied that the access into the site can be provided without adversely affecting the protected tree and as it is proposed to be a shared surface, it complies with the response from the Highway Authority in respect of pedestrian access.

14.9.3 Locally, concern has been raised in respect of a lack of parking provision. The indicative plans submitted show the dwellings would be 4 bedroomed properties which would generate a recommended parking provision of 3 spaces each. With a double garage plus two further spaces each, it is considered that this is an acceptable level of provision.

14.10 Open Space provision

14.10.1 Proposals for residential development on sites of 0.5ha or more generate a requirement for on site public open space to be provided. However, in view of this particular proposal being for just four units, it is not considered justified to provide such a facility for so few units. There is an area of public open space to the south of the site and proposed public open space to the west of the proposed buffer zone and on this basis, it is not considered that the area is lacking in open space.

14.10.2 The site layout does still provide an element of open space although given the issues raised from an ecological point of view, it would be more appropriate to maintain and enhance this area for wildlife purposes as indicated on the layout plan.

14.10.3 The appeal scheme also made reference to a footpath link to the south of the site, however, this was not pursued by the appeal Inspector. The proposed link was to an historic overgrown path which is to be reinstated as part of the Council's Mitigation Strategy for European Sites and is outside the applicaiton site.

14.11 Other material considerations

14.11.1 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, it is considered that the adverse impacts of development set out above do

not significantly and demonstrably outweigh the benefits and therefore the tilted balance in favour of granting permission is a material consideration in assessing this application.

- 14.11.2 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.
- 14.11.3 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.
- 14.12 Conclusion
- 14.12.1 Since the previous refusal and dismissed appeal, much work has been done in order to address the overall impact of the proposal on the character of the area and the statutorily protected trees. The reduction in the number of proposed units is a significant change in the scale of the development and clearly has benefits through larger garden spaces, less overshadowing and more space for ecological mitigation. While the lack of any affordable housing provision is regrettable, this is not considered to be sufficient justification for refusal of this application having regard to benefits set out above and the overriding need to provide new housing, as set out in the NPPF.
- 14.12.2 Having regard to the proposed layout and means of access, the proposal would have a limited impact on the residential amenity of the area in terms of noise and disturbance, light pollution and potential overlooking. The traffic generation for 4 houses would be negligible across Mountfield as a whole and the impact of this additional traffic on the immediate neighbours insufficient to warrant refusal. This scheme also allows the important landscape character of the site to be maintained for the future given the relatively modest level of development proposed.
- 14.12.3 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and

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

Section 106 Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings	0		
Financial Contribution	0		
Habitats Mitigation			
Financial Contribution	£23,672		

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	752	0	752	752	£80/sqm	£72,423.38 *

Subtotal:	£72,423.38
Relief:	£0.00
Total Payable:	£72,423.38

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

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

Where:

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

R = the levy rate as set in the Charging Schedule

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

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

1. Approval of the details of the scale, appearance and landscaping of the site ("the reserved matters") shall be obtained from the Local Planning Authority before any of the development is commenced. The development shall only be carried out in accordance with the details which have been approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the 'reserved matters' to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

4. The development permitted shall be carried out in accordance with the following approved plans: location plan, Tree Survey Report (including tree protection plan) dated June 2018, Ecological Appraisal dated June 2018, Planning Statement, Design and Access Statement, PL08, PL09, PL04, PL05, PL06, PL10, PL03A, PL02, PL07.

Reason: To ensure satisfactory provision of the development.

5. The trees/hedges on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted arboricultural statement.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area and in accordance with policy CS2 of the New Forest District Council Core Strategy.

6. No development, demolition or site clearance shall take place until a plan showing:

- Service routes, including the position of soakaways;

- Location of site compound and mixing areas; and
- Location of parking for contractors/builders

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

Reason: To safeguard trees and natural features which are important to the visual amenities of the area and to comply with policy CS2 of the New Forest District council Core Strategy.

7. 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 potential impact on the ecology of the site, the Local Planning Authority would wish to ensure that any future development proposals do not adversely affect this, in accordance with Policy CS3 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

8. No external lighting shall be installed on the site before details of such proposals have first been submitted to and approved by the Local Planning Authority in writing.

Reason: To protect the amenities of the area 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. Prior to the commencement of development, the following information shall be submitted to, for approval in writing by, the local planning authority:

- full details of the proposed management of the 'dark corridor' and open spaces not included within residential curtilages,
- provision of habitat to include, but not limited to, bats, house sparrows and reptiles.

The development shall be undertaken in accordance with the approved details prior to the occupation of the dwellings.

Reason: In the interests of the ecology of the area and to comply with policy CS3 of the New Forest District Council Core Strategy.

11. 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.

12. 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).

Notes for inclusion on certificate:

1. In discharging condition No.11 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. There are a number of sites near to this property which have had past contaminative uses. It is possible that some contamination may have migrated through the ground and groundwater. Whilst the Authority has no evidence to suggest that this is the case, any observed presence of contamination during any ground invasive works should be reported to the Local Authority Environmental Health Officer and works halted whilst the matter is considered. It is advisable to obtain specialist advice concerning the potential for contamination and its recognition. Under the National Planning Policy Framework, where a site is affected by contamination, responsibility for securing a safe development and/or new use, rests with the developer and/or landowner and as a minimum requirement the land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.
3. You are advised that the details required in respect of the landscaping of the site 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; and
 - (e) a method and programme for its implementation and the means to provide for its future maintenance.
4. 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.

A pre-app was submitted for this site several months ago although the scheme at that time was for 9 dwellings. Since that time, additional details have been provided in respect of the ecology of the area and the scheme reduced in order to enable the retention of and less pressure on the trees within and adjoining the site.

Further Information:

Vivienne Baxter
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New Forest
DISTRICT COUNCIL

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Planning and Building Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee**
September 2018

Item No: 3i
Land off
Mountfield
Hythe
18/10838

Scale 1:2500

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



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Application Number: 18/10871 Full Planning Permission

Site: WEST BARNS, BLEAK HILL FARM, BLEAK HILL, ELLINGHAM,
HARBRIDGE & IBSLEY BH24 3PX

Development: Reconstruction of barn to form Dwelling, use of barn as garage
and ancillary residential accommodation (part retrospective)

Applicant: Mr & Mrs Lewis

Target Date: 21/08/2018

Extension Date: 13/09/2018

RECOMMENDATION: Grant Subject to Conditions
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Case Officer: Richard Natt

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Policy

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside outside the New Forest

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
3. Housing
7. The countryside

Policies

Core Strategy

- CS1: Sustainable development principles
- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS10: The spatial strategy
- CS15: Affordable housing contribution requirements from developments
- CS24: Transport considerations
- CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

- DM2: Nature conservation, biodiversity and geodiversity
- DM3: Mitigation of impacts on European nature conservation 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 - Mitigation Strategy for European Sites
SPG - Residential Design Guide for Rural Areas

6 RELEVANT PLANNING HISTORY

6.1 Use as 1 residential dwelling - 15/10488 (Prior Approval not required on the 18th May 2015)

7 PARISH / TOWN COUNCIL COMMENTS

Ellingham and Harbirdge Parish Council: propose to recommend to permission under option 1 with delegated powers to NFDC with the following comments:-

- Being mindful of the rural location and the extent of glazing, the Parish Council would like the importance of mitigating any light pollution to be stressed with the applicant with all external lighting to be a material consideration with Passive Infrared (PIRs) sensors as standard.
- The two outbuildings should be conditioned for incidental use only to prevent any future conversion to habitable floor space or separate dwellings.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

None

10 REPRESENTATIONS RECEIVED

None

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 £25,810.

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

13 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 take a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome.

This is achieved by

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

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

14 ASSESSMENT

- 14.1 The application site known as 'West Barn' forms part of a larger group of former farm buildings which are situated around a traditional farmstead including farm house in a rural setting named Bleak Hill Farm. It should be noted that the other existing farm buildings at Bleak Hill Farm, which include the farmhouse and 'North Barn' are completely separate from this current application and are in separate ownership.
- 14.2 Bleak Hill Farm previously formed a group of former traditional farm buildings and farmhouse dating back over 100 years. The buildings subject to this current application known as 'West Barn' were more modern buildings, and previously comprised the main timber framed barn, a single storey open fronted solid brick building under a tiled roof,

and a blockwork structure under a corrugated sheet roof. The existing farmhouse has recently been renovated and one of the former farm buildings, known as 'North Barn' has now been converted into a dwelling, following the grant of planning permission. A further building within the courtyard also has permission to be converted into a dwelling.

- 14.3 In terms of the relevant planning history, in May 2015, under reference 15/10488, 'West Barn' received Prior Approval for the change of use of the three existing buildings into a dwelling, car port and annex. A structural report accompanied that application which concluded that part of the existing structural fabric of the timber framed building could be retained to form a dwelling, whereas the two smaller buildings could be used for more ancillary/incidental purposes to the main dwelling.
- 14.4 Shortly after permission to convert the buildings into a dwelling, a significant part of the main timber building collapsed due to poor weather conditions. Following the unexpected collapse of the building, works continued to implement that permission, however, it was not until March 2018 that the Council's Enforcement team first investigated the site to understand whether the works that had taken place were in accordance with permission granted under 15/10488.
- 14.5 The applicant states that the construction work to the timber barn was undertaken with great care, to try and preserve as much of the existing structure as possible. However, a significant part of the existing had already collapsed and following the Enforcement investigation, it was concluded that the building to be converted into a dwelling was completely demolished to ground level and rebuilt. In addition, the dwelling under construction was not being built in accordance with the approved design and use of materials compared to the approved scheme. It should be noted that the two other existing buildings on the site were not demolished and are being converted in accordance with the approval. Accordingly, this application seeks to regularise the situation.
- 14.6 Visually the building under construction is very similar to the design and appearance of the dwelling that was granted under the Prior Approval Application. Although there are some slight differences, including the extent of glazing, materials and detailing, on the whole, there are some clear similarities. The main difference is that the building has been rebuilt rather than being a conversion. Currently the dwelling and its associated buildings have been built and are nearing completion.
- 14.7 In assessing this application, it should be noted that had the main timber barn not collapsed, the works could have been undertaken in accordance with that already approved. Nevertheless, a planning application has now been submitted and must be considered against local plan policy, unless material considerations indicate otherwise.
- 14.8 Local Plan Part 2 Policy DM20 states that residential development in the countryside will only be permitted where it is for a replacement dwelling, affordable housing or agricultural worker's dwellings. The policy goes on to state that in all cases, development should be of an appropriate design, scale and appearance in keeping with the rural character of the area, and should not be harmful to the rural character of the area by reason of traffic and other activity generated or other impacts.

