

NOTICE OF MEETING

Meeting: PLANNING COMMITTEE

Date and Time: WEDNESDAY, 14 NOVEMBER 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

PUBLIC PARTICIPATION:

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

Bob Jackson
Chief Executive

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

AGENDA

Apologies

1. MINUTES

To confirm the minutes of the meeting held on 10 October 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) **Haven Marine Park, Undershore Road, Boldre (Application 18/10541) (Pages 1 - 24)**

Two buildings to comprise a total of 11 separate units to be used as car parking, storage (Class B8) including marine based business use on the ground floor and on the first floor as offices and light industrial (Class B1), removal of existing car park and boat storage to restore Site of Importance for Nature Conservation, boardwalk terraces; bin/cycle storage; access road; parking; landscaping; demolition of existing (Amended Plans, Description and Additional Information).

RECOMMENDED:

Grant subject to Conditions.

(b) **Land of Buckland Granaries, Sway Road, Lymington (Application 18/10910) (Pages 25 - 32)**

Diversion of footpath.

RECOMMENDED:

The Committee exercised its discretionary power to make the Order and planning officers be authorised to follow the procedure detailed at paragraph 3.

If paragraph 3.1.9 applies, the Committee to delegate authority to the Service Manager for Planning to confirm the Order.

If objections are received following the making of the Order which are not withdrawn, officers must refer this matter back to the Committee for consideration.

(c) **31 Hampton Lane, Blackfield, Fawley (Application 18/10999) (Pages 33 - 38)**

Part use of dwelling for dog breeding

RECOMMENDED:

Grant Temporary Permission

(d) **16 Chessel House, Fernhill Lane, New Milton (Application 18/11003) (Pages 39 - 46)**

Removal of condition 5 of planning permission 17/10973 to allow rooflights on west elevation to be clear glazed and opening.

RECOMMENDED:

Grant subject to Conditions.

- (e) **Land at Merlin, Lymington Road, Milford-on-Sea (Application 18/11022) (Pages 47 - 66)**

Development comprised 1 terrace of 3 houses; 1 detached house; demolition of existing; parking and landscaping.

RECOMMENDED:

Grant subject to Conditions.

- (f) **30 Barton Drive, Barton-on-Sea, New Milton (Application 18/11042) (Pages 67 - 76)**

2 detached bungalows; associated parking; demolish existing.

RECOMMENDED:

Grant subject to Conditions.

- (g) **Chilfrome and Hainault, Lower Pennington Lane, Pennington, Lymington (Application 18/11047) (Pages 77 - 82)**

Single-storey front extensions.

RECOMMENDED:

Refuse.

4. MILFORD ON SEA (MOS1 SITE) APPEAL (APPLICATION 17/10606) - REPORT TO FOLLOW

To note the statement of case for the forthcoming appeal.

5. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

To:

Councillors:

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

Councillors:

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

STATUTORY TESTS

Introduction

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

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

The Development Plan

The Development Plan Section 38

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

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

Listed Buildings

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

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

Conservation Areas

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

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

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

Considerations relevant to applications for residential development

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

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

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

Areas of Outstanding Natural Beauty (AONB's)

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

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

Trees

Section 197. Trees Town and Country Planning Act 1990

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

Biodiversity

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

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

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

Conservation of Habitats and Species Regulations 2010

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

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

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

Equality

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

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

Financial Considerations in Planning

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

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

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Planning Committee 14 November 2018 **Item 3 a**

Application Number: 18/10541 Full Planning Permission

Site: HAVEN MARINE PARK, UNDERSHORE ROAD, BOLDRE
SO41 5SB

Development: Two buildings to comprise a total of 11 separate units to be used as car parking, storage (Class B8) including marine based business use on the ground floor and on the first floor as offices and light industrial (Class B1), removal of existing car park and boat storage to restore Site of Importance for Nature Conservation, boardwalk terraces; bin/cycle storage; access road; parking; landscaping; demolition of existing.

(AMENDED PLANS, DESCRIPTION & ADDITIONAL INFORMATION)

Applicant: Yacht Havens Group Ltd

Target Date: 23/07/2018

Extension Date: 15/11/2018

RECOMMENDATION: Grant Subject to Conditions
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Case Officer: Richard Natt

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council View

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside outside the New Forest

Green Belt

Flood Zone

Adjacent to SSSI

Adjacent to National Park

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
4. Economy
6. Towns, villages and built environment quality
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
CS10: The spatial strategy
CS17: Employment and economic development
CS24: Transport considerations

Local Plan Part 2 Sites and Development Management Development Plan Document

DM1: Heritage and Conservation
DM2: Nature conservation, biodiversity and geodiversity
DM22: Employment development in the countryside

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Parking Standards
SPD - Lymington Local Distinctiveness
SPD -Lymington Conservation Area Appraisal

6 RELEVANT PLANNING HISTORY

- 6.1 Change of Use from Light Industrial to General Industrial Use (86/31046) - refused 18/3/86 - appeal allowed 7/5/87
- 6.2 Access to Haven Marine Park & Island Point Flats (16/11137) - granted 12/4/17
- 6.3 14 office/ light industrial units in 2 linked blocks with covered boardwalk (Use Class B1) including marine based use, access road, parking, landscaping - demolition of existing (17/10121) Refused on the 10th May 2017.

7 PARISH / TOWN COUNCIL COMMENTS

Boldre Parish Council

Boldre Parish Council supports the need for the redevelopment of this site with suitable work units in this area.

However we question whether these proposals fulfil the criteria required by local industrial/commercial needs and states that clarification is required as to:

- 1. The definition of storage in practical terms.
- 2. Parking is not explained adequately. The agent has explained that Hampshire Highways have given an explanation but BPC has not been given this information. Despite the agent's explanation BPC believes:
 - a. A significant quantity of ground floor parking is likely to be used for storage

- b. The central outside parking area will be unusable when any significant deliveries are received
- 3. The provision of flexibility of unit size and space provided.
- 4. How this relates to specific business requirements.
- 5. Reassurance that existing permission for industrial use should be allowed to continue on this site.
- 6. Significant flooding has been experienced on this site in recent years. No explanation of flood alleviation has been provided. Parking and storage will be impossible at times.
- 7. The extension in gross internal area, which must include the ground-floor (from 1796 to 3130 square metres) is not explained

Without this critical information Boldre Parish Council feels it has to oppose permission at this stage However, we would hope a delay would allow the details of concern to be addressed.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Southern Water: No objections to the proposal. There is no public foul sewer in the vicinity of the site. The applicant is advised to examine alternative means of foul sewage disposal. The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.
- 9.2 Environment Agency: No Objection Subject to conditions. It is considered that the proposals represent an improvement in flood risk terms compared to the existing site.
- 9.3 Natural England: No objection subject to condition. This application is in close proximity to Lymington River Site of Special Scientific Interest (SSSI), Hurst Castle and Lymington River SSSI and Lymington River Reedbeds SSSI. However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted. We therefore advise your authority that this SSSI does not represent a constraint in determining this application
- 9.4 Waste Management (NFDC): Waste and Recycling recommend that the bin store is relocated for ease of access for refuse vehicles who may have difficulty manoeuvring to the current placement.
- 9.5 Hampshire County Council Highways Engineer: No objection subject to condition. The level of car parking proposed accords with the recommend guidance set out in the SPD and the proposal would not materially increase the use of the existing access . The proposed layout also provides tracking plans for all vehicle types.

- 9.6 Conservation Officer: The design has improved since the previous application and now presents a much more positive built form. The design of the individual buildings has more quality and a number of other elements have been enhanced. The frontage elevations are well designed and this could be thought about at the rear where the materiality looks a little plain. The restoration of the SINC and the landscaping along the waterfront is positive step. The proposed courtyard car parking is rather bland.
- 9.7 Ecologist: No objection subject to conditioning final detail of the Construction Environment Management Plan (CEMP) and measures for biodiversity mitigation and enhancement, including SINC restoration. The outline details already provided indicate accordance with policy is capable of being delivered, particularly in the light of the footprint changes which have occurred, however to ensure appropriate control over the delivery final details would be necessary. These may usefully address the issues raised by Natural England in their response.
- 9.8 NFDC Environmental Health (Pollution): No objection subject to condition. The proposed site is close to residential flats. Although this proposal is for B1 use, which should have a limited impact on residential properties, experience has shown that B1 use can have a negative impact on residential properties when they are in close proximity and the use is not suitably controlled. The applicant has submitted an 'Environmental Noise Survey and Noise Impact Assessment Report' as part of the application which puts forward plant noise emission criteria, using BS4142:2014 to establish a background level, and advising that the rating level from plant and equipment (including any penalties) should not exceed the measured background levels. Noise levels from plant and equipment should be restricted to within the levels outlined in this report and a condition will need to be imposed.

In addition, this department has concerns regarding the use of the outside areas for storage, as experience has shown that vehicle movements (such as forklift trucks) and other such noises associated with storage can cause significant loss of amenity when in close proximity with residential properties. As a result it is recommended that a condition is imposed to limit the use of the area as B8 storage. Further to the above, concerns are also raised in respect of the impact associated with noise during the construction/ demolition phases and therefore a condition limiting the hours of construction/ demolition works is requested.

- 9.9 Environmental Health (Contaminated Land): No objection in principle to the proposed development as submitted, however, the planning permission should only be granted to the proposed development as submitted if conditions are imposed. 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.
- 9.10 Economic and Business Development Manager: Support. This proposed employment site strongly aligns with the identified action in the New Forest District Council Economic Development Strategy 2018-23 of "*Work to facilitate the increased number of flexible/incubator business units and/or those suitable for business expansion*". In this respect it is important that such developments are supported in order to facilitate a strong, vibrant economy where indigenous business has the opportunity to expand, in so doing retaining their local workforce and associated

supply chains. The development of this site will significantly improve the quality of premises on the site; attracting high added value businesses, particularly those within the marine sector for whom there is currently poor local supply. I believe that this development will offer a substantial asset to the local commercial property provision through its offer of units not supplied in sufficient volume elsewhere in the southern area of New Forest District.

- 9.11 New Forest National Park Authority: Object. In summary, the development would have a detrimental impact on the adjacent National Park landscape and local distinctiveness with light spillage from large glazed elevations and also an intensive built form which does not reflect the rural qualities of the neighbouring area.

10 REPRESENTATIONS RECEIVED

- 10.1 12 letters of objection concerned with the following:

Whilst there is general support for the proposed redevelopment of the site, the proposal submitted is unacceptable for several reasons. The proposed buildings are significantly bigger and taller than the existing buildings and would have a more imposing impact on the character and appearance of the area. The previous application was refused and it is considered that this current proposal has not addressed these concerns. The proposal would fail to comply with the Green Belt test.

The proposal has a significant increase in floor space compared to the existing building. Concerns over car parking. The use of the 22 parking spaces within the fully enclosed building is a device to avoid the parking requirement for this large scale development. As a result the total proposed number of parking spaces is unworkable unacceptable and would result in random parking across the site. The proposal should be refused for insufficient car parking.

The application forms relating to the proposed floor space measurements are inaccurate. Such errors have implications for parking, green belt and planning fees. The Planning Certificates are incorrect in which the red line extends across the existing access and the other owners have not been served notice on. The application should not have been validated. Potential for mezzanine floors.

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

No relevant considerations

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

Officers raised concerns over certain aspects of the proposal including design and layout issues, and car parking. Revised plans have been submitted and the application has been re-advertised. The roof form to units 1 and 2 has been simplified, enhancements made to the design of the rear facing elevation and additional car parking has been provided, which is mainly within the proposed ground floor units.

14 ASSESSMENT

14.1 Site and Location

14.1.1 Haven Marine Park is an industrial development on the eastern side of the Lymington River in an area that is designated as Green Belt. The existing building on the site, which dates from the 1950s and 1960s, is partly single-storey and partly 2-storey. The building, which has a number of distinct visual elements, is broken up into a number of individual units occupied by different marine related businesses. It is evident that the building on the site which is constructed from concrete block, brick work, render, painted masonry and asbestos cladding is not attractive and fails to enhance the character of the area. The site has a long river frontage, and the existing building extends along roughly the southern two-thirds of that river frontage, leaving the northern third of the site a more open area for boat storage and vehicle parking.

14.1.2 The site is set immediately to the north side of the railway line leading to Lymington Pier. The nearest residential properties to the application site are 1-10 Island Point, which is a 3-4 storey apartment block set immediately to the east of the application site. Both this apartment block and Haven Marine Park itself are currently served by a long gravel access track that leads onto Undershore Road. The land to the

east side of Undershore Road is within the New Forest National Park, and also forms part of a designated Conservation Area known as the Forest East Conservation Area. Closer to the site, the railway bridge that almost abuts the south-western corner of the site forms part of the Lymington Conservation Area. The site lies within Flood Zone 3.

- 14.1.3 The development located on the opposite side of the Lymington River is the former Webbs Chicken factory, now known as Lymington Shores, that is nearing completion. This provides new housing, retail and commercial uses. The development immediately faces the application site, overlooking the waterfront and consist of large contemporary apartments rising to three and four stories.
- 14.1.4 It should be noted that although a B2 General Industrial use was permitted at this site on appeal in 1987, that permission restricts the B2 use to very specific boat building activities. The site cannot therefore be used for unrestricted General Industrial purposes.
- 14.2 The proposal
- 14.2.1 The submitted planning application essentially seeks to redevelop the whole site for business and commercial purposes. The proposals seek to demolish the existing building and to replace them with 2 two storey buildings, car parking, landscaping and a boardwalk. It is also proposed to remove the unauthorised hardstanding used for car parking on the northern part of the site and to restore this land as a Site of Importance for Nature Conservation.
- 14.2.2 The proposal seeks to provide 11 separate units within 2 buildings. The ground floor of the buildings would be used for car parking and storage uses (Use Class B8) including marine based business use (this will be ancillary to the main storage use). The ground floor level storage has been designed so that it is could be flooded in an extreme storm/tidal event with minimal impact. The first floor of the buildings would be used for office and light industrial (Class B1). The use of the ground floor storage space would be linked directly with the first floor B1 uses.
- 14.2.3 The proposal would provide around 1565 (Gross External Area) square metres of ground floor space to be used for car parking, storage and marine related activities. The proposed first floor would provide 1246 square metres (proposed internal useable floorspace) and would be used for offices and light industrial. It should be noted that some of this floor space is for ancillary accommodation (bike stores/ lobby etc). The overall internal floorspace of the proposed buildings would exceed the internal floor space of the existing building. However, the gross ground floor footprint of the proposed building would be less than that of the existing building.
- 14.2.4 The proposed buildings would broadly be sited in the same position as the existing building. The main difference is that one of the proposed buildings (Units 1 and 2) would extend further along the waterfront. In addition, the proposed buildings would not extend as far back on the site to the east. Equally, the proposed buildings would be taller in height, but there are more open gaps between the buildings.

14.2.5 The application specifically proposes that the development be served by the existing access onto Undershore Road and not the new access that was recently approved. Car parking for the development would mainly be provided on land to the east. In total 55 car parking spaces would be provided, 33 of which would be on the external courtyard and 22 to be provided on the ground floor of the buildings.

14.3 Planning history

14.3.1 A planning permission was refused under reference 17/10121 to redevelop the site, by demolishing all of the existing buildings and replacing them with 14 office units in 2 linked blocks. The detailed layout showed that the ground floors of the 14 units would be used for storage only, with all office accommodation being sited at first floor level. A total of about 1500 square metres of first floor office space was proposed.

14.3.2 That planning application was refused for two reasons. The first reason was on the grounds that the proposed redevelopment of this site would be detrimental to the character and appearance of an area of countryside that forms part of a designated Green Belt, and which is in close proximity to the New Forest National Park, the Forest East Conservation Area and the Lymington Conservation Area.

