

## NOTICE OF MEETING

**Meeting:** PLANNING COMMITTEE

**Date and Time:** WEDNESDAY, 10 OCTOBER 2018, AT 9.00 AM\*

**Place:** THE COUNCIL CHAMBER, APPLETREE COURT,  
LYNDHURST

**Telephone enquiries to:** Lyndhurst (023) 8028 5000  
023 8028 5588 - ask for Jan Debnam  
email: [jan.debnam@nfdc.gov.uk](mailto:jan.debnam@nfdc.gov.uk)

**PUBLIC PARTICIPATION:**

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

**Bob Jackson**  
Chief Executive

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

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## AGENDA

### Apologies

**1. MINUTES**

To confirm the minutes of the meeting held on 12 September 2018 as a correct record.

**2. DECLARATIONS OF INTEREST**

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

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

### 3. PLANNING APPLICATIONS FOR COMMITTEE DECISION

To determine the applications set out below:

(a) **The Yard, Main Road, Sandleheath (Application 18/10646) (Pages 1 - 20)**

2 detached houses, detached garages and stables in paddock; demolish existing structures

**RECOMMENDED:**

Grant permission subject to conditions

(b) **Land of 14, 16 & 18 Milford Road, Pennington, Lymington (Application 18/10870) (Pages 21 - 38)**

1 block of 31 retirement flats; communal facilities; landscaping and car parking

**RECOMMENDED:**

Refuse

(c) **Site of Fawley Power Station, Fawley Road, Fawley (Application 18/11145) (Pages 39 - 46)**

Use of land to provide open storage gravel (Use Class B8) and associated works including provision on containment bunds; drainage channels and excavation, temporary permission sought for 5 years

**RECOMMENDED:**

Raise no objection

(d) **Land of Units A B D and E, Brokenford Lane, Totton (Application 18/11018) (Pages 47 - 64)**

24 dwellings comprised 18 houses; 1 block of 6 flats; associated parking; access; landscaping

**RECOMMENDED:**

Grant permission subject to conditions

(e) **The Old Pine Stores; Salisbury Road, Breamore (Application 18/11019) (Pages 65 - 74)**

Use as one dwelling; new windows to front and rear

**RECOMMENDED:**

Grant permission subject to conditions

**4. DELEGATION OF POWERS TO OFFICERS**

Members are requested to approve minor amendments to 2 of the current delegations of powers, to give greater clarity to the scope of the powers delegated on PLG 28 and to slightly increase the pool of officers authorised to act on PLG 29. The proposed amendments are in bold type:

PLG 28	Town and Country Planning Act 1990 (s.191-193)	To determine applications for a Certificate of Lawful Use or Certificate of Lawful Development <b>Existing and Proposed Development (non-householder)</b>	Executive Head, or Service Manager, or Solicitor in consultation with Executive Head, or Service Manager, or Development Control Team Leader, or Principal Planning Officer, or Senior Planning Officer
PLG 61	Town and Country Planning Act 1990 (s.191-193)	To determine applications for lawfulness of proposed use or development in respect of householder applications	Executive Head, or Service Manager, or Development Control Team Leader , <b>or Principal Planning Officer, or Senior Planning Officer</b>

**RECOMMENDED:**

That the above amendments to delegations PLG 28 and 29 be approved.

**5. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT**

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

D Harrison

Mrs P A Wyeth

## **STATUTORY TESTS**

### **Introduction**

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

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

### **The Development Plan**

#### **The Development Plan Section 38**

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

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

### **Listed Buildings**

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

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

### **Conservation Areas**

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

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

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

### **Considerations relevant to applications for residential development**

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

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

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

### **Areas of Outstanding Natural Beauty (AONB's)**

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

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

### **Trees**

#### Section 197. Trees Town and Country Planning Act 1990

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

### **Biodiversity**

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

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

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

#### Conservation of Habitats and Species Regulations 2010

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

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

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

## **Equality**

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

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

## **Financial Considerations in Planning**

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

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

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**Application Number:** 18/10646 Full Planning Permission

**Site:** THE YARD, MAIN ROAD, SANDLEHEATH SP6 1PY

**Development:** 2 Detached houses; detached garages and stables in paddock;  
demolish existing structures

**Applicant:** Sandleford Ltd

**Target Date:** 16/07/2018

**Extension Date:** 12/10/2018

**RECOMMENDATION:** Grant Subject to Conditions

**Case Officer:** Jim Bennett

## 1 REASON FOR COMMITTEE CONSIDERATION

The proposal constitutes a departure from the provisions of the Development Plan which seek to prevent housing development in the countryside.

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Plan Area  
Countryside  
Tree Preservation Order: Y TPO No:1238

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

CS2: Design quality  
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)  
CS10: The Spatial Strategy  
CS17: Employment and economic development  
CS21: Rural economy  
CS25: Developers contributions

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

DM2: Nature conservation, biodiversity and geodiversity  
DM3: Habitat Mitigation  
DM5: Contaminated land  
DM20: Residential development in the countryside  
DM22: Employment development in the countryside  
DM25: Recreational uses in the countryside - including horse-keeping/riding

### National Planning Policy Framework

NPPF Ch. 5 - Delivering a sufficient supply of homes  
NPPF Ch. 12 - Achieving well-designed places

#### **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 - Sandeheath Village Design Statement

Residential Design Guide for Rural Areas

Mitigation Strategy for European Sites

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

There is no formal planning history for the site, but it has a long history of commercial and industrial use starting in Victorian times as a brickworks, as a landfill site in the 1960's and as a builder's yard with some horticultural use from 1983.

The Council has been made aware of various uses of the site and cases have been opened in respect of more recent unauthorised storage activities. The most recent case under ref. EN/16/0218 resulted in dialogue between the applicant and Council seeking resolution of long-term use of the site. It was discussed 'without prejudice' that a redevelopment of the site with one or two houses may strike an acceptable balance between the need to secure improvements to the character and appearance of the site whilst ensuring that the unauthorised development is removed in a way which is practical and viable. The consequence of the redevelopment for one or two houses would be that all commercial use of the site would cease and any residual lawful use rights extinguished. The applicant was encouraged to engage with the local community and Parish Council to gauge local opinion with a view to preparation of a planning application for submission to the Council.

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

**Sandeheath Parish Council** raise no objections, but comment:

1. The proposed two houses, stable block and paddock would not be out of keeping with the area and other properties off the bridleway.
2. As stated by the officer, the proposed development does strike a balance between the need to secure improvements to the site and appearance of the area.
3. Loss of commercial site has negligible impact due to availability of commercial units on Sandeheath Industrial Estate and spare commercial development potential in that area.
4. Current buildings on the site are unsuitable for conversion into dwellings.
5. Although contrary to Local Plan Part Two, Policy DM20, the proposed development is only just outside the development boundary and significantly improves the site.

6. Existing vehicle access along the bridleway gives access to other properties so the proposed development would not offer significant additional public access and may, in fact, reduce vehicle traffic.
7. Sandleheath Parish Council has noted that owners of all nearby properties have expressed their support for this application.
8. The Parish Council recommends strict conditions on the development. Applicant must prove that previous dumping on the site does not pose a risk to future residents.
9. Plans to ensure effective handling of run off waters should be put in place
10. Valuable trees and vegetation should be protected. Resiting of garage would be acceptable to reduce concerns of tree officer.
11. Applicant should be required to ensure that the surface of the bridleway access should be reinstated following building works and areas where the track verges have been damaged should be reinstated.
12. Where the bridleway meets the main road, a 3 metre tarmac run in should be installed to ensure that vehicles do not drag loose gravel out in onto Main Road.

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

- 9.1 Hampshire County Council Highway Engineer - As the application is for 5 dwellings or less, and there is no required change of vehicle access onto a classified road, Hampshire County Council's Highway Standing Advice should be referred to in the first instance. It is noted that the vehicle access into site is via a public right of way which is of concern to the HCC Rights of Way.
- 9.2 Hampshire County Council Rights of Way - The proposed vehicular access to the development site is along Sandleheath Bridleway 7108. It is an offence under the Road Traffic Act 1988 to drive over a public bridleway without lawful authority, it is noted that a red outline has not been provided on the location plan and it is therefore not known if the boundary meets with C148 COURT HILL which is the nearest public vehicular highway. Any increased use of the public right of way by vehicles is also likely to have a significant adverse impact on the amenity value of the route and may cause safety and nuisance issues to users of the path, we therefore recommend that the Applicant consider amending the application to provide an alternative vehicular access route to the development, or to divert the public right of way from the proposed vehicular access route. If no other option is available and Sandleheath Bridleway 7108 is to be used as a vehicular access to the development, we raise no objection to the application subject to conditions to ensure appropriate access arrangements are provided for the proposal and an informative note.

- 9.3 Environmental Health (Contaminated Land): no objection in principle to the proposed development as submitted, subject to standard planning conditions. Without these conditions, the proposed development on this site could pose risks to human health and/or the environment and we would wish to object to the application as the site was used as a previous refuse dump. It is reported that topsoil was put over the refuse and the site has been used as a nursery/ builders yard since 1983. Therefore a site investigation is pertinent to this site to assess the potential risks to human health and the environment to ensure the site is suitable for the sensitive nature of the proposed use.
- 9.4 Tree Officer – Trees to the front eastern boundary of this site are protected by Tree Preservation Order 1238. There are numerous trees to the western boundary and they all contribute to the rural nature of the site and provide a good level of screening and public visual amenity. Concern was initially raised over the proximity of the overhanging branches from the south-east and the north-west which would create unacceptable living conditions, resulting in future pressure to fell or significantly reduce trees in order to abate nuisance from falling debris, shading and the overbearing presence of large mature trees. Following discussion with the agent, amended plans were submitted which moved the footprints of dwellings and garages away from trees, addressing the initial concerns. No objections are raised subject to an updated tree report and protection plan being required by condition.
- 9.5 Natural England - No objections, subject to securing appropriate mitigation
- 9.6 Ecologist - No objection subject to appropriate mitigation being secured by condition.
- 9.7 Wessex Water - no objections, but provide informatives.

## **10 REPRESENTATIONS RECEIVED**

A petition on behalf of ten local residents supports the proposed development on the basis that it would mitigate disruption caused to neighbours and Sandheath in terms of noise, traffic use, damage to Bishops Lane, loss of residential amenity, physical damage to and visual change to the site and to the local environment, caused by recent unauthorised use of the site. The proposal will return the site to a use that is appropriate within the village.

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission, the Council will receive New Homes Bonus of £2,448 in each of the following four years, subject to the following conditions being met:

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

Based on the information provided at the time of this report this development has a CIL liability of £55,186.23.

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 applicant sought the Council's pre-application advice on the form of development proposed and has submitted the requisite documents and plans in respect of this application. The applicant was requested to provide additional information in respect of tree and ecological impacts, in light of the comments of consultees and following submission of appropriately amended plans the application was acceptable as amended and no specific further actions were required.

## 14 ASSESSMENT

### 14.1 The site and proposal

14.1.1 The proposal relates to buildings originally constructed in conjunction with a builders' yard and partly a horticultural nursery, and extensive hardstandings just off Main Road, Sandleheath. The site is located off Bishops Lane, which is a narrow access that serves the site and a small number of adjacent residential properties. The site is largely

surrounded by mature trees on all sides and is currently in relatively low intensity use for storage, including storage of vehicles and caravans in the open. The existing buildings are of portal frame construction, clad in profile sheeting, with corrugated roofing. A large glasshouse was until recently in situ on the site. There are a number of large detached dwellings in the locality, predominantly to the east of the proposal site, but also to the north and west, all beyond any defined built-up area.

- 14.1.2 The proposal would involve demolition of the existing structures and erection of 2 no. five bedroom detached dwellings, with associated garages, access, parking, turning, garden curtilage arrangements and a paddock area with a stable associated with Plot 2. Plot 1 would be sited to the north of the site, partially within the footprint of a large horticultural glasshouse, which formerly stood on the site. The footprint of Plot 2 would be sited partially within the footprint of existing structures (former builders yard structures) on the site. The dwellings would be of two storey height and constructed of clay tiles, red/brown facing brick and timber feather edged boarding. Both dwellings would be accessed from the existing main access point into the site, itself accessed via an unmade track and public right of way from Main Road.
- 14.1.3 Following initial comments from the Tree Officer, raising concerns over the siting of both dwellings and the garages in relation to adjoining trees and the level of arboricultural information provided, amended plans and information were submitted. The amendments removed the dwellings and garages from a proximity close to the overhanging branches of trees to the satisfaction of the Tree Officer.

#### 14.2 Design and Appearance

- 14.2.1 Policy CS2 of the Core Strategy requires new development to be well designed to respect the character, identity and context of the area's towns, villages and countryside. While the existing buildings, hardstandings and open storage are of limited visual merit, it must be considered whether the scale, design and form of the development proposed would be acceptable in this countryside location and whether the proposal adheres to the guidance offered by the Council's adopted SPD - Residential Design Guide for Rural Areas.
- 14.2.2 The proposal is for two dwellings and garages and discounting the former glasshouse, they would be of greater massing than the structures to be replaced. Notwithstanding the fact that the site is bound by mature trees to be retained following development, which would screen the development from wider views, the proposed dwellings would be of good design and good quality materials including clay tiles, red/brown facing brick and timber feather edged boarding. While they would be more heavily massed than existing structures, the proposed structures would be of higher quality appearance and materials, which would enhance the character of the area, weighing in favour of the proposal. The proposal complies with the design related provisions of Policy CS2.
- 14.2.3 New dwellings in the countryside:
- 14.3.1 By virtue of the site's location within the countryside, outside any built-up area boundary, the proposed residential development is contrary to Local Plan Part 2 Policy DM20. Policy DM20 of the Local

Plan Part 2 restricts development of new dwellings in the countryside unless environmental benefits significantly weigh in favour of housing development. In this respect; 'without prejudice' discussions with the Council suggested that redevelopment of the site with one or two houses may strike an acceptable balance between the need to secure improvements to the character and appearance of the site while ensuring that the unauthorised and unlawful development is removed in a way which is practical and viable. It now needs to be considered whether the details and justification put forward by the applicant weigh sufficiently in favour of the proposal to constitute a departure from adopted policies.

14.3.2 Two dwellings would be provided of greater scale, but better visual appearance and quality than the existing buildings which occupy the site. However, in light of the former glasshouses and existing open storage of vehicles and containers on the site and the existing screening around the site, it is not considered that the proposal would impact to a significantly greater degree on the openness of the countryside than the existing land use. Furthermore, the proposed siting of the dwellings does not encroach into open parts of the site, adhering closely to the footprints of existing and former buildings on the site and surrounded by mature trees on all sides, which would assist with its screening and integration into the landscape. On balance the visual appearance of the proposed development would not harm the character of the area or wider countryside. Furthermore the environmental benefits to local amenity, delivered through removal of the unauthorised and unlawful development weighs in favour of the proposal. Consequently dwellings of the quality proposed may be supported, as a departure from the provisions of Policy DM20, subject to conditions to remove permitted development rights to extend the dwellings or erect further outbuildings. A condition would also be required to exclude the proposed paddock area from any defined residential curtilage to prevent use of the paddock as garden curtilage and the potential accumulation of domestic paraphernalia following occupation.