- 14.9 In assessing against this policy, the proposal is not a replacement dwelling, nor is it for an agricultural worker or for affordable housing. On this basis, the proposal for a new dwelling in the countryside does not accord with the policy criteria. While there is nothing in the policy which specifically relates to the conversion or rebuilding of existing buildings into residential uses, it is clear that the proposal for new residential development in the countryside is only permitted if it is a replacement dwelling, or for affordable housing or an agricultural worker.
- 14.10 This policy is consistent with paragraph 79 of the National Planning Policy Framework which sets out criteria where residential development in rural areas might be found acceptable. These include the re-use of a redundant or disused building where it would lead to an enhancement of the immediate setting, or in order to meet an essential need for a rural worker to live permanently at or near their place of work. Given that the existing building has been demolished, the proposal does not meet the test of policy DM20 for new residential development in the countryside or with paragraph 79 of the Framework.
- 14.11 A further consideration is that the Council is able to achieve a 5 year supply of housing land when calculated using the housing requirement figure in the current Local Plan. However, the Local Plan requirement for housing is based on a system of national targets and a Regional Spatial Strategy that was abolished in 2013. The requirement figure is therefore out of date.
- 14.12 Recent studies indicate a need to deliver a significantly greater number of houses in the future than are provided for in the existing local plan. The Council is addressing the need for an increased supply of housing through the emerging local plan and anticipates submitting a draft local plan for independent examination later this year. When adopted, the new local plan will establish a housing target from which an annual supply of housing sites will be derived. Until then, in the absence of an up to date housing requirement figure in an adopted local plan, the Council is unable to demonstrate a 5 year supply of deliverable housing sites.
- 14.13 The National Planning Policy Framework advises that where a Local Planning Authority is unable to demonstrate a 5 year supply of deliverable housing sites, policies for the supply of housing should not be considered up to date. Moreover, where plans are out of date, proposals for development should be approved unless specific policies in the NPPF indicate that development should be restricted or unless any adverse impact of allowing development would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF when taken as a whole. The proposal would make a modest contribution to the Governments housing supply.
- 14.14 A further material consideration is that consent had been granted for the change of use of the original building to residential under a Prior Approval Application. Unfortunately due to the unexpected collapse of part of the building, it was not practical to convert the existing building and the only solution from a safety and structural perspective was to rebuild from the ground floor. While this is not a matter that should be used as a precedent to allow existing farm buildings to be rebuilt to form a dwelling, considerable weight should be given to the previous permission which accepted the change of use of the building.

- 14.15 With regard to other matters, the proposal would not impact on residential amenity. There are no material changes in the size or position of windows compared to that previously approved. Moreover, there is sufficient space provided on site for car parking.
- 14.16 The overall design of the dwelling is similar to that previously approved. It is considered that the materials used on the buildings are sympathetic to the rural character of the area including timber cladding, slate and standing seam roof for the main dwelling and re-using brick and clay tiles for the outbuilding. The extent of glazing used on the buildings is relatively limited to ensure the buildings retain their traditional appearance and would be unlikely to lead to excessive levels of light pollution. A condition is proposed (No. 5) to limit alterations that may otherwise be permitted development due to the sensitive location of the site in the countryside. The Parish Council's suggestion to impose a condition to prevent the formation of additional dwellings is not necessary as this would require planning permission in its own right.
- 14.17 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.
- 14.18 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.
- 14.19 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, Natural England have been consulted on this and raised no objection. 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 The Council has recently been advised by Natural England and the Environment Agency that existing measures to off-set the amount of phosphorous entering the River Avon as set out in the Hampshire Avon Nutrient Management Plan will not be sufficient to ensure that adverse effects on the integrity of the River Avon Special Area of Conservation do not occur. Accordingly, new residential development within the

catchment of the Hampshire Avon needs to be "phosphate neutral". In order to address this matter the Council in conjunction with Natural England, the Environment Agency and adjoining local authorities proposes to develop appropriate phosphorous controls and mitigation measures to achieve phosphorous neutrality. A Memorandum of Understanding has been signed by the aforementioned parties and it is proposed that this matter is dealt with by condition which would prevent occupation of this development until implementation of the necessary mitigation or offsetting has been secured.

14.21 In balancing out the issues, while the proposal is not strictly in accordance with local plan policy, which does not permit new dwellings in the countryside, given that the principle to convert the building into a dwelling was previously granted and that the government is encouraging the change of use of former agricultural buildings to dwellings, which makes an enhancement to its setting, the proposal to create an additional dwelling outweighs the policy position.

14.22 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	392		392	392	£80/sqm	£37,752.62 *

Subtotal:	£37,752.62
------------------	-------------------

Relief:	£0.00
Total Payable:	£37,752.62

* 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 permitted shall be carried out in accordance with the following approved plans: P 00-01, P 00-05, P 03 01 Rev A, P 03 -30 Rev A, P 03-31 Rev A, P 03-02 Rev A, P 03-03 Rev B, P 03-130 Rev A, P 03-131 Rev A, P 03-100 Rev A, P 03-101 Rev A, P 03-105 Rev A, P E1-130. P E1-100, P 00-08, P 00-09, P 00-11.

Reason: To ensure satisfactory provision of the development.

2. Within 3 months from the date of this permission, 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).

3. All external works (hard and soft landscape) shall be carried out in accordance with the approved plans and details set out in condition 2 following first occupation of the dwelling 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).

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

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

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

5. 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: To ensure the dwelling remains of a size which is appropriate

to its location within the countryside and to comply with Policy DM20 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

6. The development hereby approved shall only be constructed from the materials as out under drawing No P 03-130 Rev A, P 03-31 Rev A, P 03-30 Rev A, P 03-131 Rev A unless otherwise agreed in writing by the local Planning Authority.

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

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

- (a) Provide for mitigation in accordance with the Council's Phosphorus Mitigation Strategy (or any amendment to or replacement for this document in force at the time), or for other mitigation which achieves a phosphorous neutral impact from the development.;
- (b) Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing monitoring of any such proposals which form part of the proposed mitigation measures.

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

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

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

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

Notes for inclusion on certificate:

1. In discharging condition No 4 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/>
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.

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

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

A Site Environmental Risk Assessment (SERA) had been carried out for the site dated December 2014 (undertaken by RPS) which also encompassed the adjacent 'North Barn' planning permission 16/10688. This identifies no significant sources of contamination off-site or on-site, apart from the general agricultural activities undertaken on the site.

RPS recommends that where existing concrete floors are to be removed a hydrocarbon resistant membrane will be installed within the building footprint as a precautionary measure. This will address any contamination underlying the site from the previous agricultural activities.

The SERA also recommends that shallow hand dug soil sampling and chemical analyses are carried out in areas of proposed soft landscaping and residential gardens to determine the nature and the extent of any areas of contamination (if present). Environmental Protection would expect some soil sampling to ensure risks to human health are appropriately assessed due to the proposed sensitive end use.

Further Information:

Richard Natt

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New Forest DISTRICT COUNCIL

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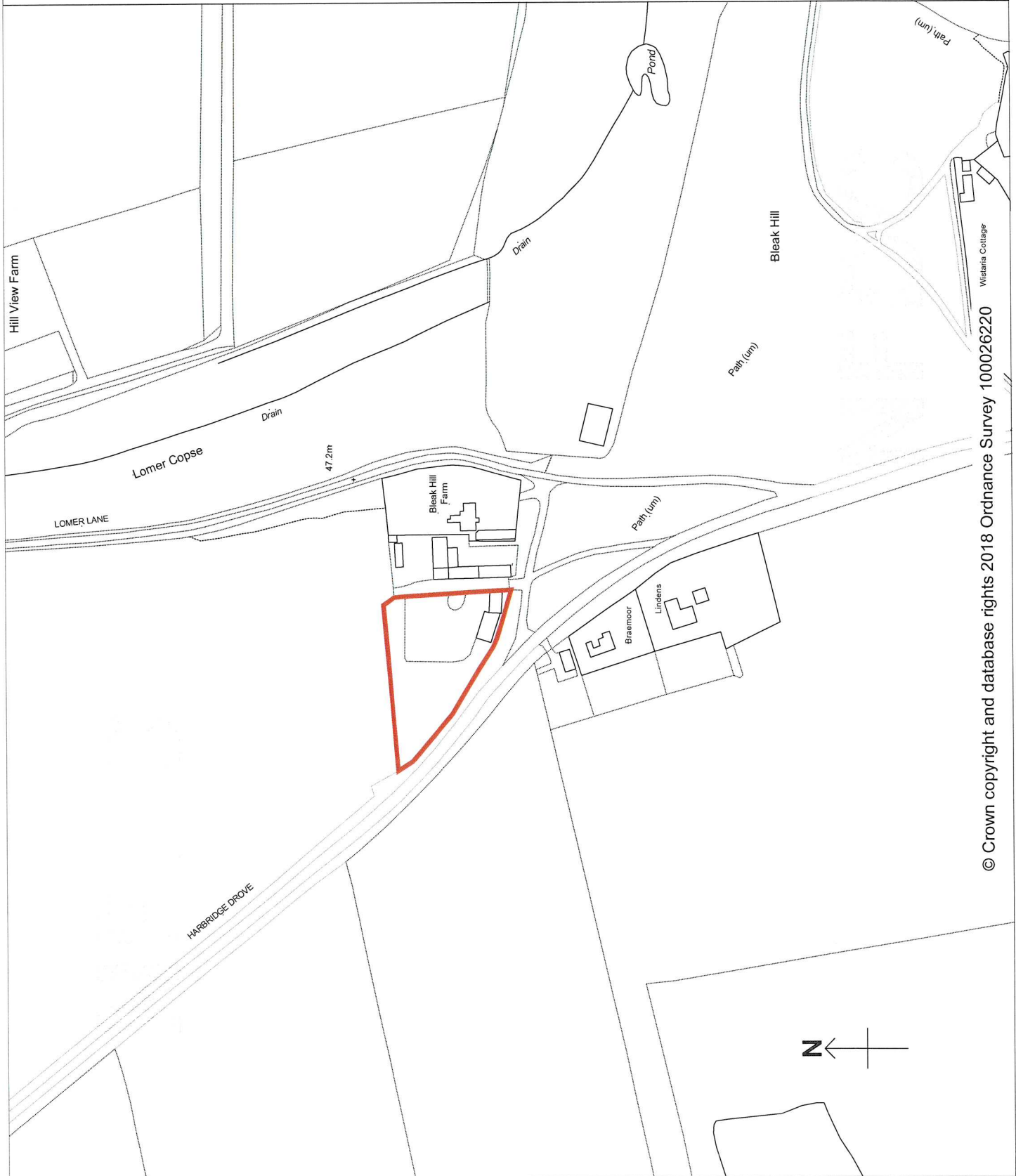
David Groom
Service Manager
Planning and Building Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee**
September 2018

Item No: 3j
West Barns
Bleak Hill Farm
Ellingham Harbridge & Ibsley
18/10871

Scale 1:2500

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Application Number: 18/10885 Full Planning Permission

Site: REAR OF, RASHLEY HOUSE, 77 HIGH STREET, LYMINGTON
SO41 9AL

Development: Change of use of office (B1) to ancillary use to Rashley House (C3)

Applicant: Mr Harley

Target Date: 28/08/2018

Target Date: 13/09/2018

RECOMMENDATION: Grant Subject to Conditions
--

Case Officer: Vivienne Baxter

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to policy

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area
Primary Shopping Area
Town Centre

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

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

CS20: Town, district, village and local centres

Local Plan Part 2 Sites and Development Management Development Plan Document

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

DM1: Heritage and Conservation

DM14: Primary shopping frontages

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004
National Planning Policy Framework
NPPF Ch.2 - Achieving sustainable development
NPPF Ch. 4 - Decision-making
NPPF Ch.7 - Ensuring the vitality of town centres
NPPF Ch.16 - Conserving and enhancing the historic environment
Section 72 General duty as respects conservation areas in exercise of planning functions
Planning (Listed Buildings and Conservation Areas) Act 1990
Section 66 General duty as respects listed buildings in exercise of planning functions.
Planning (Listed Buildings and Conservation Areas) Act 1990

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPG - Lymington - A Conservation Area Appraisal
SPD - Lymington Local Distinctiveness

6 RELEVANT PLANNING HISTORY

6.1 02/73920 - rebuild rear external wall, create new doorway, infill existing doorway, internal alterations and velux conservation roof lights. Granted 11.3.02

7 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council: recommend refusal. In support of the Conservation Officer.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

9.1 Conservation Officer: no objection to change of use

10 REPRESENTATIONS RECEIVED

None

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

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.