14.3.3 The second reason for refusal was on the grounds that part of the application site where car parking was proposed forms part of a designated Site of Interest for Nature Conservation (SINC). It was considered that the submitted Ecological Appraisal failed to adequately assess potential impacts on the ecological interest of this land, and therefore it had not been adequately demonstrated that the development could be provided without adversely affecting ecological interests.

14.4 The principle of development

14.4.1 The application site falls outside the defined built-up area of Lymington and is therefore subject to countryside policies and in particular, Green Belt policy.

14.4.2 The Council's spatial strategy, as expressed in Policy CS10 of the Local Plan (part 1) seeks to retain existing employment and business sites and more generally, the policy also seeks to safeguard the countryside and coast from encroachment by built development.

14.4.3 There would be no 'in principle' objection to the redevelopment of the existing building for employment purposes. The proposed redevelopment would be consistent with the Council's Core Strategy Policy CS17 which seeks to keep all existing employment sites. Moreover Policy CS21 which relates to the rural economy encourages improvements and redevelopments that will help maintain and enhance the environment and contribute to local distinctiveness, together with encouraging enterprises that have little adverse environmental impacts (such as design/ research activities).

14.4.4 This said, the proposal would result in some change to the character of the employment uses on the site, the existing boat building uses being essentially replaced by offices and light industrial uses which

could include research and development. Although it should be noted that the applicant has made it clear that some of the existing tenants that are currently based at Haven Marine Park would be re-located on the new development, the new development would also provide a range of other employment opportunities.

- 14.4.5 However, because the site is not expressly safeguarded for marine-related businesses under Policy DM11, the site does not have a slipway; and the use proposed would not preclude marine related businesses occupying the site, it is felt that the use proposed would be an acceptable one. Indeed the Economic and Business Manager fully supports the proposal and states that the proposed employment site strongly aligns with the identified action in the New Forest District Council Economic Development Strategy 2018-23 of “*Work to facilitate the increased number of flexible/incubator business units and/or those suitable for business expansion*”. In this respect it is important that such developments are supported in order to facilitate a strong, vibrant economy where indigenous business have the opportunity to expand, in so doing retaining their local workforce and associated supply chains. The development of this site will significantly improve the quality of premises on the site; attracting high added value businesses, particularly those within the marine sector for whom there is currently poor local supply.
- 14.4.6 The Government attaches great importance to Green Belts. The National Planning Policy Framework (NPPF) advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Those policies indicate that the construction of new buildings in the Green Belt is inappropriate, other than for specific exceptions. One of the exceptions, as set out under Paragraph 145, c), includes the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. A further exception,(set out under Paragraph 145, g) applies to the complete redevelopment of previously developed sites, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
- 14.4.7 The proposal certainly amounts to the complete redevelopment of this brownfield site and, therefore, could apply providing the new development does not have a greater impact on the openness of the Green Belt than the existing development.
- 14.4.8 In assessing the impact on the openness of the Green Belt, the existing building occupies a significant proportion of the site, with built form covering most of the southern and central part of the site extending across the waterfront. The external space is generally laid to hardstanding used for car parking, open storage (mainly boats being stored) and there are a number of shipping containers. Other than the existing building, the remainder of the site is laid to concrete and used for storage and car parking with little greenery or trees. It is also noted that the existing building is one structure with no gaps between.
- 14.4.9 The supporting Statement states that the total combined floor area (Gross external areas of the existing main building) equates to 1596 square metres and spans the majority of the site. The total combined floor space of the existing main building, including the outbuildings and

containers is 1647 square metres. There are also areas of open storage and hardstanding. This is considered to have a negative impact on the openness of the Green Belt. The proposed gross ground floor area equates to approximately 1565 square metres.

- 14.4.10 The existing building is between one and two storeys high and parts of the building incorporate sloping roofs and low eaves. The height of the buildings range from approximately 3 metres to 7.5 metres, but predominately, the buildings range between 6 and 7 metres in height. Equally the existing building has a very solid appearance. Accordingly it is considered that the site has a very congested appearance with buildings, cars and open storage.
- 14.4.11 In assessing the case made and whether the proposal has a greater impact on the openness of the Green Belt, although the number of proposed buildings and overall internal floor space is above that of the existing building, the Courts have held that the concept of “openness” in the Green Belt is not simply about the quantum of development but includes an assessment of how “built-up” the site would appear following redevelopment as compared to before redevelopment.
- 14.4.12 In terms of the proposed layout of the development, the site coverage of the new buildings would be marginally smaller than the existing building. The main difference is that the proposed buildings would extend further along the waterfront compared to the existing building, whereas the current building extends deeper into the eastern part of the site. Because the proposed buildings would extend further across the waterfront, this has created a larger open area behind the proposed buildings to the east. This would give the impression of the site being less congested and cramped and would also be perceived as being more spacious creating a larger area of openness on the site. In addition, the proposed buildings would have a number of gaps created, whereas the existing building is one single solid building. Overall, it is considered that the proposed layout does provide a number of positive benefits in terms of visual impact.
- 14.4.13 Visually the proposed buildings would be taller than the existing building, which doesn't help the applicants case in terms of assessing the impact on the openness. However, the design and form of the proposed buildings with front gables and gaps between the roofline creates articulation and this reduces the overall scale and massing of the buildings. In addition, the front elevation facing the riverside would incorporate large areas of glazing, which helps reduce the perception of the building given its reflective appearance. This is an important point given that the existing building has a much more solid appearance.
- 14.4.14 Overall, it is considered that the proposed development would not have a greater impact on the openness of the Green Belt or the purposes of including land within it than the existing development and would therefore not be inappropriate development in the Green Belt which would accord with Policy CS10 of the Local Plan Part 1 and Paragraph 145 of the National Planning Policy Framework.

14.5 Landscape and Design Considerations

- 14.5.1 With regard to the general countryside and landscape protection policies. Policy DM22 of the Local Plan Part 2 allows for the redevelopment of existing employment sites in the countryside, provided the development is of an appropriate design, scale, and appearance, and is not harmful to the rural character of the area by reason of visual impact, traffic and other activity generated or other impacts. In this case, the site is one with a prominent riverside frontage. The applicants have submitted a Landscape and Visual Impact Assessment.
- 14.5.2 The whole of the site lies within the countryside and Green Belt and lies immediately adjacent to the boundary of the New Forest National Park, which runs along the east side of Undershore Road. In addition, the area of National Park closest to this site lies within the National Park Authority's Forest East Conservation Area. There are a number of listed buildings within this area, but not immediately adjacent to the site. A portion of the site within the application boundary is designated a Site of Importance for Nature Conservation and as such could not be developed. However this area has been used for storage and car parking.
- 14.5.3 The site is clearly visible from a range of public viewpoints on the western side of the Lymington River (notably the town quay) and the recent development at Lymington Shores, together with the tollbridge to the north, and the railway line that runs very close to the site. The existing buildings on the site are solid unattractive industrial buildings which do not positively contribute to the riverside or the wider character of the area. The existing units are of poor quality and have been extended and adapted in an ad hoc manner over a number of years using a mix of facing materials. Some of which are in a poor state of repair. There is no existing landscape structure or planting on the site. In addition, the external spaces are dominated by hardstanding, containers and open storage (including boat storage).
- 14.5.4 The proposed development seeks to create an attractive riverside frontage comprising a run of individual buildings with front facing glazed gables. The materials used would be modern and sympathetic to the 'marine' surroundings. For the most part, the proposed buildings would broadly be sited on the footprint of the existing building, but would stretch further along the riverside, and would not extend so far back from the waterfront. The proposed buildings have been designed with a strong vertical emphasis and simple roof form, which would be taller than the existing building, with a number of gaps between the buildings. Equally the proposed building would have a far more elegant form with its pitched roofs which have the appearance of 'old boat sheds', one might expect to see along a waterfront. Indeed, it is considered that the overall design of the individual buildings has more quality and the frontage elevations are well designed which would make a positive enhancement to the character of the area.
- 14.5.5 The site would be landscaped, with amenity and car parking, which will deter any open storage and use of containers. Moreover, it is proposed to restore the former SINC which will enhance the visual appearance of the site and also benefit ecology. The final details of the SINC restoration can be dealt with by condition.

- 14.5.6 As such, it is not felt that the proposal would cause significant harm to the rural character and appearance of the area. The proposal would not diminish the visual appreciation of the New Forest National Park and the associated Forest East Conservation Area from key viewpoints across the river, nor would it be to the detriment of the special qualities of the National Park, the character and appearance of the Forest East Conservation Area or Lymington Conservation Area. The development's design would enhance the character of the riverside and wider character and appearance of the area.
- 14.5.7 A concern has been raised that the proposal would harm the setting of the Grade II* Listed Burrard Neale Monument, which is set up the hill from the application site within the National Park. Because the proposed new building would be set (and seen) well below the level of this monument, it is not considered the impact on the setting of this structure would be materially affected.
- 14.6 Ecology
- 14.6.1 This application site is in close proximity to the Lymington River Site of Special Scientific Interest (SSSI), Hurst Castle and Lymington River SSSI and Lymington River Reedbeds SSSI. The site lies approximately 360 metres away from of Solent and Southampton Water SPA and Ramsar. The application site is directly adjacent to Walhampton Reedbeds and Lymington Mudflats Site of Importance for Nature Conservation (SINC). It is noted that part of the previously refused application site included car parking proposed in part of a SINC. Indeed, the area of land has been covered in gravel. This planning application seeks to restore this area. This is considered to be of significant benefit and has addressed one of the concerns previously raised.
- 14.6.2 The Councils Ecologist raises no objection subject to a planning condition which provide the final details of the Construction Environment Management Plan (CEMP) and measures for biodiversity mitigation and enhancement, including SINC restoration. Natural England have raised no significant concerns, subject to conditions and on this basis, it is felt the proposal would not be likely to have any significant effect on any European site or indeed the SSSI.
- 14.7 Transportation & Highway Considerations
- 14.7.1 The proposal seeks to use the existing access to the site. Although planning permission has been granted for an alternative access into the site, this does not relate to this current planning application.
- 14.7.2 The main issues in this case are whether the proposal would intensify the use of the existing access, whether the site would have sufficient car parking spaces to serve the proposed development and whether the internal access arrangements are acceptable for all vehicle types, including refuse collection and emergency.
- 14.7.3 The application is accompanied with a Transport Statement. The statement concludes that the existing access is considered to be safe and the proposal would not intensify the use of the access onto Undershore Road. The application also demonstrates that all vehicles can enter and egress the site in a safe manner.

- 14.7.4 With regard to the proposed car parking provision, the site layout does not benefit from any dedicated car parking spaces and generally car parking is provided in an informal way. A total of 11 individual units are proposed with an overall useable floor space at ground floor of 865 square metres (B8 use) and usable first floor of 1246 (B1 use). The site will have 33 external car parking spaces, including three disabled spaces with a further 22 parking spaces located at ground floor level within the units.
- 14.7.5 The required level of parking provision for 1247 sqm of B1 and 865 sqm B8 use is 52 car parking spaces and secure storage for 14 cycles. The submitted plans show a total provision of 55 spaces. The proposed development would provide sufficient car parking spaces which accord with the car parking standards. The Highway Authority does not raise any objections to the proposal.
- 14.8 Flooding
- 14.8.1 The site lies within Flood Zone 3, and has a high probability of flooding and the main risk to the site is tidal flooding. There is an existing flood wall between the site and the estuary, but as the submitted Flood Risk Assessment notes this is not high enough to provide full protection to the site throughout its lifetime.
- 14.8.2 The proposed development has been designed to significantly improve the flood risk issues on the site. This includes the use of the ground floor of the buildings for storage uses and the finished floor levels of the office/ light industrial space being set no lower than 3.6 metres AOD. The Environment Agency does not raise any objections subject to condition and considers that the proposal represents an improvement in flood risk compared to the existing situation.
- 14.9 Residential amenity
- 14.9.1 With regard to the effect on the living conditions of the adjoining neighbouring properties, it is considered that the neighbouring flats at 1-10 Island Point would be most affected by the proposal. The Lymington Shores development is located a sufficient distance away not to result in any unacceptable impact. Equally the proposed development would be sited a considerable distance away from the existing residential properties along Undershore Road.
- 14.9.2 Island Point is sited immediately to the south of the application site. The occupiers of these flats currently share the access track onto Undershore Road. There is some vegetation and tree planting that surrounds the perimeter of the boundary to Island Point, and car parking is provided to the front and side of the building (north and west). To the rear of the flats is a grassed amenity area. The flatted building is orientated with its main outlook facing north and south, although it is noted that there are windows on the side elevation including balconies facing the application site.
- 14.9.3 The main views are from the front elevation of the residential flats, which currently face north and onto the existing unattractive buildings. The proposed development would be sited further away from the front (north)elevation than the existing building. This is considered to be an improvement. While units 10 and 11 would be sited closer to the side

(west) elevation of the flats, the distance between the buildings would measure some 15 metres, which would not unacceptably compromise light or outlook.

- 14.9.4 In terms of overlooking, a number of first floor windows are proposed on the south and east elevation of the proposed building which would face the flats. The distance from the first floor windows at units 6, 7, 8 would be more than 20 metres away from the existing flats and together with the oblique angle, it is considered that the proposal would not result in any unacceptable overlooking. Proposed Units 10 and 11 would be sited slightly closer and would be about 15 metres away. The first floor windows proposed on the eastern elevation would incorporate louvres which would help reduce overlooking to the neighbouring flats, which can be secured by condition.
- 14.9.5 In relation to noise and disturbance, the applicant has submitted an 'Environmental Noise Survey and Noise Impact Assessment Report'. The Environmental Health Officer does not raise an objection to the proposal subject to conditions. Indeed, the removal of the General Industrial Use (Class B2) and the use as light industrial and office uses are likely to improve the situation.
- 14.10 Other matters
- 14.10.1 Foul drainage would be routed to a bio sewage treatment plant and the waste water pumped into the river. The roof surface water would discharge via a pumping station into the river. The concern over the right of way within the site is not a planning matter because this is not Designated Public Right of Way.
- 14.10.2 Representations have been made as to whether the existing industrial uses can continue to operate on this site. The answer to this question is yes. The planning application broadly proposes the same use class as that currently operating on the site (i.e light industrial) which would be acceptable.
- 14.10.3 Concerns have been expressed that, because of the height of the proposed buildings there is potential for mezzanine floors. In response, a planning condition can be reasonably imposed removing permitted development for mezzanine floors to be inserted
- 14.10.4 In relation to the concern over land ownership issues and that the correct notices have not been served, the applicants agent has now submitted a Certificate B serving notices on all interested owners of the land within the red line of the application site.
- 14.11 Conclusion and planning balance
- 14.11.1 It is considered that the proposed development would make significant enhancements to the appearance of the site and surrounding area and would provide a higher quality appearance than the structures they would replace, and they would also not impinge upon the openness of the Green Belt, which weighs in favour of the proposal. The proposed increase in floor space would provide employment and economic benefits, which weighs in favour of the development. The Councils Economic and Business Development Manager supports the application.

14.11.2 The proposed development would not have any adverse impact on the living conditions of the adjoining neighbouring properties. The proposal would make improvements to flooding related matters. No highway concerns are raised and the proposal is not considered likely to have any harmful impact on residential amenity, again subject to conditions. Accordingly approval is recommended.

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

Section 106 Contributions Summary Table

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

15. RECOMMENDATION

Grant 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. 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.