#### 14.4 Loss of employment use

14.4.1 The Council's adopted local planning Policies CS21 and DM22 favour the re-use of permanent rural buildings for employment, to enable developments that help sustain the rural economy but do not harm the countryside. 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 site would be lost to employment use, the application is made on the basis of problems associated with the juxtaposition of the current use to adjoining residential land use.

14.4.2 The proposal would result in the loss of buildings and land which have previously been in commercial use. In the absence of overriding circumstances, loss of this commercial land would be contrary to policy. However, 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 existing buildings and location are quite marginal in relation to the delivery of good quality employment opportunities and it is accepted that removal of the unauthorised and unlawful development in a way which is practical and viable would deliver benefits in respect

of local amenity. A pragmatic stance could be followed, which would result in loss of employment land and buildings, on the basis of the betterment of existing residential amenity and enhancement to the character of the area. 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, CS21 and DM22.

#### 14.5 Ecology Impacts

14.5.1 The Council's Ecologist has raised no objection following submission of an appropriate level of professional information which establishes presence/absence, detail of mitigation/compensation and biodiversity enhancement measures. Subject to conditions, the proposal is unlikely to cause any harm to ecological interests in accordance with Policies CS3 and DM2.

14.5.2 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.

#### 14.6 Tree Impacts

14.6.1 Trees protected by Tree Preservation Order are situated along the eastern boundary and provide an important buffer between the site and main access to the site, while contributing to the wider landscape and are important to the character of the area. The potential tree impacts of the development have been addressed by a Tree Survey and Plan submitted with the application.

14.6.2 The Tree Officer, raised initial concerns over the siting of both dwellings and the garages in relation to adjoining trees and the level of arboricultural information provided. Amended plans and information



were subsequently submitted, which removed the dwellings and garages from a proximity close to the overhanging branches of trees. The original siting would have created unacceptable living conditions, resulting in future pressure to fell or significantly reduce trees in order to abate nuisance from falling debris, shading and the overbearing presence of large mature trees. The revised location and arboricultural information provided has overcome the Tree Officer's initial concerns, subject to conditions.

#### 14.7 Highway/ Public Right of Way) Impacts

14.7.1 The Highway Engineer and Rights of Way Officer comment on the proposed access arrangements, as the proposed vehicular access to the development site is along Sandleheath Bridleway 7108. A red outline has been provided on the location plan showing the access connecting with C148 COURT HILL, which is the nearest public vehicular highway. The applicant confirms they have an existing right of vehicular access to the site via this route that also serves several other dwellings as well as the site itself. While access across a right of way is not ideal, your officers consider the intensity and type of vehicle movements to the site posed by the proposed development would be a benefit by comparison with the applicant's fall-back position to use the access for commercial purposes. Commercial traffic to and from the existing site will be replaced by vehicle movements of a more domestic nature and lower intensity, to the benefit of highway safety and to enjoyment of the public right of way. This view is supported by the comments of the Parish Council. The applicant has agreed to tarmac a 3m length of the access track where it meets the main road, to ensure that vehicles do not displace loose gravel onto the main road, in accordance with the Parish Council's request. It would be prudent to impose conditions and informatives requiring the 3m length of tarmac to be provided as well as access, parking and turning arrangements to be laid out in accordance with the approved plans.

#### 14.8 Site Drainage:

14.8.1 The Parish Council suggest that effective handling of run off waters should be put in place. Given the amount of land available to the applicant, a comprehensive approach to dealing with water on site could be achieved, meeting the requirements of Policies CS2 and CS4, which state that all new buildings should be designed to meet sustainable building standards and utilise Sustainable Urban Drainage systems (SUDS) wherever feasible. A condition is proposed requiring the applicant to incorporate sustainable drainage techniques into the site drainage strategy.

#### 14.9 Residential Amenity Impacts:

14.9.1 Policy CS2 of the Core Strategy seeks to ensure that all new development is appropriate and sympathetic to its setting and shall not cause unacceptable effects to residential amenity of existing and future occupiers.

14.9.2 The proposal is unlikely to impact upon the amenity of neighbouring residential properties, being well separated from other houses in the locality and well screened from other residential curtilages by mature trees which largely surround the site. Consequently no adverse effects

overlooking or shading would occur. The proposed dwellings would provide an acceptable level of amenity for future occupiers in accordance with the amenity related provisions of Policy CS2.

- 14.9.3 Overall, there is an opportunity to improve residential amenities given the problems associated with previous uses of the site and considering removal of the existing buildings and clutter from the site would be to the betterment of visual amenity. This is born out by the lack of any objection to the proposal and the petition in support of the development from local residents, which weighs in favour of the proposal.

#### 14.10 Other Matters

- 14.10.1 The Parish Council recommends conditions on the development to ensure that previous dumping on the site does not pose a risk to future residents. This will be resolved by the conditions requested by the Contaminated Land Team.

- 14.10.2 The Parish Council request that the applicant should be required to ensure that the surface of the bridleway access should be reinstated following building works and areas where the track verges have been damaged should be reinstated. An informative will be applied to this effect.

#### 14.11 Appropriate Assessment and Habitat Mitigation

- 14.11.1 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.

- 14.11.2 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.

#### 14.12 Additional Contributions

- 14.12.1 The proposal is for a net gain of 2 no. dwellings, where contributions towards habitat mitigation would be required, in addition to any CIL liability. The proposed development has a CIL liability outlined in the table below.

14.12.2 No affordable housing or tariff style contributions are sought from this development, being a scheme of under ten dwellings. The National Planning Policy Framework (NPPF) indicates that in rural areas "policies may set out a lower threshold of 5 units or fewer". A lower threshold has not been set in this district and as a result it would be unreasonable to require an affordable housing contribution.

14.13 Conclusion

14.13.1 The site is visually enclosed and the design, layout, landscaping and tree protection measures proposed are likely to lead to enhancement of the site's appearance. The site is brownfield in nature and subject to the comments of the Ecologist being satisfactorily resolved its ecological value would not be harmed. The proposal is not considered to have any harmful impact on residential amenity. Your officers are not aware of any other matters raised in representations that would weigh against the scheme and on balance the special circumstances to warrant a departure from adopted policy have been demonstrated. Therefore, subject to conditions to ensure that the scheme's specific benefits are fully delivered, the application is recommended for permission.

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

**Section 106 Contributions Summary Table**

<b>Proposal:</b>			
<b>Type of Contribution</b>	<b>NFDC Policy Requirement</b>	<b>Developer Proposed Provision</b>	<b>Difference</b>
<b>Affordable Housing</b>			
No. of Affordable dwellings	0	0	0
Financial Contribution	0	0	0
<b>Habitats Mitigation</b>			
Financial Contribution	£1,100 if CIL paid in full	£1,100 if CIL paid in full	0

## CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
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Dwelling houses	722.27	149.25	573.02	573.02	£80/sqm	£55,186.23*
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Subtotal:	£55,186.23
Relief:	£0.00
Total Payable:	£55,186.23

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

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

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: 1:2500 Location Plan, drawing no. 1419/1G, 1419/3B, 1419/4B, 1419/5, 6897, SLP.07.05.18, Design and Access Statement dated May 2018, Updated Ecological Report by KGF ref Ec1A.12.08.18.v1, Tree Report dated 25th May 2018 and drawing no. TPP.TY.BL.S.F.25.05.18

Reason: To ensure satisfactory provision of the development.

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

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

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

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

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

5. The development 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.

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

Reason: 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).

7. Before use of the development is commenced provision for the 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 Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

8. All external works (hard and soft landscape) shall be carried out in accordance with the approved landscape plan ref. SLP.07.05.18 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. Before development commences (including site clearance, demolition and any other preparatory works) an updated tree report and an updated scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a method statement detailing timing of events, all changes of existing surfaces and plans showing the protective fencing or other measures required for the avoidance of damage to retained trees all in accordance with BS 5837 (2012) "Trees in Relation to Construction Recommendations". Such fencing shall be erected prior to any other site operation and at least 24 hours notice shall be given to the Local Planning Authority that it has been erected. The tree protection measures installed

shall be maintained and retained for the full duration of the works or until such time as agreed in writing with the Local Planning Authority. No activities, nor material storage, nor placement of site huts or other equipment whatsoever shall take place within the fencing without the prior written agreement with the Local Planning Authority.

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).

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

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

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

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

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

11. This consent does not grant permission for the paddock area shown on drawing no. 1419/1G and outlined in blue on the 1:2500 Location Plan, to be used as anything other than a paddock area and does not grant consent for its use as extended garden curtilage associated with Plot no. 2 shown on drawing no. 1419/1G.

Reason: To ensure the dwelling garden curtilages remain of a size which are appropriate to the location within the countryside and to comply with Policy CS3 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

12. 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 nos 13, 14, 15 and 16 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 16 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).

13. 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).

14. 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).

15. Where a remediation scheme has been approved in accordance with condition 14, 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).

16. 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 13, and where remediation is necessary a remediation scheme

**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 applicant sought the Council's pre-application advice on the form of development proposed and has submitted the requisite documents and plans in respect of this application. The applicant was requested to provide additional information in respect of tree and ecological impacts, in light of the comments of consultees and following submission of appropriately amended plans the application was acceptable as amended and no specific further actions were required.

2. In advance of the publication of the Council's Phosphorous Mitigation Strategy, the development hereby permitted shall be deemed to provide mitigation to "at least an equivalent effect" if it provides for a reduction of the Total Phosphorous Load generated by the development permitted for each year (or part thereof) from the year of occupation to 2025 at a rate of 0.083 kg of phosphorous per dwelling per annum.
3. In discharging condition No. 4 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/>
4. 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.
5. 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. HCC Countryside advise that the applicant will be required to enter into a Highway Agreement with Hampshire County Council or agree the provision of a contribution to the Countryside Service towards any necessary improvement/reinstatement of the existing highway and access to the development and any increase in the cost of maintaining the highway related to the development.

7. Wessex Water advise that the applicant has not indicated how foul sewerage will be disposed of. The proposal is some distance from the nearest public foul sewer. The planning authority will need to be satisfied with your private arrangements which will be subject to building regulations. Alternatively, you can requisition us to lay a sewer to serve your site at your cost if your development has no access to our services because third party land is in the way. We suggest you consider private negotiation first further details available here. According to our records there are no recorded public sewers or water mains within the red line boundary of the development site. Please contact Wessex Water for advice on what to do if an uncharted pipe is located.

Rainwater running off new driveways and roofs will require consideration so as not to increase the risk of flooding. The applicant has not indicated in the current application how rainwater (also referred to as "surface water") will be disposed of. One of our main priorities in considering a surface water strategy is to ensure that surface water flows, generated by new impermeable areas, are not connected to the foul water network which will increase the risk of sewer flooding and pollution. If planning approval is obtained we advise that a further detailed plan is submitted to the planning authority showing the surface water strategy for the proposed site following the SuDS hierarchy, which is subject to building regulations.

If you need more information please contact:  
[development.south@wessexwater.co.uk](mailto:development.south@wessexwater.co.uk)

**Further Information:**

Jim Bennett

Telephone: 023 8028 5588



**New Forest**  
DISTRICT COUNCIL

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

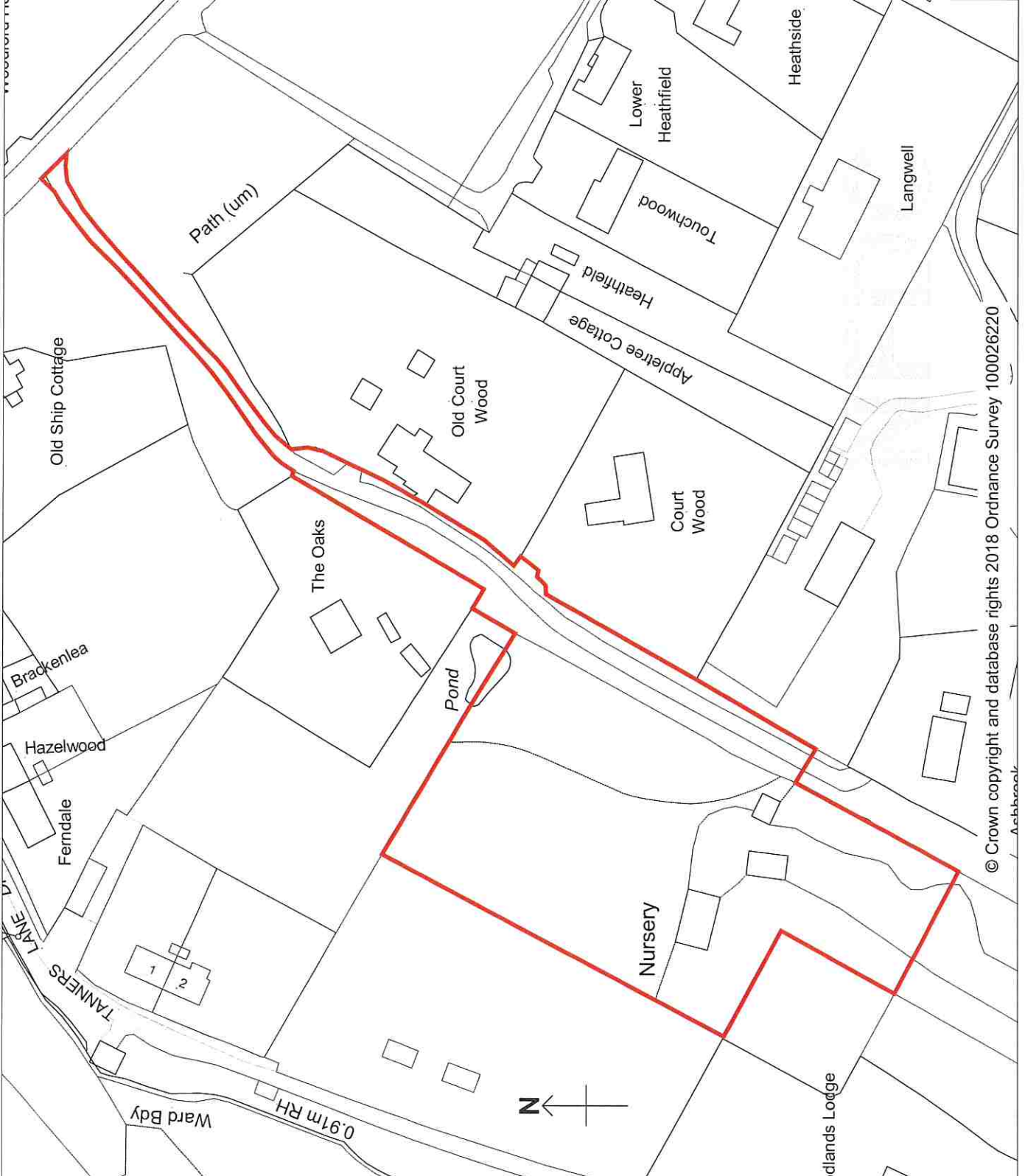
David Groom  
Service Manager  
Planning and Building Control  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

**Planning Development  
Control Committee**  
October 2018

Item No: 3a  
The Yard  
Main Road  
Sandheath  
18/10646

Scale 1:1250

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



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Planning Committee 10 October 2018 **Item 3 b**

**Application Number:** 18/10870 Full Planning Permission

**Site:** Land of 14, 16 & 18 MILFORD ROAD, PENNINGTON,  
LYMINGTON SO41 8DJ

**Development:** 1 block of 31 retirement flats; communal facilities; landscaping  
and car parking

**Applicant:** McCarthy and Stone Retirement Lifestyles Ltd

**Target Date:** 01/10/2018

**RECOMMENDATION:** Refuse

**Case Officer:** Richard Natt

## 1 REASON FOR COMMITTEE CONSIDERATION

No affordable housing contribution being provided.