13 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 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 although clarification was sought due to discrepancies between the plans.

14 ASSESSMENT

- 14.1 The site lies within the built up area of Lymington in the Primary Shopping Area of the Town Centre. It is also within the Lymington Conservation Area and attached to a listed building. The proposal entails the change of use of the existing B1 office space (approximately 18m²) to residential in conjunction with the existing residential lobby adjoining the site.
- 14.2 The site is part of the rear projection to the frontage building on the High Street which is currently in retail use. To the north of the site in Rashley Mews are further retail premises with residential accommodation above. Between the frontage building and the site is the existing entrance door and lobby to the residential accommodation and the proposal would enlarge this lobby through the removal of the modern partition between the two areas. Listed building consent is required for the removal of the partition although the applicant has not at this stage applied for the physical alterations.
- 14.3 Policy for town centre areas advises that there should be no loss of retail premises in the primary shopping area. The lawful use of the site is B1(a) meaning that there would be no loss of retail and planning permission would be required in order to make this change. There are no

objections to the loss of B1 accommodation.

- 14.4 However, policy also states that residential should not be allowed at ground floor level in such areas and although it is accepted that the adjacent part of the building is in residential use, it is a small area (approximately 8m²). The proposal would enlarge this area and enable an additional room to be included in the residential accommodation. While this proposal would be contrary to policy, the proposal is for a limited amount of residential floorspace in an area where other residential uses exist. It would be difficult to demonstrate harm in these circumstances when the vitality and viability of this part of the Town Centre would be unlikely to be adversely affected.
- 14.5 There are no external alterations proposed and the Conservation Officer does not object to the principle of the proposal given the mix of uses in this area at present.
- 14.6 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

15. RECOMMENDATION

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: Planning Statement, Heritage Statement, location plan, site plan, 002, 005, 007, 008, 009, 010, 011, 022, 045, 047, 048, 049, 050, 051.

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 although clarification was sought due to discrepancies between the plans.

2. You are advised that the proposal includes physical alterations to the property which will require the prior benefit of listed building consent.

Further Information:

Vivienne Baxter

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New Forest DISTRICT COUNCIL

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

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

Planning Development
Control Committee
September 2018

Item No: 3k
Rear of Rashley House
77 High Street
Lymington
18/10885

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



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Application Number: 18/10888 Full Planning Permission

Site: Land of ASPEN COTTAGE, HYTHE ROAD, MARCHWOOD
SO40 4WU

Development: House; detached garage

Applicant: Mr Clark

Target Date: 20/08/2018

Extension Date: 14/09/2018

RECOMMENDATION: Service Man Planning Grant

Case Officer: Stephen Belli

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up Area
Plan Area
Aerodrome Safeguarding Zone

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

- 1. Housing needs
- 4. Character of towns and villages
- 9. Biodiversity

Policies

CS2: Design quality
CS9: Settlement hierarchy
CS10: The spatial strategy
CS24: Transport considerations

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 2018

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD housing design guidance
SPD parking standards
SPD Mitigation Strategy for European Sites

6 RELEVANT PLANNING HISTORY

- 6.1 **18/10651** - detached house and garage - withdrawn June 2018
- 6.2 **18/10636** Two-storey side extension; roof alterations; front porch; garage outbuilding (Aspen Cottage) - Decision Approved 5 July 2018

7 PARISH / TOWN COUNCIL COMMENTS

Marchwood Parish Council: refusal - overdevelopment of site and concerns regarding access and traffic on Hythe Road. Members acknowledge and support objections from residents with loss of privacy.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

Hampshire County Council Highway Engineer: no comments as the proposal is for less than 5 dwellings.

10 REPRESENTATIONS RECEIVED

5 letters of objection received raising the following points

- Loss of privacy through overlooking of children's bedrooms
- Overdevelopment of plot and loss of open character
- Loss of views for neighbouring property
- Overshadowing impact on neighbouring property
- Smaller property and bungalow needed here to reduce impact
- Not opposed in principle but current plan has not resolved previous issues
- Impact on loss of trees and effect on wildlife
- Negative impact on highway safety with poor visibility from current access

Amended plans

One letter of objection re-iterating points made earlier

11 CRIME & DISORDER IMPLICATIONS

None relevant on this occasion

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive New Homes Bonus (net increase in dwellings 1 x £1224 =£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 £9,657.74.

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

13 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 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 Council and applicant have discussed the objections and the applicant has submitted amended plans which are now considered to be acceptable.

14 ASSESSMENT

14.1 Site description

- 14.1.1 The site comprises a flat plot of land measuring approximately 18m front to back by 15m wide located within the development limits of Marchwood. The site fronts onto the public highway. The site was formerly used as garden land for the adjoining property known as Aspen

Cottage to the north west. That property enjoys the benefit of a recent two storey sideways extension and new garage but still retains a reasonable size garden and parking space. The site has one point of access onto the road. Aspen Cottage is still in the ownership of the applicant for the new dwelling.

14.2 Proposal

14.2.1 The original proposal was to construct a 4 bedroom two storey dwelling on this plot fronting onto the road with a small garden to the rear. The new dwelling would be provided with a single garage in the gap between the side of the new dwelling and Aspen Cottage. A further parking space is available in front of the garage and a further parking space between the road and the front elevation. The dwelling shown measures 9.2m in length by 6 m wide and is set back off the road by 5.5m which respects the general building line along the road.

14.2.2 Following the initial round of consultation the developer agreed to amend his plans by reducing the number of bedrooms to three and amending overlooking windows and floor layouts. In addition the amended plans show a visibility splay which extends along the whole frontage. These plans are now the subject of a re-consultation exercise with neighbours and the Parish Council which ends on 12 September. The size of the dwelling remains the same as originally planned however with a floor area of just over 100 square metres.

14.2.3 Prior to the submission of this application the applicant entered into pre application discussions with the Council. The scheme put forward at that time involved a physical extension to Aspen Cottage with a two storey block. This was considered unacceptable as was the suggested design. There were matters of overlooking as well mentioned by the case officer. Overall however the principle of development was agreed for this infill plot provided these issues could be resolved.

14.2.4 The key issues with this application are matters of principle, impact on character of area, highway safety, and matters relating to residential amenity.

14.3 Principle

14.3.1 The site comprises an infill plot within the built up area of Marchwood lying within the settlement boundary. To that end a reasonable argument could be put forward that subject to other planning considerations set out below the principle of a new dwelling in this area would be considered to be acceptable and a new dwelling considered to be generally sustainable in policy terms.

14.3.2 The LPA is not currently able to demonstrate a 5 year supply of housing land when assessed against its most recent calculation of Objectively Assessed Need. Relevant policies for the supply of housing are therefore out of date. In accordance with the advice at paragraph 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.

14.4 Impact on local character

- 14.4.1 The area in which this plot sits is a mixed one from a local vernacular point of view. There is a ribbon of development extending both sides along the highway with most properties being detached dwellings apart from a new estate which lies to the south east which is a more dense terraced form of development. House design and materials differ with no strong local character.
- 14.4.2 The new dwelling would be faced in brickwork and render with a tiled roof and uPVC windows. These materials are in line with other properties in the immediate area and, subject to agreeing the exact materials by condition, are considered acceptable. The design and proportions of the dwelling are considered acceptable with a narrow cottage proportion gable end. The height of the new dwelling set at just over 7m matches the property to the south east but is about 1m higher than the extended Aspen Cottage. The front length of the new property matches the house to the south east but is less than the extended Aspen Cottage.
- 14.4.3 Overall the development of this infill plot would not have a significantly detrimental impact on the street scene and local character. The plot size is reflected in other properties in the immediate area and it is considered that the concerns raised by the Parish Council and local objectors on grounds of overdevelopment could not be substantiated and do not warrant a refusal recommendation.

14.5 Highway safety

- 14.5.1 Highway safety is currently hampered in respect of the existing property, Aspen Cottage, by virtue of a roadside conifer hedgerow. This does block vision to the north-west when exiting the site. The recent permission for an extension and garage did not require the removal of this hedgerow.
- 14.5.2 The parking guidelines for a three bedroom property require 2.5 on plot spaces per dwelling. In this case the new dwelling is to be provided with two surface parking spaces and a single car garage. Aspen Cottage however only shows one parking space and one car garage. This is a shortfall for the size of the extended property but this matter was not covered by any condition relating to that extension approval.
- 14.5.3 While the proposed plot and Aspen Cottage are currently in the same ownership that is likely to change in the near future if planning permission was to be granted for the new dwelling. That change of ownership then creates an issue in relation to the provision of adequate visibility splays across the frontage. To require the maintenance of a visibility splay across the whole frontage in the future it is suggested that the applicant enters into a S106 agreement requiring a visibility splay to be maintained so as to prevent the future owner of Aspen Cottage growing or maintaining a hedgerow along the frontage which would then block visibility. A S106 agreement would be binding on future owners of the plot and Aspen Cottage.
- 14.5.4 While the Aspen Cottage plot is showing a shortfall in the number of parking spaces this is not so significant as to justify a refusal of permission.

14.5.5 On this basis then there is no highway safety issue with a recommendation of approval subject to a S106 agreement.

14.6 Residential amenity

14.6.1 A number of letters of objection have been submitted which centre on overlooking, overshadowing, and loss of outlook. Overlooking to the rear and side have now been resolved by re-planning the property as a 3 bedroom dwelling with those bedrooms facing the road and with frosted glass at the rear serving bathrooms and a landing window. Overlooking from the front has also been the subject of an objection from the properties directly opposite across the road. However those properties are well over the 21 metre general distance measure employed from the front elevation of the new property. This distance is also reflected in the distance between other new developments in the immediate area which face each other across the road.

14.6.2 Matters relating to loss of outlook and view are not a material planning consideration. Consideration has also been given to the impact of the new dwelling on the grounds of overshadowing. While the two nearest properties would be affected and lose some south westerly light this is not judged to be at such a level as to warrant a refusal bearing in mind the relationship of the new house to the two neighbours directly affected.

14.7 Ecology

14.7.1 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.

14.7.2 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 Conclusion

14.8.1 The site is located in a sustainable location within the development plan

boundary of Marchwood. The design and layout of the new dwelling is considered acceptable and in line with other nearby properties. Matters relating to highway safety can be covered by a Section 106 agreement, and other issues relating to residential amenity have been considered but are not so significant as to warrant a refusal. Matters relating to ecological mitigation can also be covered by a condition.

14.8.2 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		
Financial Contribution	0		
Habitats Mitigation			
Financial Contribution	£1006 Solent SPA NPA SAC Tbc		

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
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Dwelling houses	100.28		100.28	100.28	£80/sqm	£9,657.74 *
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Subtotal:	£9,657.74
Relief:	£0.00
Total Payable:	£9,657.74

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

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

Where:

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

R = the levy rate as set in the Charging Schedule

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

15. RECOMMENDATION

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

- i) the applicant entering onto a Section 106 Legal Agreement to secure the visibility splay
- ii) the receipt of no new material objections to the submitted amended plans before 13th September 2018, and

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:

Site layout plan Asp021b Rev A
Location/block/elevation/floor plan Asp020b Rev A

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 first floor windows on the north-east elevation of the approved dwelling shall at all times be glazed with obscure glass as shown on the approved plan. The aforementioned windows should be fitted with obscure glass with a minimum obscurity of level 3 glazing and not an applied film.

