

## NOTICE OF MEETING

**Meeting:** PLANNING COMMITTEE

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

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

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

**PUBLIC PARTICIPATION:**

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

**Bob Jackson**  
Chief Executive

Appletree Court, Lyndhurst, Hampshire. SO43 7PA  
[www.newforest.gov.uk](http://www.newforest.gov.uk)

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

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## AGENDA

**Apologies**

**1. MINUTES**

To confirm the minutes of the meeting held on 14 November 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) **Former Public Conveniences, School Road, Fawley (Application 18/10801) (Pages 1 - 10)**

Two-storey building for flexible use (Use Class A1, A2, B1a) (Details of appearance and landscaping, development granted by Outline Permission 14/11133)

**RECOMMENDED:**

Grant permission subject to conditions

(b) **Land of Aspen Cottage, Hythe Road, Marchwood (Application 18/10888) (Pages 11 - 24)**

House; detached garage

**RECOMMENDED:**

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

(c) **3 Strides Lane, Ringwood (Application 18/10976) (Pages 25 - 34)**

Change of use from office (B1) to residential (C3); dormers; rooflight; fenestration alterations; boundary fence; parking

**RECOMMENDED:**

Grant permission subject to conditions

(d) **Southampton Road Garage, Southampton Road, Fordingbridge (Application 18/10984) (Pages 35 - 42)**

Continue siting of portable cabin until September 2021; temporary use of land as open storage and depot (Use Class B8) including deliveries; collection and sales; 2m high security fence and gates (retrospective)

**RECOMMENDED:**

Grant permission subject to conditions

(e) **Nu-Car Diesel Centre Totton Ltd, Totton By-pass, Totton (Application 18/11443) (Pages 43 - 54)**

Use as car hire centre (Sui Generis Use); single-storey building; remove existing portacabin

**RECOMMENDED:**

Grant permission subject to conditions

- (f) **4 South Street, Pennington, Lymington (Application 18/11264) (Pages 55 - 62)**

Use as flat (Use Class C3); external alterations

**RECOMMENDED:**

Refuse

**4. SCHEME OF DELEGATION OF POWERS TO OFFICERS**

The Council operates an extensive scheme of delegation of powers to officers to allow decisions to be taken quickly and effectively at an operational level.

The scheme of delegations needs to be updated to take account of a recent change in the structure of the planning service. No additional powers are proposed, merely a change in the officers that are authorised to act.

**RECOMMENDED:**

That the scheme of delegation of powers to officers be updated so that all delegations currently to the Principal Planning Officers are also delegated to the Planning Implementation and Enforcement Team Leader.

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

**To:**

**Councillors:**

**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

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.

Planning Committee 12 December 2018 **Item 3 a**

**Application Number:** 18/10801 Reserved Matters

**Site:** FORMER PUBLIC CONVENIENCES, SCHOOL ROAD,  
FAWLEY SO45 1EA

**Development:** Two-storey building for flexible use (Use Class A1, A2, B1a)  
(Details of appearance & landscaping, development granted by  
Outline Permission 14/11133)

**Applicant:** Mr & Mrs Cleall

**Target Date:** 15/08/2018

**Extension Date:** 17/12/2018

<b>RECOMMENDATION:</b> Grant Subject to Conditions
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<b>Case Officer:</b> Stephen Belli
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## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

#### Objectives

1. Special qualities
4. Economy
6. Towns, villages and built environment quality.

#### Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS9 Settlement hierarchy - Fawley is a level 3 settlement with potential for small scale development.
- CS5: Safe and healthy communities
- CS10: The spatial strategy
- CS17: Employment and economic development
- CS20: Town, district, village and local centres

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

NPPF1 - Sustainable development  
DM1 Heritage and conservation  
DM19 Small local shops and public houses

### **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

### **6 RELEVANT PLANNING HISTORY**

- 6.1 **17/11577** - Two storey building for flexible use (Class A1, A2, B1a) - reserved matters application refused 5 April 2018
- 6.2 **14/11133** - Two storey building for flexible use (Class A1, A2, B1a) - outline permission granted 2 July 2015
- 6.3 **11/97141** – Use as dwelling; single storey extensions and associated external alterations - refused 1 July 2011
- 6.4 **10/96285** – Use as dwelling; single storey extensions and associated external alterations - refused 2 February 2011

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

**Fawley Parish Council:** recommend refusal as we query whether the time scales /conditions of earlier planning applications have been complied with, we note the concerns of the local community, including parking and raise concern as to who has agreed the stated removal of trees which would result in a loss of community amenity.

### **8 COUNCILLOR COMMENTS**

None received.

### **9 CONSULTEE COMMENTS**

- 9.1 Tree Officer: there is a protected oak tree on the north east boundary of this site. Overall I have no objections to the proposed landscaping scheme for this site. However, the plans show the existing hardstanding within the root protection area of the oak tree being removed and replaced with soft landscaping. There is potential to damage the tree. Therefore a condition will be required to require a method statement to be provided.
- 9.2 SSE Lighting: further to a discussion with David Atherton at Hampshire County Council I can confirm that the proposed location for the lighting column is acceptable. He has also confirmed that the 'client' (for purposes of payment) shall be the Developer.



9.3 Hampshire County Council Highway Authority: confirmed that amended site layout plan is acceptable and that the new bus stop position is agreed. The County Council also will fund the new bus stop and associated works.

## **10 REPRESENTATIONS RECEIVED**

10.1 3 letters of objection and petition on behalf of 51 residents raising the following concerns

- Highway safety and traffic generation issues with no parking provided for users and customers will exacerbate existing problems
- Decreased parking available generally in this area following changes to the public house and elsewhere
- Overspill parking into privately owned roads nearby will be exacerbated.
- Existing use of the site is unacceptable being a builder's materials store. This is now creeping onto land at the rear as well.
- Proposed development is visually unacceptable and very little difference with the refused application – out of character with other buildings and noted Listed Building next door is affected.
- Unsure why amended plans have been produced. Were these requested by the LPA? Queries removal of Cherry tree at rear of site on land not part of the application site. There are still conditions from the outline application which have not been discharged although development appears to have commenced.

## **11 CRIME & DISORDER IMPLICATIONS**

None relevant on this occasion.

## **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 all the above apply. Amendments were required to the design of the building and the location of the bus stop. Amended plans have now been submitted allowing a more positive consideration of the application.

## 14 ASSESSMENT

### 14.1 Site description, proposals and background information

14.1.1 The application relates to the closed public conveniences on the south side of School Road, Fawley. The site comprises a disused single storey toilet block faced in brick under a hipped tiled roof and set back from the street with an operational bus stop within the site and a bus pull in layby forming part of the public highway to the front of the site. At the rear of the site lies a fenced off portion of land which has been referred to by objectors but is not part of this application. The site lies immediately adjacent to, but not within, the Fawley Local Shopping Frontage. To the east of the site lies the Falcon Hotel which is a Listed Building. The Hotel has its own car park and access between the building and the application site. To the west of the site lies a terrace of houses. To the north of the site lies a number of commercial properties including the main village shop. In the north eastern corner of the site lies a protected oak tree.

14.1.2 The bus stop immediately in front of the existing toilet block is to be relocated as a part of this proposal, the details of which are the subject of a planning condition attached to the outline planning permission (14/11133).

14.1.3 The earlier reserved matters application replicated the suggested design submitted with the outline planning application with a gabled roof at the front and with domestic style windows and doors and was refused for the following reason

*The proposed development that would occupy a prominent position at the centre of Fawley village, would provide a poor quality and contrived addition to the street scene. This harm would be readily apparent by virtue of the poorly proportioned roof shape, the unsympathetic elevations and the poor quality design and layout of fenestration that is proposed. Moreover, the building would appear overtly residential in character and as such, would appear a cramped and incongruous addition to the street scene by reason of the restricted plot size, lack of spatial setting and poor quality landscaping scheme that is proposed. The proposal is therefore considered to be contrary to the provisions of the NPPF and Planning Policy CS2 of the New Forest District Core Strategy (Adopted) 2009.*

14.1.4 This current application now shows a revised design which is based on that which accompanied the outline planning application but without a gabled extension of the roof at the front and with more commercial style fenestration at ground floor level. The latest plans show a two storey building under a simple hipped roof with timber windows and doors. The facing materials would be red brick for the walls and plain clay tiles for the roof. The ground floor is shown as being laid out as two separate business spaces with a shared kitchen and WC facility between them. A staircase accessed from the side of the building would allow access to the first floor which is shown as being laid out for two separate offices with a staff room between them. The building measures 9.5m by 5.5m with a ridge height of 6.5m. This compares to the current WC building which measures 9.8m by 4.4m with a ridge height of 4 metres. The new building would provide 35 square metres of internal floor space on each of the ground and first floors.

- 14.1.5 The outline planning permission included means of access, scale and layout with matters of appearance and landscaping to be dealt with as reserved matters. A number of other conditions were also applied to the outline permission requiring the submission of other matters such as surface water drainage, details of the bus stop, implementation of tree protection measures, and the location of bin and cycle storage.
- 14.1.6 The outline permission imposed restrictions on the use of the building to A1 (shops), A2 (financial and professional services) and B1 a (office use). The date of the outline permission was 2 July 2015. The current reserved matters application was received as a valid application on 20 June 2018 being within the 3 year time period set out and the outline application which establishes the principle of development is therefore still extant. The current application includes a detailed site layout plan and a detailed elevation and floor plan and a landscaping plan. It is these details that now fall to be considered and not matters of principle.
- 14.1.7 The key issues with this application are therefore impact on the character and appearance of the area; impact on highway safety and parking, including the need to move the bus stop and other infrastructure; and impact on neighbour amenity.