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

#### Objectives

3. Housing
4. Economy
5. Travel
6. Towns, villages and built environment quality

#### Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS8: Community services and infrastructure
- CS10: The spatial strategy
- CS13: Housing types, sizes and tenure
- CS15: Affordable housing contribution requirements from developments
- CS24: Transport considerations
- CS25: Developers contributions

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

- DM2: Nature conservation, biodiversity and geodiversity
- DM3: Mitigation of impacts on European nature conservation sites
- DM10: Residential accommodation for older people

#### 4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

#### 5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

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

#### 6 RELEVANT PLANNING HISTORY

None of direct relevance

#### 7 PARISH / TOWN COUNCIL COMMENTS

**Lymington & Pennington Town Council:** recommend refusal. Out of character and not sympathetic to local distinctiveness; Overbearing in mass and scale; Impact upon neighbour amenity from overlooking which would exist even if the proposal were to be reduced to two stories; location of substation and car parking is considered harmful to neighbours amenity. We have concerns that the special characteristics of this gateway into the town is under threat from developments proposed at this location and also at Tudor Close (which has now been refused several times) and wish to send a message to developers that such proposals are not acceptable.

#### 8 COUNCILLOR COMMENTS

None

#### 9 CONSULTEE COMMENTS

- 9.1 Waste Management: they do not provide 1100lt bins for general waste. NFDC is a sack collection.
- 9.2 Hampshire County Council Highway Engineer: the visibility and sight lines are acceptable. There are also no objections in regards to the level of car parking provided. However an objection is raised in relation to the internal layout and refuse collection. No turning head is shown on the site plan and the Highway Authority considers that this would make it very difficult for emergency and service vehicles such as ambulance, fire tender, refuse collection vehicles or drivers to turn around especially when car park is full. The lack of turning head would lead to vehicles having to reverse into/from the A337 which is a classified road to the detriment of public highway safety. Furthermore the Transport Statement states that refuse collection would be undertaken from the carriageway of the A337. The Highway Authority strongly opposes this proposals as the A337 is a classified road, and collecting and loading the refuse of 31 flats would take a considerable amount of time, and this would cause unacceptable delays and question the A337 and could also lead to highway safety risks.

- 9.3 Ecologist: the Ecologist states that the submitted ecological report by Abbas ecology makes a case that the development is largely unlikely to have harmful impacts on biodiversity interests and protected species. However the Councils Ecologist notes that it also recommends that further surveys are required in order to assess the presence/absence of bat species and it also seems to suggest that a protected species licence would be required to implement the proposals. Currently the recommended survey information does not appear available and there are no details relating to the tests of the Habitats and Species Regulations relevant to licensing (imperative reason of overriding public interest, no alternatives and maintenance of the species at a favourable conservation status).

The application does not seek to engage in the biodiversity policies of the Council (CS3, DM2) or NPPF (para 170, 174, 175). Accordance with policy, in particular provision of net environmental gains and enhancement, has not been demonstrated. To date the ecology information has been focused on legislation and dates to January 2018, prior the current NPPF. Currently there is insufficient information to demonstrate accordance with planning policy and allow engagement with legislative tests, and the Ecologist therefore recommend refusal. Provision of the further survey work and confirmation of measures of biodiversity compensation (e.g. suitable native planting to offset losses of green character, bat tubes as compensation for loss of existing potential/crevices ) and enhancement (e.g. substantive provision for swift via suitable built-in bricks) would be capable of addressing the Ecologist's concerns.

- 9.4 Tree Officer: No objection subject to condition. The application site is not subject to any Tree Preservation Orders and is not situated within a Conservation Area. The site currently has a mixture of small trees, shrubs and plants. The majority of the trees on site are of no significance to the local area and provide a low level of amenity value to the immediate street scene. Several trees do provide a higher level of public amenity and are suitable for retention, but not considered suitable for inclusion within a Tree Preservation Order.
- 9.5 Southern Water: No objection subject to condition. Southern Water initial view of the drainage proposals indicate that the total combined foul and surface water discharge can be allowed in public foul sewage network, if proven to be connected into the public sewer.
- 9.6 Urban Design Officer: The proposal is far too big to be considered appropriate in this location and fails to accord with Policy CS2. The policy seeks developments which contribute positively to local distinctiveness. The loss of three fairly attractive houses in attractive garden spaces which altogether contribute much to local character, needs to be replaced by something better. Vastly inappropriate in terms of scale, height, layout and appearance, such a building would appear extremely incongruous along Milford Road, and North Greenlands. The local distinctiveness SPD explains the Council's expectation in relation to a number of these issues and also the important issues of massing, set back and the very special contribution that such tranquil islands of cumulative garden space offer to the distinctive qualities of the area. This proposal cannot be considered to accord with that guidance.

Garden space is extremely limited for the amenities of residents. The entrance door does not contribute to the vitality of the street as it is tucked into the rear. There is not enough room for significant tree cover in the frontage, once the garden margin of Milford Road has been hard surfaced.

- 9.7 Estates and Valuation: detailed comments to be updated at Committee.
- 9.8 Strategic Housing Officer: to be updated at Committee.
- 9.9 NHS Foundation Trust Southampton: Detailed impact assessment submitted to demonstrate the impact of the development on existing and future capacity within the local health service. Consider that the developer should be required to fund infrastructure improvements. Considers this a piecemeal development which has not been planned for. They refer to Policy CS8 which states that the Authority will work with infrastructure providers to ensure development does not harmfully impact on local services. National guidance also supports this view. The NHS Foundation Trust therefore seek a contribution of £25,776.00 to meet the specific impact of this development.

## 10 REPRESENTATIONS RECEIVED

- 10.1 1 letter of objection with 30 signatures (Belmore Lodge Nursing Home) concerned that the proposed development is too large and out of character and would have an adverse impact on their living environment, loss of privacy and outlook. Both parking and access is not suitable.
- 10.2 2 letters of objection concerned that the proposed development would be out of character with the area and an overdevelopment of the site. The site currently contains three attractive dwellings in a low density spatial character. There are concerns with the design including the siting of the substation. The proposed layout has a lack of amenity space for the residents. There are concerns with the impact of the proposed development on the living conditions of the adjoining neighbouring properties including loss of light, privacy, and outlook. There are also concerns in relation to the impact of noise and disturbance from the proposed access, refuse collection and car parking. Concerns over light pollution. The proposal should be providing affordable housing, not more elderly accommodation. Impact on trees. Impact on public highway safety and lack of in site car parking.

## 11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

## 12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive New Homes Bonus (net increase in dwellings £42480 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 £230,884.21.

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, while the applicants had submitted a pre application enquiry, prior to the Officers responding the planning application was submitted. In the light of the significant concerns set out in the report below, it has not been possible to negotiate an acceptable outcome to this current application.

### **14 ASSESSMENT**

#### **14.1 The Site and Proposal**

14.1.1 The site lies within the built up area of Pennington and is currently occupied by three detached dwellings within generous gardens. The three detached dwellings rise to two storeys in height and are fairly large buildings set back from Milford Road, and are set within spacious plots with trees, vegetation and greenery. The site is bound by a care home known as Belmore Lodge to the west, by a modest sized development of terraced dwellings to the east, by the rear curtilage of a bungalow (Hawthorn) to the north and by Milford Road to the south.

- 14.1.2 The proposal entails demolition of the existing three dwellings and structures on the site and erection of a substantially larger structure, to provide flatted accommodation of 31 units for the elderly on two and three levels. Off-street parking for 21 vehicles and a disabled car parking space would be provided.
- 14.1.3 The proposal would be accessed via a single new point of access onto Milford Road to 22 no. parking spaces predominantly to the side/ rear of the building, adjoining North Greenlands. An area of car parking would be provided to the front of the building. Amenity space for the residents would be provided to the rear of the building.
- 14.1.4 Visually the proposed building would rise to three storeys adjacent to Milford Road which reduces to two storeys in height towards the rear of the site. The building would be predominately finished in red brick with tiled roofs.
- 14.2 Main Considerations
- 14.2.1 Consideration needs to be given to the size, scale and mass of the development in relation to its impact on the local street scene and character of the area generally, against the relevant provisions of Policy CS2. Consideration must also be given to the impacts of the proposal on the amenity of adjoining residents, in line with the amenity guidance offered by Policy CS2. Highway safety, tree impacts and ecology also need to be considered, balanced against the needs to provide new housing and to meet the needs of the local community and elderly in accordance with the provisions of Policies CS8, CS13 and DM10.
- 14.3 Statement of Community Involvement
- 14.3.1 The applicants have carried out a consultation process with local residents and community for the redevelopment of the site, in which residents and stakeholders were offered the opportunity to give feed back regarding the proposals. The applicants state that their current proposal has been adapted as far as possible to address a number of points raised in the consultation process.
- 14.4 Character Impacts
- 14.4.1 In assessing the effect on the character and appearance of the area, the site lies within the built up area of Pennington. The application site does not lie within or close to any Conservation Area. There are also no listed buildings adjacent to the site. The site lies on a busy main road through Lymington.
- 14.4.2 The application site lies within Character 8 - Pennington Village of the Lymington Local Distinctiveness Document. The local distinctiveness SPD explains the Council's expectations in relation to a number of issues including massing, set-back, setting (including green setting) and the very special contribution that such tranquil islands of cumulative garden space offer to the distinctive qualities of the area.

- 14.4.3 Within the document, Milford Road is highlighted as a Green Corridor of wide verges, hedgerows larger tree specimens in garden settings. Fig 9.4 highlights Milford Road as varied suburban houses in large garden settings and green verges that make up the green corridor character of Milford Road. Paragraph 4.9.3 states that these elements are important and must not be allowed to become unduly compromised by gradual loss of garden space, incremental loss of hedges or loss of verges through additional driveway crossovers or further hardsfacing. Moreover the illustrative map within the document highlights important tree groups/ tree along the frontage of Milford Road and in this case, there is a clear line of trees on both sides of the road, which significantly contribute to the character of the area.
- 14.4.4 The character of the area is predominately residential, although there is a petrol filling station and car sales garage to the east of the application site, further along Milford Road. A short distance to the south west there is a small shopping parade which provides a wide range of facilities all within walking distance. The site is also located close to Pennington Square which provides a further range of facilities including a convenience store and church. It is considered that the site lies within a reasonably sustainable location.
- 14.4.5 There is a clear mixture of dwelling types and styles along Milford Road including detached, terraced and semi detached dwellings. For the most part the buildings in the locality rise to two storeys in height. The distinctive feature of the dwellings in the locality is that they tend to be larger dwellings set in spacious settings with greenery and trees. This character continues further along Milford Road when travelling west. A recent development of chalet bungalows in terraces with a garden setting has been created to the east of the site, and this has been designed in sympathy with the domestic scale and qualities of North Greenlands.
- 14.4.6 Along Milford Road, close to the application site, there are some taller and larger scaled buildings, which include the neighbouring building at Belmore Lodge Nursing Home and the shopping parade, both of which occupy the corner of Milford Road and South Street. Belmore Lodge which lies to the west is a fairly substantial building and occupies the corner of Milford Road and South Street. Although it is a large building, it is set well back from the two roads, and there are large tree specimens around the perimeter of the site with hedgerows and vegetation. Moreover, its overall scale and massing is stepped down and reduced by the articulation of the roof and a number of lower two storey elements. Indeed a special corner building referencing arts and craft styles was created which enabled a three storey building at this point.
- 14.4.7 The shopping parade building further along Milford Road also rises to three stories, all under a flat roof. Because the building forms part of the local centre, one would expect a larger scaled building at this point on the corner of two roads. It is not felt that this building positively contributes to the character of the area or street scene.

- 14.4.8 The existing three dwellings on this site are fairly attractive and their spacious and green setting contribute to the character of the area, however, there would be no objection to the principle of redevelopment. Indeed, given the site's sustainable location close to local services and other facilities, it is considered that the site is one that could be reasonably developed in a slightly more intensive manner. Nonetheless, it is important that the proposed redevelopment should be well designed and contextually appropriate, and in this respect there are some significant concerns.
- 14.4.9 In assessing this proposal, it has failed to acknowledge these significant contextual features and cannot be considered to accord with policy and guidance, ignoring almost every single element of character and identity that the local distinctiveness document discusses. The proposal would create a substantial plot coverage with a single building that sits forward and back into the plot located very close to the edges of the site to provide a very dominant and assertive structure in its setting. There are also concerns with the proposed siting of the building much closer to the road than the existing dwellings, which would add to the overall presence of the building and also awkwardly relate to the neighbouring buildings in the street scene.
- 14.4.10 Rising to three storeys in height and extending across nearly the whole width of the site, and its siting close to the road, the proposed building would clearly be dominant in its setting. Indeed, not only does the proposed building fail to incorporate any meaningful reduced building heights, recessed elements or gaps in the front elevation, the depth of the front building is significantly deeper than the neighbouring buildings which will add to its sheer scale and mass. Equally the sheer size of the proposed rear building element with its significant footprint and scale rising to three and two storeys would be seen as a negative and incongruous feature when viewed from Milford Road and North Greenlands.
- 14.4.11 Notwithstanding the negative impact on the road caused by the sheer size and scale of the proposed building, it is also considered that its siting in close proximity to the road severely restricts space for large tree specimens and greenery along the site frontage, which is a characteristic feature along Milford Road. The front part of the site would be dominated by hardsurfacing and car parking all set in front of a substantially larger and dominant building which would have a negative impact on the street. Indeed, there will be insufficient space provided for large scaled tree planting to help soften the scale of the building.
- 14.4.12 As highlighted above, the proposed building would have a significant footprint within an area characterised by low density housing. The general open space and soft landscaping around the building would be very limited. Areas not occupied by built form would be hardstanding areas used for car parking and access, which would be a further negative feature. A building of this scale and size would expect to have considerably more open and green space to provide an appropriate setting for the building. The proposed level of amenity space for the residents would be restricted to a small area behind the building which is considered to be insufficient to provide any future residents with a reasonable quality living environment.