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

5. 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. No other first floor windows other than those hereby approved shall be inserted into the building unless express planning permission has first been granted.

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

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 :

the existing trees and shrubs which have been agreed to be retained;

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

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 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. 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 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).

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.

Notes for inclusion on certificate:

- 1. 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/>
- 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 Council and applicant worked together to overcome the issues raised by local objectors to the extent that now warrants an approval of planning permission.

Further Information:

Stephen Belli

Telephone: 023 8028 5588



New Forest DISTRICT COUNCIL

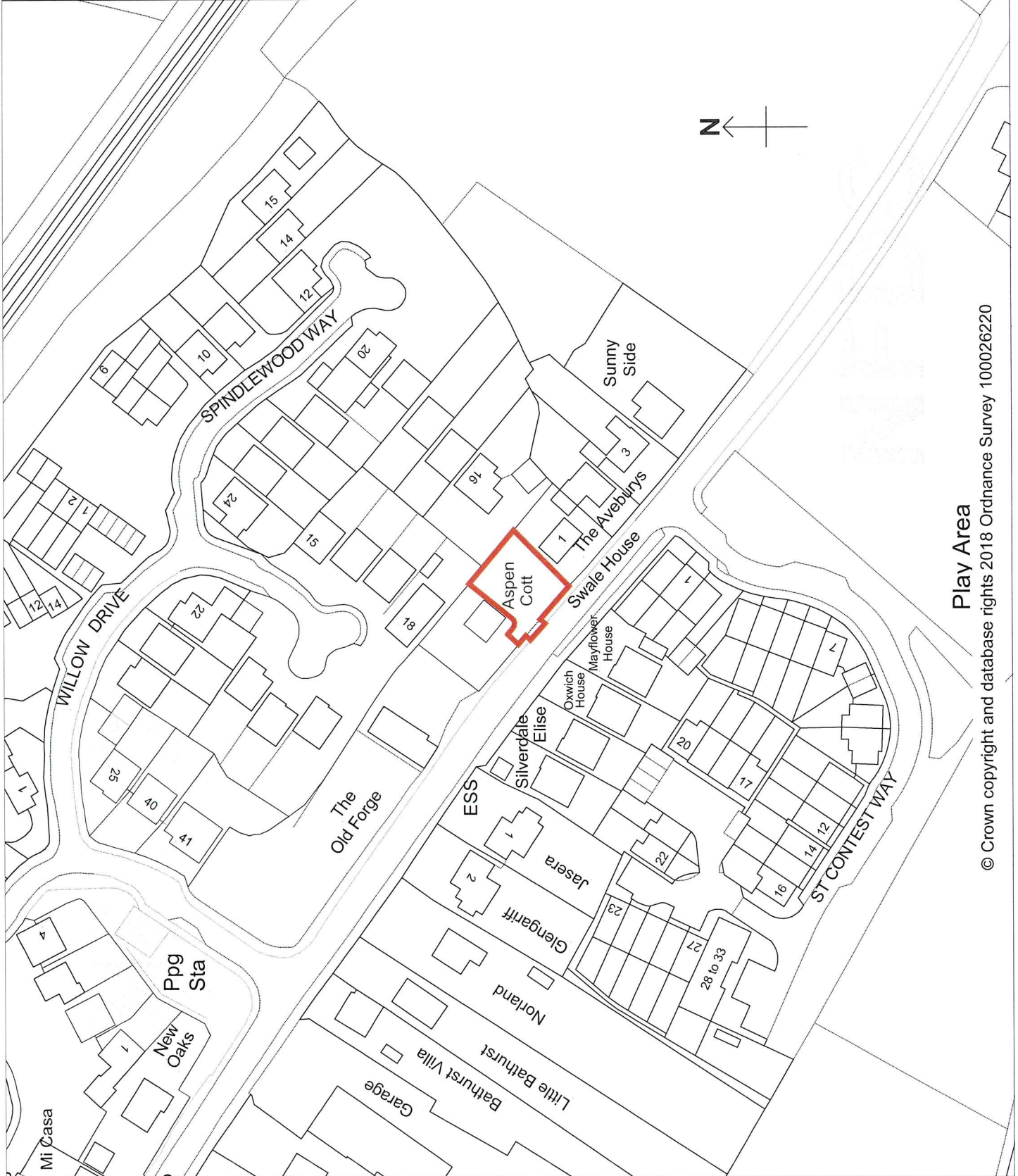
Tel: 023 8028 5000
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David Groom
Service Manager
Planning and Building Control
New Forest District Council
Appletree Court
Lynchurst
SO43 7PA

**Planning Development
Control Committee**
September 2018

Item No: 31
Land of Aspen Cottage
Hythe Road
Marchwood
18/10888

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



Play Area
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Planning Committee 12 September 2018 **Item 3 m**

Application Number: 18/10898 Full Planning Permission

Site: Land rear of THE OLD CINEMA IN JUNCTION ROAD, MAYNARD ROAD, TOTTON SO40 3BU

Development: 4 flats; associated landscaping; cycle store; fenestration alteration to The Old Cinema building

Applicant: Yeganegy

Target Date: 28/08/2018

Extension Date: 13/09/2018

RECOMMENDATION: Grant Subject to Conditions
--

Case Officer: Richard Natt

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to policy; contrary to Town Council view and contrary to consultee view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Town Centre
Built up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

- CS2: Design quality
- CS4: Energy and resource use
- CS10: The spatial strategy
- 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

TOT15: Totton town centre opportunity sites

DM3: Mitigation of impacts on European nature conservation sites
DM16: Within town centres, outside Primary Shopping Areas and Secondary Shopping Frontages

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPG - Totton Town Centre - Urban Design Framework
SPD - Housing Design, Density and Character
SPD - Mitigation Strategy for European Sites
SPD - Parking Standards

6 RELEVANT PLANNING HISTORY

- 6.1 Three-storey building of five two-bedroom flats (80690) - refused 14/4/04
- 6.2 1 block of 5 flats, parking alterations, bin and cycle store (12/98892)
Refused on the 13th September 2012

7 PARISH / TOWN COUNCIL COMMENTS

Totton Town Council: recommend refusal.

The application is for 4 additional flats on the site to the south of the Old Cinema fronting onto Maynard road. Although the principal of residential development is reasonable on this site there are a number of concerns. The Town Council strongly objects to this application primarily due to the lack of parking provision made on the site and it seems as though the site would use existing parking currently supplied for the flats at the Old Cinema. The 8 spaces provided for the two sites would fall well short of the provision needed for all 25 flats. It also seems as though the site has also been slightly overdeveloped as there seems to be a lack of outside amenity space and the loss of the trees fronting onto Maynard road would be disappointing as they provide good screening.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer: objection - There is a lack of supporting information to demonstrate either whether the proposed development could be sustainable as car free in perpetuity or there is sufficient on street parking capacity in surrounding area. The lack of parking within the scheme would be likely to lead to additional on street parking in the area.
- 9.2 Environmental Health (pollution): no objection. The control measures outlined in the noise report would be sufficient to overcome concerns of noise from external sources affecting residents of the proposed accommodation, and this department would request a condition requiring such measures to be implemented.

9.3 Southern Gas Networks:- advise of site's proximity to gas main

10 REPRESENTATIONS RECEIVED

None

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive New Homes Bonus £4896 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 £31,781.54.

13 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 take a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome.

This is achieved by

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

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

14 ASSESSMENT

14.1 The site and location

14.1.1 This full planning application relates to a vacant piece of land fronting onto Maynard Road to the south west of a block of flats known as 'The Old Cinema', formerly named 'Savoy House' within the town centre of Totton. This application also includes part of 'The Old Cinema' and the surrounding land. This vacant parcel of land is largely laid to hardstanding and is in an untidy and neglected condition. Although currently vacant, very limited car parking does take place on the land. The application site is bounded by a 3 metre high wall on its western side, beyond which is the service yard for Asda. To the east and south-east side of the site is a community hall, which is an attractive building that makes a positive contribution to the character of the area. 'Totton Timber' lies directly opposite the site. The 'Old Cinema' is a 2-3 storey residential building in which there are 21 individual flats.

14.1.2 The site lies within the town centre of Totton, very close to all the amenities and facilities including public transport. The site occupies a prominent position in the street scene, in which Maynard Road is a busy road linking Totton with Eling. The site lies within a highly accessible location. It is within a very mixed area comprising residential, retail and community uses. Terraced housing lies to the east of the site in Junction Road.

14.2 The proposal

14.2.1 This application is for a two storey building to accommodate 4 two bedroom residential flats, a cycle store, together with landscaping and a 1.5 metre high boundary wall adjacent to Maynard Road. It is also proposed to make fenestration alterations to two existing residential flats at 'The Old Cinema' to include a new ground and first floor window. The proposed building would fill most of the vacant plot and has been designed with its main elevations facing Maynard Road and the south west corner of The Old Cinema. The proposed building would be staggered on the site to reflect the shape of the site and visually would be two interlinked buildings with front gables and protruding bay windows. The proposal does not seek to provide any on site car parking spaces and the development would result in the loss of 4 car parking spaces that currently serve The Old Cinema. The loss of the 4 car parking space would be replaced with a larger area of landscaping and amenity space.

14.3 Relevant planning history

14.3.1 Two previous applications were refused on this site for a block of 5 five flats. The most recent application was in 2012, under reference 12/98892 and the application was refused for 7 reasons. The rejected application was considered to be contrary to policy in that the site is a Town Centre Opportunity Site where development should be primarily for retail, office and community uses and it was considered that the proposed residential development would not be in accordance with the

aims of the policy and would potentially prejudice the ability to secure an appropriate development on the adjacent parts of the Opportunity Site.

- 14.3.2 The proposed development was also deemed to be cramped, with a lack of amenity space and poor quality design that would have been harmful to the character and appearance of the area. In particular, it was considered that the proposed development would fail to address the public realm in a satisfactory manner due to the inappropriate orientation to Maynard Road and due to the relatively weak quality appearance of the building which lacks sufficient visual interest for what is an important public frontage. Moreover, it is was considered to have an uncomfortable massing and a significant footprint, which is further compromised by the lack of amenity space and landscaping setting.
- 14.3.3 The application was also refused on the grounds that as a result of the proximity of the development to the adjacent flats in the 'Old Cinema' the proposal would have resulted in mutual overlooking. Objections were also raised on the grounds that as a result of their proximity to the Asda Service Yard, the Local Planning Authority was not satisfied that the occupants of the proposed flats would enjoy a satisfactory living environment due to potential noise and disturbance. The final reasons for refusal related to the lack of contributions towards affordable housing, transport and open space improvements.

14.4 Policy

- 14.4.1 Starting with the policy position, the application site is a Town Centre Opportunity Site which Policy TOT15.8 of the Local Plan Part 2 indicates should be developed primarily for retail / office / community uses. The proposal to develop the site for residential would therefore not accord with this policy.
- 14.4.2 Core Strategy Policy CS20 relates to town, district, village and local centres. The strategy seeks to provide a range of shopping, office and leisure facilities as well as retaining existing active uses. Local Plan Part 2 Policy DM16 is also applicable and states that residential development will be permitted where it does not result in the loss of retail, appropriate non-retail, or other employment or business uses which are capable of being satisfactorily used for an alternative business or employment use appropriate to a town centre location. The policy also states that residential development will be permitted where it is not on the ground floor (street level) of a defined Town Centre Opportunity Site. The proposal does not accord with this policy.
- 14.4.3 The applicant understands that the proposal does not accord with policy, but considers that a residential use is the only viable option for the site. To help support their case, the application is supported by a Marketing Assessment Report, which concludes that the site does not represent a viable proposition for commercial, community or retail use. The site was marketed for alternative uses, however, no interest was shown. The report goes on to say that the most suitable use for development of this redundant land would be as an extension to the existing residential development to the north.
- 14.4.4 The Council's Valuer has assessed the Marketing Assessment Report and agrees with the findings that it is not possible to envisage anything

other than residential development on this small site. Accordingly while the proposal is clearly contrary to local plan policy, considerable weight should be given to the Marketing Assessment Report which concludes that residential is the only viable use for the site.