## 14.2 Character and appearance impact

- 14.2.1 Policy CS2 requires development to exhibit appropriate design which respects local character and context and to contribute positively to the local distinctiveness and sense of place as well as being appropriate and sympathetic to its setting in terms of scale, height, layout, appearance and materials, and its relationship to adjoining buildings and landscape features.
- 14.2.2 The original submission showed a gable end on the front of the building and a poor choice of materials. The amended plans now show a simpler building with a hipped roof and better bricks and clay tiles and with timber windows and doors. The building would be in character with other local hipped roof buildings and the materials have been chosen to blend acceptably with other buildings in the village centre. The two storey scale of the building has already been agreed at outline permission stage. There is no adverse impact on the setting of the Listed Building, The Falcon Hotel and public house.
- 14.2.3 The new works also include a picket style fence to demarcate a front courtyard for the building and a detailed landscaping scheme. The single protected tree at the front of the site will be protected during the works by virtue of a condition imposed on the outline permission requiring tree protection measures to be put in place. The plans indicate the removal of a tree at the rear of the site on land not included in the red line area. This tree removal may need the permission of any landowner but this is not a matter which is material to this current application. The landscaping scheme shows a selection of flowering shrubs. Tree planting has not been included because of the tight restrictions of the site.

## 14.3 Highway safety, parking and bus stop infrastructure

- 14.3.1 The site is located in a central area of the village and next to a bus stop. There is no vehicular access to the site and no on-site parking. This is a matter of site layout which reflects the outline planning permission. To

provide a vehicular access would be difficult given the tight restrictions of the site. Any access could potentially interfere with the safe use of the bus stop and conflict with the access into the adjoining public house car park.

14.3.2 The applicants' latest site layout and landscaping plan shows four secure cycle spaces to the side of the building. Whilst the SPD on parking standards would normally require 1 car parking space per 30 square metres of B1 floor space or 1 space per 20 square metres of retail floor space these are guidelines only and each case must be treated on its merits. The total floor space of the building in this case is only some 70 square metres. The site enjoys a bus service in close proximity and the site can be accessed from existing public parking spaces nearby albeit these are in constant demand. The small scale nature of the proposal will not however create an unacceptable pressure on parking spaces. Ad hoc parking in the nearby private road to the west of the site is a matter for the residents and owners of the road to take their own action over. The fact that no car parking provision would be made was also accepted at the outline stage.

14.3.3 The processing of the application has been delayed by difficulties in achieving a revised site layout plan to which the Highway Authority and provider of bus stop infrastructure could agree. Following a meeting on site with all parties including the Highway Authority, SSE street lighting company, and the Parish Council, a new location for the bus shelter and related signage and street light have now been agreed. This new position has been reflected on the latest amended site layout and landscaping plan. The Highway Authority have confirmed their agreement as have the street lighting company. The Highway Authority will control the physical bus stop 'furniture' in line with their standard equipment. There is no need to control this through condition requiring any further details. The outline condition no.9 requires the bus stop to be in its new position prior to occupation of the building. It is likely that the works would be carried out as a first phase of development on site however.

#### 14.4 Neighbour amenity

14.4.1 The proposed new building would not create any direct overlooking of nearby dwellings. The nearest dwellings are those to the west of the site. These will be more impacted perhaps by the movement of the bus stop in their direction. That said the actual bus movements themselves would not change and the position of the layby and bus pull in remains unaffected.

#### 14.5 Other matters

14.5.1 The outline permission included a condition requiring details of surface water disposal to be submitted to and agreed prior to commencement of development. Similarly, the position of any bin store needs to be submitted and agreed. These conditions remain in force and will need to be complied with in due course. The applicant's agent has been reminded of these matters. A final amended elevation, floor plan and site plan has now been received which provides all these details, including correcting a minor discrepancy between the floor plan and elevation plan relating to the front doors. There are now no matters outstanding.

- 14.5.2 Other conditions restricting the use of the building and the implementation of tree protection measures also remain in force. The applicants have been reminded about these conditions.
- 14.5.3 The use of the land at the rear has been raised. The applicants have been storing building materials in the area at the back of the building but they have promised to clear this area shortly. This is the subject of an enforcement case. There appears to be a dispute over the ownership of this land but this is not a matter which is material to this current application. The Enforcement officer has now visited the site and confirms the land has been cleared.
- 14.5.4 The use of the area at the front for the storage of materials is for materials in connection with the building works. No objections are raised to this element of storage in the event of detailed permission being granted.
- 14.5.5 The applicants have been reminded that the creation of a dwelling on this restricted site would not be acceptable. Any application that may be submitted in the future to convert a commercial building into a dwelling house will be judged at the time on its merits.
- 14.5.6 The existing planters either side of the bus stop belong to the Parish Council. They have agreed to move the planters to a more suitable location as part of the works.

#### 14.6 Conclusions

- 14.6.1 The site still benefits from an outline permission for a two storey commercial building. The plans now submitted deal simply with the appearance of the building and landscaping. Matters relating to the movement of the bus stop have now been resolved and the Highway Authority have agreed to fund these works. Similarly the existing street light can be moved but at the applicant's expense. There are now no outstanding matters and work can proceed if Members are minded to approve the application. The concerns raised locally have been carefully considered but these are considered to be insufficient to warrant a refusal of reserved matters in this case.
- 14.6.2 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

### 15. **RECOMMENDATION**

#### **Grant Subject to Conditions**

Reserved matters of appearance and landscaping and bus shelter relocation as specified in conditions 1 and 9 of outline permission reference number 14/11133 dated 2 July 2015

**Proposed Conditions:**

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

Site and location plan 1614/TP.01A; Proposed elevations 1614 A101 rev C; Proposed floor plans 1614 A102 rev A; Proposed landscaping/site plan 1614 A103 rev C; As existing elevation 1614 A104; As existing floor plan 1614 A105

Reason: To ensure satisfactory provision of the development.

2. All new windows and doors shall be constructed in timber with a painted timber finish (Farrow and Ball 'Vert de Terre) and shall be set back into their openings so as to provide a minimum reveal of 100mms. All new windows and doors shall be provided with re-constituted stone cills (Haddonstone Bath colour).

Reason: In the interests of the character and appearance of the building and surrounding area and to comply with policy CS2 of the Core Strategy.

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

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

4. The materials to be used in the development hereby permitted shall be Autumn Flame Istock Grosvenor and Acme Brindle play clay tiles.

Reason: To comply with Policy CS2 of the Core Strategy.

**Notes for inclusion on certificate:**

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

In this case all the above apply. Amendments were required to the design of the building and the location of the bus stop. Amended plans have now been submitted allowing a more positive consideration of the application.

2. Wildlife and protected species are widespread in the New Forest District and the issuing of planning consent should not be taken as acceptance that they may not be present at the time of development operations. Given that disturbance or harm to wildlife can result in criminal offences being committed by those undertaking or commissioning works, due regard should be given to the law and relevant professional advice. (Whilst professional information supporting this application suggests risks to protected species may be low, regard should be given to ecological advice and) as wildlife is mobile and may occupy sites where evidence was not previously found, the risk of presence should be appropriately addressed during works. If evidence of protected species (such as bats, nesting birds and reptiles) is encountered, works should stop immediately and Natural England, as well as an ecological consultant, contacted for advice, Works should only proceed in accordance with the advice provided.
3. The developer is reminded of the terms and conditions as attached to outline planning permission 14/11133 which remain in force and must be complied with.