- 14.4.13 Architecturally the proposed building creates a mixture of designs with varying roof forms, building heights, dormer windows, window positioning and detailing. It is considered that the overall appearance of the proposed building is let down by a number of design elements and would appear very unbalanced lacking any design cohesion and quality. On the front elevation, both individual main and patio doors are proposed, with the main entrance into the building to the side and out of view from the main road. A building of this scale needs to have a main entrance door on the front elevation to give the building legibility and to reinforce the 'active' frontage on Milford Road. Proposing the main entrance door to the side of the building is not considered to be an appropriate design approach to address Milford Road.
- 14.4.14 Overall, it is considered that the proposed building is far too big for the site and is inappropriate in terms of scale, height, layout and appearance that would be contextually inappropriate and would appear incongruous along Milford Road, and North Greenlands. As such the design of the development would not support local distinctiveness. The development would fail to incorporate well integrated car parking or appropriate green space and as such, the setting of the building would be too harsh. It is felt that the proposed development would appear as an overdevelopment of the site that would cause unreasonable harm to the character and appearance of the area. While concerns have been expressed in relation to the siting and design of the proposed substation, while not ideal, the main issue relates to the scale and design of the main proposed building.
- 14.5 Amenity Impacts
- 14.5.1 Consideration must be given to the impacts of the proposal on the amenity of adjoining residents and future occupiers, in terms of overbearing presence, outlook, loss of privacy, loss of light, noise and amenity space. In these respects the proposal will be determined in line with the amenity guidance offered by Policy CS2.
- 14.5.2 There are a number of residential properties that would be effected by the proposal. In relation to No 1 North Greenlands, this neighbouring property lies adjacent to the site and has an obscurely glazed first floor landing window on the side elevation facing the application site. This neighbouring property has a small rear garden area. The proposed layout entails the main vehicular access to serve the car parking to run immediately adjacent to the side of No 1. Whilst there is an existing access and driveway, this only serves one property, whereas the new access would serve the majority of the proposed 31 flats. Accordingly, it is clear that the proposal would result in a considerable increase in activity, noise and disturbance to this neighbouring property. The eastern flank of the proposed building would be sited immediately adjacent to No 1. The proposed building at this point rises to two storeys in height and there is gap of approximately 6 metres to the side boundary. Two first floor windows are proposed on the side elevation which would directly face into the rear garden area of No 1. The proposed windows serve main living rooms and would have a direct view at a short distance into the rear garden of No 1, which is considered to

be unacceptable and would result in a loss of privacy. Overall, it is considered that the combination of the close proximity of the proposed building, windows and the access would have an unacceptable impact on the living conditions of No 1 North Greenlands.

14.5.3 Concerning the neighbouring residential properties at Nos 7 to 11 North Greenlands, their rear garden areas back onto the application site. The rear gardens of No 7-11 are fairly small and the residents currently experience a fairly tranquil environment with a high level of privacy with an open view. The proposed layout entails car parking to be positioned along the entire length of their rear gardens. The car parking would be open with no car port or physical enclosure. It is considered that the extent and close proximity of the access and car parking would give rise to unacceptable noise and disturbance to the neighbouring properties at 7-11 North Greenlands. The proposed building would be sited approximately 15-18 metres away from their rear boundary and this includes a number of first and second floor windows including balconies. These windows in the proposed building serve main living rooms including lounge, kitchens and bedrooms. While there is a degree of separation from the rear boundary, given the extent of the building running along their rear boundaries and the relationship of upper floor windows, it is considered that in combination with the impact caused by the access and car parking, the physical relationship and overlooking from the east elevation would result in demonstrable harm to the living conditions of the neighbouring properties at 7-11 North Greenland's.

14.5.4 It is also considered that the physical relationship and location of car parking of the proposed development to the neighbouring property at Hawthorn is not acceptable. Currently this neighbouring property experiences a quiet living environment and high level of privacy. The proposed layout entails a building extending a considerable length along their side boundary, together with the car parking area. This is considered to be unacceptable.

14.4.5 In terms of the relationship to Belmore Lodge Nursing Home, this lies immediately to the west of the site. The proposed building would be sited around 12 metres from the side boundary to Belmore Lodge. It is considered that the impact on Belmore Lodge is not as severe compared to the effect on the neighbouring properties discussed above. The proposed garden areas to the flats would be sited adjacent to the side boundary at Belmore Lodge, as this would be far better than the relationship of access and car parking that is proposed on the eastern side. The proposed building would result in overlooking of the existing communal garden at Belmore Lodge, however, this is a fairly large area used by the existing residents and it is not felt that the impact is so severe to refuse permission.

#### 14.6 Highway Impacts

14.6.1 In terms of car parking provision and access, the proposal entails a single access into the site from Milford Road to serve the development. The development is comprised of 16 one bedroom flats and 15 two bedroom flats. A total of 22 car parking spaces would be provided on the site as well as parking spaces for 7 mobility scooters and 1 bicycle. A Transport Statement accompanies the application. The Highway Authority considers that the proposed

access which is located on the eastern side of the site frontage with visibility splays of 43 metres to the right and 44.1 metres to the left when leaving the site are acceptable.

- 14.6.2 With regard to the provision of off-street parking, the Parking Standards provide a recommended car parking provision in respect of developments for 'active elderly with warden control' of 1 space per apartment. For cycle parking, the minimum cycle parking standard is specified as 1 space per unit (long term) and 1 hoop per 2 units. It is important to note that mobility scooters can be considered as part of the cycle parking provision. Based on the above, in theory, 31 car parking spaces and 31 long stay as well as 16 short stay cycle/scooter spaces should be provided for the proposed development.
- 14.6.3 As this proposal states that 22 car parking spaces would be provided on the site, this is equivalent to 71% of the level required in the Parking SPD. Clearly this level of provision represents a shortfall of 9 car parking spaces and a significant shortfall on cycle/ mobility scooter parking spaces. The submitted Transport Statement provides evidence in the form of parking surveys at existing McCarthy and Stone Retirement Living developments across the country to demonstrate that in reality both car and cycle/ scooter parking demand are lower than the required level specified in the SPD. Accordingly, given the data provided the Highway Authority consider in this instance that an objection based upon an under-provision of parking would be neither appropriate nor sustainable.
- 14.6.4 However, the Highway Authority have raised an objection in relation to the proposed internal layout and refuse collection. No turning head is shown on the site plan and this is considered to be unacceptable by the Highway Authority as it would make it very difficult for emergency and service vehicles such as ambulances, fire tenders, refuse collection vehicles or drivers to turn around especially when the car park is full. The lack of a turning head would lead to vehicles having to reverse in to/from the A337 classified road, which would prejudice highway safety.
- 14.6.5 Furthermore the Transport Statement states that refuse collection would be undertaken from the carriage way of the A337. The Highway Authority strongly objects to the proposal as the A337 is a classified road, collecting and loading the refuse of 31 flats could take a considerable length of time, and this would cause unacceptable delays and queues on the A337 and could also lead to highway safety risk.
- 14.7 Ecology matters
- 14.7.1 The Ecologist states that the submitted ecological report by Abbas ecology makes a case that the development is largely unlikely to have harmful impacts on biodiversity interests and protected species. However, the Ecologist notes that it also recommends that a survey is required in order to assess the presence/absence of bat species and it also seems to suggest that a protected species licence would be required to implement the proposals. Currently the recommended survey information does not appear to be available and there are no details relating to the tests of the Habitats and Species Regulations

relevant to licensing (imperative reason of overriding public interest, no alternatives and maintenance of the species at a favourable conservation status).

- 14.7.2 The application does not seek to engage in the biodiversity policies of the Council (CS3, DM2) or NPPF (para 170, 174, 175). Accordance with policy, in particular provision of net environmental gains and enhancement, has not been demonstrated. To date the ecology information has been focused on legislation and dates to January 2018, prior the current NPPF. Currently there is insufficient information to demonstrate accordance with planning policy and allow engagement with legislative tests, and the Ecologist therefore recommend refusal. Provision of the further survey work and confirmation of measures of biodiversity compensation (e.g. suitable native planting to offset losses of green character, bat tubes as compensation for loss of existing potential/crevices ) and enhancement (e.g. substantive provision for swift via suitable built-in bricks) would be capable of addressing his concerns.

14.8 Financial considerations and affordable Housing

- 14.8.1 A scheme for 31 flats is one that would be expected to secure 14.4 on-site affordable housing units (a 40% rate of provision). In practice this means that the development should secure 14 on-site affordable housing units and a separate financial contribution. The applicants have submitted a viability appraisal as they consider that the scheme would be unviable if required to secure any on-site affordable housing units or financial contribution. Accordingly the applicants have not offered any on site or off site affordable housing contribution.

- 14.8.2 In cases where viability assessments are submitted by the applicant, the Council have a procedure in place in which assessments are assessed by the District Valuer. This is to enable an independant assessment of the applicants viability case. In this particular case, given the recommendation, the Estates and Valuation Officer has been requested to comment on the applicants viability case and their initial view is that the scheme would not be viable with full provision. This will be the subject of an update at the meeting.

14.9 Meeting the needs of the Elderly

- 14.9.1 The proposed development needs to be balanced against the needs of the local community and elderly in accordance with the provisions of Policies CS8, CS13 and DM10. The proposal would contribute to the provision of housing and in particular, housing for the elderly where there is a defined shortfall thereby boosting the supply. The contribution to housing need carries significant weight in favour of the scheme. While it is recognised that provision of suitable accommodation for older people needs to be made, those needs must be balanced against other material considerations.

14.10 Housing Need

- 14.10.1 The LPA is not currently able to demonstrate a 5 year supply of housing land when assessed against its most recent calculation of Objectively Assessed Need. Relevant policies for the supply of housing are therefore out of date. In accordance with the advice at paragraph 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 impact of the proposed development would significantly and demonstrably outweigh the benefits of the development.

14.11 NHS Foundation Trust Southampton

14.11.1 Throughout the preparation of our Local Plan Review 2016-2036 Part One: Planning Strategy we have not received any indication from the Southampton NHS Trust of a requirement for increased service delivery based on the proposed housing delivery within the plan area. As the proposals do not meet the definition for infrastructure then any contribution would need to be secured via a S106 agreement.

For a contribution to be legally secured it would need to meet the tests of Regulation 122 of the CIL Regulations 2010 (as amended) namely:

- a) necessary to make the development acceptable in planning terms;*
- b) directly related to the development; and*
- c) fairly and reasonably related in scale and kind to the development*

Their request states it to be required for service delivery but it is not clear how this would be achieved in relation to this specific development. The contribution requested does not appear to meet the test of Regulation 122 as:

1. There is no evidence to suggest that the medical needs of the occupiers of these new retirement homes are not already being met by the NHS in the current system.
2. There is no local evidence to suggest that the assumption of 2 people per flat is correct.

14.12 Habitats Issues

14.12.1 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.

14.12.2 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.

14.13 Human Rights

14.13.1 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.

14.14 In conclusion

14.14.1 Overall, it is considered that the proposal would provide a number of benefits including additional housing for the elderly, which should be given significant weight. Moreover, while there is an identified need for this type of accommodation, the proposed development is considered to be inconsistent with Core Strategy policies and the harm identified does not outweigh the benefits. The proposed development would have a significantly negative impact on the character and appearance of the area and would fail to take the opportunity to enhance local distinctiveness or the character and quality of the area, contrary to adopted policies. The proposed development would also have an unacceptable impact on the living conditions of the adjoining neighbouring properties. There are also concerns with the effect on public highway safety and ecology. As such, the application is recommended for refusal.

**Section 106 Contributions Summary Table**

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

## CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
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Dwelling houses	2866.71	469.35	2397.36	2397.36	£80/sqm	£230,884.21 *
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Subtotal:	£230,884.21
Relief:	£0.00
Total Payable:	£230,884.21

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

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

Where:

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

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

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

## 15. RECOMMENDATION

### Refuse

#### Reason(s) for Refusal:

1. The proposal would constitute an overdevelopment of this site with a lack of open space around the building which would appear cramped with a single building that sits forward on the site, very close to the boundaries and it would also extend deep into the rear of the site which would be intrusive and harsh within its setting. The footprint, layout, scale and massing would appear unduly dominant within its particular context. The proposed development would be of a poor design quality comprising an unsympathetic configuration of building heights, forms and roof shapes that would be significantly out of keeping with the more typical 2 storey scale and

domestic rhythms that are characteristic of the surrounding context, and which would therefore appear too dominant and incongruous, both within the Milford Road street scene and from other nearby public viewpoints including North Greenlands. Moreover, the proposed development would result in a harmful loss of the site's green landscaped character and having regard to the proposed building's significant footprint, the extensive areas of car parking and hardstanding and lack of amenity space, would result in this aspect of the development having a harsh and unsympathetic setting that would create an unattractive and poor quality living environment for the residents. As such, the proposed development would be of poor design quality that would be contrary to Policy CS2 of the Core Strategy for New Forest District outside of the National Park and the Lymington Local Distinctiveness Document Supplementary Planning Document.

2. The proposed development would have an unreasonable impact on the amenities of the occupants of the adjoining residential properties at No's 1, 7, 9, 11 and Hawthorn North Greenlands contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park:
  - a) By reason of the scale and close relationship of the proposed building, the proposed development would lead to an unacceptable visual impact and loss of outlook to the detriment of the amenities of the occupiers of those properties,
  - b) By reason of its close proximity, and the number of first and second floor windows and balconies, the proposed development would result in unacceptable overlooking of the adjoining properties to the detriment of the amenities of the occupiers of those properties,
  - c) The use of the access drive and car parking areas would generate an unacceptable level of noise and activity which would be to the detriment of the quiet amenities of the occupants of the adjoining properties.

As such, it is considered that the combination of all these issues, the proposal would be contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

3. The proposed internal layout of the site does not provide a turning head for vehicles, emergency services such as ambulances and fire tenders or drivers to turn and as such, this would lead to vehicles reversing into/ from the A337 and this would be likely to cause undue interference with the safety and convenience of users of the public highway, which is a classified road. Moreover, the proposal for refuse collection to be undertaken from the carriage way of the A337 would lead to unacceptable delays and queues on the A337 and this would be likely to cause undue interference with the safety and convenience of users of the public highway, which is a classified road. As such, the proposal would be contrary to Policy CS24 of the Core Strategy for the New Forest District outside the National Park.
4. In the absence of an appropriate detailed ecological assessment, it has not been adequately demonstrated that the proposed development could be implemented without adversely affecting protected species, biodiversity interests, and the ecological interest of the land. As such, the proposal would be contrary to Policy CS3 of the Core Strategy for New Forest District outside of the National Park and Policy DM2 of the Local Plan 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.

In this case, whilst the applicants had submitted a pre application enquiry, prior to the Officers responding the planning application was submitted. In the light of the significant concerns set out in the report below, it has not been possible to negotiate an acceptable outcome to this current application and still meet performance targets.