14.4.5 It should also be noted that recent studies indicate a need to deliver a significantly greater number of houses in the future than are provided for in the existing local plan. The Council is addressing the need for an increased supply of housing through the emerging local plan and anticipates submitting a draft local plan for independent examination later this year. When adopted, the new local plan will establish a housing target from which an annual supply of housing sites will be derived. Until then, in the absence of an up to date housing requirement figure in an adopted local plan, the Council is unable to demonstrate a 5 year supply of deliverable housing sites.

14.4.6 The National Planning Policy Framework advises that where a Local Planning Authority is unable to demonstrate a 5 year supply of deliverable housing sites, policies for the supply of housing should not be considered up to date. Moreover, where plans are out of date, proposals for development should be approved unless specific policies in the NPPF such as Green Belt policy indicate that development should be restricted or unless any adverse impact of allowing development would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF when taken as a whole. Accordingly, the need to provide additional housing within a sustainable town centre location should be given considerable weight.

14.4.7 Moreover, the site lies in an excellent location within walking distance of the town centre with its range of shopping and health care 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. 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 and the proposal would provide much needed residential flatted development in Totton town centre, to a site which has been vacant for a considerable amount of time and has no real prospect of being developed along the lines suggested in the Local Plan.

14.5 Effect on the character and appearance of the area

14.5.1 In assessing the effect on the character and appearance of the area, the site lies within an area which comprises a mixture of property types, styles and uses. The large warehouse type structure of 'Totton Timber' directly opposite the site dominates this part of the road. Equally when travelling along Maynard Road, Asda supermarket adjoining the site is a large scale building, although there are some trees and soft landscaping which help soften its impact on the street. The other adjoining building known as Fairways School is considered to be an attractive traditional brick building with simple pitched roofs.

14.5.2 The site occupies a very prominent position in the street scene. Currently the site makes a negative contribution to the character of the area. When viewed from Maynard Road, there is a large area of concrete hardstanding set behind an unattractive chain link fence

which bounds the highway. Along the side boundary of the site is a 2 metre timber high fence and car parking beyond.

- 14.5.3 The proposed development also has regard to the Totton Town Centre - Urban Design Framework Supplementary Planning Guidance (SPG). The SPG identifies the site as a proposed Primary Public Frontage. The SPG suggests that development in these areas should contribute to completing, maintaining and improving the integrity of these frontages. It indicates that built development should define the fronts of sites and that windows and doors should be positioned on the frontages. The site also forms part of a perimeter block where the SPG indicates that development proposals should adhere to the concept of recreating and retaining the perimeter block structure of the town. Accordingly it is considered that there is an opportunity to make enhancements to the street by creating an attractive building addressing Maynard Road.
- 14.5.4 The proposed building would rise to two storeys in height and be located close to the road. Between the pavement and building, there would be a 1.5 metre high brick wall with railings including space for soft landscaping and front garden. The proposed building has been designed to address Maynard Road, which is the correct design approach. The building's main windows, including the protruding bay windows, would face onto Maynard Road, which would give the building a positive, active, frontage onto the public realm.
- 14.5.5 Visually the proposed buildings staggered orientation, simple roof forms with gaps created between the roofs of the two interlinked buildings and detailed fenestration, would appear contextually appropriate and would make a positive contribution to the street scene. Indeed, the proposed building is well articulated which helps reduce its massing and would also pick up on the building line of the neighbouring retail store and community hall. Overall it is considered that the proposed development is designed to a high standard which would make a positive enhancement to the street scene.
- 14.5.6 While the proposed building would fill most of the plot, the layout does provide space for soft landscaping and amenity space, which would help provide an appropriate setting for the building. Because of its location in the town centre, slightly higher densities are encouraged and in this case, it is considered that the proposed development does not appear significantly cramped or overdeveloped.
- 14.5.7 Representations have been made that the proposal would result in the loss of trees adjacent to Maynard Road. In response, the proposed development would not result in the loss of existing trees. A line of Conifer trees previously existed adjacent to Maynard Road, however, these trees were removed a few years ago and it should be noted that they were not particularly good quality specimens.
- 14.6 Effect on residential amenity
- 14.6.1 With regard to residential amenity, there are two main issues. One issue is whether the proposed development would have an unacceptable impact on the adjoining neighbouring properties. The other issue is, given the proposed development's close proximity to the Asda Service yard, whether occupants of the proposed development

would enjoy a satisfactory living environment.

- 14.6.2 Starting with the effect on the adjoining neighbouring properties, the proposed development would be set fairly close to neighbouring flats in The Old Cinema. The distance between the rear elevation of the proposed building and the nearest flats in The Old Cinema would be around 7 metres. Due to the siting of the proposed building, only the south west corner of The Old Cinema building would be affected by the proposed building, in particular the existing ground and first floor windows.
- 14.6.3 Because of this close relationship, the proposal has been designed to minimise the impact on these neighbouring flats. This has been achieved by installing obscurely glazed windows on the ground and first floor rear elevation directly facing these neighbouring flats, which will help maintain a reasonable level of privacy. This can be secured by way of condition.
- 14.6.4 It is also considered that the physical relationship between the proposed development and the existing flats at The 'Old Cinema' is not ideal and there would be some impact on the light and outlook of the two existing windows on the end elevation facing the proposed building. In order to improve this relationship, it is proposed to add ground and first floor windows in the west elevation of 'The Old Cinema' and this will provide additional light and outlook for the existing residential flats. Indeed, the ground floor bedroom and first floor lounge would benefit, with an additional window into these rooms.
- 14.6.5 The other issue in relation to residential amenity is the proposed development's close proximity to the Asda Service yard, and whether occupants of the proposed development would enjoy a satisfactory living environment. The use of the Asda service yard is not restricted in any way. Thus noisy operations can potentially take place in that service yard area at any time of day. It is felt that given the proposed building would be around 1 metre away from the service yard, there is a strong likelihood that future occupants of the proposed development would be subject to unreasonable levels of noise and disturbance and so consequently would not enjoy satisfactory levels of amenity.
- 14.6.6 The application is accompanied by a noise/ acoustic report, which provides a number of mitigation measures in terms of type of glazing, ventilation and external walls. The Councils Environmental Health Officer concludes that the control measures outlined in this report would be sufficient to overcome concerns of noise from external sources affecting residents of the proposed accommodation. This can be secured by condition.
- 14.7 Access and car parking
- 14.7.1 In terms of access and car parking, the proposal would be a 'car free' development. In addition, 4 existing car parking spaces that currently serve The Old Cinema would be lost. This would mean that the existing 21 one bedroom flats at The Old Cinema would retain 11 car parking spaces and the proposed 4 two bedroom flats would have no car parking.

- 14.7.2 The parking standards for the site are set out in Supplementary Planning Document (SPD) as adopted in October 2012. These standards indicate 6 unallocated spaces for the proposed development. However, as stated above, the proposal would not provide any on site car parking spaces. The proposed development provides cycle parking which meets the recommended standards.
- 14.7.3 In support of the application, the applicants have submitted a Transport Statement which states that the site is sustainably located close to all the facilities and amenities in the town centre including public transport. The report also states that there are parking restrictions on Maynard Road which prevent parking at any time and that there are parking restrictions on Junction Road which prevent parking at any time or prevent parking between 9am and 7pm Monday to Saturday.
- 14.7.4 The Highway Authority have raised concerns over the lack of on site car parking and consider that there is a lack of supporting information to demonstrate either whether the proposed development could be sustainable as car free in perpetuity or there is sufficient and adequate on street parking capacity in the surrounding area. The Highway Authority consider that the lack of parking within the scheme would be likely to lead to additional on street parking in the area and this is likely to intensify existing on street parking pressure, thus leading to more frequent incidences of illegal and inconsiderate parking
- 14.7.5 In assessing this proposal, Officers do not agree with the comments from the Highway Authority. There is no evidence that the proposed development, in providing no dedicated parking spaces, will cause severe residual cumulative impacts on the road network. The proposed development is a fairly small scale development providing 4 residential flats. In recent years there has been a number of new residential developments created including the change of use of upper floors of buildings in the town centres which have been provided with no on site car parking. Moreover, it is noted that a development for 8 residential flats at 39 Salisbury Road in Totton town centre was recently approved by the Planning Committee with no on site car parking.
- 14.7.6 There are double yellow lines along Maynard Road and Junction Road. In addition, in Junction Road there are parking restrictions which do not allow parking during parts of the day. Accordingly, because of these parking restrictions around the site, this will prohibit car parking for the residents, and would also mean that residents will not wish to park their cars if they are located a considerable distance away from their homes. Paragraph 103 of the NPPF states that significant development should be focused on locations which are or can be made sustainable, through the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health. This is particularly important in this situation given the close proximity to bus and rail services and in walking distance to all the facilities and amenities of the town centre. Moreover, the site was previously located within a Air Quality Management Area and Officers would not wish to encourage more on site car parking spaces which will only add to increasing pollution in this area. In sustainable town centre locations, it is considered that on site car parking space provided should be very limited.
- 14.7.7 The proposed development would result in the loss of 4 car parking spaces to the existing flats at The Old Cinema and this would be replaced with soft landscaping and amenity. Whilst the proposal would result in the loss of 4 car parking spaces, the site will retain 11 spaces and there is no evidence that the site is already at capacity. Indeed, the applicant has stated that the existing car parking areas that serve The Old Cinema is never full. It should also be noted that the site subject to

this application is allocated for new development and it is not intended to be used as an overflow car park.

14.7.8 In summary whilst Officers can appreciate the concerns from the Town Council and Highway Authority in relation to lack of car parking, Paragraph 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe. In this case, given the location of the site within the town centre, which is close to a number of facilities, train station and public transport, it is considered that a 'car free' development would be acceptable and there is no evidence that severe public highway safety issues would result.

14.8 Other matters

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

14.8.2 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.

14.8.3 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, 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 Conclusion and planning balance

14.9.1 In conclusion, it is considered that this is a fairly restricted site and there are a number of constraints. However the site has laid dormant for a number of years and the proposal would create a development which would make a positive contribution to the street and provide

much needed additional residential units. While the site is earmarked for office or retail uses, the marketing report demonstrates that the only viable use for the site is residential. Given the focus in the local plan and NPPF for providing new housing, together with the visual enhancements, this outweighs the policy objection. Moreover, the proposed development would not have any adverse impact on the living conditions of the adjoining neighbouring properties and the fact that no car parking is provided should not mean that the application should be refused. Accordingly approval is recommended.

- 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			
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
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Dwelling houses	330	0	330	330	£80/sqm	£31,781.54 *
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Subtotal:	£31,781.54
Relief:	£0.00
Total Payable:	£31,781.54

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

and is:

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

Where:

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

R = the levy rate as set in the Charging Schedule

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

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: Floor plan for existing ground floor flat, floor plan for existing first floor flat, 104, 105, 102, 103, 101, 100.

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. 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).

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

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

7. 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.

8. 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.