3. The development permitted shall be carried out in accordance with the following approved plans: 7811 102; 7811 101; 7811 100; 7811 P100; 7811 P101 Rev B; 7811 P102 Rev A; 7811 P103 Rev A; 7811 P104 Rev A; 7811 P105 Rev A; 7811 P106 Rev A; 7811 P107 Rev B; 7811 P108 Rev A, 7811 P110, 7811 P111; LGO-200-Rev C

Reason: To ensure satisfactory provision of the development.

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

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

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

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

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

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

6. All external works (hard and soft landscape) as approved within condition 5 shall be carried out in accordance with the approved plans and details within one year of commencement of development and maintained thereafter as built and subject to changes or additions only if and as agreed in writing with the Local Planning Authority.

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

7. Prior to the commencement of development, and in accordance with the submitted Abbas Ecology Report dated April 2016, the details of the Construction Environment Management Plan (CEMP) and measures for biodiversity mitigation and enhancement, including SINC restoration, shall be submitted to, and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the details and recommendations as approved in the strategy with any amendments agreed in writing prior to the first occupation of the development hereby approved. Thereafter, unless otherwise agreed in writing by the Local Planning Authority, the mitigation measures shall be permanently maintained and retained in accordance with the approved details.

Reason: To safeguard protected species in accordance with Policy CS3 of the Core Strategy for the New Forest District outside the National Park.

8. The development hereby permitted shall not be occupied until the spaces shown on plan P101 Rev B for the parking and garaging (including the car parking spaces provided within the ground floor of the buildings) of motor vehicles have been provided. The spaces shown on plan P101 Rev B for the parking and garaging of motor vehicles shall be retained and kept available for the parking and garaging of motor vehicles for the commercial units hereby approved at all times.

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

9. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) produced by (Gyoury Self Partnership, ref: 6029/2.3F, dated December 2015) and the approved Design and Access Statement (Simpson Hilder Associates Ltd, dated April 2018) and the following mitigation measures:

- f) The finished floor levels of the office space on the first floor of each unit shall be set no lower than 3.6mAOD.
- g) The ground floor of each unit will be used solely as a storage, parking and marine type activities.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To minimise the risk of flooding to the proposed development and future occupants and to comply with Policy CS6 of the Core Strategy for New Forest District outside the National Park.

10. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions relating to contamination no 11 to 13 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 14 relating to the reporting of unexpected contamination has been complied with in relation to that contamination.

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

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

- i) a survey of the extent, scale and nature of contamination;
- ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

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

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

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

13. Where a remediation scheme has been approved in accordance with condition 12, the approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

14. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 11, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 12, 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 13.

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 13, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over the period stated in the remediation scheme, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. 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).

16. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2005 and the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent re-enactments thereof, the development hereby approved shall be used on the ground floor as Class B8 and marine activities and car parking and on the first floor Class B1 purposes only and for no other purposes, whatsoever of the Town and Country Planning (Use Classes) Order 2005 or any subsequent re-enactment thereof, without express planning permission first being obtained.

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

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent re-enactment thereof, no additional floor space by way of the creation of a mezzanine floor shall be formed within the buildings hereby approved, other than that shown on the approved plans.

Reason: To safeguard the amenities of the area, in the interests of highway safety and to comply with policy CS2 of the Core Strategy for the New Forest District outside the National Park.

18. No delivery activity shall take place on the site in connection with the approved uses other than between the hours of 7:30am and 21:00 Monday to Fridays, and 8:00 am and 17:00 on Saturdays not including recognised Sundays or public holidays.

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

19. The combined rating level of noise emitted from all plant and equipment as calculated in accordance with BS4142:2014 (to include any penalties required for tonal or impulsive characteristics) shall not exceed 40dBA LAeq(1hr) between the hours of 07:00hrs and 23:00hrs, and shall not exceed 32dBA LAeq(15mins) between the hours of 23:00hrs and 07:00hrs measured or calculated at a distance of 1m from the façade of the nearest noise sensitive properties.

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

20. The louvres shall be installed on the first floor windows on the east elevation of approved Units 10 and 11 before first occupation as illustrated on Plan No P107 Rev B and shall remain at all times, unless otherwise agreed in writing by the Local Planning Authority.

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

21. Before development commences, details of the means of foul sewerage disposal 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 sewerage arrangements are appropriate and in accordance with Policies CS2 and 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.

22. No external lighting shall be installed on the site unless details of the position, size and type of lighting to be installed has first been submitted to and approved in writing by the Local Planning Authority.

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

23. Before development commences, details of the cycle parking facilities that are to be provided in connection with the approved development shall be submitted to and approved in writing by the Local Planning Authority. Development shall only proceed in accordance with the approved details.

Reason: To ensure that adequate provision is made towards cycle parking and to promote means of travel alternative to the private car in accordance with Policy CS24 of the Core Strategy for New Forest District outside the National Park.

24. No goods, plant, or machinery shall be stored in the open on the site, without the express planning permission of the Local Planning Authority.

Reason: In the interest of the amenities of the locality in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park.

25. Written documentary evidence demonstrating that the development hereby approved has achieved as a minimum a rating of EXCELLENT against the BREEAM standard shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation, unless an otherwise agreed time frame is agreed in writing by the Local Planning Authority. The evidence shall take the form of a post construction certificate as issued by a qualified.

Reason: In the interests of resource use and energy consumption in accordance with policy CS4 of the Core Strategy for the New Forest District outside the National Park.

26. No percussive piling or works with heavy machinery, resulting in a noise level in excess of 69dBA Lmax when measured at the nearest point of the Special Protection Area, shall be undertaken between the specified period of 1st October and 31st March inclusive, unless the existing noise level at the Special Protection Area already exceeds 69dBA Lmax. In the case where the existing noise level at the Special Protection Area already exceeds 69dBA Lmax, no percussive piling or works with heavy machinery shall be undertaken during the specified period if the resulting noise level would exceed the existing noise level measured from the Special Protection Area.

Reason: To minimise disturbance to overwintering birds using the Special Protection Area and to comply with Policy CS3 of the Core Strategy for the New Forest District outside the National Park.

27. Before development commences, details of a Construction Method Statement (CMS) shall be submitted to and agreed in writing to the Local Planning Authority. Works shall only be carried out in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise disturbance to overwintering birds using the Special Protection Area and to comply with Policy CS3 of the Core Strategy for the New Forest District outside the National Park.

Notes for inclusion on certificate:

1. This decision relates to amended / additional plans received by the Local Planning Authority on the 5th September 2018.
2. In accordance with paragraph 38 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

Officers raised concerns over certain aspects of the proposal including design and layout issues, and car parking. Revised plans have been submitted and the application has been re-advertised which have addressed the initial concerns. The roof form to units 1 and 2 have been simplified, enhancements made to the design of the rear facing elevation and additional car parking has been provided, which is mainly within the proposed ground floor units.

3. Note to applicant:

This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of the Lymington River, which is designated a 'main river'. Some activities may be [excluded](#) or [exempt](#). A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website:

<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

Further Information:

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New Forest
DISTRICT COUNCIL

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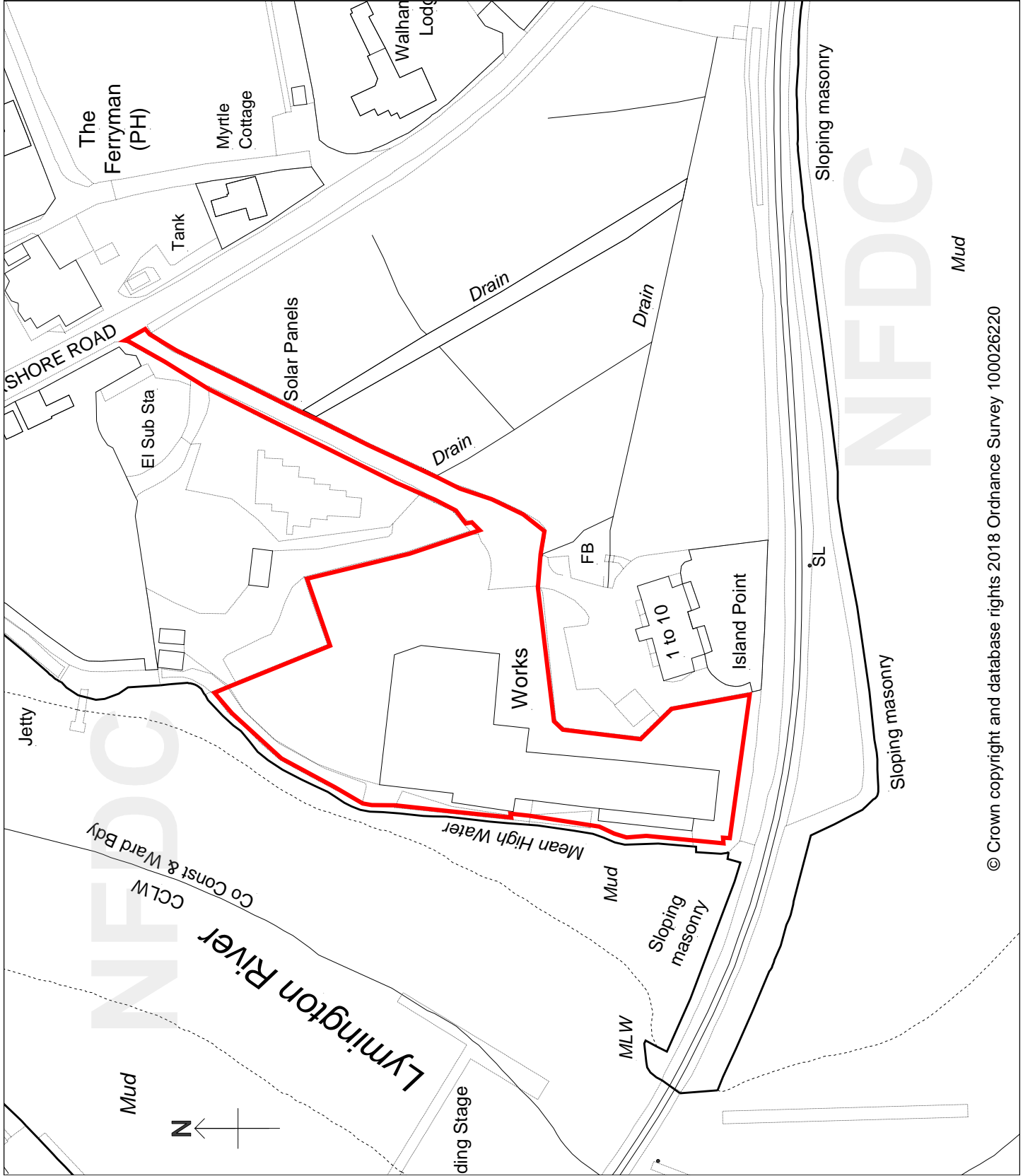
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**Planning Development
Control Committee**
November 2018

Item No: 3a
Haven Marine Park
Undershore Road
Boldre
18/10541

Scale 1:1250

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Planning Committee 14 November 2018 **Item 3 b**

Application Number: 18/10910 Right of Way / Footpath Diversion

Site: Land Of BUCKLAND GRANARIES, SWAY ROAD, LYMINGTON
SO41 8NN

Development: Diversion of footpath

Applicant: Mr Wallrock

Target Date: 25/09/2018

Extension Date: 11/01/2019

RECOMMENDATION: The Committee exercise its discretionary power to make the Order and planning officers be authorised to follow the procedure detailed at paragraph 3.

If paragraph 3.1.9 applies, the Committee to delegate authority to the Service Manager for Planning Development Control to confirm the Order.

If objections are received following the making of the Order which are not withdrawn, officers must refer this matter back to the Committee for consideration.

Case Officer: Jim Bennett

1 DETERMINING APPLICATION FOR PUBLIC PATH DIVERSION ORDER

- 1.1 This Committee has the power to determine the application received by the Council from the applicant Mr Wallrock for a footpath diversion order relating to land at Buckland Granaries, Sway Road, Lymington, SO41 8NN ("Buckland Granaries").

2 BACKGROUND

- 2.1 Full planning permission was granted for development at Buckland Granaries by the Planning Committee on 25 January 2018 under reference 17/10854. The approved application entailed the demolition of existing buildings on the site and the construction of twelve houses comprised of 2 terraces of 3 houses, 1 terrace of 2 houses and 4 detached houses with associated access, landscaping and parking. The approved development involves the diversion of an existing public footpath within the site. The line of the footpath numbered 59 shown for ease of reference by the solid black line marked A - B on the attached plan ("the footpath") is impinged upon by the footprints of Plots 11 and 12 of the approved development. The report for application 17/10854 included, at 14.1.5 (iii) (d), reference to the development's impact on the footpath.
- 2.2 Due to the impingement upon the line of the footpath, a separate application relating to a Public Path Diversion Order is required pursuant to Section 257 of the Town and Country Planning Act 1990 ("S.257").

- 2.3 S.257 permits the Council to exercise its discretionary power to make such an Order for the diversion of a footpath which is necessary, in circumstances such as those relating to Buckland Granaries, to enable development to be carried out in accordance with a planning permission. The Buckland Granaries development involves the erection of two detached houses across the footpath. These houses would obstruct the footpath and therefore, the circumstances of the case necessitate the stopping up of the footpath, extinguishment of the public right of way and the creation of a replacement public footpath along the dashed line marked A - X - B on the attached plan.

3 PROCEDURE TO BE FOLLOWED

3.1 The procedure to be followed in relation to the Order is:

3.1.1 **Applicant's Consultation:** the applicant's public rights of way consultant undertook a pre-consultation process between 31 July 2018 and 31 August 2018, to which two substantive comments were received as follows with responses in bold:

- The occupiers of Buckland Manor Farm sought clarification over the width of the footpath, as concern was raised over access for vehicles. **It was clarified that the width of the public right of way would formally be 3.7m, but that the vehicular access within which the footpath is aligned would remain at 5.2m, so access by vehicles would not be impinged upon.**
- HCC Countryside Access expressed a view that the access track should be upgraded through a highway agreement with the Highway Authority and then the footpath that is not required can be extinguished. **It is acknowledged by the applicant that any changes to the surface will require the consent of the Highway Authority.**

3.1.2 **Local Planning Authority Consultation:** the Council undertook a separate consultation process from 5 July 2018, to which one objection has been received citing the following concerns, with responses to in bold:

- There is no reference to the footpath in the planning application (17/10854) and it is queried if its existence was considered when permission was granted. **Paragraph 14.1.5(iii)(d) of the planning application report confirms that the Council was aware of the existence of the footpath, and the need to divert it, when the decision to grant planning permission was made.**
- The proposed route will limit enjoyment of this path as it would be urbanised, be overlooked by houses, the bin store will restrict visibility and it will no longer be possible to safely walk dogs, let children play and bird watch in this area. **It appears that the objector considers enjoyment will be limited by the existence of the new development, the impact of which was fully considered under the associated planning application. The relatively small diversion is unlikely to have a significant impact on the public enjoyment of the route. Public footpaths are available for the public to use, to pass and repass on foot. Walkers have no right to stray from the footpath, and children's play is not an activity that footpaths are intended to**

facilitate unless that play simply involves activities that can be undertaken whilst on the path itself. The small diversion of the route will not impact the legitimate use of the path by children, or by dogs. Similarly, users of the path will continue to be able to watch birds as they walk. It should be noted that condition no. 14 of the planning approval requires the development to be implemented in accordance with the recommendations of an ecology report to enhance biodiversity.