**Further Information:**

Richard Natt

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**New Forest**  
DISTRICT COUNCIL

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**Planning Development  
Control Committee**

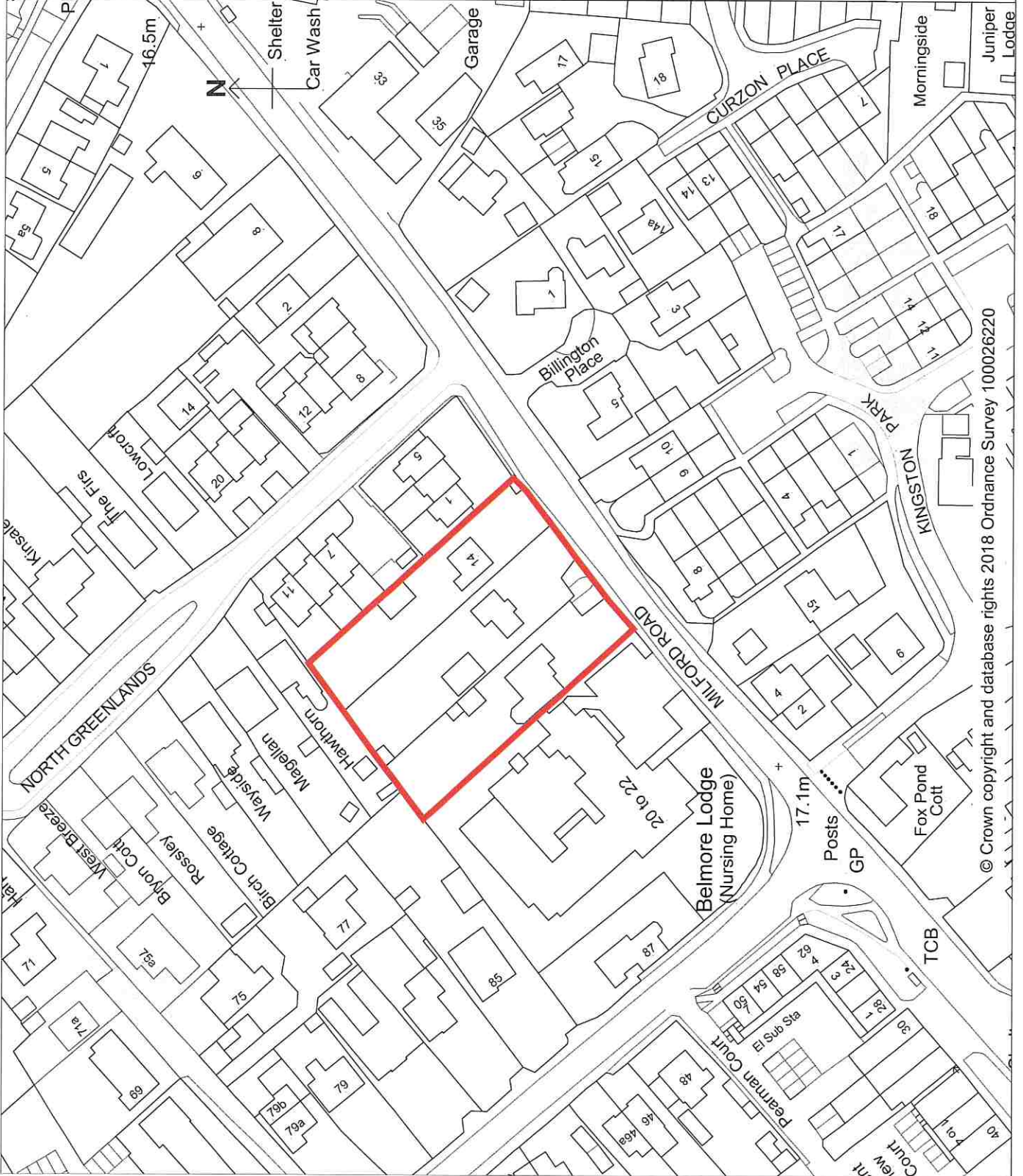
October 2018

Item No: 3b

Land of 14,16 &18  
Milford Road  
Pennington Lymington  
18/10870

Scale 1:1250

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



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Planning Committee 10 October 2018 **Item 3 c**

**Application Number:** 18/11145 Minerals (County Matter)

**Site:** SITE OF FAWLEY POWER STATION, FAWLEY ROAD,  
FAWLEY SO45 1TW

**Development:** Use of land to provide open storage gravel (Use Class B8) and associated works including provision on containment bunds, drainage channels and excavation, temporary permission sought for 5 years

**Applicant:** Fawley Waterside

**Target Date:** 15/10/2018

<b>RECOMMENDATION:</b> Raise No Objection
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<b>Case Officer:</b> Ian Rayner
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## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council View

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Brownfield site within the Countryside

## 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
8. Biodiversity and landscape

#### Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS4: Energy and resource use
- CS6: Flood risk
- CS17: Employment and economic development
- CS24: Transport considerations

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

- DM2: Nature conservation, biodiversity and geodiversity
- DM22: Employment development in the countryside

## Hampshire Minerals & Waste Plan 2013

Policy 1: Sustainable Minerals & Waste Development

Policy 3: Protection of Habitats & Species

Policy 4: Protection of Designated Landscape

Policy 5: Protection of the Countryside

Policy 11: Flood Risk & Prevention

Policy 13: High Quality Design of Minerals & Waste Development

### **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**

None

### **6 RELEVANT PLANNING HISTORY**

- 6.1 The area where development is proposed forms part of a much wider area that was subject to a request for an EIA Scoping Opinion (17/11559). The Scoping Opinion that was given in January 2018 relates to the redevelopment of Fawley Power Station and the development of surrounding land to create a new 1,530 home community with 90,000 sq m of new commercial and employment space (Use Classes A1, A2, A3, A4, B1, B2, B8, C1, D1 and D2); retention of the Power Station Chimney; enlargement of the dock and creation of a canal within part of the turbine hall basement; refurbishment of the remainder of the turbine hall basement to create a 2,100 space car park; a boat stack; a two form entry primary school; public open space and habitat enhancement of existing land; Suitable Alternative Natural Green Space; a saline lagoon; reconfiguration of the existing access and creation of a new access from B3053; and associated engineering and landscaping works.
- 6.2 Other adjacent areas of the Power Station have been the subject of the following planning applications:-
- 6.2.1 2 steel portal framed industrial buildings (Use Class B2); mobile portable cabin; use of land for storage of wind turbine blades (B8); temporary permission sought for 10 years (17/10805) - temporary permission granted 8/9/17
- 6.2.2 Variation of Condition 2 of planning permission 17/10805 to allow amended plan numbers entailing the addition of buttresses and associated alterations to the approved blade painting facility building (17/11724) - temporary permission granted 19/1/18
- 6.2.3 Leading Edge Protection Building; single-storey portable cabins for welfare facilities and offices (18/10583) - under consideration
- 6.2.4 Temporary siting of two generators; fuelling facility to include diesel tank, hardstanding & interceptor tank (18/11169) - under consideration
- 6.3 A request for an EIA Screening Opinion for the demolition of Fawley Power Station was given in February 2017 (17/11706).



6.4 A Demolition Prior Notification Application for the Dismantling and removal of external structures including tanks, ductwork and bunds (18/11048) (Phase 1B of the power station demolition) was determined in August 2018.

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

Fawley Parish Council:- Recommend refusal due to the serious concerns raised by local residents relating to the volume of noise from this application, which would be likely to have an adverse impact on neighbouring properties. Also have air quality concerns, and are concerned that there is no information on the hours of operation and road movements. Are concerned that some of the additional sand/gravel that will be used by existing quarry clients will increase movements on the highway, which will have a significant highway impact. Are concerned at how this matter would be monitored.

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

None

## **10 REPRESENTATIONS RECEIVED**

None submitted to New Forest District Council

## **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**

As the application is a County Matter, it is not the duty of New Forest District Council to work with the applicant / agent.

## **14 ASSESSMENT**

### Procedural Comment

14.1 This application is a County Matter application to be determined by Hampshire County Council. New Forest District Council are a consultee, and have been invited to submit their views to the County Council before a final decision on the application is made.

### The Proposal

14.2 The application relates to 1.40 hectares of land at Fawley Power Station. The application seeks to use an open area on the southern edge of the power station site for the open storage of gravel for a temporary 5 year period. The application also proposes a number of associated works

including drainage channels, dredge pipelines, the provision of a 2.5 metre high containment bund around the entire perimeter of the proposed storage area, and excavation across the whole storage area to a depth of 1.5 metres. 4700 cubic metres of material would be needed to construct the containment bunds. The storage area created within the bunded area would allow for the storage of 42,500 cubic metres of gravel, of which 15,000 cubic metres would be stored below existing ground levels.

- 14.3 The gravel that is to be stored on the application site would be extracted by Boskalis Westminster UK (Boskalis) from a licensed 'winning' area to the south-east of the Isle of Wight that is about 3 hours sailing time from the power station. Once dredged, the gravel would be transported to Fawley on dredging vessels, there typically being 14 vessel movements to and from the site per week, equating to one movement every high water. From the dock, the gravel would then be pumped to the storage area via dredge pipelines.
- 14.4 The gravel stored within the proposed storage area would only be stored there on a temporary basis. It would eventually be collected from the proposed storage area by wagon and transported to the working Fawley Quarry site that is situated within National Park land immediately to the west of the power station. Currently, there are approximately 5 years of gravel extraction remaining within the quarry and 15 years of sand extraction. The gravel is being extracted at a quicker rate than the sand and because the sand is at a deeper level than the gravel, the gravel areas cannot then be efficiently restored. Once the gravel has been fully extracted, the quarry will be out of 'balance' in relation to sand / gravel ratios. Accordingly, the gravel that would be extracted from the Solent and stored on the power station site is required primarily to restore the sand / gravel balance within the quarry. Part of the gravel would also be used to service existing construction clients of the quarry.
- 14.5 The supporting statement for the application suggests that by restoring the balance to Fawley Quarry, the proposal will, in the future, better enable products from the Quarry to be used in engineering operations associated with the planned redevelopment of Fawley Power Station, which, in turn, would have benefits in terms of reducing construction traffic movements if and when the power station is redeveloped.

#### The principle of development

- 14.6 The application site is situated within a countryside area (albeit a brownfield site) where Policy 5 of the County Minerals and Waste Plan is relevant. This policy indicates that Minerals and Waste development outside of designated landscape areas will not be permitted unless the development is a time limited mineral extraction or related development; or unless the development provides a suitable reuse of previously redeveloped land. As the proposal would be time limited for 5 years and on a brownfield site, it is considered that there would be no in-principle policy objection to the development that is proposed.

#### Landscape & Visual Impacts

- 14.7 The application site has a sensitive landscape context. The site where gravel would be stored and the associated bunds would be just a few metres away from the power station's boundary with the New Forest

National Park. A public footpath runs adjacent to the power station's southern boundary, and from this footpath the proposed development would have a very obvious visual and landscape impact. There would be no real scope to soften this impact with soft landscaping. Whilst the storage area, at 2.5 metres in height, would not be particularly high, it would still result in an artificially raised parcel of land across a large area that is currently entirely open. At present, this area is flat and graveled, but with extensive low vegetation breaking through. There are no existing activities taking place within this area. Therefore, notwithstanding the significant presence of the power station buildings behind, it is felt that to provide an extensive raised area of stored gravel with bunds and associated activity and paraphernalia (such as mobile lighting) in this location would inevitably have some negative visual impact on the adjacent National Park landscape. However, given the temporary nature of the project and having regard to other activities taking place within the power station's boundaries (such as the painting and storage of wind turbines), it is felt, on balance, that the development would not cause a degree of visual harm that would be unacceptable.

### Ecological Impacts

- 14.8 The application site is in close proximity to protected international, national and local nature conservation sites. The Solent and Southampton Water Special Protection Area (SPA), The Solent Maritime Special Area of Conservation (SAC), The Solent and Southampton Water Ramsar site, and the Hythe and Calshot Marshes Site of Special Scientific Interest (SSSI) all lie in close proximity to the east of the site, whilst land to the south of the power station forms part of a designated Site of Interest for Nature Conservation (SINC). The application is accompanied by an Environmental Report which concludes that the proposed development and the associated levels of noise and activity associated with the development will not adversely affect protected species or the adjacent designated sites. The Report also suggests that the area within the power station affected by the proposed development is not a sensitive or priority habitat. On the basis of the conclusions set out within the Environmental Report, it is not felt that there would be any reason for New Forest District Council to object on ecological grounds. However, it is imperative that Hampshire County Council have full regard to the views of both Natural England and their own ecological advisors.

### Air Quality Impacts

- 14.9 The applicant's Environmental Report and supporting statement suggests that during construction there would be a minimal, temporary increase in NO<sub>2</sub> and PM<sub>10</sub> emissions. After construction, there would also be a limited release of NO<sub>x</sub> and NO<sub>2</sub> from the operational movement of vehicles. However, it is concluded that these additional emissions, being limited, temporary and localised, would not result in any adverse effects on nearby sensitive receptors. The Council's Environmental Health Officer supports this conclusion, and have noted that the proposal is not likely to have any impact on nearby Air Quality Management Areas (AQMAs) or the Southampton Clean Air Zone (CAZ).

### Noise Impacts

14.10 The applicant's Environmental Report recognises that there is the potential for disturbance to residential properties during excavation of the development area and during the construction of the bund. The residential properties that could be affected are principally those off Ower Lane which are in closest proximity to the application site. However, the Report concludes that such noise affects would not be unacceptable due to the scale and duration of the construction. The applicant's Environmental Report also concludes that noise associated with pumping of material and vehicular movements would not be of a significance that would give rise to adverse effects on residential amenities due to the distance of the nearest residential properties from the application site and due to intervening screening. The nearest residential dwelling would be approximately 300 metres away from the application site. The Council's Environmental Health Officer accepts that the information on noise that has been submitted with the application is very sparse. However, having regard to the site's context, the existing activities that are taking place on both the power station site and the adjacent Fawley Quarry, and the distance to nearby noise sensitive premises, they have concluded that the development should not result in levels of noise that would be harmful to residential amenities. There is considered no reason to disagree with the conclusions of the Council's Environmental Health Officer. However, given the concerns that have been raised, it is considered important that there are appropriate controls on hours of operation and that noise levels are monitored at key locations.

### Ground Conditions and Contamination

14.11 The applicant's Environmental Report includes details of the investigations that have been carried out in respect of ground conditions and contamination. Testing has concluded that there is a low risk to human health in a commercial end use scenario and that the risk to controlled waters is likely to be low. It is imperative that Hampshire County Council have full regard to the views of the Environment Agency on these matters.

### Flood Risk and Drainage

14.12 The development area is within an Area that is at Risk of Flooding (primarily a Flood Zone 3b area). The proposed use is a 'water-compatible development'. However, it is important that the proposal does not increase flood risk elsewhere. It is important that Hampshire County Council have full regard to the views of the Environment Agency on flood risk matters.

### Transport

14.13 Construction traffic would be limited to the excavation of the storage area and the construction of the bund. The Environmental Report submitted by the applicants indicates that such traffic would utilise the existing local road network and would have a minimal impact on existing transport infrastructure. It is suggested that vehicular movements associated with the operation would be restricted to private roads and would therefore have no impact on the wider highway network. It is felt that the applicant's assessment of transportation issues is light on detail. There is no estimate of likely vehicle movements associated with the

construction of the development or for any additional movements associated with the servicing of existing quarry clients. It is felt that these matters should be clarified to Hampshire County Council before a final decision is made. However, it is very unlikely that the proposal would generate a level of additional movements on the local highway network that would be harmful to highway safety, and as such, it is not felt that there would be reasonable grounds to object to this development on account of its impact on the local and wider highway network.