**Further Information:**

Stephen Belli

Telephone: 023 8028 5588



**New Forest**  
DISTRICT COUNCIL

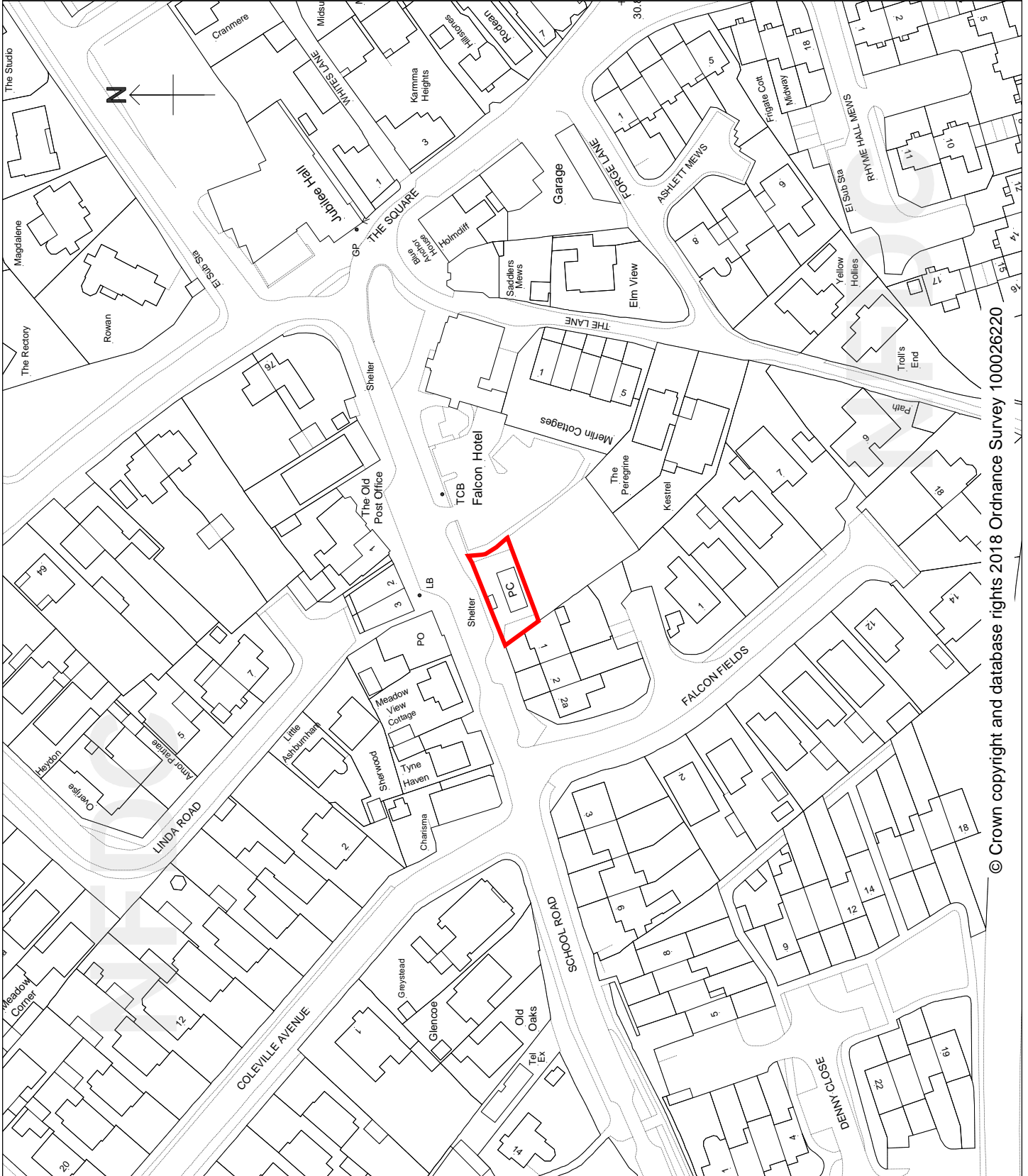
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David Groom  
Service Manager  
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New Forest District Council  
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**Planning Development  
Control Committee**  
December 2018

**Item No: 3a**  
Former Public Conveniences  
School Road  
Fawley  
18/10801

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



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Planning Committee 12 December 2018 **Item 3 b**

**Application Number:** 18/10888 Full Planning Permission

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

**Development:** House; detached garage

**Applicant:** Mr Clark

**Target Date:** 20/08/2018

**Extension Date:** 14/09/2018

<b>RECOMMENDATION:</b> Service Man Planning Grant
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<b>Case Officer:</b> Stephen Belli
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## 1 REASON FOR COMMITTEE CONSIDERATION

Previous Committee consideration

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up Area  
Plan Area  
Aerodrome Safeguarding Zone

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

#### Objectives

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

#### Policies

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

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

DM3: Mitigation of impacts on European nature conservation sites

## 4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan  
Planning and Compulsory Purchase Act 2004  
National Planning Policy Framework 2018

## 5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

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

## 6 RELEVANT PLANNING HISTORY

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

## 7 PARISH / TOWN COUNCIL COMMENTS

**Marchwood Parish Council:** the Parish Council has noted the amended plans submitted by the developer and has discussed these amendments at a meeting held on the 3rd September. The Parish Council now has no objection to this application and we are happy to leave the decision to the Officers concerned under their delegated powers.

## 8 COUNCILLOR COMMENTS

None received

## 9 CONSULTEE COMMENTS

**Hampshire County Council Highway Engineer:** no objections to amended site layout plan Asp 021b Rev C showing revised parking and turning arrangements subject to future maintenance of visibility splays and parking/turning area to allow vehicles to enter and leave the site in a forward gear

## 10 REPRESENTATIONS RECEIVED

5 letters of objection received raising the following points

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

### Amended plans

One letter of objection re-iterating points made earlier

## 11 CRIME & DISORDER IMPLICATIONS

None relevant on this occasion

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission, the Council will receive New Homes Bonus (net increase in dwellings 1 x £1224 =£1224) in each of the following four years, subject to the following conditions being met:

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

Based on the information provided at the time of this report this development has a CIL liability of £9,657.74.

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

## **13 WORKING WITH THE APPLICANT/AGENT**

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

This is achieved by

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

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

## 14 ASSESSMENT

### Update report

Members will recall this application coming before them on 12 September 2018 with a recommendation of approval subject to conditions and a Section 106 agreement to secure visibility splays and a turning area to serve both the existing and the new dwelling.

The purpose of this update report is to advise Members on matters regarding highway safety. The overall principle and details of a new dwelling on the site has already been agreed.

Following the last Committee meeting the legal team began drafting the S106 Agreement and noted that land registry returns appeared to indicate that the land along the frontage of the site which was thought to be in the ownership of the applicant was in fact part of the public highway. In this respect there is no need to secure visibility splays on highway land as this needs to be kept free of obstruction in any event. Ownership of this strip of land was checked and the Highway Authority confirmed the land was in their ownership.

The applicant has now been advised to amend their red line plan to exclude the highway and to agree the following

- The S106 will secure the joint turning area between the two properties only
- An additional condition will be imposed requiring there to be nothing planted or structure or other obstruction greater than 600mms in height placed within the visibility splay.
- A traffic management plan condition to be imposed
- Confirmation that the existing conifer hedgerow planted on highway land to be removed immediately.

Added to this recent information has come to light to illustrate potential problems associated with construction traffic visiting the site. It is therefore considered advisable to impose a construction and a traffic management condition to control these matters is included in the recommendation.

The following paragraphs are the assessment taken from the report that was considered by this committee in September.

#### 14.1 Site description

14.1.1 The site comprises a flat plot of land measuring approximately 18m front to back, by 15m, wide located within the development limits of Marchwood. The site fronts onto the public highway. The site was formerly used as garden land for the adjoining property known as Aspen Cottage to the north west. That property enjoys the benefit of a recent two storey sideways extension and new garage but still retains a reasonable size garden and parking space. The site has one point of access onto the road. Aspen Cottage is still in the ownership of the applicant for the new dwelling.

## 14.2 Proposal

- 14.2.1 The original proposal was to construct a 4 bedroom two storey dwelling on this plot fronting onto the road with a small garden to the rear. The new dwelling would be provided with a single garage in the gap between the side of the new dwelling and Aspen Cottage. A further parking space would be available in front of the garage and a further parking space between the road and the front elevation. The dwelling shown measures 9.2m in length by 6 m wide and is set back off the road by 5.5m, which respects the general building line along the road.
- 14.2.2 Following the initial round of consultation the developer agreed to amend his plans by reducing the number of bedrooms to three and amending overlooking windows and floor layouts. In addition the amended plans show a visibility splay which extends along the whole frontage. These plans are now the subject of a re-consultation exercise with neighbours and the Parish Council which ends on 12 September. The size of the dwelling remains the same as originally planned, however, with a floor area of just over 100 square metres.
- 14.2.3 Prior to the submission of this application the applicant entered into pre application discussions with the Council. The scheme put forward at that time involved a physical extension to Aspen Cottage with a two storey block. This was considered unacceptable as was the suggested design. There were matters of overlooking, as well, mentioned by the case officer. Overall however the principle of development was agreed for this infill plot provided these issues could be resolved.
- 14.2.4 The key issues with this application are matters of principle, impact on character of area, highway safety, and matters relating to residential amenity.

## 14.3 Principle

- 14.3.1 The site comprises an infill plot within the built up area of Marchwood lying within the settlement boundary. To that end a reasonable argument could be put forward that, subject to other planning considerations set out below, the principle of a new dwelling in this area would be considered to be acceptable and a new dwelling considered to be generally sustainable in policy terms.
- 14.3.2 The Local Planning Authority is not currently able to demonstrate a 5 year supply of housing land when assessed against its most recent calculation of Objectively Assessed Need. Relevant policies for the supply of housing are therefore out of date. In accordance with the advice at paragraph 11 of the National Planning Policy Framework, permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the NPPF indicate that development should be restricted.

## 14.4 Impact on local character

- 14.4.1 The area in which this plot sits is a mixed one from a local vernacular point of view. There is a ribbon of development extending both sides along the highway with most properties being detached dwellings apart

from a new estate which lies to the south east which is a more dense terraced form of development. House design and materials differ, with no strong local character.

- 14.4.2 The new dwelling would be faced in brickwork and render with a tiled roof and uPVC windows. These materials are in line with other properties in the immediate area and, subject to agreeing the exact materials by condition, are considered acceptable. The design and proportions of the dwelling are considered acceptable with a narrow cottage proportion gable end. The height of the new dwelling set at just over 7m, matches the property to the south east but is about 1m higher than the extended Aspen Cottage. The front length of the new property matches the house to the south east but is less than the extended Aspen Cottage.
- 14.4.3 Overall the development of this infill plot would not have a significantly detrimental impact on the street scene and local character. The plot size is reflected in other properties in the immediate area and it is considered that the concerns raised by the Parish Council and local objectors on grounds of overdevelopment could not be substantiated and do not warrant a refusal recommendation.

#### 14.5 Highway safety

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

with a parking fronted car port for both the new property and Aspen Cottage. This then counts as one parking space per property. Aspen Cottage retains one surface parking space in front of the car port. The new plot retains one surface parking space in front of the proposed house. This then leaves the space in front of the car port serving the new dwelling free for additional turning space to allow vehicles to both dwellings to access and exit in a forward gear. Each property would therefore have two parking spaces and a joint turning area. The Highway Authority have been consulted on the amended plan and they have no objections to the development as now planned.