9. The development hereby approved shall only take place in accordance with the recommendations and mitigation measures for sound attenuation as set out in the Ian Sharland Limited Noise and Vibration Controls Specialist noise assessment, unless otherwise agreed in writing by the Local Planning Authority. The development hereby approved shall only be implemented and thereafter maintained in accordance with the approved scheme of sound attenuation.

Reason: In the interest of the amenities of the future occupants of the dwellings hereby approved in accordance with policy CS2 of the New Forest District outside the National Park Core Strategy.

10. No works shall take place above ground floor level to the block of 4 residential flats hereby approved, until the two new windows are inserted into the existing residential flats at The Old Cinema as shown on Drawing No 104.

Reason: Given the close relationship between the proposed development and the existing residential flats at The Old Cinema, it is necessary that additional windows to the existing rooms in the flats are provided to maintain a reasonable amount of outlook in accordance with with policy CS2 of the New Forest District outside the National Park Core Strategy.

11. The lower parts of the ground and first floor windows on the rear [north west] elevation of flats identified as 2 an 4 of the approved building as shown on Drawing No 101 shall at all times be glazed with obscure glass.

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

Notes for inclusion on certificate:

1. In accordance with 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. In discharging condition No.7 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/>

Further Information:

Richard Natt

Telephone: 023 8028 5588



New Forest DISTRICT COUNCIL

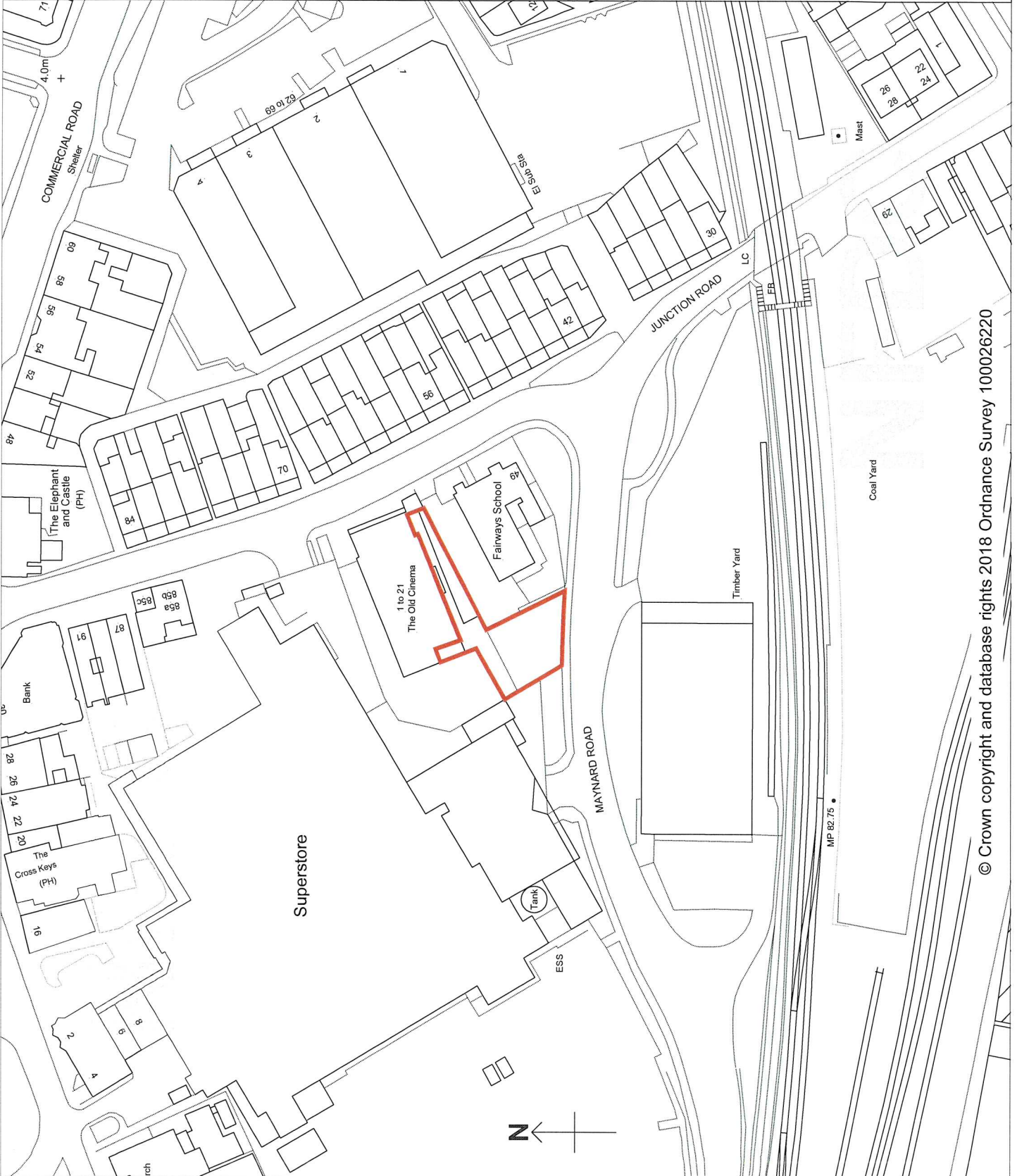
Tel: 023 8028 5000
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David Groom
Service Manager
Planning and Building Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee**
September 2018

Item No: 3m
Land rear The Old Cinema
Junction Road/Maynard Road
Totton
18/10898

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



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Application Number: 18/10921 Variation / Removal of Condition

Site: FAWLEY INDEPENDENT DAY NURSERY, 1 ROLLESTONE ROAD, HOLBURY, FAWLEY SO45 2GD

Development: Removal of condition 6 of Planning Permission 09/93731 to allow occupancy based on ofsted requirements

Applicant: Mrs Young

Target Date: 29/08/2018

Extension Date: 12/10/2018

RECOMMENDATION: Service Manager authorised to Grant Subject to Conditions

Case Officer: Stephen Belli

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Health and Safety Executive view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

HSE Consultation Zone
Countryside

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

4. Foster well being of local economy
5. Travel - improve accessibility to services

Policies

Core Strategy

CS1 Sustainable development principles
CS5 Safe and healthy communities

Local Plan Part 2 Sites and Development Management Development Plan Document

None directly relevant

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

SPD - Car Parking Guidelines

6 RELEVANT PLANNING HISTORY

6.1 09/93731 – Single storey replacement nursery school – approved 13 October 2009

7 PARISH / TOWN COUNCIL COMMENTS

Fawley Parish Council: recommend permission

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

9.1 Health and Safety Executive:Based on the information supplied by NFDC the HSE advise against the grant of planning permission as there are sufficient reasons on safety grounds.

If nevertheless you are minded to grant permission you must give HSE advance notice and allow 21 days from that notice for HSE to consider whether to request that the Secretary of State for Communities and Local Government call in the application for their own determination.

9.2 Hampshire County Council Highway Engineer: no objection

10 REPRESENTATIONS RECEIVED

5 letters of objection raising the following points -

- Query regarding the facilities available on site
- Query numbers put forward and car parking able to cope
- Increasing numbers means increasing traffic
- Hazardous highway location for an expanded facility
- The Application, as submitted, gives no information concerning the implications of the "OFSTED" recommendations. However the plan (presumably submitted as part of the application) is dated 2008. I therefore infer that no addition to the existing accommodation is proposed and that it is being underused. If the District Council's original consent limited the number of children, there must have been a good reason. Unless it can be demonstrated that general congestion in the area of the school has and will continue to become lighter there can be little to support an increase in the number of attendees with or without the provision of additional accommodation.

11 CRIME & DISORDER IMPLICATIONS

None relevant

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

This is achieved by

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

In this case the concerns raised by objectors and the HSE have been addressed by the applicant in consultation with the Local Planning Authority such that it is considered an approval should be granted.

14 ASSESSMENT

14.1 Site Description

14.1.1 The site is located in the countryside adjoining the settlement boundary of Holbury on Rolleston Road. The site adjoins a crossroads which gives access to Blackfield and Fawley to the south and east and the rest of Holbury to the north. An estate of residential properties lies directly to the north and further west along Rolleston Road.

14.1.2 The site comprises a purpose built children's nursery with a large area of car parking to the west of the main buildings and recreation and playing fields to the south. The building is single storey.

14.1.3 The site enjoys an existing vehicular access off Rolleston Road approximately 150 metres to the west of the crossroads. The access leads into a gravel parking area for parents with a separate area for staff parking. The car parking can accommodate approximately 50 cars between the two areas.

14.2 Proposals

14.2.1 This application seeks to remove condition 6 of the original planning permission which states:

No more than 40 children shall be accommodated on the application site any one time.

Reason: The site lies within the Fawley Major Hazard Consultation Zone where it is considered necessary to control the number of children present on site in the interest of health and safety and to comply with Policy DW-E46 of the New Forest District Local Plan First Alteration.

14.2.2 The applicant has submitted supporting information which now sets out their aspiration to increase the number of children catered for at any one time up to a maximum number of 68 albeit the applicant has agreed a lower figure of 65 if necessary.

14.2.3 The key considerations are health and safety of all users of the site, impact on highway safety, and impact on local residential amenities

14.3 Health and Safety

14.3.1 The views of the Health and Safety Executive (HSE) are relevant in this case and they advise against the grant of planning permission.

14.3.2 Core Strategy Policy CS5 says *that development in the vicinity of hazardous sites and uses, known to present risks to public health and safety, will be restricted to ensure that there are no unacceptable risks to people....* (The refinery hazard zones are split into three areas inner, middle and outer zones). The HSE advise against residential and institutional development in the inner zone, institutional development in the middle zone and major developments in the outer zone where large numbers of people are involved).

14.3.3 In this case the nursery building is shown to lie within the middle zone whilst the playing fields and car parking areas are shown to lie in the outer zone.

14.3.4 Earlier planning permission 09/93731

14.3.5 The previous planning officer's report on the earlier application provides useful background to this case. The comments of the consultees was as follows:

Fawley Parish Council *recommends refusal but would accept delegated decision – concerned that entrance is too near crossroads.*

Hampshire County Council Highways *no objection subject to conditions relating to parking and turning.*

Health and Safety Executive *Health and Safety Executive: advises against granting of planning permission.*

This new application now needs to be considered afresh and the Health and Safety and Highway Authorities re-consulted. The HSE may object to the application if they consider that the application, if approved, may lead to more human beings being placed in a vulnerable position

- 14.3.6 This application was considered by the September 2009 Development Control Committee with the following extract of the report relevant -

There is an existing children's day nursery on site which occupies a fairly long single-storey flat roofed building of no architectural merit.

This application seeks to erect a new children's day nursery within a purpose built building on the open undeveloped eastern part of the application site. It is then proposed that the existing buildings on site would be demolished. It was originally proposed to form a new access onto Rolleston Road with a new parking area set to the west side of the proposed new building.

However, the plans have subsequently been amended so that it is now proposed to retain the existing access. The new building would have a floorspace of 350 square metres, which would actually be less than the building proposed to be demolished.

Because the proposed day nursery would have less floor space than the existing buildings to be demolished and because the applicants are willing to restrict the number of children to 40 (as at present), there would be no intensification in the use of the site.

The most significant objection to this application is that raised by the Health and Safety Executive (HSE). They have objected on the basis that they consider that the siting of such a vulnerable population in this location would be incompatible with the presence of a major hazard, namely the Fawley oil refinery. (The site lies within the middle consultation zone.) In objecting to the application, the HSE have made it clear that they have taken no account of the existing use of the site as a day nursery. The HSE are of the opinion that they should not take into account the existing use of the site when considering risk, because they believe this has the potential to allow a new development which would introduce more people to risk than the previous one which they see as being contrary to aims of the Seveso II Directive (December 1996).