- It would be better to move the path to the northern boundary of the development. **The alternative route has been chosen because it provides the most direct line through the new development and is close to the line of the existing route, whilst remaining on land owned by the applicant. The footpath's realignment to the north would compromise the ability of the applicant to implement the approved development.**
- 3.1.3 The objector was invited to discuss their objections with the applicant and their Rights of Way Consultant, but declined the offer.
- 3.1.4 None of the points raised in the objection claim that the diversion of the path is not necessary. The making of a footpath diversion order under S.257 of the Town and Country Planning Act 1990 requires one consideration; whether the diversion is necessary in order to enable the development to be carried out in accordance with the terms of the planning permission. It is, therefore, considered that the objection should not affect the Council's decision on whether or not to make the order.
- 3.1.5 **Make Order:** the Council should make the Order but it will not be effective until it is confirmed.
- 3.1.6 **Advertise Order:** upon making the Order, the Council should:
- Publish a notice in at least one local newspaper stating the general effect of the Order, that it has been made and is about to be submitted for confirmation or to be confirmed as an unopposed order; specifying a place where the Order can be inspected, free of charge and that copies of it may be obtained at a reasonable charge at all reasonable hours; and stating that any person can object to or make representations on the Order, to the Council, within a period of 28 days following the date of publication of the notice.
 - Display a notice prominently at each end of that part of the Footpath that is to be diverted, accompanied by a plan showing the general effect of the Order.
 - Serve a copy of the Notice and Order on relevant Consultees.
 - Make the Order available for inspection as detailed above and at the District Council and Town Council offices in Lymington.
- 3.1.7 **Objection period:** there is a 28 day period to object to the making of the Order following the publication of the notice. If there are objections 3.1.8 below applies, if not 3.1.9 onwards below applies.

- 3.1.8 **Objections:** objections should be sent to the Council. The applicant's input into any formal response to the objector(s) will be sought. If there are unresolved objections, the Council can decide not to proceed with the Order and should notify the applicant, Consultees and objectors. If the Council decides to proceed, the Order must be referred to the Secretary of State for Environment, Food and Rural Affairs ("the SoS") for confirmation. If the objection was made by a local authority or a National Park authority, the SoS must hold a local inquiry. If the objection was made by anyone else, the SoS must hold either a local inquiry or give any objector the opportunity of being heard by an inspector appointed by him. The SoS then decides whether or not to confirm the Order, with or without modifications.
- 3.1.9 **Confirmation:** where no objections are received within the prescribed time limit (or those that are received have been withdrawn) and the Council does not wish to modify the Order, so long as the applicant carries out works to the satisfaction of the highway authority, the Order may be confirmed (signed and dated) by the Council.
- 3.1.10 **Advertise Confirmation:** as soon as possible after confirmation the Council should repeat Step 3.1.6 above stating that the Order has now been confirmed. The Council should also send a copy of the notice and confirmed Order to the applicant, Land Charges Department and Ordnance Survey.
- 3.1.11 **Expiry of Challenge Period:** a person can apply to the High Court to quash the Order within six weeks following the confirmation date if the decision-maker has acted ultra vires or not carried out the correct legal procedures in making the Order.

4 CONCLUSIONS

The Council should make the Order and, if there are no outstanding objections, should then confirm the Order.

5 FINANCIAL IMPLICATIONS

5.1 The applicant has agreed to meet the costs incurred by the Council in relation to the Order.

5.2 No compensation is payable in respect of those adversely affected by the Order.

6 ENVIRONMENTAL IMPLICATIONS

None

7 CRIME & DISORDER IMPLICATIONS

None

8 EQUALITY & DIVERSITY IMPLICATIONS

None

9 RECOMMENDATIONS

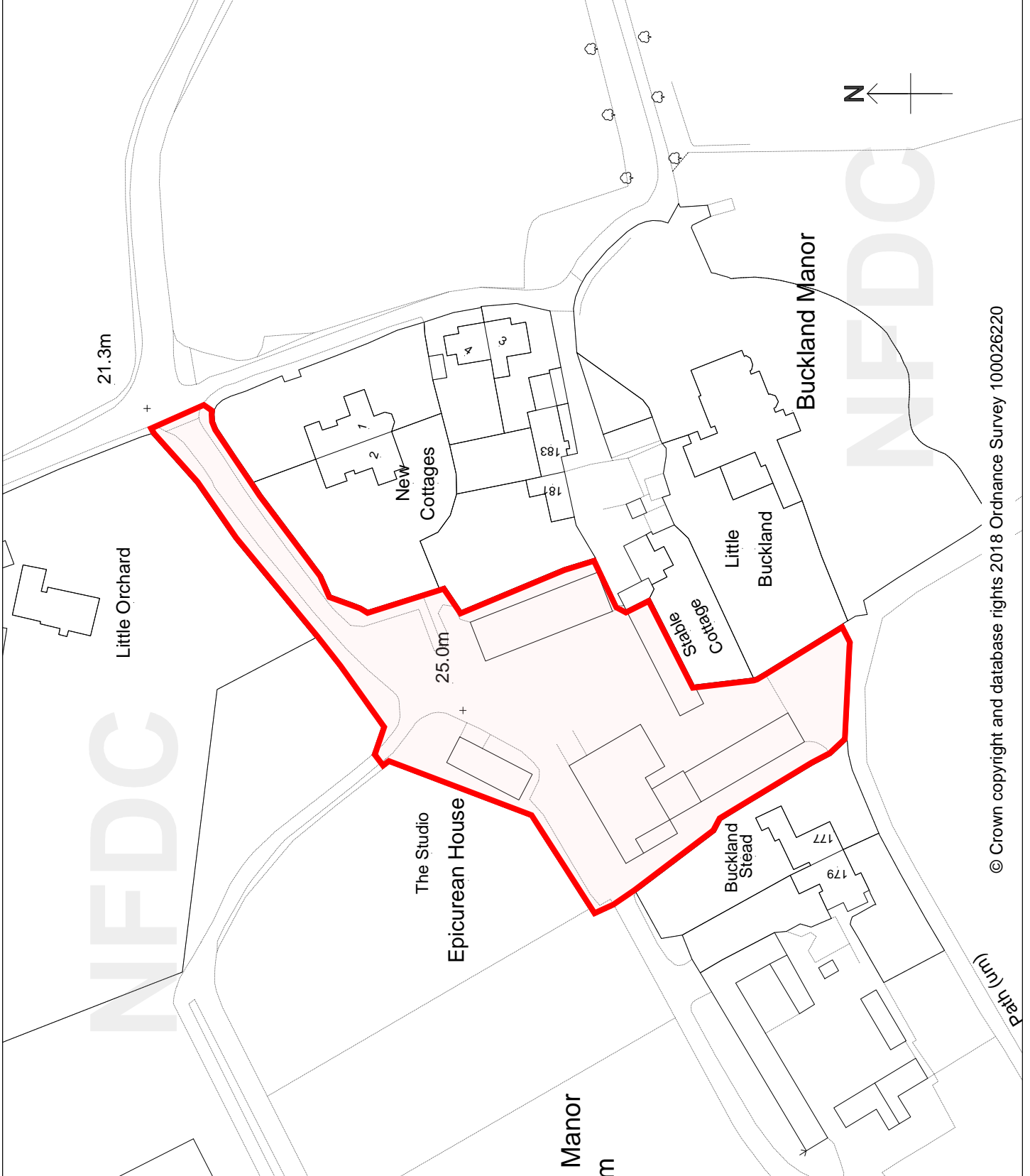
- 9.1 The Committee exercise its discretionary power to make the Order and planning officers be authorised to follow the procedure detailed at paragraph 3.
- 9.2 If paragraph 3.1.9 applies, the Committee to delegate authority to the Service Manager for Planning Development Control to confirm the Order.
- 9.3 If objections are received following the making of the Order which are not withdrawn, officers must refer this matter back to this Committee for consideration.

15. RECOMMENDATION

Further Information:

Jim Bennett

Telephone: 023 8028 5588



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New Forest
DISTRICT COUNCIL

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

**Proposed
Footpath Diversion under
Town and Country Planning
Act 1990**

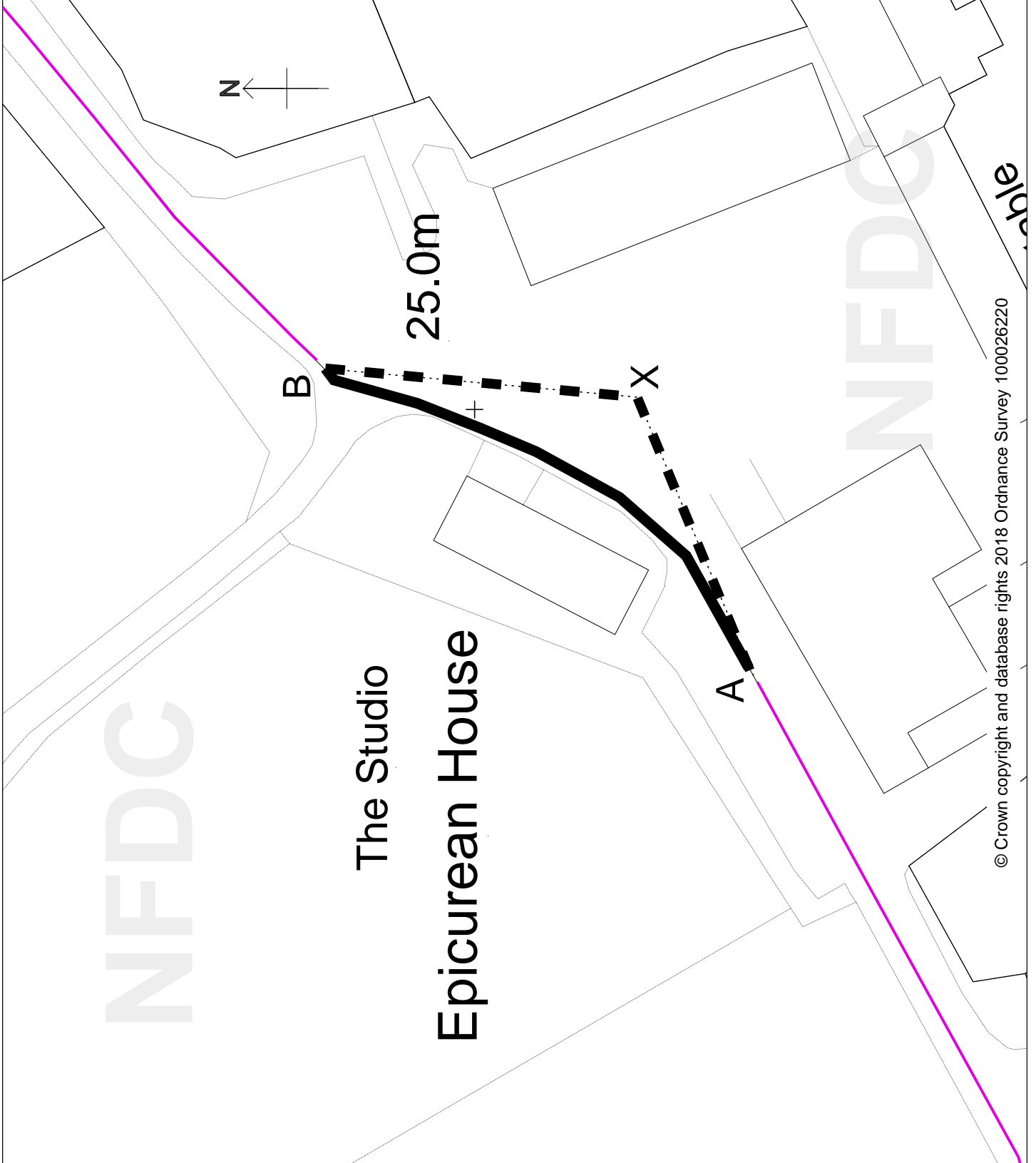
Proposed diversion
of part of public footpath 59
(Lymington and Pennington)
at Buckland Granaries
Sway Road
Lymington
SO41 8NN

18/10910

Scale 1:500

— Line of path to be diverted

- - - Line of alternative path



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Planning Committee 14 November 2018 **Item 3 c**

Application Number: 18/10999 Full Planning Permission

Site: 31 HAMPTON LANE, BLACKFIELD, FAWLEY SO45 1ZA

Development: Part use of dwelling for dog breeding

Applicant: Mrs Gladstone

Target Date: 18/09/2018

Extension Date: 16/11/2018

RECOMMENDATION: Grant Temporary Permission

Case Officer: Jim Bennett

1 REASON FOR COMMITTEE CONSIDERATION

Recommendation contrary to Parish Council view.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up Area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

CS2: Design quality

CS17 Employment and economic development

Local Plan Part 2 Sites and Development Management Development Plan Document

None

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 92/NFDC/49285 - Single storey rear extension, front porch, new roof and garage - Granted March 1992

7 PARISH / TOWN COUNCIL COMMENTS

Fawley Parish Council: recommend refusal as this appears to be a business use within a residential area, with noise repercussions for adjoining neighbours

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

9.1 Environmental Health (Pollution) - This application seeks permission for a Chihuahua breeding kennel at the premises. This is an activity that currently takes place at the premises and the need for the application has been raised during the process of applying for a licence under the new Animal Welfare Act which comes into force next month. It is possible that intensification of use will take place. Clearly this use has the potential to cause significant/adverse impact, particularly from dogs in the outside areas of the property if not suitably managed. Although this department has no history of complaints regarding noise from dogs at the premises, it is noted that several objections from neighbouring properties cite existing noise as a reason for objection. The applicant has offered a number of controls they have in place in order to control noise from the use and has provided a noise management plan in order to provide some controls. As the actual impact of this proposal is not clear, it is advised that the application is granted for a 2 year temporary period only in order to allow any adverse impact from noise to be assessed and, where necessary, allow alternative control measures to be considered prior to any further application being considered. This would also be subject to a condition being applied requiring the use to take place in accordance with the submitted Noise Management Plan. In addition, the LPA may wish to restrict the number of adult dogs residing at the premises at any one time. Environmental Health Officers have visited the area twice and not heard barking on these occasions.

10 REPRESENTATIONS RECEIVED

Four representations have been received from neighbours, objecting to the proposal on grounds that:

- Business use is inappropriate in this residential area
- The noise nuisance caused by barking dogs

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

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

In this case following submission of additional information in the form of a Noise Management Plan, the application was considered to be acceptable as amended and no specific further actions were required.

14 ASSESSMENT

- 14.1 The site lies within the built-up area of Blackfield, outside any other designated area. This part of Blackfield is a residential area, characterised by detached bungalows of circa 1960 construction fronting Hampton Lane, with gardens extending to the west, where they bound the rear gardens of dwellings on Holly Road.
- 14.2 The application is made retrospectively for use of an existing outbuilding (detached garage approved in 1992) and garden curtilage to the rear of no. 31 Hampton Lane for the purpose of breeding Chihuahuas. The case officer has visited the site twice and on both occasions 7 adult dogs were present in the paved garden area immediately behind the house and 1 adult dog and a single litter of puppies were in one of three whelping boxes. The applicant explains that adult dog numbers are generally limited to 10 no. dogs, but is prepared to limit their number to those present on site during the course of determination of this application, ie seven bitches and one dog, which could be ensured by condition.
- 14.3 No external alterations are proposed to the premises, although the applicant has made efforts to contain dogs within certain areas of the outbuilding and garden, according levels of supervision, through the erection of fencing and gates, to keep the animals away from adjoining boundaries. The garage has been altered internally to facilitate the use applied for, through provision of 3 no. whelping boxes, heat lamps etc. The internal layout is indicated on the submitted internal plan.
- 14.4 The main consideration in assessing this application is the impact of the proposed use upon the residential amenity of adjoining occupiers. Policy CS17 of the Core Strategy offers support to this type of development where there is no adverse impact on residential amenities. 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 adjoining land uses. The area used for the housing of breeding animals is to the rear of the property and has a very close relationship to the garden areas of adjoining dwellings. The impact of the proposed use upon adjoining amenity would be dependent on the intensity of use of the premises for breeding purposes, adult dog numbers and working practices employed by the applicant to control noise (barking dogs), which some neighbours have drawn to the Council's attention.
- 14.5 The activity that currently takes place at the premises and the need for a planning application was raised during the process of applying for a licence under the new Animal Welfare Act. The necessity for a planning application is a grey area, as any homeowner can accommodate 8 adult dogs in a dwelling without a requirement for planning permission. However, the part use of the premises sought is on a commercial basis, so activity at the site in terms of dog numbers and impacts associated with commercial use of the site (in part) does require permission. It therefore needs to be considered whether the commercial use is adversely affecting the amenity of adjoining owners. While use of the premises for breeding purposes is not of a scale or intensity of say a

boarding kennel, neighbours have drawn the Council's attention to noise from barking dogs. While dogs are noisy when entering the back garden of the application property itself, the noise dies down quickly and during a visit to a neighbouring property, no significant noise from barking dogs was observed from the application property. The puppies themselves make negligible noise and are certainly not audible from outside the whelping room, where they are housed. During recent months the applicant has made efforts to contain dogs within certain areas of the outbuilding and garden, according levels of supervision, through the erection of fencing and gates, to keep the animals away from adjoining boundaries, as outlined in the submitted Noise Management Plan. For instance the western extent of the back garden has been fenced off by the applicant to restrict access for the dogs unless under supervision. The dogs are housed indoors between 22:00 and 06:00 and are restricted to certain areas of the outdoor curtilage during the day.