### Heritage

- 14.14 The nearest designated Heritage Asset to the application site is a Grade II Listed Building at Ower Farmhouse which is about 0.46km away from the application site. Given this distance and the intervening screening, it is not considered the proposal would be harmful to the setting of this building. Because the application site is on previously reclaimed land, impact on archaeological assets is not likely to be significant.

### Summary & Conclusion

- 14.15 The proposed development would constitute a significant new development on the southern edge of the Power Station site in close proximity to the New Forest National Park and sensitive nature conservation sites. There would be no in-principle policy objection to the development. However, the development will have a range of environmental impacts including visual impacts, noise impacts, air quality impacts, transportation impacts, and impacts on ecological interests. Based on the available evidence, it is not felt these impacts would be of a significance that would be unacceptably harmful. Therefore, it is recommended that New Forest District Council raises No Objection to the application, but with a number of significant caveats / conditions as set out in the recommendation below.

## **15. RECOMMENDATION**

### **Raise No Objection**

- a) that the development be permitted for a maximum 5 year temporary period only, with the land being restored to an appropriate condition within a suitable timescale thereafter.
- b) that construction hours and on-land vehicular movements be restricted to normal day time / weekday working hours.
- c) that there be regular noise monitoring at appropriate locations (the nearest noise-sensitive receptors).
- d) that additional information be sought before a decision is made in respect of the anticipated number of transportation movements during both the construction phase and the post construction phase.
- e) that development only be permitted if no objection is raised by Natural England, The Environment Agency, the Highway Authority and the Council's own ecological advisors, and that any concerns raised by these bodies be adequately addressed.

### **Further Information:**

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# New Forest DISTRICT COUNCIL

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Service Manager  
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New Forest District Council  
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## Planning Development Control Committee

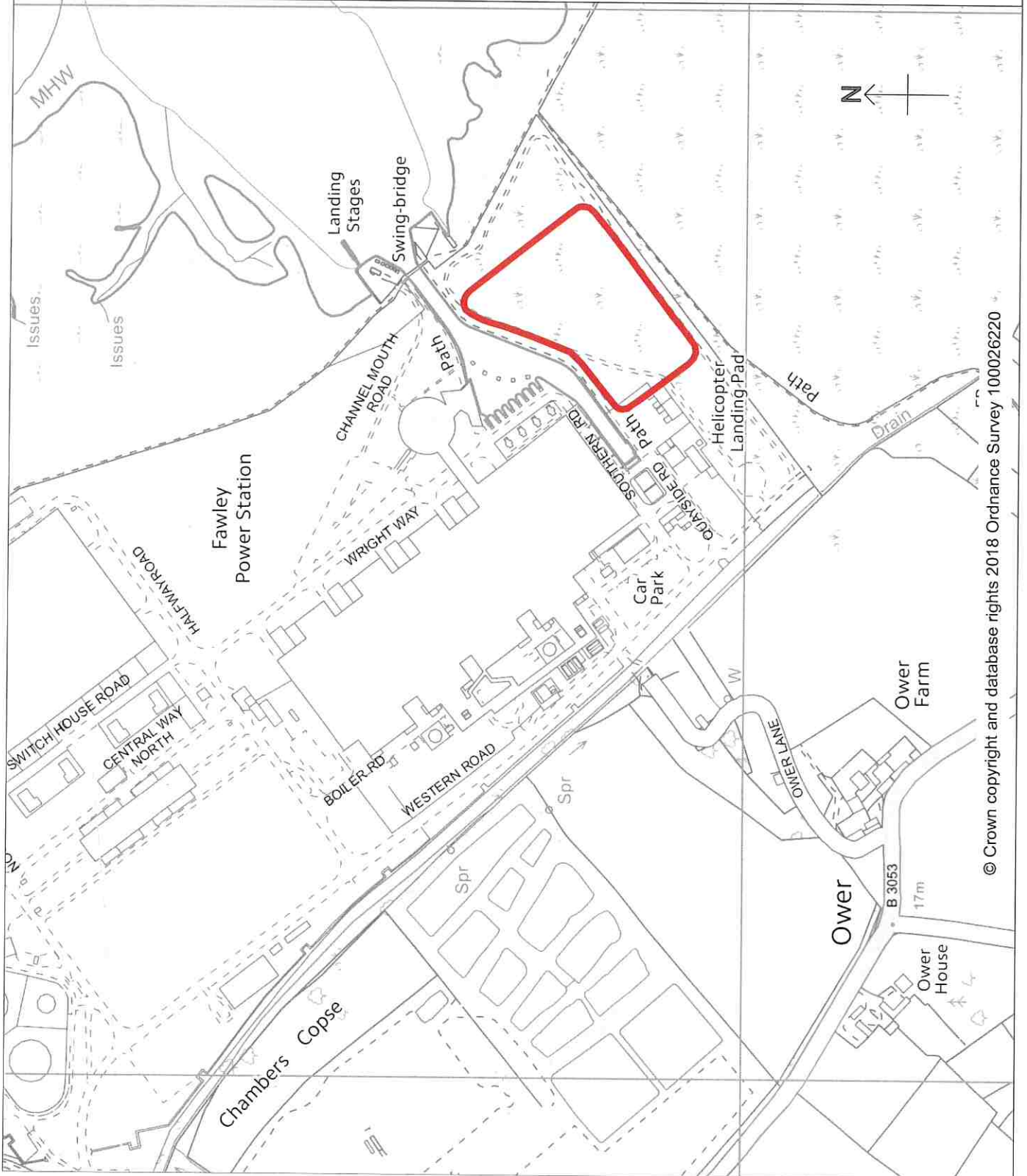
October 2018

Item No: 3c

Site of Fawley Power Station  
Fawley Road  
Fawley  
18/11145

Scale 1:5000

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



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**Application Number:** 18/11018 Full Planning Permission

**Site:** LAND OF UNITS A B D AND E, BROKENFORD LANE, TOTTON  
SO40 9DX

**Development:** 24 Dwellings comprised 18 houses; 1 block of 6 flats; associated parking; access; landscaping

**Applicant:** Fresh Developments (UK) Ltd

**Target Date:** 26/10/2018

**RECOMMENDATION:** Service Man Planning Grant

**Case Officer:** Stephen Belli

## 1 REASON FOR COMMITTEE CONSIDERATION

Shortfall in affordable housing provision

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Housing  
Town Centre Boundary  
Built up area  
Flood Zone  
Cycleway improvements

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

#### Objectives

1. Housing
3. Climate change
4. Character of towns and villages
5. Healthy towns and villages
6. Contributing to PUSH strategy
9. Biodiversity
10. Transport
12. Infrastructure and local services
13. Leisure and recreation

#### Policies

- CS1: Sustainable development principles  
CS2: Design quality  
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)  
CS6: Flood risk  
CS7: Open spaces, sport and recreation  
CS9: Settlement hierarchy  
CS10: The spatial strategy

CS15: Affordable housing contribution requirements from developments  
CS25: Developers contributions

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

DM3: Mitigation of impacts on European nature conservation sites  
DM5: Contaminated land  
TOT6: Land east of Brokenford Lane

### **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 Totton town centre urban design framework  
SPD Habitat Mitigation

### **6 RELEVANT PLANNING HISTORY**

- 6.1 **17/11557** – 24 dwellings comprised 18 houses and 6 flats; open space; parking and access – Outline application not yet determined
- 6.2 **17/11740** – 21 dwellings - permission in outline form has now been granted for the land to the east which is part of the same Local plan allocation. The decision notice and background officer report relating to that application is now lodged on line for public viewing. Application approved 8/08/2018
- 6.3 **13/10035** - Development of 48 dwellings comprised; 2 terraces of 6 houses; 2 terraces of 4 houses; 2 terraces of 3 house; 1 terrace of 4 houses and 4 flats; 1 terrace of 3 houses and 8 flats; 1 pair of semi-detached houses; block of 4 garages with flat over; parking; access; landscaping (Extension to time limit of Planning Permission 10/95182). Granted: 11 July 2013 - Expired
- 6.4 **10/95182** - Development of 48 dwellings comprised; 2 terraces of 6 houses; 2 terraces of 4 houses; 2 terraces of 3 house; 1 terrace of 4 houses and 4 flats; 1 terrace of 3 houses and 8 flats; 1 pair of semi-detached houses; block of 4 garages with flat over; parking; access; landscaping. Granted: 14 May 2010 - Expired

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

**Totton & Eling Town Council:** the Town Council are pleased to see that the layout of the site has been scrutinised and much improved over the past few months. The buildings are set back from the road with a good sense of space provided within the centre of the development. Adequate parking is provided as well as good individual and communal amenity space. Overall it is felt that the development strikes a good balance between the need for more housing on brownfield land and the desire for a good quality layout and open space provision on new housing sites. There is however significant disappointment about the lack of affordable housing provided on the site.



Recommended for PERMISSION, but would accept the decision reached by the District Council's Officers under their delegated powers

## 8 COUNCILLOR COMMENTS

None received

## 9 CONSULTEE COMMENTS

### 9.1 Hampshire County Council Highway Engineer:

- Access/internal layout – road into the site needs widening to 6m. Tracking for emergency vehicles needs to be shown. Trees along road near parking spaces block sightlines for pedestrians
- Parking/cycles – scheme has a shortfall in parking. 40 spaces required for unallocated spaces, shortfall will lead to on street parking adding to current problems in the area. Spaces shown directly outside the houses will become allocated which increases the shortfall. Also a significant shortfall in cycle spaces. Whilst there are shortfalls consideration will need to be taken of proximity of sites to public transport and local amenities.
- Trip rates – accepted that the net impact in comparison to previous industrial use is not expected to have a significant impact on the local network.
- Recommendation – the Highway Authority require further information before making a recommendation

### 9.2 Hampshire County Council Flood Risk Team

Land drainage consent required along with Ordinary Watercourse Consent. Further clarification required regarding surface water details. Long term maintenance and responsibility for any Sustainable Drainage System is agreed before permission is granted.

### 9.3 Hampshire County Council Children's Services

Given the size of the development and its expected pupil yield the County Council will not be seeking any contributions towards education infrastructure in the area.

### 9.4 Environmental Health Contaminated Land Team

The land does suffer from contamination in connection with previous heavy industrial uses. Remedial action is required to remove any contaminated material. Contamination in this case may result in sub surface soil as well as in groundwater. Recommend standard contaminated land conditions.

### 9.5 Landscape and Open Space Officer

Policy CS7, this part of the allocated site would usually have an on-site requirement of 0.2ha of play and 2.05ha of Informal POS per 1000 population. The remainder of the CS7 required 3.5ha/1000 pop. is to provide for Formal Sports provision, and this element is now covered as part of the CIL calculations.

Some POS is to be provided on-site but there is a shortfall requiring off site provision.

Off-site provision rate = 27,747.13 m<sup>2</sup>

The commuted sum for future maintenance that will go with the on-site transfer, will be based on the minimum POS amount that we charge which is £2,250

#### 9.6 Urban Design

Overall, the scheme appears positive and recommends approval. The latest plans have followed my advice to provide a strong street frontage. Pressure for car parking leads to a hard surfaced option but with good surface detailing and materials this will be acceptable. Consider that some amendments can be made to overcome highway issues and some further attention needed for this and general planting plans. Some other detailed layout and boundary treatment matters can be covered by a condition.

#### 9.7 Ecologist

No objection subject to securing the development to be carried out in accordance with the details for mitigation, compensation and enhancement outlined in the ecology report (although see following comment). I note that the report does not specify location of the various artificial bird and bat features required to meet policy requirements. I would accept the case officer's opinion as to whether the current report and application details contain sufficient detail for the Council to secure delivery and if not a suitable condition could be used to agree final details of the locations.

I welcome the appropriate assessment that has been completed and that appears suitable. Subject to securing relevant contributions to strategic mitigation, I am minded adverse effects can be avoided.

#### 9.8 Network Rail

Any properties alongside railway should be protected by an acoustic fence. Also refer to standard advice regarding no encroachment onto the railway during or after construction. Drainage arrangements should not prejudice the railway. Other comments made regarding the need to take into account the proximity of the railway to living conditions. Advice given to developer to confirm an Asset Protection Agreement prior to work commencing on site.

#### 9.8 NHS Foundation Trust Southampton

Detailed impact assessment submitted to demonstrate the impact of the development on existing and future capacity within the local health service. Consider that the developer should be required to fund infrastructure improvements. Considers this a piecemeal development which has not been planned for. They refer to Policy CS8 which states that the Authority will work with infrastructure providers to ensure development does not harmfully impact on local services. National guidance also supports this view. The NHS Foundation Trust therefore seek a contribution of £22,914.00 to meet the specific impact of this development.

#### 9.9 Strategic Gas Network

There may be gas services within or close to the site and advice is given to the developer to take this into account.

#### 9.10 Southern Water

Some water mains in the vicinity of the site which need to be safeguarded. The desk study of the impact from additional foul sewerage flows indicates a need to phase the development to align with SWW's capital programme of improvements. Request a condition to be imposed. Also request a condition relating to surface water to be agreed in consultation with both SWW and HCC flood authority. Any SUDs scheme will require long term maintenance.

#### 9.11 District Valuer

Has already confirmed that this scheme would not be able to support any affordable housing provision.

### 10 REPRESENTATIONS RECEIVED

One letter from nearest neighbour to site:

- What precautions will be taken regarding removal of asbestos
- Can overhanging trees in my garden be cut back
- Concerned about drainage and change in levels between site and my property
- Concerned about traffic congestion in the area.

### 11 CRIME & DISORDER IMPLICATIONS

Consideration given to site layout and secure by design principles

### 12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive New Homes Bonus (net increase in dwellings =21 x £1224 =£25704.00) 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 £171,899.60.

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 Site Description and Proposals

- 14.1.1 The application relates to a triangular shaped parcel of land some 0.36 ha in area fronting onto Brokenford Lane and seeks detailed planning permission for the erection of 24 dwellings together with provision of public open space, parking and access.

The residential units will comprise the following mix

- 3 x 1 bed flats
- 3 x 2 bed flats
- 6 x 3 bed houses
- 12 x 2 bed houses

- 14.1.2 The application site is currently vacant having previously provided for an industrial building that has been demolished. The application site forms the western parcel of a larger area which previously accommodated industrial uses. The application site is adjoined by the Waterloo - Weymouth railway line to the north and this separates the site from the town centre. However, there is a pedestrian footbridge over the railway at this point and Brokenford Lane is a well-used pedestrian route through to the town centre. Asda superstore lies just across the railway from the site and is accessed via a crossing point near the mini roundabout to the north albeit a more direct desire line crossing point has been created near the base of the railway footbridge.