- 14.5.6 On this basis there is no highway safety issue with a recommendation of approval subject to a Section 106 Agreement which requires the maintenance of a joint visibility splay across the frontage of both dwellings, and a joint turning area to serve both dwellings. The change from a closed garage to an open car port for Aspen Cottage will be dealt with through a non-material amendment of that planning permission, the application for which has just been received and which will be determined prior to the completion of the S106 and issue of the planning permission for the proposed dwelling.

#### 14.6 Residential amenity

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

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

#### 14.7 Ecology

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

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

14.8 Conclusion

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

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

## Section 106 Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
<b>Affordable Housing</b>			
No. of Affordable dwellings	0		
Financial Contribution	0		
<b>Habitats Mitigation</b>			
Financial Contribution	£1006 Solent SPA NPA SAC Tbc		



## CIL Summary Table

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

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

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

Where:

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

R = the levy rate as set in the Charging Schedule

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

## 15. RECOMMENDATION

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

- i) the applicant entering onto a Section 106 Legal Agreement to secure the joint turning area between the two properties;
- ii) the non material amendment relating to the garage/car port for Aspen Cottage being approved prior to the issue of planning permission; and
- iii) the imposition of the conditions set out below:

### Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans:  
  
Site layout plan ASP 021b Rev D; Location/block/elevation/floor plan ASP 020b Rev C  
  
Reason: To ensure satisfactory provision of the development.
3. Before development commences, samples or exact details of the facing and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.  
  
Reason: To ensure an acceptable appearance of the building in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park.
4. The first floor windows on the north-east elevation of the approved dwelling shall at all times be glazed with obscure glass as shown on the approved plan. The aforementioned windows should be fitted with obscure glass with a minimum obscurity of level 3 glazing and not an applied film.  
  
Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).
5. Before development commences, the proposed slab levels in relationship to the existing ground levels set to an agreed datum shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with those details which have been approved.  
  
Reason: To ensure that the development takes place in an appropriate way in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).
6. No other first floor windows other than those hereby approved shall be inserted into the building unless express planning permission has first been granted.  
  
Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).
7. Before development commences a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :
  - (a) the existing trees and shrubs which have been agreed to be retained;
  - (b) a specification for new planting (species, size, spacing and location);
  - (c) areas for hard surfacing and the materials to be used;
  - (d) other means of enclosure;
  - (e) a method and programme for its implementation and the means to provide for its future maintenance.

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

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

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

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

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

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

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

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

11. The open fronted car port hereby approved to serve the new dwelling shall be retained as such and no garage door or side walls shall be fitted at any future time.

Reason: To ensure that the car port is always available for use as a parking space in the interests of highway safety and in accordance with Policy CS24 of the Core Strategy for the New Forest District outside the National Park

12. There shall be nothing planter or other obstructions to the visibility splays shown on the approved plan drawing number ASP 021b Rev D greater than 600mms in height. The visibility splay shown shall be maintained in perpetuity to serve the new dwelling and Aspen Cottage.

Reason: To ensure that the car port is always available for use as a parking space in the interests of highway safety and in accordance with Policy CS24 of the Core Strategy for the New Forest District outside the National Park

13. Prior to the commencement of development including any site clearance works a construction and traffic management plan shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall indicate all areas for construction vehicle parking within the site, areas of material storage and welfare facilities, and shall detail the hours and days of operation of any construction works on site. The development shall not proceed otherwise than in accordance with the approved plan.

Reason: In the interests of highway safety and in accordance with Policy CS24 of the Core Strategy for the New Forest District outside the National Park

**Notes for inclusion on certificate:**

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

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

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

3. The developer is reminded that this permission is subject to an agreement under Section 106 of the Town and Country Planning Act as amended which will secure a joint access and turning area to serve both properties. Condition 12 required the maintenance of a visibility splay across the whole site frontage of the new dwelling and existing dwelling.

**Further Information:**

Stephen Belli

Telephone: 023 8028 5588



**New Forest**  
DISTRICT COUNCIL

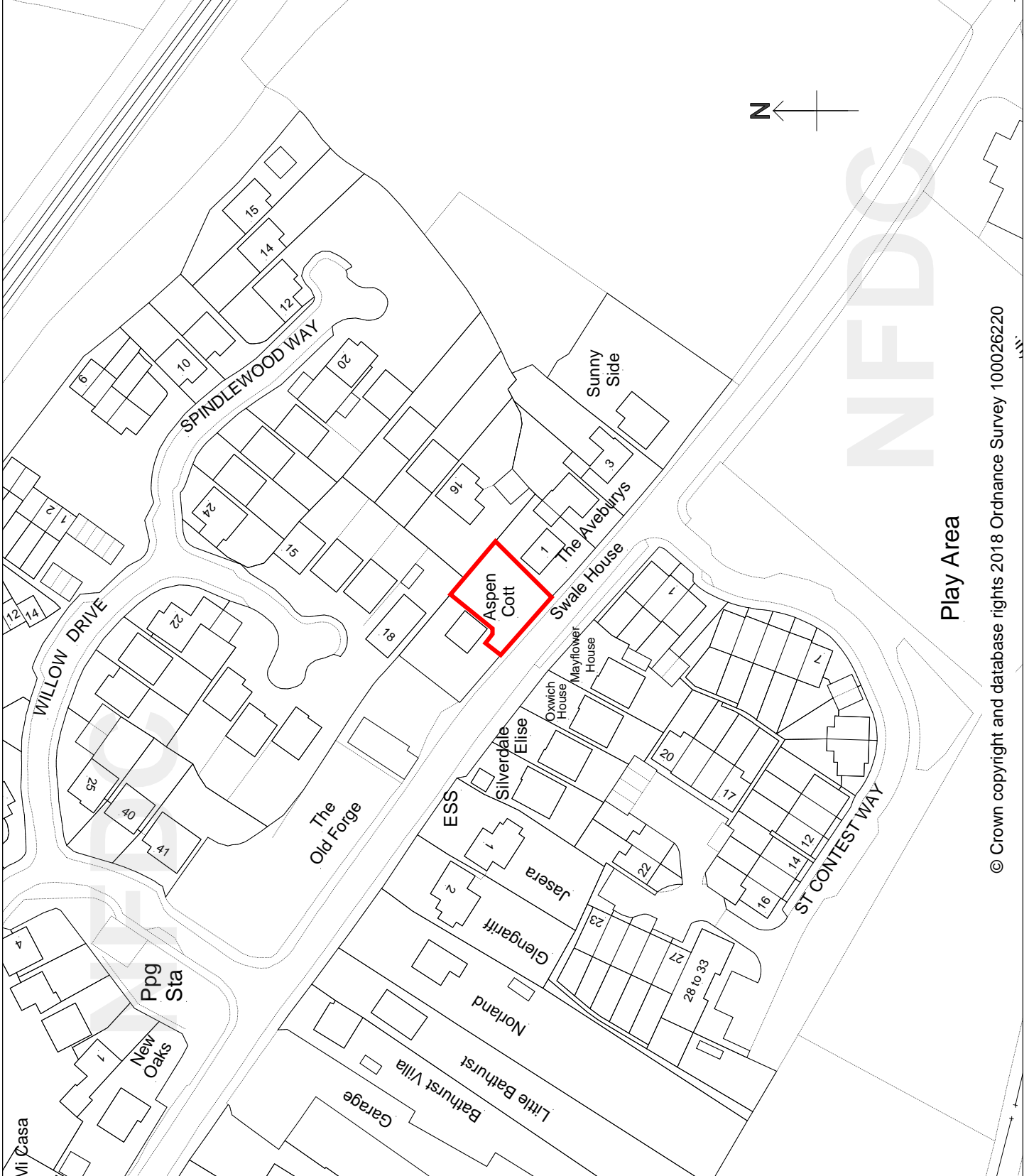
Tel: 023 8028 5000  
www.newforest.gov.uk

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

**Planning Development  
Control Committee**  
December 2018

**Item No: 3b**  
Land of Aspen Cottage  
Hythe Road  
Marchwood  
18/10888

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



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Planning Committee 12 December 2018 **Item 3 c**

**Application Number:** 18/10976 Full Planning Permission

**Site:** 3 STRIDES LANE, RINGWOOD BH24 1ED

**Development:** Change of use from office (B1) to residential (C3); dormers; rooflight; fenestration alterations; boundary fence; parking

**Applicant:** Surereed Ltd

**Target Date:** 25/09/2018

**Extension Date:** 14/12/2018

<b>RECOMMENDATION:</b> Grant Subject to Conditions
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<b>Case Officer:</b> Jim Bennett
----------------------------------

## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary to retail protection Policy.