It is felt that the HSE's position is very harsh. To ignore the existing use of the site when considering what is proposed takes no account of a legitimate fall-back position, which is to continue using the existing buildings as they have been used over the past few years. Common sense would suggest that the proposed new day nursery would pose no greater health and safety risk than the status quo when that new building has a smaller footprint than the existing building and when the applicants are agreeable to a condition restricting numbers of children to the same limitation as exists at present. The new development should not introduce more people to risk than at present. It is also of note that the children attending the nursery will be mainly resident within the local area and so there is no evidence that the proposal would draw people in from a lower risk area to a higher risk area. In considering this proposal, it is

also important to recognise the important community benefits that this proposal will bring. Therefore, overall whilst one cannot say that there would be no risk, it is reasonable to say that the risk does not seem to be any greater than the risk that has already been accepted and on this basis and taking into account the community benefits arising from this proposal, it is felt reasonable to recommend approval of this application contrary to the advice of the Health and Safety Executive. If members accept this recommendation, the Health and Safety Executive would then have to be given 28 days to call the application in for a Public Inquiry.

Overall, taking into account that the risk to health and safety would be comparable with the existing use of the site, it is felt the impact of the development would be acceptable.

It was resolved that the Head of Planning be authorised to grant permission subject to the Health and Safety Executive not asking for the application to be called in for a public inquiry within 28 days of the resolution and subject to specific conditions. The Health and Safety Executive have now written again to the Local Planning Authority to confirm that they do not wish the application to be called in and they do not wish to pursue the matter further. Given the position now taken by the HSE, it is considered that the application can now be granted planning permission.

14.4 Current application

- 14.4.1 In discussion with the applicant Mrs Young has made her view known that as other nurseries are either closed or in the process of closing down this potential increase in numbers at the application site would not result in an increase in public health and safety.
- 14.4.2 The applicant has provided information which currently shows the number of children accommodated at the site. The figures show that on Monday to Thursday mornings inclusive there are already more than 60 children accommodated with a maximum on Wednesday and Thursday mornings of 67. This drops to a range between 47 to 64 accommodated in the afternoons. What this demonstrates is that the level of demand is such that the nursery is in breach of the original condition. It is not clear how long this breach has been happening for, but unless the applicant can show an ongoing constant breach for more than 10 years the original condition of 40 children at any one time is still enforceable. In the event of a refusal of planning permission this gives rise to the consideration of potential enforcement action against the breach of the condition. Such enforcement action can potentially reduce staffing opportunities at the site as a knock on impact as well as forcing families to find other accommodation for their children.
- 14.4.3 The HSE in conversation with the case officer indicated that the key issue is about bringing more children into an area at risk. In response the applicant has pointed to the recent closure of the nursery at 11 Long Lane Holbury and the nursery at the Sure Start centre in Blackfield. The Long Lane nursery was conditioned to no more than 28 children at any one time. This was accepted at the time back in 1994 by the HSE. That permission followed earlier permissions for a smaller number of 12 which was expanded over time. The nursery closed in June 2017 and has now received planning permission for a conversion to a dwelling. It is likely

that the property will change use as there is currently an application to discharge the conditions. The other nursery referred to by the applicants is closed but may re-open in the future. This property is located in Blackfield.

- 14.4.4 The Long Lane site is located in the inner consultation zone, whilst the application site is located in the middle zone for the building. The policy rules against further institutional type development in the middle zone but the closure of another nursery 700 metres to the north of the application site must be a mitigating factor.
- 14.4.5 The planning permission granted for the Sure Start building in Blackfield has a condition attached which limits the use of the site only by persons who reside in certain postcode areas which presumably are either within the inner or middle zones of the Fawley Hazardous site although that in itself may be very difficult to manage and enforce when postcode boundaries do not match the consultation zone boundaries. While the Blackfield nursery is currently closed this is being handled by Hampshire County Council with a view to it re-opening. This site lies in the same middle zone as the application site. That property is owned by the District Council.
- 14.4.6 It is therefore considered that this is a marginal case where it could be argued that children who already live in the area will be using the expanded nursery and the risk factor will therefore be reduced. Similarly the closure of a nursery in the inner zone with children potentially transferring to a middle zone site reduces the risk. Added to this, the type of institutional use envisaged does not provide 24 hour care but care on a rolling basis through the day with children coming and going.
- 14.4.7 The procedure for going against the advice of the HSE is set out in their consultation response.

14.5 Highway Safety

- 14.5.1 There is no evidence that the proposal would give rise to additional traffic movements that would be dangerous in highway safety terms. The access has good visibility in both directions and the car parking facility can cope with the extra number of parents envisaged. Neither is there a highway safety issue at the crossroads which is traffic light controlled. It is considered that there is no evidence to substantiate a refusal of planning permission in this case.
- 14.5.2 The Highway Authority have been consulted but no comments have been received. Any comments that are received will be reported verbally at the meeting.

14.6 Residential Amenities

- 14.6.1 The site lies opposite existing dwellings but is far enough away not to cause any significant increase in noise and activity that would be detrimental to residential amenity. An increase in the number of children would have some impact but it is doubtful that the additional noise and activity would be sufficient to warrant a refusal.

14.7 Conclusions

14.7.1 The concerns of the HSE are acknowledged but it is considered that the risk factors in this case are lessened by the closure of a nursery within 700 metres of the site located in the inner consultation zone. The institutional use concerned is also not one which has 24 hour use being only used during the day time. There are no substantive highway safety or residential amenity issues which would warrant a refusal of permission. As the recommendation is contrary to the HSE's advice, the recommendation is subject to allowing a 21 day period for the HSE to consider requesting the Secretary of State for Communities and Local Government calling in the application for their own determination.

14.7.2 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that 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**

Service Manager authorised to **GRANT the VARIATION of CONDITION** subject to allowing a 21 day period for the HSE to consider requesting the Secretary of State for Communities and Local Government calling in the application for their own determination and the imposition of the following 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. No more than 65 children shall be accommodated on the application site at any one time. The operator shall maintain a record and log of all children at the site and shall ensure there is no period of overlap when more than 65 children are on site at any one time. The record log shall be available for inspection at all reasonable times by an officer of the Local Planning Authority.

Reason: The site lies within the Fawley Major Hazard Consultation Zone where it is considered necessary to control the number of children present on site in the interests of health and safety and to comply with Policy CS5 of the 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 the Council has asked the applicant to provide further justification for the proposal and this has led to a positive recommendation.

Further Information:

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**Planning Development
Control Committee**

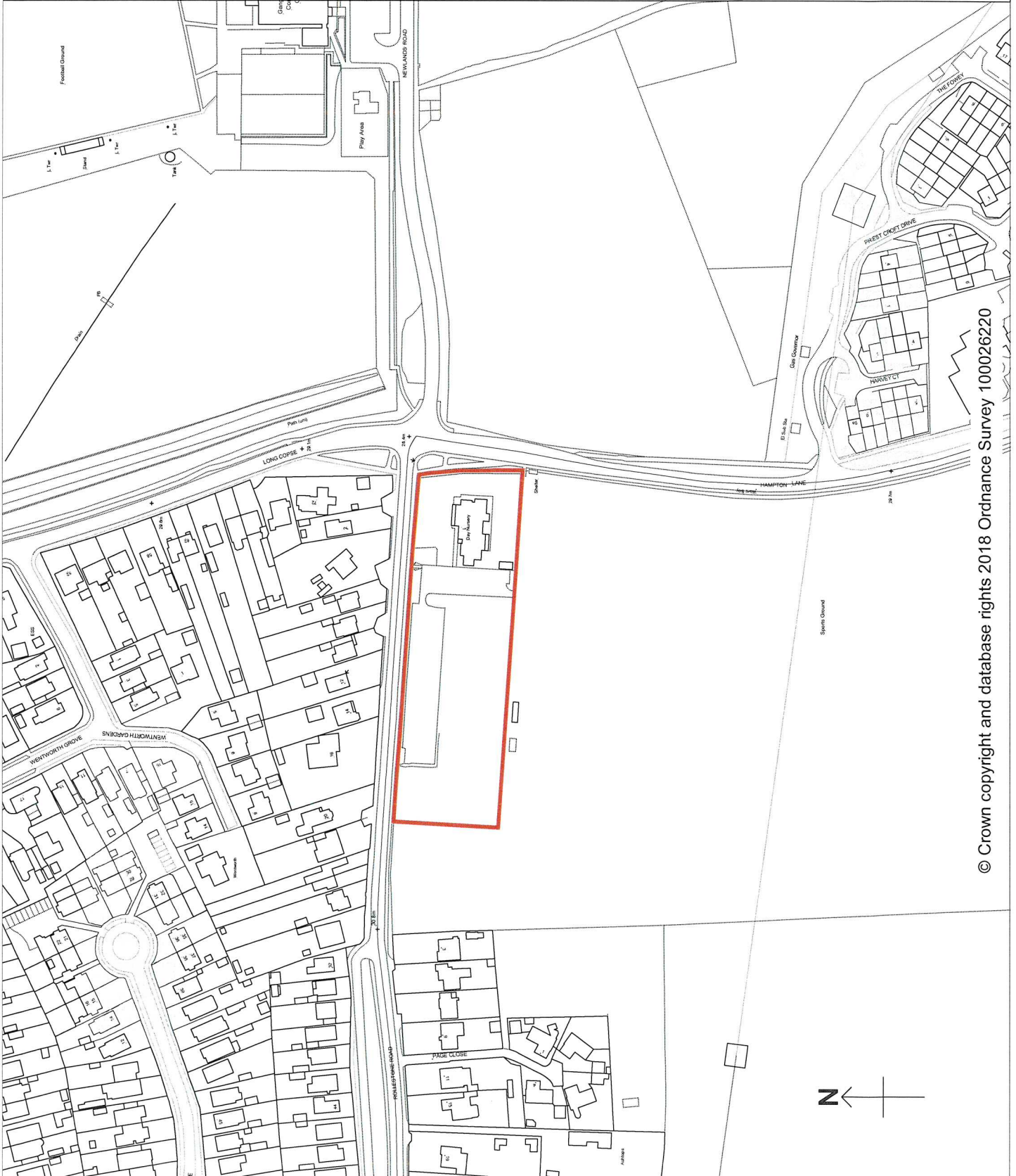
September 2018

Item No: 3n

Fawley Independent Day Nursery
1 Rolleston Road
Holbury Fawley
18/10921

Scale 1:2500

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Application Number: 18/11004 Variation / Removal of Condition

Site: 16-18 SOUTHAMPTON ROAD, RINGWOOD BH24 1HY

Development: Removal of condition 3 on planning permission 18/10726 facilitate use of the first-floor flats as independent dwellings

Applicant: Mrs Terry

Target Date: 18/09/2018

RECOMMENDATION: Grant Subject to Conditions
--

Case Officer: Jim Bennett

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Policy

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Local Shopping Frontage
Primary Shopping Area
Conservation Area
Built-up Area
Plan Area
Town Centre Boundary

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Policy CS2 Design quality
Policy CS3 Protecting and enhancing our special environment (Heritage and Nature Conservation)
Policy CS10 The spatial strategy
Policy CS17 Employment and economic development
Policy CS20 Town, district, village and local centres

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

Policy NPPF 1 Presumption in favour of sustainable development
Policy DM1 Heritage and Conservation
Policy DM3: Mitigation of impacts on European nature conservation sites
Policy DM14 Primary shopping frontage

National Planning Policy Framework

Section 5 Delivering a sufficient supply of homes
Section 16 Conserving and enhancing the historic environment

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

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

6 RELEVANT PLANNING HISTORY

- 6.1 18/10726 - Use of first floor as two flats in association with existing multi-purpose health clinic (Suis Generis) - Granted July 2018
- 6.2 13/10915 - Continued use as multi purpose clinic - Granted September 2013
- 6.3 09/95025 - Create 2 flats; new shopfront - Granted January 2011

7 PARISH / TOWN COUNCIL COMMENTS

Ringwood Town Council - comments not yet received.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

Natural England - no objection

10 REPRESENTATIONS RECEIVED

None

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive New Homes Bonus (net increase in dwellings (2 x £1224 = £2448) in each of the following four years, subject to the following conditions being met:

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

Based on the information provided at the time of this report this development has a CIL liability, but likely to be granted relief under the vacancy test.