- 14.1.3 To the east of the site lies another former complex of industrial buildings which are now vacant and the subject of permission under 17/11470 noted above. To the south of this lies an access road to a residential estate known as Jackie Wigg Gardens. South of this access road lies the remainder of the allocated housing site which is currently still in an active industrial use.
- 14.1.4 There are no heritage assets such as Listed Buildings or Conservation Area within or near to the site. Neither are any of the trees on or adjoining the site covered by a TPO.
- 14.1.5 The key considerations for this new application are
- Principle of development
  - Design and layout,
  - Neighbours privacy and general amenity,
  - Highway access and parking arrangements,
  - Contributions towards public open space
  - Ecology and habitat mitigation
  - Contaminated land
  - Flood risk
  - Viability in assessing the lack of affordable housing

#### 14.2 Principle of Development

- 14.2.1 This site, combined with land to the south either side of Jackie Wigg Gardens, is allocated for residential development under Policy TOT6 of the Local Plan Part 2. To this end, there is a history of planning permissions for residential development on this site with the most recent planning permission granted in July 2013. That planning permission has now lapsed but is a material planning consideration in the assessment of the current scheme. The application differed to that now submitted and also related to land to the south.
- 14.2.2 The principle of residential development on the land is however now well established. This new application may well supplant the earlier outline application. That application is being held in abeyance pending the outcome of this new detailed application.
- 14.2.3 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.
- 14.2.4 The site comprises previously developed land within the settlement boundary and which enjoys a current housing allocation. The site lies within walking distance of the town centre and its facilities

#### 14.3 Design and Layout

- 14.3.1 Policy CS2 and the SPDs set out the design requirements for new residential development taking into account local context and ensuring that the dwellings are appropriate in terms of their mass, materials and layout. In this case the site has a history of approval for a high density development. This current application is arranged in two distinct terraced blocks and a separate three unit block and two unit block. The one terrace adjoins Brokenford Lane

providing a new street running up to the base of the railway bridge, with the other terrace within the site and backing onto the adjoining site which also has an approval for residential development. The two smaller joined blocks complete the Brokenford Lane street scene.

- 14.3.2 The dwellings proposed are all, except for the block in the north western corner, two storey in height. The taller block is of 3 storey construction to accommodate the 6 flatted units. The dwellings will be faced in a mixture of red clay brick, and off white coloured render walls under plain tiles and slated roofs with traditional style casement windows.
- 14.3.3 A single point of vehicular access is provided onto Brokenford Lane which then leads into a central car parking area and public open space area. The new street onto Brokenford Lane allows the provision of parking spaces interspersed with planted areas in a front courtyard area between the road and the new dwellings.
- 14.3.4 The applicant has worked with the Council's Urban Designer and produced a Design and Access Statement to support their application. He confirms that, overall, the scheme is positive and recommends approval subject to conditions and resolving the minor layout concerns that need resolving. It is pleasing to note the support of the Town Council in matters relating to design and layout. Overall subject to detailed approval of material samples and the resolution of the detailed layout concerns, the design of the units is acceptable and in line with policy requirements. The design and layout set out will complement the adjoining development which has a detailed approval

#### 14.4 Local Amenity

- 14.4.1 Local amenity in this context falls into two broad categories i.e. impact on nearest neighbours from matters such as overlooking, loss of privacy, and noise during development, to the wider amenity of those who use this part of town to get to the town centre.
- 14.4.2 With regard to the first element the proposed layout has no major impact on adjoining dwellings. There are in fact only a small number of dwellings nearest to the site situated on Brokenford Lane which will be overlooked by the new houses. In particular the rear garden of Nos. 54 and 52 Brokenford Lane will be overlooked by the new south facing terrace of units. The new terrace is sideways on to Nos. 54 and 52 at a distance of 10m and 19m from their respective rear garden boundaries. This relationship given the limited number of first floor windows involved is acceptable. Similarly there is no significant loss of sunlight or daylight to the adjoining properties.
- 14.4.3 With regard to wider amenity the area together with the adjoining site has a run-down appearance. The application site has now been cleared and this taken in context with the adjoining site represents an opportunity to provide much needed housing and also to provide a significant townscape improvement in the local area.

#### 14.5 Highway Safety

- 14.5.1 The Highway Authority have raised a number of issues regarding the current layout which has been the subject of considerable discussion with the Planning Department through the lifetime of the current outline application. These discussions have culminated with the current detailed submission. The comments raised have been considered by the Urban Designer and case officer and there may be opportunities to resolve some of the issues raised. That said increasing the number of parking spaces will put at risk the design

concept now set out and will potentially lead to a loss of units which would make the scheme unviable. The shortfall in parking is noted but with at least one space being in reality allocated to each unit and 9 other unallocated spaces in a location close to the town centre this is considered a reasonable compromise. While the Highway Authority have raised issues with the current layout it is pleasing to note the Town Council have no objections to the design and layout as shown.

#### 14.6 Public Open Space

14.6.1 The site layout shows an element of public open space within the site along with tree planting areas. While there is no formal play space within the site contributions are to be made to open space provision off site as was the case with the allied residential permission on the other half of this allocated housing site. The off-site contribution of £27,747 can be secured by Section 106 Agreement along with a further on-site maintenance contribution of £2,250. The off-site contribution can be earmarked for public open space improvements along the strip of land connecting the site with the Eling recreation ground or within the recreation ground itself.

#### 14.7 Ecology and Trees

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.

14.7.3 In this case the developer has agreed to pay the required amounts for habitat mitigation and this will be covered in the Section 106 Agreement.

#### 14.8 Contaminated Land

14.8.1 The Environmental Health Officer's comments are noted above. There is a requirement on this occasion to impose a standard suite of conditions to deal with a remediation strategy and to provide a method statement for dealing with contaminants as well as future monitoring arrangements to safeguard against future contamination arising.

## 14.9 Flood Risk and Drainage

14.9.1 A flood risk assessment has been carried out in connection with the development and submitted with the allied outline application submitted previously. In addition the applicant has submitted a sustainable drainage scheme showing three large areas within the site to be used as attenuation type structures linked into an underground tank forming a 'hydrobrake' the purpose of which is to ensure that surface water flows leaving the site are at greenfield rates of run off so as to ensure there is no local flooding in the area. A detailed response from the agent to the comments of Hampshire Flood Risk team has been submitted which satisfies the points they make and officers agree that a condition can cover this matter. Southern Water have asked for a phasing condition to be applied. The agent has again responded stating that it would be unreasonable to require the applicant to carry out works not under his control and that phasing of the development in the way suggested would be unacceptable. The Case Officer agrees with this position.

## 14.10 Affordable Housing and Viability

14.10.1 The normal policy requirement for affordable housing for this scale of development is set out in Core Strategy policy CS15. In Totton the target is 40% (9.6 rounded up to 10 units). The policy goes on to say that 25% of the affordable housing should be for social rent and 15% of the total number dwellings will be for intermediate housing.

14.10.2 The Core Strategy policy has however been superseded by the latest government policy set out in the NPPF 2018. In this document affordable housing is now defined as

- Affordable housing for (social or affordable rent)
- Starter homes
- Discounted market sales housing
- Other affordable routes to home ownership such as shared equity
- Low cost market homes (20% below open market value)

14.10.3 The applicants in their outline application 17/11557 submitted a viability appraisal that indicated the development was not viable with any affordable housing because of other abnormal costs. The applicant's original viability appraisal submitted in December last year has been recently updated in June this year.

14.10.4 The District Valuer has assessed the viability appraisal and has concluded that the scheme would not be able to support any affordable housing provision. The view of officers is the development is not viable with any affordable housing. Government policy now is quite robust in saying that LPA's should not stand in the way of housing delivery if the scheme is shown to be non-viable with affordable housing costs added.

## 14.11 Other Matters

14.11.1 Throughout the preparation of our Local Plan Review 2016-2036 Part One: Planning Strategy we have not received any indication from the Southampton NHS Trust of a requirement for increased service delivery based on the proposed housing delivery within the plan area. As the proposals do not meet the definition for infrastructure then any contribution would need to be secured via a S106 agreement.

For a contribution to be legally secured it would need to meet the tests of Regulation 122 of the CIL Regulations 2010 (as amended) namely:



- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development

Their request states it to be required for service delivery but it is not clear how this would be achieved in relation to this specific development. The contribution requested does not appear to meet the test of Regulation 122 as:

1. There is no evidence to suggest that the medical needs of the occupiers of these new retirement homes are not already being met by the NHS in the current system.
2. There is no local evidence to suggest that the assumption of 2 people per flat is correct.

#### 14.12 Conclusions

14.12.1 The site is allocated for residential development and is an excellent opportunity to provide new housing in a sustainable location close to public transport and local amenities. While there are issues in relation to normal highway standards it is considered that in this case the overriding principles of good design and the sustainable location of the development outweigh those standards. There are no overriding matters or environmental harm caused by the development and subject to appropriate conditions and revised plans, the development is considered to be acceptable. While it is regrettable that the development because of abnormal costs will not be able to deliver affordable housing the scheme does deliver a range of unit sizes some of which will be of low market value. The site has lain vacant for many years and this proposal represents a good opportunity to create a quality townscape in this part of Totton.

14.12.2 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

<b>Proposal:</b>			
<b>Type of Contribution</b>	<b>NFDC Policy Requirement</b>	<b>Developer Proposed Provision</b>	<b>Difference</b>
<b>Affordable Housing</b>			
No. of Affordable dwellings	10 (rounded up from 9.6 units 40%)	0	10
Financial Contribution	n/a	n/a	n/a
<b>Habitats Mitigation</b>			
Financial Contribution	£20,994	£20,994	0

## CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	1784.9	0	1784.9	1784.9	£80/ sqm	£171,899.60 *
Subtotal:	£171,899.60					
Relief:	£0.00					
Total Payable:	£171,899.60					

\* 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:

- A. The applicant entering into an agreement under Section 106 of the Town and Country Planning Act (as amended) to secure the following:
  1. A financial contribution towards off-site public open space improvements of the sum of £27,747.13
  2. A financial contribution towards the future maintenance of the on-site public open space of the sum of £2,250.00; and
- B. The resolution of the layout concerns that have been raised by the Urban Design Officer.

### 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:
- FB4610/100 SITE PLAN
  - FB4610/201 BLOCK AND LOCATION PLAN
  - FB4610/203 ELEVATIONS BLOCK A
  - FB4610/202 FLOOR PLANS BLOCK A
  - FB4610/204 FLOOR PLANS/ELEVATIONS BLOCK B
  - FB4610/205 FLOOR PLANS/ELEVATIONS BLOCK C
  - FB4610/206 FLOOR PLANS/ELEVATIONS BLOCK D
  - FB4610/207 STREET SCENE AND ELEVATIONS
  - FB4610/209 SITE SECTIONS
  - FB4610/208 SUDS PLAN
  - GH1756 TREE CONSTRAINTS PLAN
  - GH1756B TREE PROTECTION PLAN

Reason: To ensure satisfactory provision of the development.

3. Before any construction of the dwellings hereby permitted takes place above slab level a schedule of all materials of the facing, roofing materials, hard surfaced areas, and means of enclosure 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 buildings and site in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park.

4. 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 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 site and the density of development, 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).

5. Prior to any windows being fitted into the dwellings hereby approved, the following details shall be submitted to, and approved in writing by the Local Planning Authority.
- a) Typical joinery details including window/doors, eaves, verge, bargeboards, depth of reveal and cill details, and means of openings for all windows.
  - b) Materials and colours to be used in the finish of all new windows and doors.

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

Reason: In the interests of the appearance and character of the development in accordance with policy CS2 of the Core Strategy.

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

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

7. 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 8 to 10 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 10 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).

8. 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).

9. Where a remediation scheme has been approved in accordance with condition 8, 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).

10. 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 8, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 9, 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 9.

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. 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. Prior to the occupation of any of the dwellings hereby approved details of the exact on site ecological mitigation measures to be installed shall be submitted to and agreed in writing with the Authority. Such details as may be agreed shall be fully installed on site prior to the occupation of the final dwelling.

Reason: To comply with policy CS3 of the 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. 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. The developers intention is drawn to the comments made by Network Rail and the need to safeguard all railway infrastructure. All fencing alongside the railway shall be dealt with as part of the planning conditions set out above.

**Further Information:**

Stephen Belli

Telephone: 023 8028 5588



**New Forest**  
DISTRICT COUNCIL

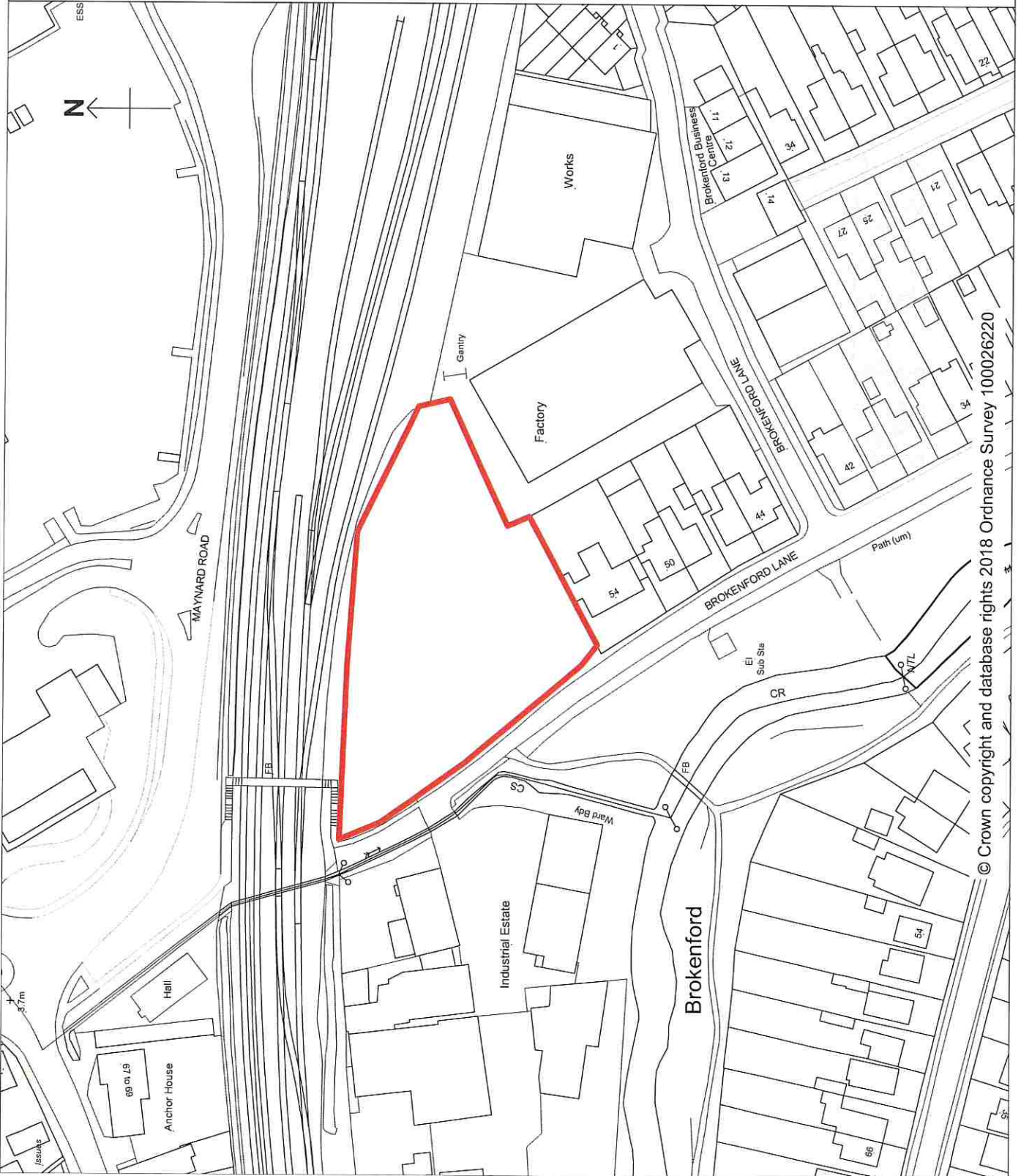
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David Groom  
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New Forest District Council  
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Lyndhurst  
SO43 7PA

**Planning Development  
Control Committee**  
October 2018

Item No: 3d  
Land of  
Units ABCD & E  
Brokenford Lane Totton  
18/11018

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



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Planning Committee 10 October 2018 Item 3 e

**Application Number:** 18/11019 Full Planning Permission

**Site:** THE OLD PINE STORES, SALISBURY ROAD, BREAMORE SP6 2EA

**Development:** Use as one dwelling; new windows to front and rear

**Applicant:** Mr Ward

**Target Date:** 21/09/2018

**Extension Date:** 12/10/2018

**RECOMMENDATION:** Grant Subject to Conditions

**Case Officer:** Jim Bennett

## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Policy and Parish Council view.