- 14.6 The Council's Environmental Health Section has visited the site and neighbouring properties and did not observe any undue noise from the site. They also note that it is possible that intensification of use could take place, which could cause significant adverse impact, particularly from dogs in the outside areas of the property, if not suitably managed. The Environmental Health Section has no history of complaints regarding noise from dogs at the premises and note that the applicant has a number of controls in place to control noise from the use and has provided a noise management plan in order to provide further control. As the actual impact of this proposal is not clear, Environmental Health advise that the application be granted for a 2 year temporary period only in order to allow any adverse impact from noise to be assessed and, where necessary, allow alternative control measures to be considered prior to any further application being considered. This should also be subject to a condition being applied requiring the use to take place in accordance with the submitted Noise Management Plan. It is also advised that the LPA restrict the number of adult dogs residing at the premises at any one time.
- 14.7 The suggestion of a temporary permission would be consistent with the advice offered by the National Planning Practice Guidance (NPPG), which states that a temporary permission may be appropriate where a trial run is needed in order to assess the effect of the development on the area.
- 14.8 In light of the above, the use sought is recommended for approval for a temporary period of two years in order to assess the impacts of the proposal upon adjoining occupiers, subject to conditions.
- 14.9 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

15. RECOMMENDATION

Grant Temporary Permission

Proposed Conditions:

1. The use shall cease on or before 14th November 2020, unless the prior written approval of the Local Planning Authority for continued use, has first been obtained.

Reason: The proposal is granted for a temporary period in order to properly assess the impacts of the proposal on existing uses nearby and to be sure of its affect on the character of the area, in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

2. The development permitted shall be carried out in strict accordance with the following approved plans and statements: 1:1250 Location Plan, 1:500 Block/Site Plan, Internal Floor Plan, Applicant's Statement, Noise Management Plan received on 20/09/18 and Site Plan received on 20/09/18

Reason: To ensure satisfactory provision of the development and to protect the amenity of adjoining occupiers in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park.

3. The number of adult dogs kept at the premises at any one time shall be restricted to a maximum of 8.

Reason: To ensure satisfactory provision of the development and to protect the amenity of adjoining occupiers in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

Notes for inclusion on certificate:

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

In this case following submission of additional information in the form of a Noise Management Plan, the application was considered to be acceptable as amended and no specific further actions were required.

Further Information:

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DISTRICT COUNCIL

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

**Planning Development
Control Committee**
November 2018

Item No: 3c
31
Hampton Lane
Blackfield Fawley
18/10999

Scale 1:1250

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



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Planning Committee 14 November 2018 **Item 3 d**

Application Number: 18/11003 Variation / Removal of Condition

Site: 16 CHESSEL HOUSE, FERNHILL LANE, NEW MILTON
BH25 5WR

Development: Removal of condition 5 of planning permission 17/10973 to allow
rooflights on west elevation to be clear glazed and opening

Applicant: RJC Developments Ltd

Target Date: 02/10/2018

Extension Date: 14/11/2018

RECOMMENDATION: Grant Subject to Conditions

Case Officer: Vivienne Baxter

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Town Council and Councillor views

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

- CS1: Sustainable development principles
CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

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

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework
NPPF Ch.2 - Achieving sustainable development
NPPF Ch. 4 - Decision-making

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - New Milton Local Distinctiveness

6 RELEVANT PLANNING HISTORY

- 6.1 17/10973 - roof alterations, dormer and roof lights in association with new flat, 1 additional parking space. Granted 11.10.17
- 6.2 06/89324 - 1 block of 5 flats, 1 block of 8 flats, demolition of existing buildings. Granted 17.5.06
- 6.3 05/85408 - 13 flats with parking and access alterations. Refused 7.10.05, appeal dismissed.

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: strongly object(Non-delegated)
Overlooking, predominantly to the neighbour at number 4 Avenue Road.

8 COUNCILLOR COMMENTS

Cllr Cleary: objects, totally against the condition being removed

Cllr Ward: objects; no justification for the removal of the condition

9 CONSULTEE COMMENTS

No comments received

10 REPRESENTATIONS RECEIVED

Objections have been received from the occupants of an adjacent dwelling concerned with the following:

- builder has shown contempt and disregard for residents' privacy
- other windows referred to in the application do not result in such a significant loss of privacy

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

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

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

14 ASSESSMENT

- 14.1 The site lies within the built up area of New Milton in a residential area close to the northern extent of the town centre. Permission was granted for an additional flat, largely within the existing built form of the smaller block at Chessel House, last year. The permission included a restriction on the glazing to the roof lights in the western elevation. The flat has now been provided although the roof lights in question have been fitted with clear glazing. This application is therefore to remove the restrictive condition.
- 14.2 The principle of the additional unit and the visual implications have already been addressed through the initial approval leaving the residential amenities of the area to be considered in this application.
- 14.3 Historically, in determining the appeal in 2005, the Inspector did not raise any issues with the provision of first floor windows to the western elevation of this block. Permission was subsequently granted for the block with windows serving the kitchen, bedroom and living room to one flat at first floor level in the western elevation. The approved scheme for an additional flat included two roof lights above these windows, one to serve the bedroom and the other to serve the kitchen/living space. Both rooms are served by an additional roof light to the north elevation of the bedroom, and a dormer window to the south elevation of the living room.
- 14.4 The roof lights are 22m and 24m from the nearest corner of the dwelling at 4, Avenue Road and over 26m from no.6. These distances are usually acceptable in 'back to back' situations and both 4 and 6 Avenue Road are side on to these roof lights. It is noted that the kitchen roof light is 15m from the boundary with no.4.

- 14.5 Since the case officer's site visit, the applicant has provided additional photographs indicating that kitchen units are now installed in front of the kitchen roof light resulting in its main outlook being the side elevation of no.8 Avenue Road and close up views out of the window difficult. Combined with the existing first floor windows which have been in existence for over 10 years, it is not considered that the two additional roof lights at second floor level would result in a significant loss of privacy over and above existing levels.
- 14.6 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.
- 14.7 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. It is noted that the initial approval has secured the relevant contribution through the completion of a S.106 Agreement although it has not been paid to date.
- 14.8 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.
- 14.9 In conclusion, it is considered that the proposal to retain clear glazing to these two rooflights would not give rise to unacceptable levels of overlooking; as a result, permission is granted.
- 14.10 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In

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

Section 106 Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings	0		
Financial Contribution	0		
Habitats Mitigation			
Financial Contribution	£2,050		

15. RECOMMENDATION

GRANT the VARIATION of CONDITION

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: 8893/100, 8893/101, 8893/100 (annotated).

Reason: To ensure satisfactory provision of the development.

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

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

4. Within two months of the date of this permission, proposals for the mitigation of the impact of the development on the New Forest and Solent Coast European Nature Conservation Sites shall be submitted to and approved in writing by the local planning authority, and the local planning authority has confirmed in writing that the provision of the proposed mitigation has been secured. Such proposals must:

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

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

Notes for inclusion on certificate:

1. In discharging condition No 4 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/>
2. In accordance with paragraph 38 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

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

Further Information:

Vivienne Baxter

Telephone: 023 8028 5588



New Forest
DISTRICT COUNCIL

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

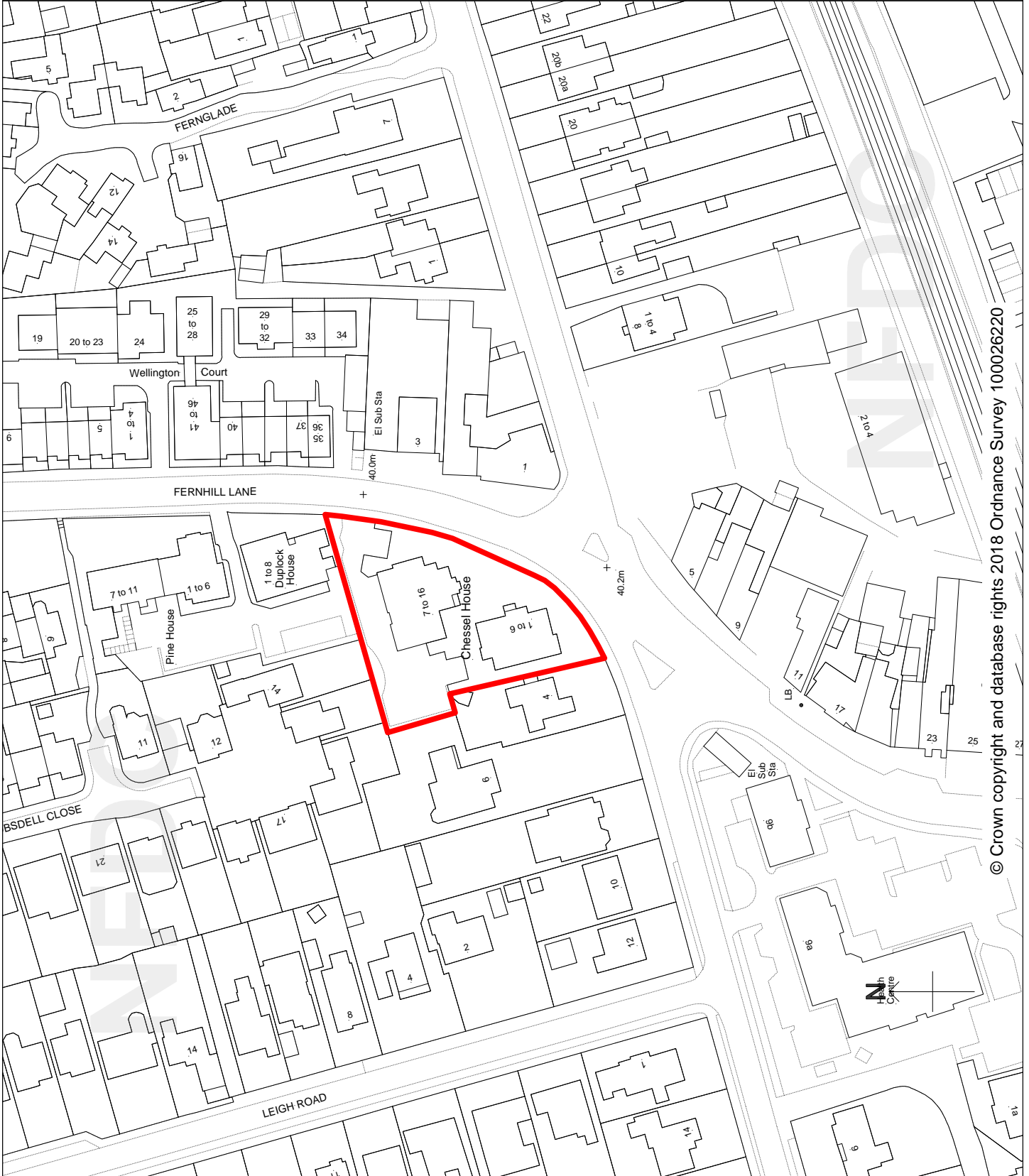
David Groom
Service Manager
Planning and Building Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee**
November 2018

Item No: 3d
16 Chessel House
Fernhill Lane
New Milton
18/11003

Scale 1:1250

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



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Planning Committee 14 November 2018 **Item 3 e**

Application Number: 18/11022 Full Planning Permission

Site: Land at MERLIN, LYMINGTON ROAD, MILFORD-ON-SEA
SO41 0QR

Development: Development comprised 1 Terrace of 3 houses; 1 detached house; demolition of existing; parking and landscaping

Applicant: Trustees of Brooke, DSWT and HFT

Target Date: 24/09/2018

Extension Date: 14/11/2018

RECOMMENDATION: Grant Subject to Conditions
--

Case Officer: Richard Natt

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council View

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

Adjacent to Conservation Area

Protected Trees

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

Core Strategy

CS1: Sustainable development principles

CS2: Design quality

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

CS10: The spatial strategy

CS15: Affordable housing contribution requirements from developments

CS24: Transport considerations

Local Plan Part 2 Sites and Development Management Development Plan Document

DM2: Nature conservation, biodiversity and geodiversity

DM3: Mitigation of impacts on European nature conservation sites

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Mitigation Strategy for European Sites
SPG - Milford-on-Sea Village Design Statement
SPD - Parking Standards

6 RELEVANT PLANNING HISTORY

6.1 Development comprising 1 terrace if 4 houses, 1 detached house -
demolition of existing (17/11537) Withdrawn by applicant on the 18th
January 2018

7 PARISH / TOWN COUNCIL COMMENTS

Milford On Sea Parish Council: recommend refusal.

The Parish Council strongly objects to this application for the following reasons:

Lodge Building:

Due to the changes in land levels, the Lodge will impose greatly on Ilex Cottage especially as the bedrooms will be level with the conservatory. The degree of overlooking is considered by the Parish Council to be unacceptable, as is the loss of light to this property. There are no significant changes to the building in this revised application, which previously the Case Officer commented that the design was not reflective of a subservient lodge-style building. The Parish Council is also concerned about the detrimental effect on the retaining wall at Ilex cottage, of vegetation removal and excavation work as part of the build.

Terrace of houses:

The Parish Council is concerned about the siting of these dwellings especially with their close proximity to South Court. The Parish Council considers their design to be bulky and overbearing and their forward position and high ridge height will cause loss of light at the South Court homes especially to flat 2. In addition, the loss of the trees and other vegetation in this green oasis at the centre of the Village would be detrimental to the character of the area, placed as it is, adjacent to the Conservation Area.

Access:

Notwithstanding any legal dispute regarding the access to the driveway to Barnes Lane, the Parish Council considers all access routes to this property as inadequate. The driveway to the Lymington Road is a narrow single track with no provision for pedestrians to safely walk, especially given the increased number of expected vehicle movements the proposed development will bring. The passing place indicated on the plans is not part of the development site and is used by the neighbouring busy dental practice.

The Parish Council maintains that the visibility when turning onto the Lymington Road is very poor, being on a blind bend and therefore hazardous to all road users.

The Parish Council also has concerns about the lack of access for emergency vehicles and refuse lorries.

The Parish Council considers this application to be un-neighbourly and considerable overdevelopment and requests the District Council refuse it.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

9.1 Waste Management (NFDC): refuse vehicle will not be entering the access from the High Street. Accordingly the bin collection area will need to be within 60 metres of the High Street.