13 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 take a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome.

This is achieved by

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

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

14 ASSESSMENT

- 14.1 The proposal relates to nos. 16-18 Southampton Road, which is currently in use as a clinic offering a wide range of services ranging from hypnotherapy to recognised complementary therapies such as Chiropractic, Physiotherapy and Osteopathy. The premises is within the Ringwood Conservation Area and is identified on the Local Plan proposals maps as being within the Town Centre, in a primary shopping area and a primary shopping frontage.
- 14.2 The proposal seeks to convert the first floor of the premises into 2 no. one bedroom apartments. The first floor is currently in use as consulting rooms and offices in connection with the use of the ground floor. The proposal differs from the scheme approved under 18/10726, as the applicant seeks removal of condition no.3 which ties use of the first floor flats to visiting clients of the business activity on the ground floor, by providing on-site accommodation for detox and wellness packages offered by the clinic. The proposal effectively seeks use of the flats as independent dwellings, should their use by clients prove unviable for the

business. The main physical works to achieve the conversion would involve minor internal works to the building to create two self-contained apartments. Access to the apartments would be shared with the main front door of the building. The proposal would not have any dedicated off-street parking.

- 14.3 Starting with the Policy position, the site lies within the town centre and within a Primary Shopping Frontage and Area. Core Strategy Policy CS10 is applicable and supports new residential development primarily within town centres. Policy CS20 places emphasis on retaining a good range of town centre uses, where it can be demonstrated that an alternative use would be complementary to the retailing function and would enhance the overall vitality of the centre. Policy DM14 supports the change of use of premises to appropriate non-retail uses within primary shopping frontages, where the use will add to the vitality and attractiveness of the area and where it can be demonstrated that the proposal will generate footfall similar to a typical retail unit. This could include residential uses where this can be achieved without the loss of gross floorspace in retail or appropriate non-retail uses within existing premises. The proposal does not fully comply with Policy CS20 and Policy DM14 in that it would result in the loss of first floor commercial floorspace in a town centre location. As such, the proposal is contrary to local plan policy, unless there are material considerations to justify a departure from policy.
- 14.4 In justifying the proposal the applicant points out that the first floor consulting rooms and commercial space are currently in low intensity use by the clinic and are surplus to requirements. The applicant explains that use of the first floor is not economically viable or sustainable and that in late December 2017 the upstairs was advertised on Right Move and from early January with local agents Carr & Neave as available to let in its entirety as office space. No interest was expressed and the advertising was withdrawn in late April /early May 2018. In favour of the proposal, the ground floor commercial unit will be retained and the planning history of the premises shows that permission was granted in 2011 (contrary to policy) to use the first floor as independent flats. In addition, 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. In accordance with the advice 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. Furthermore the need for new housing is emphasised by central government guidance changes to the Town and County Planning (General Permitted Development) Order (GPDO), which permits the change of use of town centre premises to residential without requiring planning permission. While the current proposal cannot benefit from the changes to the GPDO it is clear that there is a general steer and emphasis towards creating new residential development in sustainable locations. In balancing out the issues, whilst the proposal would result in the loss of an appropriate town centre use, it is not felt the loss of this first floor commercial floor space would have a significant harmful impact on the economic and commercial vitality of the town centre. Provision of additional dwellings in this sustainable location would outweigh any limited harm that will be caused through the loss of the commercial use. In fact use of the first floor units as flats would have benefits for the town

centre in terms of increased footfall, vitality and viability. Consequently there is no reasonable case to resist the principle of a residential conversion and the proposal is recommended for approval, contrary to Policies CS20 and DM14.

- 14.5 Being within the town's conservation area, Policies CS2, CS3 and DM1 and the Conservation Area Appraisal are applicable to this proposal. However, the alterations are limited only to the interior of the building and no adverse impacts on the character or appearance of the Conservation Area would result.
- 14.6 Policy CS2 of the Core Strategy states that new development shall not have unacceptable impacts upon residential amenity or the amenity of future occupiers. In terms of its potential amenity impacts, the siting of the development proposed does not appear to have any significant impact upon the amenity of the neighbouring residential properties. The type of accommodation proposed, in a town centre location, may be acceptable with reduced outdoor amenity space.
- 14.7 With respect to car and cycle parking requirements, the recommended provision would be similar for both the existing and the proposed use of the first floor, and therefore the Council would not require provision to be made. The flats would be located in a town centre location, with good access to transport links and services, where a reduced car parking standard could be accepted.
- 14.8 The Council has recently been advised by Natural England and the Environment Agency that existing measures to off-set the amount of phosphorous entering the River Avon as set out in the Hampshire Avon Nutrient Management Plan will not be sufficient to ensure that adverse effects on the integrity of the River Avon Special Area of Conservation do not occur. Accordingly, new residential development within the catchment of the Hampshire Avon needs to be "phosphate neutral". In order to address this matter the Council in conjunction with Natural England, the Environment Agency and adjoining local authorities proposes to develop appropriate phosphorous controls and mitigation measures to achieve phosphorous neutrality. A Memorandum of Understanding 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.
- 14.9 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. 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. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard.

- 14.10 In light of the above the proposal it is recommended that condition no. 3 previously applied to 18/10726 is removed to facilitate use of the first floor of the premises as 2 no. independent flats.
- 14.11 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.

15. RECOMMENDATION

GRANT the VARIATION of CONDITION

Proposed Conditions:

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development permitted shall be carried out in accordance with the following approved plans: 1:1250 Location Plan, 1:200 Site Plan, Proposed Floor plans and Existing Floor Plans.

Reason: To ensure satisfactory provision of the development.
3. No development shall be carried out until proposals for the mitigation of the impact of the development on the New Forest and Solent Coast European Nature Conservation Sites have been submitted to and approved in writing by the local planning authority, and the local planning authority has confirmed in writing that the provision of the proposed mitigation has been secured. Such proposals must:
 - (a) Provide for mitigation in accordance with the New Forest District Council Mitigation Strategy for European Sites SPD, adopted in June 2014 (or any amendment to or replacement for this document in force at the time), or for mitigation to at least an equivalent effect;

- (b) Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing maintenance and monitoring of any Suitable Alternative Natural Green Spaces which form part of the proposed mitigation measures together with arrangements for permanent public access thereto.
- (c) The development shall be carried out in accordance with and subject to the approved proposals.

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

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

- (a) Provide for mitigation in accordance with the Council's Phosphorus Mitigation Strategy (or any amendment to or replacement for this document in force at the time), or for other mitigation which achieves a phosphorous neutral impact from the development.;
- (b) Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing monitoring of any such proposals which form part of the proposed mitigation measures.

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

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

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

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

Notes for inclusion on certificate:

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

Further Information:

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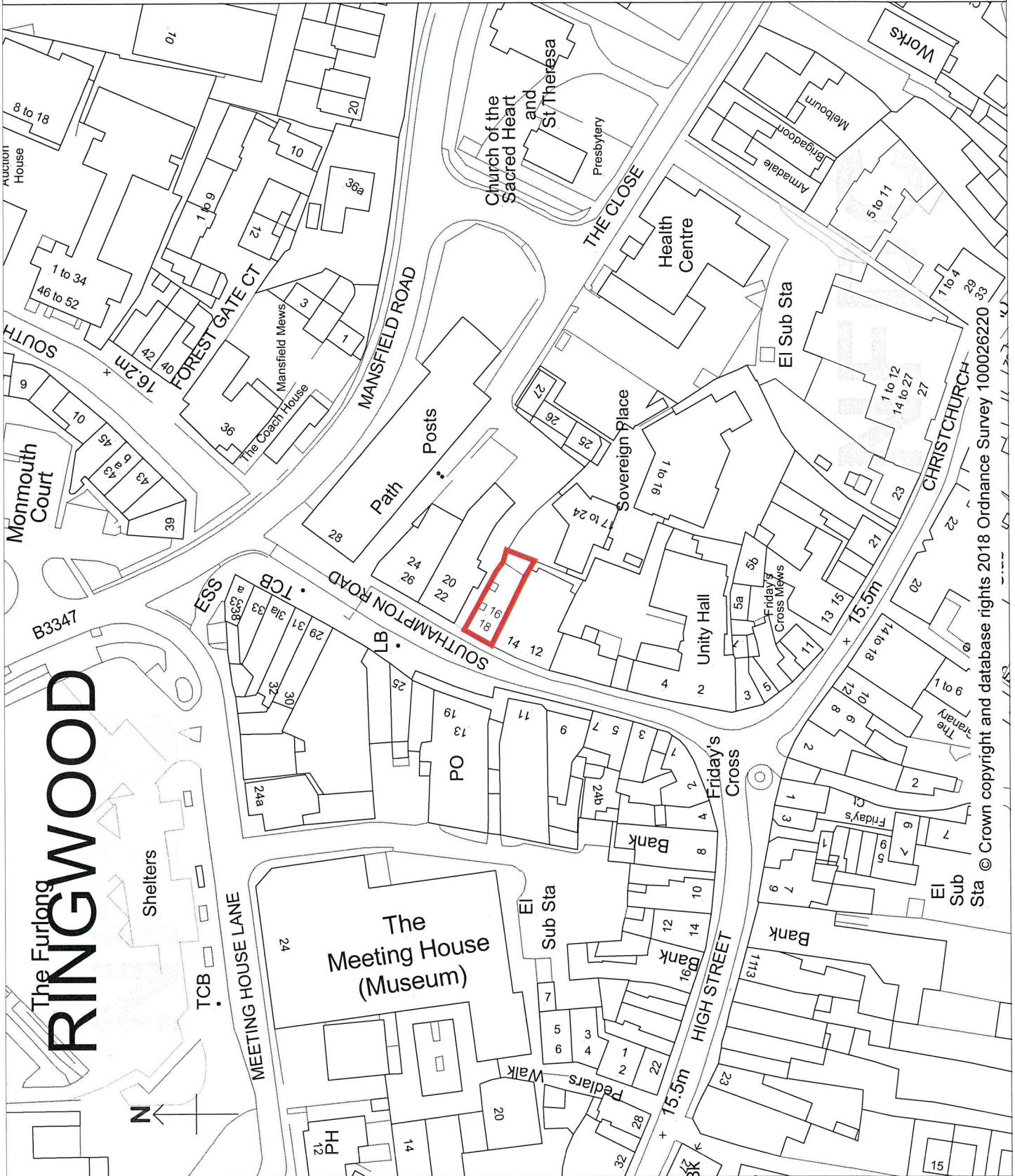
David Groom
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Planning Development
Control Committee
September 2018

Item No: 30
16-18
Southampton Road
Ringwood
18/11004

Scale 1:1250

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