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Plan Area  
Breamore Conservation Area

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

CS1: Sustainable development principles  
CS2: Design quality  
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)

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

DM1: Heritage and Conservation  
DM19: Small local shops and public houses Outside of town centres and defined local shopping frontages  
DM20: Residential development in the countryside  
DM24: Loss of rural employment sites, shops, public houses and community facilities

## 4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

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

SPD: Parking Standards  
Breamore Village Design Statement

## **6 RELEVANT PLANNING HISTORY**

- 6.1 ENQ/18/20523/HDF - The applicant sought the Planning Authority's advice on the form of development proposed, which was broadly supported.
- 6.2 05/83897 - Retention of wall mounted signs - refused April 2005 - appeal dismissed
- 6.3 02/74429 - Change of use from a mixed residential and retail use to a separate residential use (flat above) and shop - granted May 2002

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

Breamore Parish Council - recommend REFUSAL, for the reasons listed.

- Members are disappointed with comments in the Officer's Report as the application is contrary to NFDC planning policy DM24 in relation to the loss of village amenities in rural locations
- The property should be marketed as a retail concern at a commercial rate prior to applying for change of use as it would be disappointing to see the remaining retail premises disappear from the village
- There are concerns in relation to lack of parking for a residential property - this concern has been raised by a resident via your online facility.
- The application is contrary to the Breamore Village Design Statement, particularly Planning Policy DW-E21 - Shop fronts in Conservation Areas
- Further to the change of use of The Old Forge (16/10602), the members will continue to seek to keep commercial and retail properties in the village and will support any future enforcement action.

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

- 9.1 Conservation Officer: the proposal for the change of use has been reasonably sympathetically carried out with very few changes to the front elevation and the proposal to retain the shopfront as it is, is to be encouraged. However the split window replacing the timber door at first floor level looks rather jarring and would not relate to anything else in the Conservation Area at this point nor would it respond to the character of the host building. Consequently it is suggested that the timber door is retained and pegged back against the wall of the building. Two sash windows to match the others in the building could then be fitted into this space. The timber door at first floor is integral to the character of the building and important as a remnant of Breamore's more humble past.

Amended plans have addressed the concerns raised in the previous consultation response and no objections are raised, subject to the following conditions:

- Permitted Development rights removed for the front elevation - no changes should be made to the shopfronts, front door, windows or timber door at first floor level without permission from the Local Planning Authority
- No vents, flues, ducts or pipes should exit the building via the front elevation
- Joinery details for the new front windows at a scale of 1:10 to be submitted and approved
- Details of the fixing of the door to the front elevation

## **10 REPRESENTATIONS RECEIVED**

10.1 One letter has been received, which states: "While having no major objections to the change of use, concern is raised over the lack of access to the rear of the property for car parking. The lack of parking space on the approach road is becoming a problem due, in part, to another recent change of use. This problem could be alleviated to some extent were the section on the ground plan named "Display" on the existing layout and "Studio" on the proposed layout, be re-designated as an integral garage, Were such a change approved, our stance would become "Support".

## **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 £15,091.42.

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 suitably amended plans were received in relation to fenestration arrangements and retention of the existing timber door, which satisfied the concerns of officers. Further supporting information was submitted by the applicant in light of the Parish Council's objection to the proposal, following consideration of which the scheme was acceptable as amended.

## **14 ASSESSMENT**

### **14.1 The site and proposal**

14.1.1 The proposal relates to the former Old Pine Stores premises fronting the Salisbury Road in Breamore. The Old Pine Stores is a non Listed Building within the Conservation Area of Breamore, bound on both sides by residential Listed Buildings of potentially earlier dates. The site is within the countryside, being outwith any defined built-up area.

14.1.2 The proposal relates to the ground and first floor of the premises, which was previously in retail use at ground floor, with a separate flat above. The applicant seeks alterations to the fabric of the building as well as the change of use of the whole building from an A1 retail use to use as a single dwelling.

### **14.2 Visual Impacts of the development**

14.2.1 Policies CS2, CS3 and CS10 of the Core Strategy relate to design quality and among other things, seek to ensure that development does not impact adversely on the character of the area. It needs to be considered whether the form and scale of the new development would be appropriate in the context of the conservation area. External alterations are limited to minor fenestration changes, which following receipt of amended plans are acceptable. The Conservation Team raise no objections subject to conditions to ensure appropriate detailing is incorporated into the finished scheme and to the removal of permitted development rights from the premises.

14.2.2 The Parish Council consider the proposal to be contrary to the Breamore Village Design Statement, in respect of shopfronts in Conservation Areas. However, there are no proposals to remove the existing shopfront or windows, which will be retained in situ.

### **14.3 Loss of the shop unit**

14.3.1 Policy CS20 of the Core Strategy seeks to protect retailing in village and local centres to help meet the needs of the local community. Emphasis is placed on the retention of premises in A1 use. Policies DM19 and DM24

seek to retain small local shops outside of town centres and defined local shopping frontages. Proposals which result in the loss of small local shops will not be permitted where the proposal would result in the loss of an important local facility or if this would leave the local area without such a facility.

14.3.2 The planning history of this building is pertinent to consideration of the current proposal. An application was approved in 2002 for the creation of a self-contained flat at first floor level with a shop retained below. Since 2003 the shop has been used as the Old Pine Stores for the sale of bulk durable pine furniture. While providing a retail facility, the type of retail offered by the Old Pine Stores (bulk durable) is not considered to provide an 'important local facility', unlike the post office/Happy Shopper, which previously occupied the premises. The Old Pine Stores does not offer a convenience retail outlet and members of the local community are unlikely to visit the premises frequently. The applicant explains that most of their business is conducted online and that the requirement for a retail outlet is much diminished recently. They go on to state that problems have been experienced gaining advertisement consent for signage on the premises, which the applicant considered would have enhanced the kerbside appeal of the retail premises. The applicant also states that marketing of the premises was considered, but discouraged by local agents and the application is supported by correspondence from a local estate agent stating that the premises is marginal in relation to its location and commercial viability.

14.3.3 In terms of central government guidance, there is a general steer and emphasis towards creating new residential development, highlighted by changes to government legislation as set out in the Town and County Planning (General Permitted Development) Order (GPDO), which permits the change of use of a building from retail (Class A1), to residential (Class C3) without requiring planning permission, through the Prior Approval procedure. In this case, the change of use requires planning permission only because the building is within a conservation area. In balancing out the issues, whilst the proposal would result in the loss of a retail use, it is not felt the loss of this bulk durable retail unit, in a rural location and a predominantly residential area would have a materially harmful impact on community facilities or economic vitality of the area. In this instance officers consider that provision of an additional dwelling would outweigh the limited harm caused by loss of the retail use, particularly in light of the need for additional housing across the District. Consequently officers consider the proposed development may be supported, as a departure to the provisions of Policies CS20, DM19 and DM24.

#### **14.4 Housing within the Countryside**

14.4.1 Policy DM20 states that residential development in the countryside will only be permitted where among other things it is; a limited extension to an existing dwelling; or the replacement of an existing dwelling. 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. The purpose of the policy is to prevent indiscriminate residential development in the countryside. While the proposal is not for limited extension or replacement of a dwelling, it will not increase the built form of development, its character impacts

would be acceptable and the principle of residential development may be supported, subject to the removal of permitted development rights for further extensions. In addition, this proposal would not result in the formation of a new dwelling as the existing first floor flat would be replaced by a single dwelling. Furthermore, 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 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.

#### 14.5 Amenity Impacts

14.5.1 In terms of neighbouring amenity, the insertion of a new window in the front of the building and use of the ground floor for residential purposes would not result in any significant detriment to adjoining residential amenity, in accordance with Policy CS2. The level of amenity space provided for future occupiers is acceptable. Concern is raised over the lack of access to the rear of the property for car parking, as the lack of parking space on the approach road is becoming a problem. In light of the extant permission for retail use of the premises, with residential above, it is not anticipated that use of the building as a single dwelling would result in significant additional traffic movements or parking problems, when compared with the fall-back position to use the premises for bulk durable retail and residential.

#### 14.6 Conclusion

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

### Section 106 Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
<b>Affordable Housing</b>			
No. of Affordable dwellings	0	0	0
Financial Contribution	0	0	0
<b>Habitats Mitigation</b>			
Financial Contribution	0	0	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	224	67.3	156.7	156.7	£80/sqm	£15,091.42 *
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Subtotal:	£15,091.42
Relief:	£0.00
Total Payable:	£15,091.42

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

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

Where:

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

R = the levy rate as set in the Charging Schedule

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

## 15. RECOMMENDATION

### 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: Drawing nos. 1802/01, 1802/02, 1802/03A, 1802/04A, 1802/05, Heritage Statement dated 27th July 2018 and Design and Access Statement dated 20th July 2018

Reason: To ensure satisfactory provision of the development.

3. Before development commences, details of the following shall be submitted to and approved in writing by the Local Planning Authority:
- Joinery details for the new front and rear windows at a scale of 1:10;
  - Details of the fixing of the first floor timber door to the front elevation;
  - Details of vents, flues, ducts or pipes.

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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any re-enactment of that Order) no changes shall be made to the shopfronts, front door, front windows or timber door at first floor level without permission from the Local Planning Authority having first having been granted.

Reason: To ensure that any future development proposals do not adversely affect the visual amenities of the area or character of Breamore Conservation Area, contrary to Policies CS2 and CS3 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM1 of the Local Plan Part 2 Sites and Development Management Development Plan 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. No vents, flues, ducts or pipes should exit the building via the front elevation.

Reason: To ensure that such additions do not adversely affect the visual amenities of the area or character of Breamore Conservation Area, contrary to Policies CS2 and CS3 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM1 of the Local Plan Part 2 Sites and Development Management Development Plan Document.



**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 suitably amended plans were received in relation to fenestration arrangements and retention of the existing timber door, which satisfied the concerns of officers. Consequently the scheme was acceptable as amended.

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:**

Jim Bennett

Telephone: 023 8028 5588



# New Forest DISTRICT COUNCIL

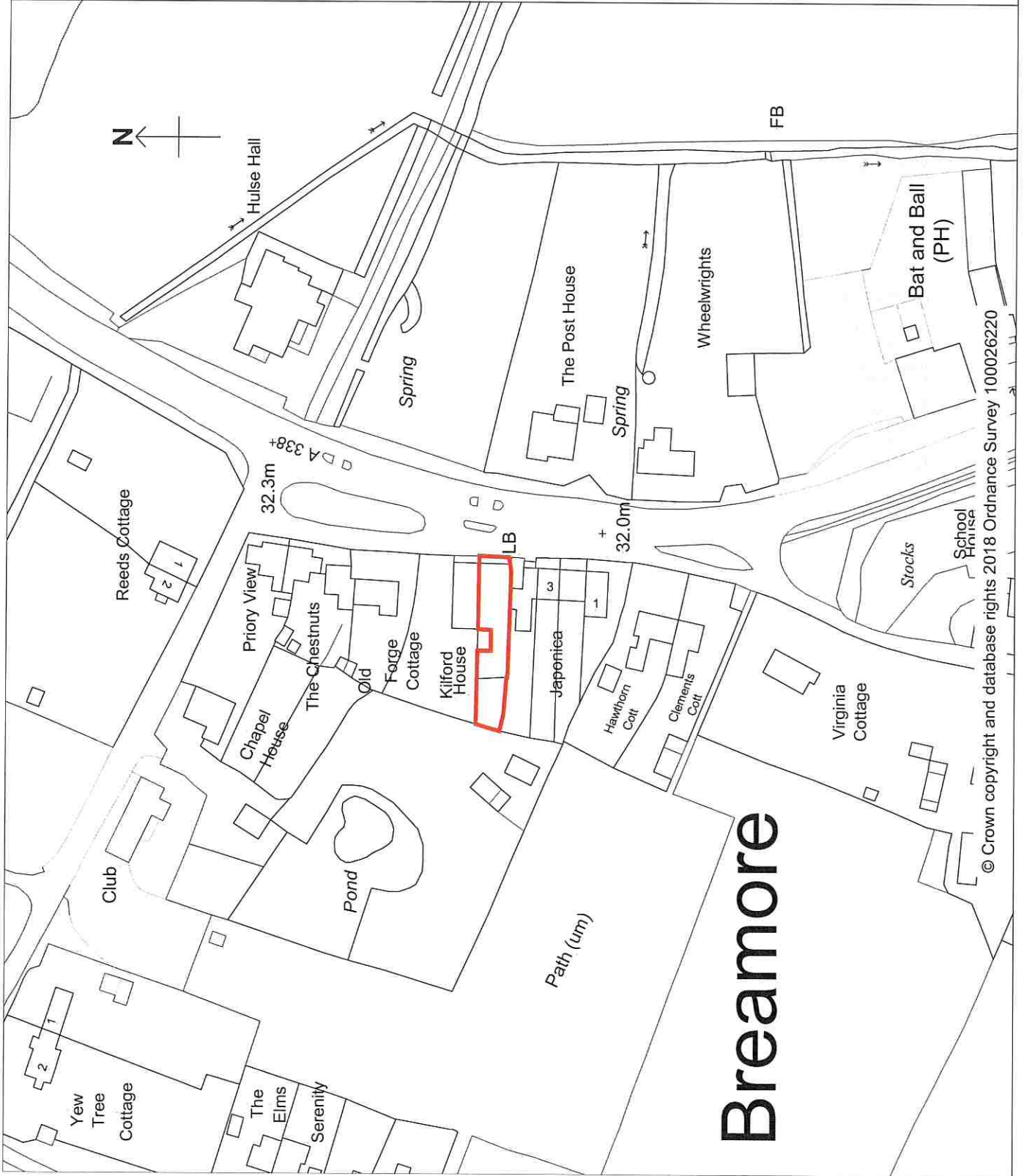
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David Groom  
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Planning and Building Control  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

**Planning Development  
Control Committee**  
October 2018

Item No: 3e  
The Old Pine Stores  
Salisbury Road  
Breamore  
18/11019

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



# Breamore