9.2 Hampshire County Council Highway Engineer: no objection subject to condition.

In relation to access for Fire Tender, the application states that there will be sprinkler systems installed and this would be subject to Building Regulations approval. Should this be installed to the required standards, no provision for access or turning of a fire tender vehicle is required.

The Transport Note refers to an agreement with the Highways Authority that:

"the [highway] authority will accept development proposals which would limit the increase in vehicular movements entering or leaving the site to less than 10%"

The figures indicate an increase of 7-8% which is below the previously agreed level with HCC. While the access is not ideal, the Highway Authority state that this minimal increase would not be considered severe, and therefore a refusal on this basis is not sustainable. The passing point suggested is considered a betterment of existing. Notwithstanding this, the agreement in principle of the less than 10% increase was without the provision of a passing place, and therefore the Highway Authority would not look to object to the application without this feature.

9.3 Trees Officer: no objection subject to condition. The application site is subject to 2 Tree Preservation Orders TPO 38/06 is situated towards the south western boundary; this protects 3 Horse Chestnuts, 2 Sycamores and a Lime tree while TPO/0034/16 protects 1 Scots Pine and 1 Beech tree on the eastern boundary. Several individual trees and a small group of trees have been marked to be removed to facilitate the development. While these trees and vegetation do provide a general canopy cover across the site, it is not considered that they are a constraint to the development due to being unsuitable for inclusion within a TPO. Tree removals on this site could be mitigated through appropriate tree planting to be included within a detailed landscape plan.

9.4 Ecologist: no objection subject to condition.

10 REPRESENTATIONS RECEIVED

10.1 31 letters of objection concerned that the proposal is an overdevelopment of the site out of character with the area. Loss of wildlife, trees and greenery. The proposed dwellings are too tall. The proposal fails to comply with the Council's Housing, Design, Density and Character Supplementary Planning Document and policy which states that development should be appropriate and sympathetic in scale, appearance, materials, form, siting and layout and shall not cause unacceptable effects by reason of visual intrusion, overlooking, shading and effects on local amenities. Impact on living conditions including loss of light, outlook and privacy. Additional noise and disturbance in a tranquil area. The proposed dwelling identified as unit 4 is sited very close to Ilex Cottage and would be overbearing and would result in an unacceptable loss of light into the garden and a loss of privacy. Concern over impact on public highway safety. The visibility splay onto the roads is currently poor and any increase in the use of the access would lead to public highway safety issues. Concerns raised over the ownership/ legal rights of way of the accesses to the site.

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive New Homes Bonus £3672 in each of the following four years, subject to the following conditions being met:

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

Based on the information provided at the time of this report this development has a CIL liability of £31,313.48.

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

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.

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

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

14 ASSESSMENT

14.1 The site and location

14.1.1 The site comprises a 1960s two storey detached dwelling, known as 'Merlin', which sits on a large plot to the rear of the High Street and Barnes Lane within Milford On Sea village centre. The property is a simple flat roofed building with one integral garage, positioned right up to the rear (north) boundary of the site. The property sits on a spacious plot which is heavily overgrown with shrubs and trees. The property has limited space to the rear, but has its main garden and amenity area to the front of the building. The main vehicular access is gained from the High Street, and comprises a narrow track which also serves 6 flats at South Court and a dentist. There is a second access from Barnes Lane.

14.1.2 The site is irregular in shape The southern boundary spans across the rear boundaries of properties fronting into the High Street. There is also a noticeable change in site levels, in which the gradient of the site increases as it extends to the north. It is likely that the dwelling was built on the most northern part of the site to gain the maximum views due to its elevated position.

14.1.3 The site lies in a sustainable location close to the village centre where there are a mixture of amenities and facilities. The site lies within a predominantly residential area, although the High Street provides a mixture of facilities which are typical in a village centre. The site lies just outside the conservation area which joins the southern boundary of the site, to the rear of the existing buildings fronting onto the High Street.

14.2 The proposal

14.2.1 The proposal seeks to demolish the existing dwelling and replace it with 4 dwellings, comprising a terrace of three and a detached dwelling. The proposed terrace of three dwellings would be sited to the north of the site, broadly in the same position as the existing dwelling utilising the existing access currently shared with the properties at South Court and the dentist. Car parking would be provided in front of the dwellings. The proposed terrace of three dwellings would have short rear garden areas, with the two end units having side gardens. It is also proposed to retain an open area within the site to the south west which would be used by residents.

14.2.2 The proposed detached dwelling would be to the south of the site utilising the existing access to the west from Barnes Lane. The proposed dwelling would front onto the access road to the west and would have its garden area to the north. The proposed dwelling would be sited on a lower ground level compared to the neighbouring bungalow at Ilex Cottage and the proposed terrace of three.

14.2.3 The main issues in this case are the effect on the character and appearance of the area, and adjacent Conservation Area, the effect on the living conditions of the adjoining neighbouring properties, ecological matters, public highway safety matters, and the effect of the loss of trees.

14.3 Effect on the character and appearance of the area

14.3.1 In assessing the effect on the character and appearance of the area, contextually, there is a marked character change between the building plots to the south of the site fronting onto the High Street, the application site and its more immediate surroundings and the dwellings to the north of the site. To the north of the site, the character of the area is low density housing comprising 5 large detached dwellings set in spacious plots. The rear garden to one of the dwellings backs onto the application site.

14.3.2 This differs significantly from the character of the High Street immediately to the south of the site, which comprises traditional frontage high street buildings with a more linear and tighter urban grain. The buildings fronting onto the High Street rise from two to three storeys in height and comprise a mixture of attractive Edwardian buildings positioned up to the pavement and extend fairly deep to the rear. The car mechanics and MOT testing station is a traditional frontage building but has an unattractive large workshop attached which extends to the rear. The site lies outside the Conservation Area, but the boundary to the designated area lies on the southern boundary of the site, which essentially is the rear of the building plots fronting the High Street.

14.3.3 The application site and the more immediate surrounding land to the rear of the frontage buildings is fairly tranquil and dwellings tend to sit in spacious plots with greenery, trees and vegetation. Other than the property at Ilex Cottage and Little Magnays (which lie just to the west of the site), all other dwellings are positioned on the most northern part of the site. Immediately to the east of the site, there is a long two storey building known as 'South Court' which comprises 6 flats. This building is

a simple pitched roof building and the space in front is generally used for car parking and garaging, but there are small areas of amenity for the residents.

- 14.3.4 The site itself comprises a modern house and although the existing dwelling is of no architectural merit, the openness and spacious character of the site, together with the greenery, trees, and vegetation positively contributes to the character of the area. There is no in principle objection to the loss of the existing dwelling and there is potential to create a positive development which increases the number of housing units, given the sustainable location of the site. However, any redevelopment needs to respond to the important distinctive features of the area, namely the openness, greenery and trees.
- 14.3.5 The proposed layout of the development seeks to create a larger building comprising a terrace of three dwellings to the north of the site, broadly in line with the existing dwelling and in line with most of the other existing dwellings to the rear of the high street. A smaller single detached dwelling is proposed to the south of the site. The overall density of the development equates to around 17 dwellings per hectare, which is considered to be contextually appropriate. It is considered that the proposed layout of the development picks up on a number of characteristics, one of which is to retain the central and southern part of the site for tree cover and openness.
- 14.3.6 Indeed, it is considered that siting the proposed terrace of three dwellings to the north of the site not only follows the general pattern of development in the area, but it also enables the central part of the site and the land to the south behind the High Street to remain fairly open, together with retaining the trees, greenery and vegetation. While the rear gardens to the proposed terrace of three dwellings are fairly small, a large area of private amenity space would be provided in the central part of the site to be used and managed by any future residents. A number of trees within this space are proposed to be retained.
- 14.3.7 It is accepted that the car parking area that would serve the proposed three dwellings is harsh in terms of its size and siting, however there is sufficient space for new landscaping and tree planting to soften this space and create an attractive courtyard. Indeed the overall intention is to retain many existing trees and provide further soft landscaping and tree planting within the site and a planning condition can be imposed to provide a detailed landscaping scheme for the whole site.
- 14.3.8 Visually the proposed terrace of three would rise to around 8.1 metres in height and has been designed as a symmetrical building form with traditional pitched roofs, chimneys and front porches. Given that there is a mixture of property types and styles in the area, including two storey buildings of different sizes, it is considered that the proposed building would be contextually appropriate and designed to a high standard. The distance between the side elevations of the proposed building and side boundaries measures between 5 and 6 metres, which will help maintain the spacious character. Although concerns have been raised that the proposed building sits awkwardly forward of the existing neighbouring buildings, this is not correct. Two neighbouring buildings to the west at Ilex Cottage and Little Magnays sit forward of other buildings and it is clear that there is no set building line. Moreover, the footprint, scale and mass of the proposed three dwellings would be

similar to the neighbouring buildings at South Court and the dwelling houses to the west.

- 14.3.9 The proposed detached dwelling to the south of the site would partly front onto the existing access track to the west and has been orientated at a right angle to other dwellings in the area. The proposed dwelling would be sited on the lower land levels and would incorporate a large garden area to the north measuring 18 metres wide by 12 metres long, which would maintain the sites spatial qualities. The submitted plans also illustrate the existing trees along the southern boundary to be retained. Proposed unit 4 would sit within a spacious plot with opportunities to create additional soft landscaping and tree planting.
- 14.3.10 Visually the proposed building would rise to two storeys and has been designed with a simple pitched roof. The proposed building would be somewhat isolated from other existing buildings, but would sit within a spacious and landscaped context which would pick up on the character of the neighbouring dwellings to the west which are sited in spacious and well landscaped settings. Overall it is considered that the proposed dwelling would be of an acceptable size, design and form, which would be appropriate to this context.
- 14.3.11 Overall it is considered that the proposed layout would be contextually appropriate with large open areas with greenery and trees which would neither appear cramped or overdeveloped. The scale of the proposed development would be similar to other two storey buildings in the area and the design of both buildings would be in keeping with the area. The main bulk of the proposed development would be sited to the north of the site further away from the Conservation Area boundary. The proposed development has been designed so that the existing trees and vegetation along most of the southern boundary would be retained and the central part of the site will remain fairly open. Accordingly the proposed development would not have an adverse impact on the setting or views into and out of the Conservation Area.

14.4 Effect on the living conditions of the adjoining neighbouring properties

- 14.4.1 With regard to residential amenity, the proposal would have some impact on adjoining neighbouring properties. Concerning the neighbouring property to the north of the site at Tower House, this property is more than 25 metres away from the proposed building. Currently there is a high level (more than 3 metres) evergreen hedge on the boundary of Tower House and this property is sited at a higher level. The distance from the proposed first floor bedroom windows on the rear elevation to the boundary with Tower House measures nearly 7 metres. While it is considered that the proposed development would result in overlooking of the rear garden of Tower House, the views would be onto a less sensitive part of their rear garden. The distance to the more sensitive part measures more than 21 metres which is considered to be acceptable and would not result in any unacceptable overlooking.
- 14.4.2 Concerning the neighbouring properties to the east at Nos 1 and 2 South Court, these properties do not have any main windows on the side elevation facing the site. The main windows to flats 1 and 2 South Court are on the front and rear elevation. It should also be noted that there is a balcony on the front of the existing flats. The proposed end

terrace identified as Unit 3 has a first floor side window which would face onto these flats, however the window serves a bathroom and it would be reasonable to impose a condition for the window to be glazed with obscure glass to maintain a reasonable level of privacy.

- 14.4.3 Proposed Unit 3 would be sited approximately 5.5 metres away from the side boundary with Nos 1 and 2 South Court. While the proposed building would be sited forward of South Court, given the degree of separation, it is not considered that the proposal would unacceptably impact on the outlook of these neighbours. Moreover the proposed building is sited to the west of Nos 1 and 2 South Court which would mean that any loss of light would only occur near the end of the day.
- 14.4.4 In relation to the neighbouring property to the west at Ilex Cottage, this is a long narrow bungalow which has its side elevation running parallel to the application site. There is a small garden area and conservatory on the southern end of the bungalow. The proposed terrace of dwellings (Units 1-3) would be sited a sufficient distance away from Ilex Cottage and given the design of the building with no main windows on the side elevation, it is considered that this element of the proposal would not adversely impact their living conditions.
- 14.4.5 It is considered that the proposed detached dwelling (unit 4) would have a greater impact on the living conditions of Ilex Cottage. The proposed dwelling would be sited on a lower ground level compared to Ilex Cottage and has been designed with no main first floor windows on the front elevation facing Ilex Cottage. A condition can be imposed for the proposed first floor bathroom window on the front elevation to be fitted with obscure glass to maintain a reasonable level of privacy. Equally, the proposed first floor bedroom window on the side elevation has been designed as an oriel window in which the glazing facing Ilex Cottage would be fitted with obscure glass. This design mitigates any overlooking directly onto Ilex Cottage.
- 14.4.6 In terms of its physical relationship, the proposed dwelling would not be sited directly in line with the rear garden area of Ilex Cottage, which would ensure that the proposal would not unacceptably compromise their outlook. In terms of loss of light and overshadowing, the proposed dwelling would be sited due south east and accordingly, there would be no loss of sunlight into their garden area and conservatory from midday onwards.

14.5 Car parking and public highway safety matters

- 14.5.1 In terms of the impact on public highway safety, the proposal seeks to utilise two existing accesses into the site, one from the west of the site from Barnes Lane which would serve the detached dwelling (unit 4) and the eastern access from the High Street to serve the terraced dwellings (units 1-3).
- 14.5.2 In relation to the eastern access, this is a narrow unmade private road which currently serves the application property, Nos 1-6 South Court Flats and the dentist. This access is only single vehicle width. The proposal is to utilise the existing access, but it is important to note that this access already serves the existing dwelling. Accordingly the proposal seeks to increase the use of the existing access by two additional houses.

- 14.5.3 A Transport Statement accompanies the application and the applicant also sought separate pre application advice from the Highway Authority prior to the submission of the planning application. As part of the Transport Statement, speed surveys and traffic count surveys were carried out from the site. The traffic count survey concluded that the proposed development would have a marginal increase in traffic generation and would be no more than 10% of the base traffic flows surveyed.
- 14.5.4 The Transport Statement states that although a Fire Tender vehicle can access the site, all properties will be provided with sprinkler systems. This will avoid the need for a Fire Tender vehicle to access the site. In terms of refuse collection, a bin store would be provided at the entrance to the site (in front of the flats at South Court) and the refuse vehicle would be stationed on the High Street and refuse bags collected by hand. This would avoid refuse vehicles entering the access. The Councils Waste Collection Team state that the refuse vehicles would be left on the main road and the staff walk up the track to collect the refuse at the bin collection point, which is shown within 60 metres of the main road.
- 14.5.5 The submitted plans illustrate a passing place to be created along the access. Whilst this is not a requirement of the Highway Authority, this is clearly a betterment of the existing situation. The applicant states that access to the site is not owned, but they do have a right of way legally documented in their Title, that predates the existence of the surgery or indeed any property in that location, from the public highway. The dimensions of the right of way are not specified but the route is shown on the Title plan and is evident on the ground. The right provides for access at "*all times and for all purposes*". This access also serves the dentist and South Court flats. The car parking to the rear of the surgery is informal with no marked parking bays or similar. This informal arrangement coupled with a clearly evident access route "on the ground" already provides for vehicle use.
- 14.5.6 The Highway Authority is satisfied with the access into the site including the visibility splays provided and consider that the proposal would result in a marginal increase in the use of the access. As set out in the Transport Statement, refuse vehicles and a Fire Tender do not need to enter the access track.
- 14.5.7 In terms of car parking, for the proposed terrace of three (Units 1-3), 7.5 car parking spaces is recommended, which equates to 2.5 car parking spaces per dwelling. In this case, the proposed layout entails two on site car parking spaces per dwelling, together with three visitor car parking spaces.
- 14.5.8 In relation to the western access from Barnes Lane, it should be noted that the application site currently has a vehicular access off this track. The western access currently serves 6 dwellings and a restaurant. The Highway Authority are satisfied with this access into the site. The proposed detached dwelling has space for up to three cars to be parked on site, which would accord with the car parking standards. The proposed layout also shows sufficient space for cars to turn within the site.