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Primary Shopping Area  
Built-up Area  
Town Centre Boundary  
Flood Zone 2  
Ringwood Conservation Area

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Local Plan Part 1 (Core Strategy):

CS1: Sustainable development principles  
CS2: Design Quality  
CS3: Protecting and enhancing our special environment  
CS6: Flood Risk  
CS10: The spatial strategy  
CS20: Town, district, village and local centres  
CS25: Developers contributions

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

DM1: Heritage and Conservation  
DM3: Mitigation of impacts on European nature conservation sites

### National Planning Policy Framework 2018

NPPF Ch.12 - Achieving well-designed places  
NPPF Ch.14 - Meeting the challenge of climate change, flooding and coastal change  
NPPF Ch.16 - Conserving and enhancing the historic environment

#### 4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan  
Planning and Compulsory Purchase Act 2004  
National Planning Policy Framework  
Memorandum of Understanding - River Avon Specialist Area of Conservation  
Phosphate Neutral Development - Interim Mitigation

#### 5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPG - Ringwood - A Conservation Area Appraisal  
SPD - Ringwood Local Distinctiveness  
SPD - Mitigation Strategy for European Sites  
SPD - Parking Standards

#### 6 RELEVANT PLANNING HISTORY

- 6.1 17/11246 - Change of use from retail to residential; dormer; rooflight -  
13/06/2018 - Granted Subject to Conditions - 3 STRIDES LANE,  
RINGWOOD BH24 1ED
- 6.2 17/11087 - Use as 1 residential unit (Prior Approval Application) -  
21/08/2017 - Withdrawn - 3 STRIDES LANE, RINGWOOD BH24 1ED

#### 7 PARISH / TOWN COUNCIL COMMENTS

**Ringwood Town Council:** Recommend permission but would accept the decision reached by the DC Officers under their delegated powers (PAR1).

*'The Committee were pleased to see that the replacement windows would be wooden and that the plans included additional garden space and a parking area.'*

#### 8 COUNCILLOR COMMENTS

None received

#### 9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer: no objection subject to conditions and informative
- 9.2 Environment Agency: no comment. Flood Risk Assessment is unchanged from previous permission (17/11246).
- 9.3 Conservation Officer: in respect of the amended plans received on 9th November, previous comments have not been responded to regarding the splay. A design which would be acceptable has been conveyed to the applicant. The application would need better details of the gates and piers but these could be conditioned if agreed by the applicant. This would be in addition to the details needed for windows, door, walls, materials, sample panels and dormers.

#### 10 REPRESENTATIONS RECEIVED

None received



## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

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

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

Based on the information provided at the time of this report this development has a CIL liability of £0.

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.
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- 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, subject to the latest amended plans, to address the issues raised by the Conservation Team being acceptable, the proposal will be acceptable as amended.

## 14 ASSESSMENT

- 14.1 The proposal relates to an existing building on the eastern side of Strides Lane, formerly used for retail purposes, but now vacant. The site lies within the built-up area of Ringwood and its Conservation Area in a mixed use commercial and residential area. The site is also within Flood Zone 2. The proposal entails the conversion of a two storey building, last used for A1 retail purposes, to provide 1 no. two bedroom dwelling, with two dormer windows, fenestration alterations, a new boundary fence and garden area with a single off-street parking space.
- 14.2 Permission has already been granted for the change of use of this site from retail to residential under planning application 17/11246. The primary changes in this application from the previous permission are: an additional dormer window, fenestration alterations and provision on site for a new garden and parking area to the south of the building.
- 14.3 The main issues to consider in this case are the impact of the change of use on the viability and vitality of Ringwood's retail offer, flood risk and the potential impacts on heritage assets, being within the Conservation Area.
- 14.4 The previous permission addressed the fact than this change of use would be contrary to policy CS20 as it would result in the loss of a retail unit within the primary shopping area. Therefore the proposal is contrary to local plan policy unless there are material considerations to justify a departure from policy.
- 14.5 Paragraph 14.4 of the officers report for application 17/11246 outlines that while the proposal would result in the loss of a ground floor retail unit, it is not considered that the loss of this small unit would have a materially harmful impact on the vitality and viability of the town centre, particularly as it does not fall within a shopping frontage, rather a shopping area, with a limited degree of footfall. Accordingly there is no reasonable case to resist the principle of a residential conversion. Indeed the provision of an additional dwelling within this sustainable location would outweigh any limited harm caused through the loss of a marginal retail use and the proposal complies with Policy CS10, which supports new residential development primarily within town centres.
- 14.6 Being within the town's conservation area and the setting of listed buildings fronting Market Place, the design and materials of construction will be expected to be of high quality and to comply with the provisions of Policies CS2, CS3 and DM1, the Local Distinctiveness Document and Conservation Area Appraisal. These policies and documents require consideration of the character impacts of the type of development proposed and seek to ensure that all new development is appropriate and sympathetic to its setting and sensitive to identified heritage assets. Most of the changes would be internal, and the new dormer windows are now proposed to be timber framed; an appropriate material given the sensitive context of the site. The current entrance to the building is proposed to be bricked-up (to match existing) and a new entrance would be located to a central position on the southern side of the building, reinstating the existing stone canopy. The Conservation Officer is satisfied with these elements of the scheme, which are acceptable in design terms and would not harm the character and appearance of the area, subject to conditions.

- 14.7 Another change from the previous permission is that one off-street parking space and a garden curtilage would be provided on the site. In terms of occupier amenity, this is an improvement upon the previous scheme, which had no parking or garden provision. However, in design terms the Conservation Officer's initial comments regarding the new garden space have not been fully responded to. It should be possible to create a well-designed walled courtyard in this location, with the main elevation onto Strides Lane giving a better sense of enclosure. Further amendments have been received, which would appear to comply with the Conservation Team's requests. The Conservation Team's comments are awaited on the latest amendments, but the proposal appears likely to comply with design and character policy, subject to imposition of conditions.
- 14.8 A large portion of the site is within Flood Zone 2 (FZ2) and the site itself is not accessible without passing through FZ2, which surrounds the site and locality. The same Flood Risk Assessment has been submitted as was agreed to by the Environment Agency in respect of the previous permission the provisions of which shall be conditioned.
- 14.9 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. As noted above, the proposal appears likely to be liable for relief from CIL under the vacancy test, in which case a full habitat mitigation figure would be required.
- 14.10 The Council has recently been advised by Natural England and the Environment Agency that existing measures to off-set the amount of phosphorous entering the River Avon as set out in the Hampshire Avon Nutrient Management Plan will not be sufficient to ensure that adverse effects on the integrity of the River Avon Special Area of Conservation do not occur. Accordingly, new residential development within the catchment of the Hampshire Avon needs to be "phosphate neutral". In order to address this matter the Council in conjunction with Natural England, the Environment Agency and adjoining local authorities proposes to develop appropriate phosphorous controls and mitigation measures to achieve phosphorous neutrality. A Memorandum of Understanding has been signed by the aforementioned parties and it is proposed that this matter is dealt with by condition which would prevent occupation of this development until implementation of the necessary mitigation or offsetting has been secured.
- 14.11 The Local Planning Authority is not currently able to demonstrate a 5 year supply of housing land when assessed against its most recent calculation of Objectively Assessed Need. Relevant policies for the supply of housing are therefore out of date. In accordance with the advice at paragraph 11 of the National Planning Policy Framework, 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.

14.12 In conclusion, as permission has already been granted for this change of use and the proposed changes are seen as positive to the scheme, the application is recommended for permission, subject to a favourable consultation response from the Conservation Team.

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.

## **15. RECOMMENDATION**

**Grant Subject to the Conservation Team confirming that the proposals are acceptable in design terms and the following Conditions**

### **Proposed Conditions:**

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: J.41.2016-01, J.41.2016-02A, J.41.2016-03H, Flood risk Assessment dated February 2018 and the submitted Design and Access/Heritage Statement.

Reason: To ensure satisfactory provision of the development.

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

1. Large scale sections and elevations of new timber windows and doors;
2. Large scale sections and elevations of new dormers and lead roofs to dormers;
3. Sample of brick and mortar for areas of blocking up and boundary walling
4. Large scale sections and details of gates and piers and boundary walling

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

Reason: To ensure an acceptable appearance of the building in accordance with Policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park and Policy DM1 of the Local Plan Part 2: Sites and Development Management Plan Document.

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

- (a) Provide for mitigation in accordance with the Council's Phosphorus Mitigation Strategy (or any amendment to or replacement for this document in force at the time), or for mitigation to at least an equivalent effect;
- (b) Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing monitoring of any such proposals which form part of the proposed mitigation measures.
- (c) The development shall be carried out in accordance with and subject to the approved proposals.

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

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

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

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

6. The development permitted by this planning permission shall only be carried out in accordance with the recommendations of the approved Flood Risk Assessment (FRA) prepared by Frank Tyhurst (dated February 2018). The mitigation measures shall be fully implemented prior to occupation of the dwelling.

Reason: To reduce the risk of flooding to the proposed development and future users in accordance with Policy CS6 of the Core Strategy for the New Forest District outside the National Park

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

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

8. Areas for car and cycle parking as shown on the approved plan shall be provided/constructed and hard surfaced and thereafter retained, maintained and kept available for the occupants of the development at all times.

Reason: To promote sustainable mode of travel in accordance with Policy CS2.

#### **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 receipt of the latest amended plans, to address the issues raised by the Conservation Team being acceptable, the proposal was considered to be acceptable as amended.

2. In discharging condition No.5 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/>
3. In advance of the publication of the Council's Phosphorous Mitigation Strategy, the development hereby permitted shall be deemed to provide mitigation to "at least an equivalent effect" if it provides for a reduction of the Total Phosphorous Load generated by the development permitted for each year (or part thereof) from the year of occupation to 2025 at a rate of 0.083 kg of phosphorous per dwelling per annum.
4. New Forest District Council has adopted a Community Infrastructure Levy (CIL) charging schedule and any application now decided, including those granted at appeal, will be CIL Liable. CIL is applicable to all applications over 100sqm and those that create a new dwelling. Under Regulation 42A developments within the curtilage of the principal residence are likely to be exempt from CIL so CIL may not be payable provided the applicant submits the required exemption form prior to commencement of the development.
5. The County Highway Authority advise that as the proposal involves the construction of new accesses onto the highway, the applicant needs to be made aware of the requirement to carry out any works on the highway to the appropriate standard laid down by and under a licence agreement with the highway authority.