14.5.9 A number of representations are concerned over the ownership of the accesses. In response to these concerns, the application forms state the applicant has served notice on the relevant land owners under Certificate B and the applicant has confirmed that they have a legal right of way over the access. The applicants agent has stated that the dimensions of the right of way are not specified but the route is shown on the Title plan and is evident on the ground. The right provides for access at “*all times and for all purposes*”. This access also serves the dentist and South Court flats. Accordingly, if planning permission is granted it would be for the applicant to ensure that they have a right of access to the approved development.

14.6 Other matters

14.6.1 In relation to tree matters, the Tree Officer does not raise any objections. The site is subject to 2 Tree Preservation Orders towards the south western boundary; these protect 3 Horse Chestnuts, 2 Sycamores and a Lime tree, together with 1 Scots Pine and 1 Beech tree on the eastern boundary. Several individual trees and a small group of trees have been marked to be removed to facilitate the development, but a number of other trees have been shown to be retained. While a number of trees and vegetation would be removed, the Tree Officer does not consider them to be a constraint to the development due to being unsuitable for inclusion within a TPO and there is sufficient space on the site for new tree planting to be included within a detailed landscape plan.

14.6.2 Concerning ecological matters, the Ecologist does not raise any objections and considers that the ecology report which accompanies the application is acceptable and makes suitable recommendations for on-site mitigation to avoid harm to wildlife and avoid wildlife offences being committed (e.g. clearance of vegetation outside of bird nesting season). Although enhancements have been outlined they are not in any detail and accordingly a planning condition can be imposed for further details to be submitted for ecological mitigation and other suitable habitat features be included in the landscape design. Such measures are necessary to demonstrate accordance with NPPF and Local Plan Policies CS3 and DM2.

14.6.3 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.

14.6.4 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.

14.6.5 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.

14.6.6 In the light of recent changes to national planning policy, it is considered inappropriate to secure a contribution towards affordable housing in respect of schemes of 10 residential units or fewer. In essence, national planning guidance would now outweigh the Council's own policies on this particular issue.

14.7 Conclusion

14.7.1 In conclusion the site lies within the built up area where the principle of residential development is acceptable, and while there are a number of constraints within and adjacent to the site, the technical issues have been addressed and it is considered that the proposed development would be appropriate and sympathetic to the area. It is also considered that the proposed development would have an acceptable relationship to the neighbouring properties and there are no objections relating to public highway safety matters.

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

Section 106 Contributions Summary Table

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

Financial Contribution			
Habitats Mitigation			
Financial Contribution			

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
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Dwelling houses	562.71	237.57	325.14	325.14	£80/sqm	£31,313.48 *
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Subtotal:	£31,313.48
Relief:	£0.00
Total Payable:	£31,313.48

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

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

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: M-LR-001, 7165 (08) 01 Rev C, 7165 (08) 02 Rev A, 7165 (08) 03 Rev A, 7165 (08) 04 Rev A, 1807/34/AIA

Reason: To ensure satisfactory provision of the development.

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

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

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

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

5. 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 carried out without express planning permission first having been granted.

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

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

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

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

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

7. All planting, seeding or turfing comprised in the approved details of landscaping (as approved within condition 6) shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the appearance and setting of the development is satisfactory and to comply with Policy CS2 of the Local Plan for New Forest District outside the National Park (Core Strategy).

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

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

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

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

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

9. The development hereby permitted shall not be occupied until the spaces shown on plan (08)01 Rev C for the parking of motor vehicles have been provided. The spaces shown on plan(08)01 Rev C for the parking or motor vehicles shall be retained and kept available for the parking of motor vehicles for the dwellings hereby approved at all times.

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

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

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

11. The trees on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted Oakwood Arboricultural Method Statement (1807/34/AMS) dated 12 July 2018 and Tree Protection Plan (1807/34/TPP) dated July 2018 while in accordance with the recommendations as set out in BS5837:2012.

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

12. Prior to the commencement of development, and notwithstanding the measures outlined in the Peakecology Limited Ecology Report dated 11th August 2016 further details of biodiversity mitigation, compensation, enhancement including site vegetation management shall be submitted to, and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the details and recommendations as approved in the strategy with any amendments agreed in writing. Thereafter, unless otherwise agreed in writing by the Local Planning Authority, the mitigation measures shall be permanently maintained and retained in accordance with the approved details.

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

13. The first floor bathroom window on the front [west] elevation and the west side of the first floor oriel window serving the bedroom as shown on the approved plans on unit 4 shall at all times be glazed with obscure glass.

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

14. The first floor windows on the side elevations of the approved units 1 and 3 shall be obscurely glazed and fixed shut at all times unless the parts that can be opened are more than 1.7m above the floor.

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

15. Notwithstanding the provisions of the Town & Country Planning General Development Order 2015 nothing over 600mm in height shall be placed or permitted to remain on the land shaded green on the approved plan.

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

16. No development shall start on site until plans and particulars showing details of the provisions of cycle storage within the site have been submitted to and approved in writing by the Planning Authority. The development shall be carried out in accordance with the approved details before the use of the development is commenced and shall be retained thereafter.

Reason: To ensure adequate provision within the site in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

Notes for inclusion on certificate:

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

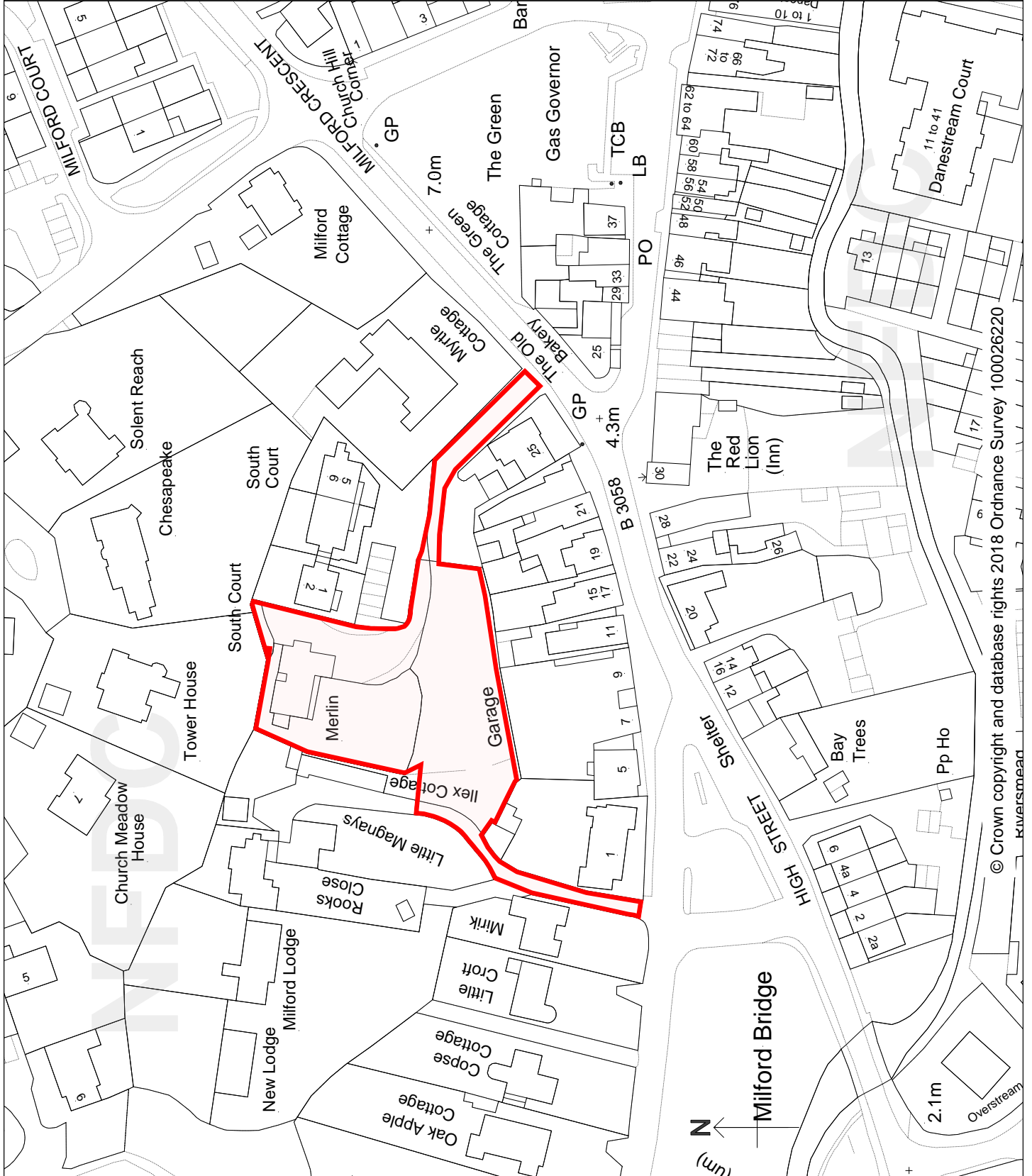
In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

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

Further Information:

Richard Natt

Telephone: 023 8028 5588



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Planning Committee 14 November 2018 **Item 3 f**

Application Number: 18/11042 Full Planning Permission

Site: 30 BARTON DRIVE, BARTON-ON-SEA, NEW MILTON BH25 7JJ

Development: 2 detached bungalows; associated parking; demolish existing

Applicant: WCR Management Limited

Target Date: 01/10/2018

Extension Date: 16/11/2018

RECOMMENDATION: Grant Subject to Conditions

Case Officer: Vivienne Baxter

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Town Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS15: Affordable housing contribution requirements from developments
- CS24: Transport considerations
- CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan

Document

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

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

- Section 38 Development Plan
- Planning and Compulsory Purchase Act 2004
- National Planning Policy Framework
- NPPF Ch.2 - Achieving sustainable development
- NPPF Ch. 4 - Decision-making
- Section 197 Trees
- Town and Country Planning Act 1990

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

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

6 RELEVANT PLANNING HISTORY

- 6.1 18/10281 - detached bungalow, detached chalet bungalow, associated parking, demolish existing. Refused 23.4.18
- 6.2 17/11208 - 3 dwellings, parking, landscaping, demolition of existing. Refused 23.10.17
- 6.3 16/11488 - chalet bungalow, parking, access. Refused 20.12.16, appeal dismissed
- 6.4 Prior to these recent applications, there have been 6 other applications for new residential development on this site dating back to 1989. The earliest of these was withdrawn, the subsequent one was allowed on appeal although this had lapsed by the time of the following submissions, all of which were refused.

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: object (non-delegated)

- (1) Contrary to CS2, failing to make a positive contribution.
- (2) Overlooking
- (3) Plot width contrary to the New Milton Local Distinctiveness SPD which states; 'well defined and regular plot widths'
- (4) Bulk and mass contrary to the NM Local Distinctiveness SPD; 'the volume of buildings in relation to other buildings, streets and spaces'.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer: no objection subject to condition(s)
- 9.2 Tree Officer: no objection subject to condition

10 REPRESENTATIONS RECEIVED

Five objections have been received from local residents concerned with the following:

- privacy will be compromised to dwellings both sides
- over development
- cramped
- impact on protected trees
- site is on a dangerous bend
- proposal doesn't address previous reasons for refusal

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

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

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

Based on the information provided at the time of this report this development has a CIL liability of £10,239.43.

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

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

The application was submitted with inadequate details in relation to the adjacent protected trees. Appropriate reports have now been provided.

14 ASSESSMENT

- 14.1 The site lies within the built up area of Barton on Sea in a residential area. It is a corner plot with a frontage wider than either immediate neighbour. There are statutorily protected trees adjacent to the site in the garden of properties in Seafeld Close to the south. The site currently contains a detached bungalow with detached single garage. Part of the site has been fenced off separately from the dwelling for many years and is overgrown.
- 14.2 The proposal entails the demolition of the existing property on site and the provision of two detached dwellings comprising on plot 1 - hall, study, ensuite bedroom, WC and open plan kitchen, dining, living, utility area at ground floor level with 2 bedrooms and a bathroom at first floor level and plot 2 - hall, ensuite bedroom, further bedroom, bathroom and open plan kitchen, dining, living, utility area at ground floor level. Two parking spaces per dwelling would be provided.
- 14.3 Previous schemes have been refused where two concerns raised related primarily to the impact of new development on protected trees and the associated future pressure as well as the visual implications (bulk and massing) of the new dwellings. Previous schemes have also included development in the rear garden area which has not found favour and this proposal does not include development of this nature.
- 14.4 In principle, new residential development can be acceptable within the built up area providing, in this case, it does not cause unacceptable impacts on residential or visual amenity, trees or highway safety. It is noted that there have been concerns raised in respect of residential amenity from this particular scheme relating to roof lights to the side of plot 1 and a ground floor window close to the boundary with no.28. At ground floor level, a 1.8m high fence would mitigate against overlooking to a great extent and with regard to the roof lights, the side window to bed 2 is indicated as being obscure glazed in view of the adjacent dormer window to the 5th bedroom at no.32. The side window to the rear bedroom is set at an angle to the nearest part of the adjacent dwelling which is a garage. It is unlikely that any oblique views into the secondary living room window beyond this would give rise to significant overlooking. The large rear windows to each proposed dwelling would look directly down the gardens to each property.
- 14.5 The Highway Authority has not raised any objections to the proposal although local concerns are noted. The access for plot 1 would remain as existing and that for plot 2 would be relocated slightly closer to the bend, allowing appropriate visibility for both dwellings. Parking provision for each dwelling would be at the front and the layout would be similar to other properties in the area, which in many cases is just a drive without turning.
- 14.6 The adjacent statutorily protected trees have been of concern in many previous applications at this property. However, while the footprint and patio of plot 2 are within the root protection zone of pine trees, the application is supported with details of specialist foundations and techniques to overcome any concerns in this respect. Providing the development is carried out in accordance with these details, it is considered that the proposal would have minimal arboricultural impact.

- 14.7 In visual terms, the proposed dwellings have been designed in context with the existing dwellings in the area and special consideration has been given to the changing levels between the site and the properties either side resulting in a development which is considered to satisfactorily address this awkward corner site. Each frontage would be of an adequate width (12m/9m) and while this may be less than many in the area, that immediate adjacent (32) is just 7m wide. The bulk and massing of the proposed dwellings is comparable to others in the area. While the estate was originally laid out with single storey dwellings, many have undergone loft conversions and extensions which have resulted in them being larger in both height and footprint than initially built. The proposal includes a two storey and a single storey property, reflecting those either side and height-wise, they would not appear out of place.
- 14.8 Although the comments of the Town Council have been noted, for the reasons given above, it is not considered that the proposal would conflict with the Local Distinctiveness SPD in terms of either bulk/mass or plot widths. As the site has been fenced off for many years and is presently overgrown, the proposal is considered to represent a positive contribution to the street.
- 14.9 The LPA is not currently able to demonstrate a 5 year supply of housing land when assessed against its most recent calculation of Objectively Assessed Need. Relevant policies for the supply of housing are therefore out of date. In accordance with the advice at paragraph 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.
- 14.10 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 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 The proposal is considered to provide an additional unit of accommodation without significantly impacting upon the visual or residential amenities of the area. There are no highway concerns in terms of visibility or parking provision and subject to an appropriate condition, there would be minimal harm to the adjacent protected trees.