**Further Information:**

Jim Bennett

Telephone: 023 8028 5588



**New Forest**  
DISTRICT COUNCIL

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

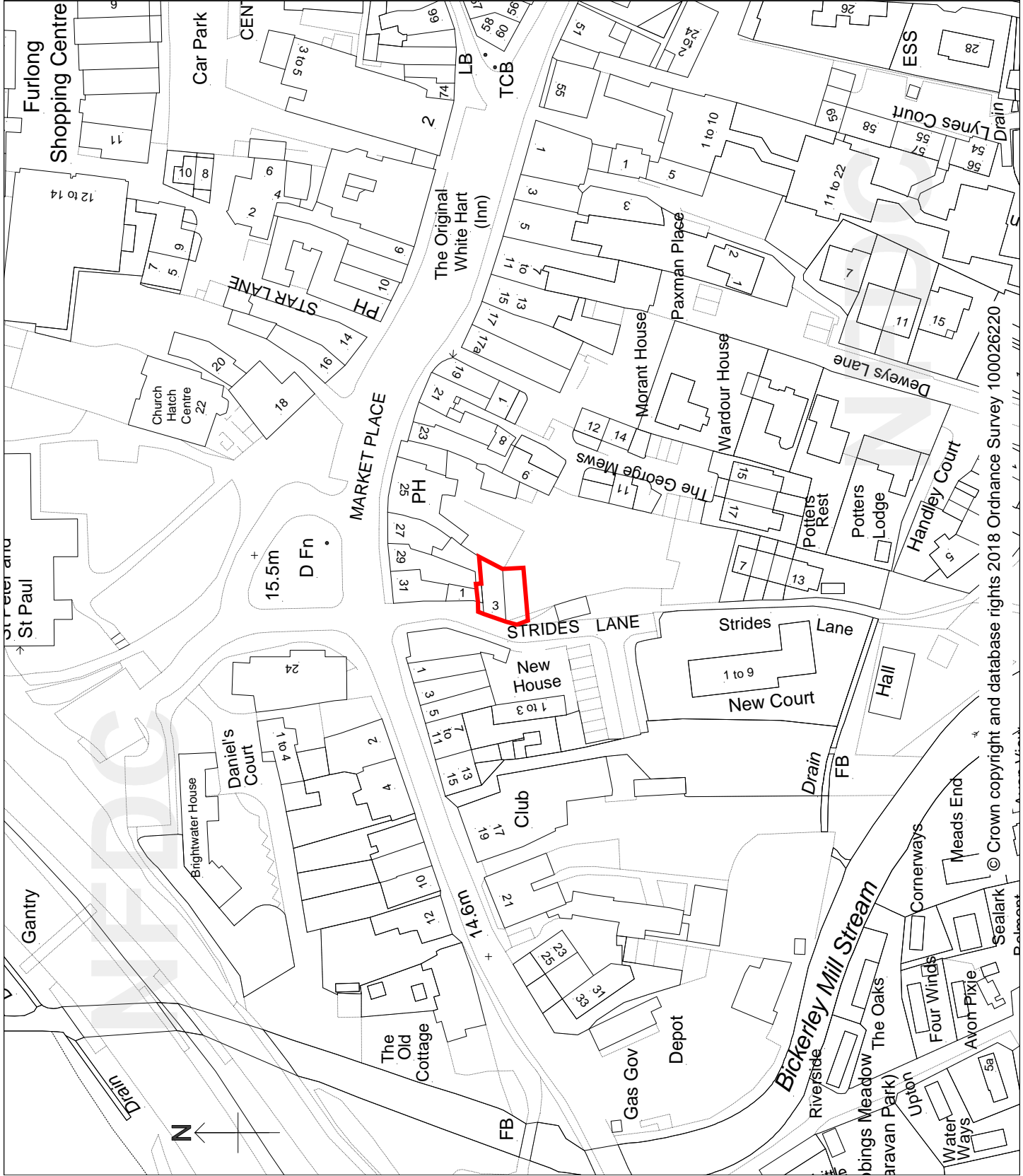
David Groom  
Service Manager  
Planning and Building Control  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

**Planning Development  
Control Committee**  
December 2018

Item No: 3c  
3  
Strides Lane  
Ringwood  
18/10976

Scale 1:1250

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





Planning Committee 12 December 2018 **Item 3 d**

**Application Number:** 18/10984 Full Planning Permission

**Site:** SOUTHAMPTON ROAD GARAGE, SOUTHAMPTON ROAD,  
FORDINGBRIDGE SP6 1AP

**Development:** Continue siting of portable cabin until September 2021; temporary use of land as open storage and depot (Use Class B8) including deliveries, collection and sales; 2m high security fence and gates (Retrospective)

**Applicant:** Cracknell Timber Services Ltd

**Target Date:** 24/09/2018

**Extension Date:** 14/12/2018

<b>RECOMMENDATION:</b> Grant Subject to Conditions
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<b>Case Officer:</b> Jim Bennett
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## 1 REASON FOR COMMITTEE CONSIDERATION

Recommendation contrary to countryside protection policy

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Flood Zone

Plan Area

Landfill (Former)

Countryside

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

CS1 Sustainable development

CS2 Design quality

CS6: Flood risk

CS10 Spatial strategy

CS21 Rural economy

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

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**

None

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

6.1 99/66981 - Continued temporary use of land as coach parking area  
(renew PP 62079) - 09/09/1999 Grant Temporary Permission

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

**Fordingbridge Town Council:** recommend that permission is granted

#### **8 COUNCILLOR COMMENTS**

None

#### **9 CONSULTEE COMMENTS**

9.1 Environmental Health (Contaminated Land): no objections

9.2 Environmental Health (Pollution) - these comments relate only to the use of the land for B8 use. This department has no concerns regarding the siting of the portable cabin and the provision of security fence and gates. This site is situated close to the existing petrol filling station and service centre and close to the junction of the A338, however it is also close to residential uses including housing adjacent to the site (approx 23m) and housing opposite. Noise emanating from the site impacting upon the neighbouring residential uses is therefore an issue. The application seeks a 3 year temporary permission for this use and restricts opening hours to 08:00hrs-18:00hrs Monday to Saturday with no opening on Sundays and Bank Holidays. Should temporary permission be granted, it is advised that an hours of operation condition be applied to minimise the likelihood of a significant/adverse impact being caused to neighbouring residential uses.

9.3 Environment Agency: no objections.

9.4 Hampshire County Council Highway Engineer: in response to the additional information provided by the applicant as requested by the highway authority, the Highway Authority is satisfied that HGV delivery vehicles can turn around using either the general parking area immediately adjacent to the site or the area next to the filling station before entering the highway. Furthermore, staff on site confirm that usually just one delivery trip takes place every 4 or 5 weeks and there is an employee on site to marshal when HGV is reversing. The current operation on the site has not caused any problems on the highway, so no concerns are raised about the continued storage of timber.

9.5 Natural England: no objections

## **10 REPRESENTATIONS RECEIVED**

10.1 One letter has been received from the occupiers of Avon Cottage which is directly opposite the timber yard, raising the following concerns:

- the proximity of this business and its potential to adversely impact on peaceful enjoyment, posed by noise generated as the business grows - increased deliveries/collections, use of plant, machinery and power tools.
- the height at which materials are stored could impact negatively on the landscape which was previously an open, undeveloped area in a rural setting.
- the site is screened by a mature hedge exceeding the height of the security fence. Removal, damage or excessive trimming of this hedge would have a negative impact on the view from our house and the road.

## **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 it is considered that a case has been made to support the form of development proposed as a departure from countryside protection policies.

## 14 ASSESSMENT

- 14.1 The proposal relates to a formerly open, graveled area used for car parking to the west of the Southampton Road Garage, Fordingbridge. The site is located beyond the defined built up area of Fordingbridge within the countryside. The application is made retrospectively for the use of the land to facilitate the temporary operation (3 years) of a timber storage, distribution and sales business. The site is occupied by openly stored timber, a timber clad portable cabin and bound by a 2m high palisade fence. The site frontage with Southampton Road is formed by a mature native hedgerow.
- 14.2 The surrounding area contains dwellings to the south and east and buildings and land associated with the garage use to the west and north. The land has been subject to planning applications in the past which approved its temporary use as a coach park during the day (now expired). Prior to occupation of the site by the timber business, it had most recently been used for car parking associated with the garage business and it is understood that the site has been hardstanding for at least 14 years, which is supported by aerial photographs submitted by the applicant.
- 14.3 In balancing out the issues, careful consideration will need to be given to the use of the site and the function and operations of the business, in line with Policies CS21 and DM22 and guidance offered by the NPPF. The economic benefits of the proposal have to be weighed against the visual impact of the open storage, fencing and cabin, given its location in a countryside location, in line with Policies CS2 and CS3.
- 14.4 The Council's adopted local planning Policies CS21 and DM22 seek to enable developments that help sustain the rural economy, but not harm the countryside. Policy DM22 states that rural employment/business development will be permitted where it is limited to ensure the development remains of a scale and character appropriate to its rural setting. In all cases, development should be of an appropriate design, scale and appearance and should not be harmful to the rural character of the area by reason of visual impact, traffic and other activity generated or other impacts. However, the proposal constitutes an excursion of built form into the countryside beyond the defined built up area of Fordingbridge, onto a piece of land that does not benefit from any formal planning consent. The planning history of the site shows that temporary permissions have been granted for coach parking, the last of which was issued in 1999. It would appear that the site has been hardstanding for a period in excess of 20 years. This is supported by the applicant's submission of aerial photos showing a hardstanding area since 2004. Consequently it is considered that a good case could be made for a lawful development certificate that the operational development to create a hardstanding was lawful. In consideration of the current proposal, the following issues are of relevance:
- The application is made on a temporary basis and the portakabin, fence and stored materials could readily be removed from the site in three years, should a permanent permission not be forthcoming.

- Evidence has been provided by the applicant, demonstrating that the site has been hardstanding for a period in excess of 4 years.
  - The proposal promotes the use of an existing hardstanding site for employment purposes and promotes economic development
  - While a more urban location may be preferable for the use proposed, the site is in an edge of town location, which is well related to the petrol filling station and other commercial uses to the west and with good links to the local highway system.
  - The nature of the land use for storage and distribution of timber is one that might reasonably be expected in a rural (countryside) location, where it can serve its client base.
- 14.5 In light of the above, a case could be made to support the continued use of this site for the type of employment use proposed. Nevertheless, the appearance of the proposed development needs to be considered in light of the likely visual impacts of the development and potential impacts upon the character of the area. The site is well related to existing commercial development to the west and is screened on its southern boundary by a 2.6m high hedge, so its visual impact would be relatively limited. It would be beneficial to visual amenity/street scene if a native hedge could be continued along the line of the palisade fencing on the western boundary of the compound. However, bearing in mind the temporary permission sought, it would not be reasonable to impose a condition requiring the implementation of a landscaping scheme, as this would have a cost implication deemed unreasonable for a temporary consent. However, the Council would expect to see landscaping in the form of a native hedgerow along the western boundary of the site as part of any subsequent submission for a permanent permission. It is considered reasonable to impose a condition on the temporary permission restricting the height of openly stored timber and associated products to 2.6m, in the interests of visual amenity. Consequently, it is considered that the proposal would be acceptable in terms of its visual and character impacts for a temporary period of three years.
- 14.6 Consideration needs to be given to the impact of the proposal upon residential amenity under the provisions of Policy CS2, as there are dwellings in close proximity. The Environmental Health Section and a neighbouring occupier comment that the proposal could give rise to noise nuisance if unchecked. Consequently an hours of operation condition is proposed to minimise the likelihood of a significant/adverse impact being caused to neighbouring residential uses. A condition is also proposed to limit the open storage use to that of timber and related products, as the open storage of other items such as metals and containers could have adverse noise impacts. Subject to these conditions, the proposal complies with the amenity related provisions of Policy CS2.
- 14.7 Following submission of additional information by the applicant, the Highway Authority is satisfied that the current operation has not caused any highway problems and no concerns are raised over the continued storage and distribution of timber on the site.
- 14.8 The site is within a Flood Zone, but the Environment Agency raise no objections to the flood risks associated with this development.

- 14.9 In light of the above, the proposal is recommended for approval for a temporary period of three years, subject to conditions.
- 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.

## **15. RECOMMENDATION**

### **Grant Subject to Conditions**

#### **Proposed Conditions:**

1. The use shall cease on or before the expiry of three years from the date of this permission and the land restored to a condition which has first been agreed by the Local Planning Authority.  
  
Reason: The application is made by the applicant on a temporary basis and in the interests of visual amenity in accordance with Policies CS2 and CS3 of the Local Plan for the New Forest District outside the National Park (Core Strategy).
  
2. The development permitted shall be carried out in accordance with the following approved plans: BEN 0001, BEN 0002, BEN 0003 Rev A, BEN 0020, BEN 0004, BEN0020, BEN0215 and the content of the Planning, Design and Access Statement dated 06/07/18 by Benchmark  
  
Reason: To ensure satisfactory provision of the development.
  
3. No activity shall take place on the site in connection with the approved use other than between the hours of 08:00hrs and 18:00hrs Monday to Saturday and at no other time and not at any time on Sundays or Bank Holidays.  
  
Reason: To safeguard the amenities of nearby residential properties in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).
  
4. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2005 and the Town and Country Planning (General Permitted Development) Order 2015 and the Town and Country Planning (General Permitted Development) (Amendment) Order 2015 or any subsequent re-enactments thereof, the development hereby approved shall

be used for the open storage and distribution of timber and related products and for no other use purposes, whatsoever, including any other purpose in Class B8 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 Local Plan for the New Forest District outside the National Park (Core Strategy).

5. No goods, plant, or machinery shall be stored in the open on the site above a height of 2.6m without the express planning permission of the Local Planning Authority.

Reason: In the interest of the visual amenities of the locality 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 it is considered that a case has been made to support the form of development proposed as a departure from countryside protection policies.

**Further Information:**

Jim Bennett  
Telephone: 023 8028 5588



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Planning Committee 12 December 2018 **Item 3 e**

**Application Number:** 18/11443 Full Planning Permission

**Site:** NU-CAR DIESEL CENTRE TOTTON LTD, TOTTON BY-PASS,  
TOTTON SO40 9HL

**Development:** Use as car hire centre (Sui Generis Use); single-storey building;  
remove existing portacabin

**Applicant:** Mr Reeves

**Target Date:** 24/12/2018

<b>RECOMMENDATION:</b> Grant Subject to Conditions
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<b>Case Officer:</b> Richard Natt
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## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Policy

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

Town Centre

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

#### Objectives

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

#### Policies

##### Core Strategy 2009

- CS1: Sustainable development principles
- CS2: Design quality
- CS10: The spatial strategy
- CS17: Employment and economic development
- CS20: Town, district, village and local centres
- CS24: Transport considerations

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

TOT15: Totton town centre opportunity site

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

#### **4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

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

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

SPG - Totton Town Centre - Urban Design Framework  
SPD - Parking Standards

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

- 6.1 Temporary use of land for car sales, temporary siting of portable cabin to the north-west boundary and associated landscaping (13/10491) Grant temporary permission on the 23rd December 2013
- 6.2 Display 3 internally illuminated panel signs, 2 internally illuminated post mounted signs (18/11444) Pending decision

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

**Totton and Eling Town Council:** recommend permission and comment as follows; The Town Council previously recommended refusal for the application for a car hire centre on this site due to conflicts with local plan policy. Policy had specified that the site be earmarked as a landmark building site for future office use. Since that application, more information has been sought by New Forest District Council about the feasibility of the site being developed as suggested in the local plan. It is now believed that the possibility of an office development on the site are very slim, primarily due to the overall size and narrowness of the plot but also economic factors which make an office tenant unlikely in this area. It is now thought that an industrial/commercial type usage such as this car hire unit would be more representative of prospective tenants and would still be in keeping with the surrounding area. The jobs both created and retained on the site would also be beneficial to the community. The key issue in this case is the provision of the landscape plan which has been submitted with the application. It is felt that with the implementation of this landscaping the overall look of the site would be greatly improved. Under the previous temporary permission for car sales at the site the landscaping in the application was not fulfilled, the Town Council are keen to stress that permission should not be granted unless the landscape plan is implemented.

#### **8 COUNCILLOR COMMENTS**

None

#### **9 CONSULTEE COMMENTS**

- 9.1 Landscape Officer: no objection. The proposed plans demonstrate that a suitable soft boundary can be achieved on this site that reflects the sites location and local landscape context, whilst enhancing the site itself.
- 9.2 Estates and Valuation Officer: The site is irregular in shape and narrow and located adjacent to a noisy busy main road which has poor air quality issues. This would make it expensive and difficult to construct an office building on this site with the requisite environmental safeguards. The

nearby 2 storey office building at Linden House has been marketed for nearly 18 months with no offers and that site is a more superior location. It is considered that a car hire use is a reasonable use given the site's constraints.

- 9.3 Economic and Business Development Manager: This proposal retains employment on the site and whilst the number of jobs is not significantly increased and/or upskilled, the retention of the jobs element should not be undervalued. Whilst it is acknowledged that the originally preferred use for this site is for an office development; it is considered that an office on the site would not be desirable to a prospective tenant owing to its proximity to the main carriageway and associated restricted access. On the basis of the above, I find no economic development based reasons to object to this application being against policy.
- 9.4 Environmental Health (Pollution): There are some concerns that use the building into the evenings may result in significant adverse impact to the nearby residential properties. This can be overcome by restricting the hours the premises is open to in line with those in the application (8am-6pm Monday to Saturday). Should such a restriction be applied to this application, I have no further comments.
- 9.5 Environmental Health Officer (historic land use): no objection subject to condition
- 9.6 Hampshire County Council Highway Engineer: no highway objection subject to condition. In terms of traffic generation, it is considered that the proposed level of traffic is unlikely to cause material impact to operation and safety of the surrounding highway network.

## **10 REPRESENTATIONS RECEIVED**

None

## **11 CRIME & DISORDER IMPLICATIONS**

No relevant considerations

## **12 LOCAL FINANCE CONSIDERATIONS**

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

## **13 WORKING WITH THE APPLICANT/AGENT**

In accordance with 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 application site occupies a prominent position at the eastern end of Totton High Street adjacent to the A35 Totton by-pass. The site lies on the edge of, but within the defined boundary of, Totton town centre. The site is narrow and has an approximately 80 metre frontage onto the bypass and is about 10-20 metres in depth. The site is currently being used for car sales, and has been for a number of years. Other than a portacabin, there are no other buildings or structures on the site, and the land is currently laid to hardstanding displaying cars for sale.