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

Section 106 Contributions Summary Table

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

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	206.12	99.8	106.32	106.32	£80/sqm	£10,239.43 *

Subtotal:	£10,239.43
Relief:	£0.00
Total Payable:	£10,239.43

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

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

Where:

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

R = the levy rate as set in the Charging Schedule

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

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: Design and Access Statement, 8800/303, 8800/400, 8800/401A, 8800/402.

Reason: To ensure satisfactory provision of the development.

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

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

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

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

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

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

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

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

6. The dwellings hereby approved shall not be occupied until plans and particulars showing details of the provisions of cycle storage within the site have been submitted and approved in writing by the Planning Authority. The development shall be carried out in accordance with the approved details before the use of the development is commenced and shall be retained thereafter.

Reason: To ensure adequate provision within the site and in accordance with policy CS2 of the New Forest District Council Core Strategy.

7. The kerb and footway at the proposed access crossing of the highway shall be lowered and reinstated to the specification and satisfaction of the Local Planning Authority prior to the occupation of the building.

Reason: To prevent danger to road users and in accordance with policy CS2 of the New Forest District Council Core Strategy.

8. The trees on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted Barrell Tree Consultancy Arboricultural assessment & method statement (16049-AA3-AS), Tree Protection Plan (16049-BT5) dated 26th September 2018 and Manual for Managing Trees on Development Sites V2.1 while in accordance with the recommendations as set out in BS5837:2012.

NOTE - Attention is drawn to the requirement for a Pre Commencement Site meeting as detailed within SGN 1 - Explanatory notes and examples within the Manual for Managing Trees on Development Sites V2.1

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

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

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

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

10. The first floor windows (rooflights) on the N.E elevation of unit 1 shall at all times be glazed with obscure glass

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

Notes for inclusion on certificate:

1. In discharging condition No. 9 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/>
2. In accordance with paragraph 38 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

The application was submitted with inadequate details in relation to the adjacent protected trees. Appropriate reports have now been provided.

Further Information:

Vivienne Baxter
Telephone: 023 8028 5588



New Forest
DISTRICT COUNCIL

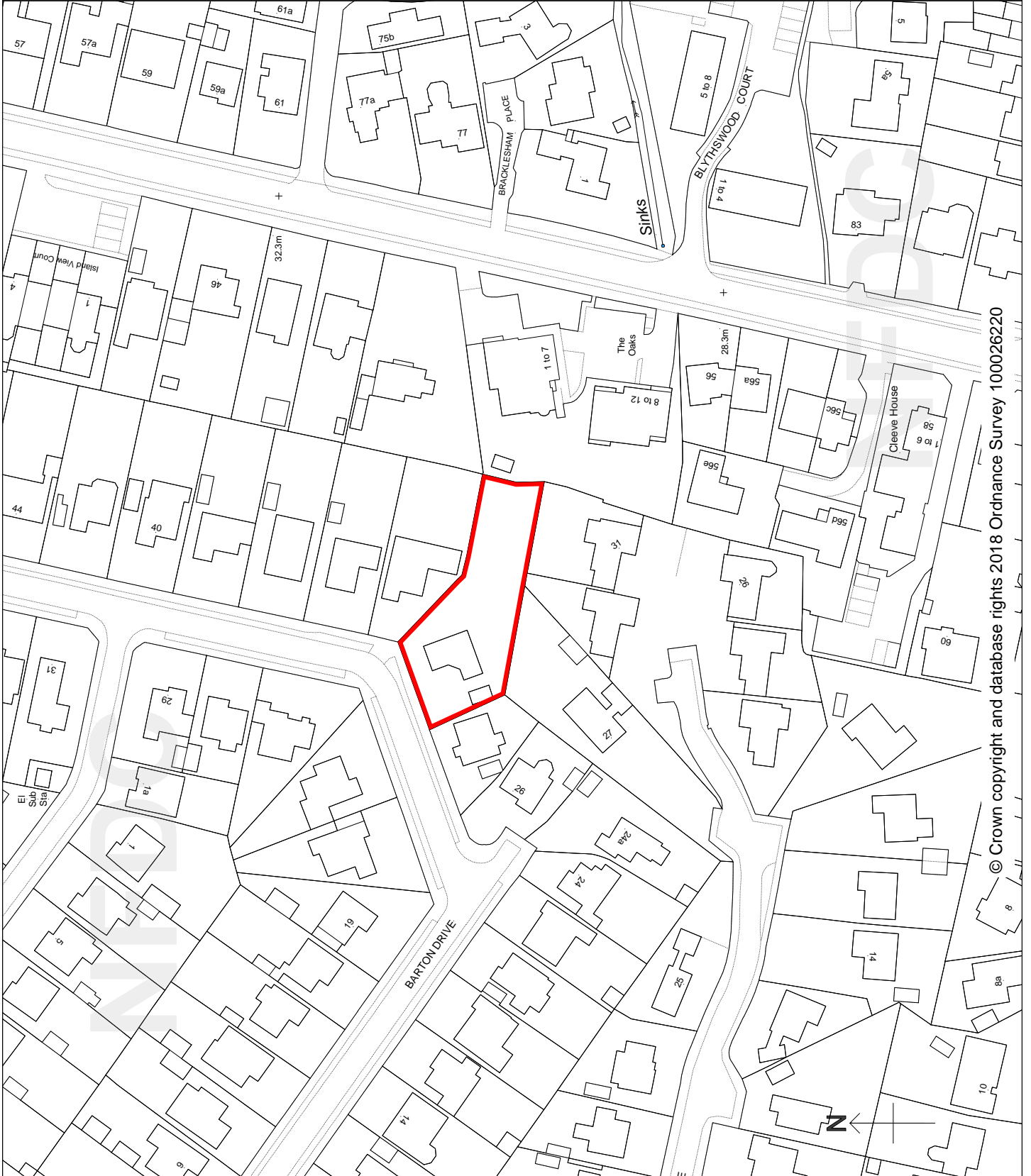
Tel: 023 8028 5000
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David Groom
Service Manager
Planning and Building Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee**
November 2018

Item No: 3f
30
Barton Drive
Barton on Sea New Milton
18/11042

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



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Planning Committee 14 November 2018 **Item 3 g**

Application Number: 18/11047 Full Planning Permission

Site: CHILFROME AND HAINAULT, LOWER PENNINGTON LANE,
PENNINGTON, LYMINGTON SO41 8AN

Development: Single-storey front extensions

Applicant: Miss Currie-Crouch

Target Date: 08/10/2018

Extension Date: 16/11/2018

RECOMMENDATION: Refuse

Case Officer: Jacky Dawe

1 REASON FOR COMMITTEE CONSIDERATION

Referred by Service Manager Planning Development Control

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Plan Area
Tree Preservation Order: NFDC/TPO 0008/13

Plan Policy Designations

Built-up Area

National Planning Policy Framework

Chap 12: Achieving well designed places

Core Strategy

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

Supplementary Planning Guidance And Documents

SPD - Lymington Local Distinctiveness

3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

4 RELEVANT SITE HISTORY

Proposal	Decision Date	Decision Description	Status
18/10226 Single-storey front extension (Retrospective)	03/05/2018	Refused	Decided
18/10163 Single-storey rear extension; roof alterations to existing front extension; fenestration alterations (Retrospective)	22/03/2018	Granted Subject to Conditions	Decided
17/11552 Two-storey rear extension; single-storey front extension; roof alterations to existing single storey front elevation	10/01/2018	Refused	Decided
15/11027 Single-storey rear extension; 3 front roof lights (Lawful Development Certificate that permission is not required for proposal)	07/08/2015	Was Lawful	Decided
11/97994 Two-storey side extension	23/01/2012	Granted Subject to Conditions	Decided
86/NFDC/33092 Extension to lounge.	29/10/1986	Granted Subject to Conditions	Decided

5 COUNCILLOR COMMENTS

No comments received

6 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council: recommend permission but would accept a decision made by District Council under delegated powers.

7 CONSULTEE COMMENTS

No comments received

8 REPRESENTATIONS RECEIVED

8.1 One comment received that brickwork to side and rear extensions do not match existing.

9 CRIME & DISORDER IMPLICATIONS

None relevant

10 LOCAL FINANCE CONSIDERATIONS

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

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

11 WORKING WITH THE APPLICANT/AGENT

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

The applicants agent has commented that the imposing of a condition to secure the completion of the whole development is not justified or reasonable and would not meet the tests of lawfulness in paragraphs 54 and 55 of the NPPF. A Section 106 agreement would be disproportionate and unreasonable. As such this has not been agreed and the application should be determined as submitted

No pre application advice was sought prior to the application being submitted. As the application now fell to be determined and there was identified harm arising from the proposal due to the fact that a mechanism to secure the completion of the whole development had not been agreed, a refusal was justified in this instance.

12 ASSESSMENT

12.1 The application property is located within the built up area and Lymington Local Distinctiveness Area 10. It is located on a private road with a varied mix of development. Chilfrome and Hainault are a pair of semi detached properties where there is an unauthorised single-storey front extension at Chilfrome adjacent to the boundary of Hainault

12.2 The current application has been made jointly by both Hainault and Chilfrome. The proposal - which is partly retrospective - is to construct a pair of single-storey front extensions, either side of the boundary.

12.3 The main issues for consideration are the impacts on neighbour amenity, street scene and the character of the area.

12.4 A previous application 18/10226 for a single-storey front extension (retrospective) at Chilfrome was refused for the following reason :-

"The proposed single storey front extension, by reason of its length, height and close proximity to the neighbouring property Hainault would result in an unacceptable level of loss of light to the main living area, of an adjacent property. Furthermore it would create an oppressive and enclosing development to this neighbour to the detriment of their reasonable amenity. As such it would be contrary to Policy CS2 of the Core Strategy for the New Forest District outside of the National Park and Chpt 7 of the National Planning Policy Framework"

12.5 Extending both properties to the same length would overcome this reason for refusal as the impact on light to Hainault would not be adversely affected and concerns about the resultant sense of enclosure would be resolved.

- 12.6 A joint application is therefore an appropriate way forward but only if the entire development is constructed as this would overcome the previous concerns. An appropriate mechanism to secure this is therefore required if the current proposal is to be supported.
- 12.7 A condition to secure this was rejected by the agent who considers that this is not justified or reasonable and would not meet the tests of lawfulness in paragraphs 54 and 55 of the NPPF. A S106 agreement was considered to be disproportionate and unreasonable.
- 12.8 The front extensions does not detract from the character of the area or appear overly prominent within the street scene.
- 12.9 In response to a comment made about materials, this is an older property and the bricks used on the recent side and rear extensions are the nearest match possible due to the age of the property and the availability of materials.
- 12.10 Notwithstanding that the impact on the street scene and character of the area is considered acceptable, without a mechanism to give certainty about completion of the development harm to the amenity of Hainault would remain and as such the proposals cannot be supported. It is on this basis that the application is therefore recommended for refusal.
- 12.11 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

13. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. In the absence of a mechanism in place to secure the completion of the development as a whole, and if the current situation were to remain, it would result in unacceptable harm to the neighbour Hainault. The proposed single storey front extension, by reason of its length, height and close proximity to the neighbouring property, Hainault, would result in an unacceptable level of loss of light to the main living area of that adjacent property. Furthermore, it would create an oppressive and enclosing form of development to this neighbour to the detriment of their reasonable amenity. As such it would be contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park, and Chap 12 of the National Planning Policy Framework.

Notes for inclusion on certificate:

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

No pre application advice was sought prior to the application being submitted. As the application fell to be determined and there was identified harm arising from the proposal due to the fact that a mechanism to secure the completion of the whole development had not been agreed, a refusal was justified in this instance.

Further Information:

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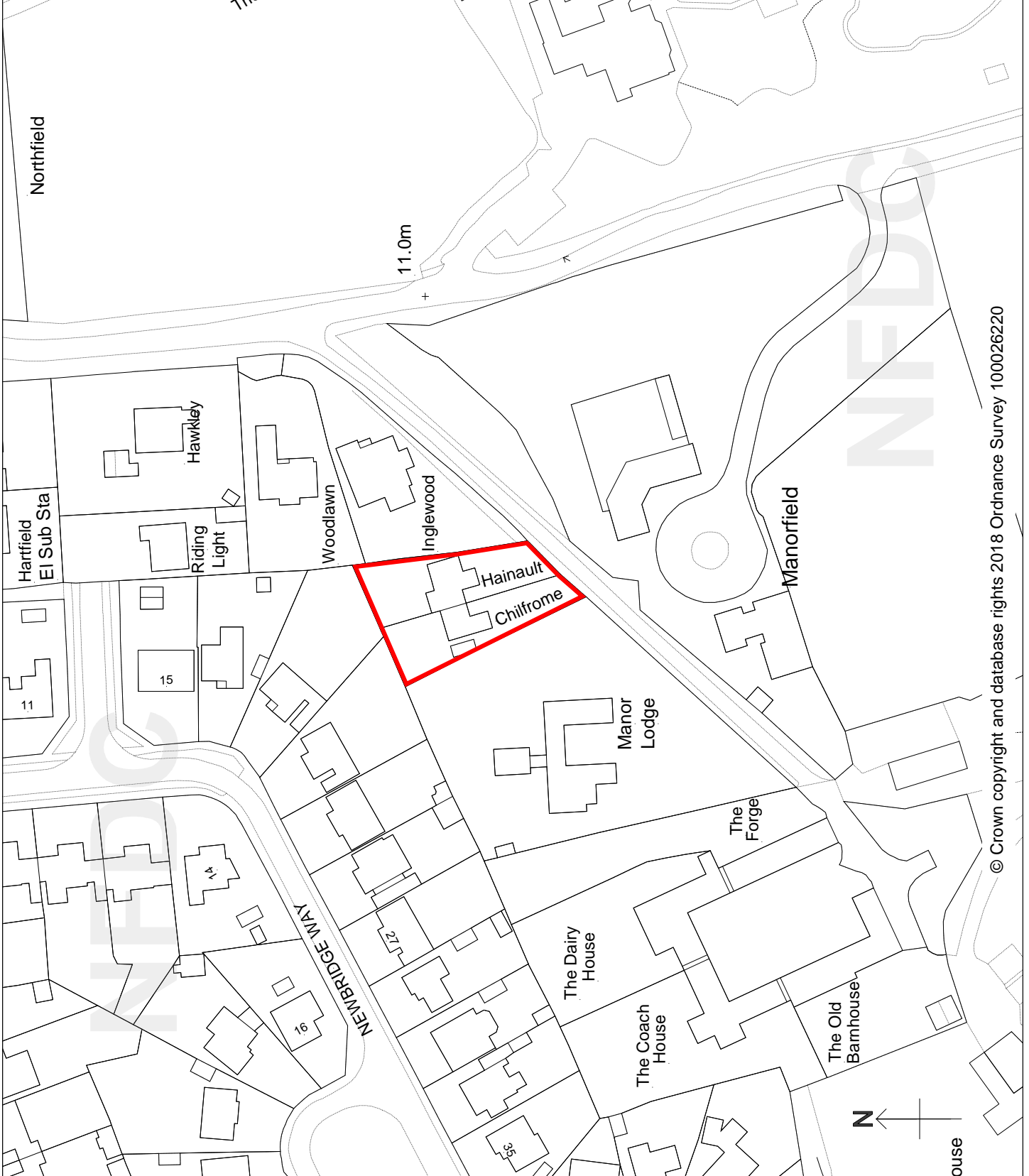
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**Planning Development
Control Committee**
November 2018

Item No: 3g
Chilfrome & Hainault
Lower Pennington Lane
Pennington Lymington
18/11047

Scale 1:1250

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