14.1.2 The application site was historically in use as a petrol filling station, and this remains the site's lawful use, even though the use has not operated as a petrol filling station for a number of years.

14.1.3 In terms of the surrounding character, a commercial development currently bounds the northern boundary of the site with the railway line beyond. The A35 Totton By-pass extends across the southern boundary of the site with reedbeds and marshes of the River Test and Eling Wharf beyond. A short distance to the west in Station Road South, are residential properties.

### 14.2 The proposal

14.2.1 This proposal seeks consent for the use of the site as a car hire centre (Sui Generis Use). The planning application also proposes a single storey building to be used as an office, which would replace the existing portacabin together with new landscaping. The current use of the site as car sales would cease and the existing portacabin would be removed.

- 14.2.2 The proposed building would be sited in the central part of the site and would be a small single storey structure constructed from grey coloured cladding. The proposed building would measure 6.8 metres by 10 metres by 4 metres high.
- 14.2.3 A detailed landscaping scheme is proposed which with new trees, shrubs and hedgerows around the perimeter of the site. The remainder of the site would be used to display cars, but this is a much reduced area compared to the current situation. It is not proposed to alter the existing access into the site.
- 14.3 Planning history
- 14.3.1 The site has a complex history in relation to the use of the site as car sales with portacabins. A number of applications were refused permission mainly because of the inappropriate appearance of the portable cabins, and because it was felt that the visual impact of the proposed car sales use had not been adequately mitigated through appropriate landscaping.
- 14.3.2 The most recent and relevant application was in 2013, in which temporary planning permission was granted for a period of 5 years to use the land for car sales, including the siting of a temporary portable cabin, which was already in situ. That temporary consent expires on the 31st December 2018. In considering that application for temporary consent, while the proposal was considered to fail to secure the Council's long-term design aspirations for the site, in the short-term, it was felt the landscaping would (if fully implemented) result in a site that would have an acceptable impact on the character and appearance of the area.
- 14.3.3 A detailed landscape scheme was included and the application was additionally accompanied by a more comprehensive economic justification. It should be noted that the landscape scheme proposed at that time was well-considered and would result in the provision of a much greener frontage to the site, add appropriate visual interest and would help to soften the visual impact of a large number of parked cars as well as the proposed portable cabin. However, the approved landscaping scheme was never implemented.
- 14.4 Assessment of the proposal
- 14.4.1 Starting with the policy position, Core Strategy Policy CS20 relates to town, district, village and local centres. The strategy seeks to provide a range of shopping, office and leisure facilities as well as retaining existing active uses. Local Plan Part 2 Policy DM16 is also applicable and states that development for retail and appropriate non-retail uses will be permitted.
- 14.4.2 The application site is a Town Centre Opportunity Site which Policy TOT15.12 of the Local Plan Part 2 indicates should be developed for office use. Although an office building is proposed on the site, this is a small building, which would be ancillary to the primary use of the site as a car hire centre. Accordingly, the proposal to use the site as a car hire centre would therefore not accord with this policy. It is noted that the Local Planning Authority granted planning permission for the redevelopment of this site with offices in 2006, although that planning permission has now lapsed.

- 14.4.3 The Totton Town Centre Supplementary Planning Guidance (SPG) identifies the corner of the site at the junction of the By-pass with the High Street as one of the locations at an entrance to the town where any proposed new building should be of high quality and innovative design, so that it reads as a landmark within the townscape.
- 14.4.4 There are two key issues in relation to this proposal. Firstly, whether it is acceptable to support the principle of the use of the site as a car hire centre, given the site is identified within the Totton Town Centre Supplementary Planning Guidance (SPG) as having a landmark/significant frontage building, recognising its visual significance, and is also identified as a Town Centre Opportunity site, suitable for office development. If it is considered that the proposed use of the site as a car hire business is acceptable, an assessment needs to be made about whether the overall proposals including new landscaping would have a positive impact on the character and appearance of the area.
- 14.4.5 In assessing this proposal, no evidence or information has been provided that the site has been actively marketed or whether there has been any interest in developing the site for a more comprehensive development creating a significant landmark office building. However, while no marketing has taken place, the Council is not aware of any interest and no planning applications have been submitted for office developments for the last 10 years. Even though planning permission was granted for an office back in 2006, this was never carried forward.
- 14.4.6 As stated above, the application site has a number of constraints. The site is narrow and irregular in shape, positioned immediately adjacent to the busy dual carriageway into Southampton. Both the Council's Valuer and Economic Development Manager consider that the proposal to use the site as a car hire centre would offer local employment opportunities and ensure the continued employment use of existing commercial space.
- 14.4.7 In particular, the Council's Valuer and Economic Development Manager consider that while no marketing has taken place, there is some concern in respect of an office building on the site, due to its specific location, narrow shaped plot, and more especially when it is known that air quality is an issue in this particular locality. Given the noise and air quality issues, they consider that it would be both expensive and unrealistic to construct an office building with requisite environmental safeguards. The Council's Valuer also highlights the fact that the nearby 2 storey office building at Linden House has been marketed for 18 months with no interest and that property is a far more attractive proposition than the application site.
- 14.4.8 Accordingly, in assessing the proposal against the policy position, given the comments from the Council's Valuer and Economic Development Manager and the circumstances of the site, it is considered that the use of the site as a car hire centre would be appropriate subject to being appropriate in design and character terms.
- 14.5 Effect on the character and appearance of the area
- 14.5.1 It is considered that there is a clear opportunity to provide a landmark/significant building on this site, however, as stated above, this has never been forthcoming. The key issue is whether the current proposal would result in an enhancement to the character of the area.

- 14.5.2 It is accepted that the extensive hard surfaced areas of the site and the cars displayed on the site create a harsh appearance. The proposed layout shows that the extent of hard surfacing and areas for displaying cars would be reduced, which would be an improvement compared to the current condition on the site.
- 14.5.3 The proposal provides a detailed landscaping scheme for the site, which includes new hedgerows, tree planting and shrubs around the perimeter of the site. The Council's Landscape Officer considers that the submitted landscaping scheme is acceptable and would significantly enhance the appearance of the site. The proposed planting picks up the oak and field maple theme above a hedge that will stay vegetated for much of the year, and so provide an adequate foil to the site while reflecting the sites location on the edge of the settlement that is influenced by views of the river Test and its edges. Shrub species within the site are robust and mainly evergreen, and would provide a suitable softening to car parking, which is the primary function of the site.
- 14.5.4 The proposed building is a modest structure which would be positioned centrally on the site. While the proposed building is not of a high quality design, given the primary use of the site as a car hire centre, it would be a functional simple building that would have minimal impact on the character and appearance of the area. The most important aspect is to secure the implementation of the soft landscaping which would make a significant positive contribution to the character of the area. Should planning permission be granted, it is considered that a condition would need to be imposed to require the landscaping to be implemented in the next available planting season, before the approved use comes into effect.
- 14.6 Other matters
- 14.6.1 With regard to residential amenity, it is not considered that the proposal would result in any unacceptable impacts on the living conditions of the adjoining neighbouring properties. The site has been used for car sales for many years, and there has not been any noise complaints arising from its use. Indeed, a car sales use or care hire centre, which involves vehicles displayed and stationed on the forecourt is not a use which result in unacceptable levels of noise and disturbance. Moreover, the site lies adjacent to the busy A35 Totton By-pass which generates significant levels of noise throughout the day.
- 14.6.2 In relation to public highway safety matters, the proposal does not result in any changes to the access, and nor is it considered the proposal would result in increased use of the existing access. Accordingly, it is not felt an objection on highway safety grounds would be sustainable. Whilst the Highway Authority have suggested a planning condition be imposed which limits the number of rental vehicles at any one time on the site to 15, this would not be reasonable or appropriate given that the restrictions on the site from the landscaping and building, which will limit the number of spaces.
- 14.7 Conclusion and planning balance
- 14.7.1 In conclusion, while the site is identified for a landmark/ significant building for office use, this would appear to be unrealistic in the short term and it is considered that a car hire centre is an appropriate use,

providing that it can be satisfactorily mitigated by landscaping to secure a well designed frontage. In this case, the proposed layout of the site and detailed landscaping proposals would make a significant enhancement to the appearance of the site and the wider context. Moreover the use of the site for car hire would provide economic benefits including employment opportunities. Accordingly approval is recommended.

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

## **15. RECOMMENDATION**

### **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: 1155/01 Rev B, 1155/02, C18/077.01; C18/077.02; C18/077.03; C18/077.04.; C18/077.05  
  
Reason: To ensure satisfactory provision of the development.
  
3. The landscaping scheme shall be implemented in accordance with the submitted Landscaping planting plan and details by Linda Oak Landscape Design Ltd drawing No 1155/01 Rev B and Boundary Cross Sections and Fence Details Drawing No 1155/02 by the end of the first planting and seeding seasons, prior to the use hereby approved coming into effect. 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 achievement and long term retention of an appropriate quality of development and to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).



4. 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.

5. During any (site clearance, removal of floor slab and) foundation excavations a suitably qualified contaminated land consultant shall carry out a watching brief with regards to asbestos, hydrocarbons and any other ground contamination. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared 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.

If no contamination was found during excavation work, once the development is complete, written confirmation of this should be submitted and approved by 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).

6. No activity shall take place on the site in connection with the approved use other than between the hours of 8:00 and 19:00 Monday to Saturdays, and between the hours of 10:00 and 16:00 on Sundays not including recognised public holidays.

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

**Notes for inclusion on certificate:**

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

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

**Further Information:**

Richard Natt

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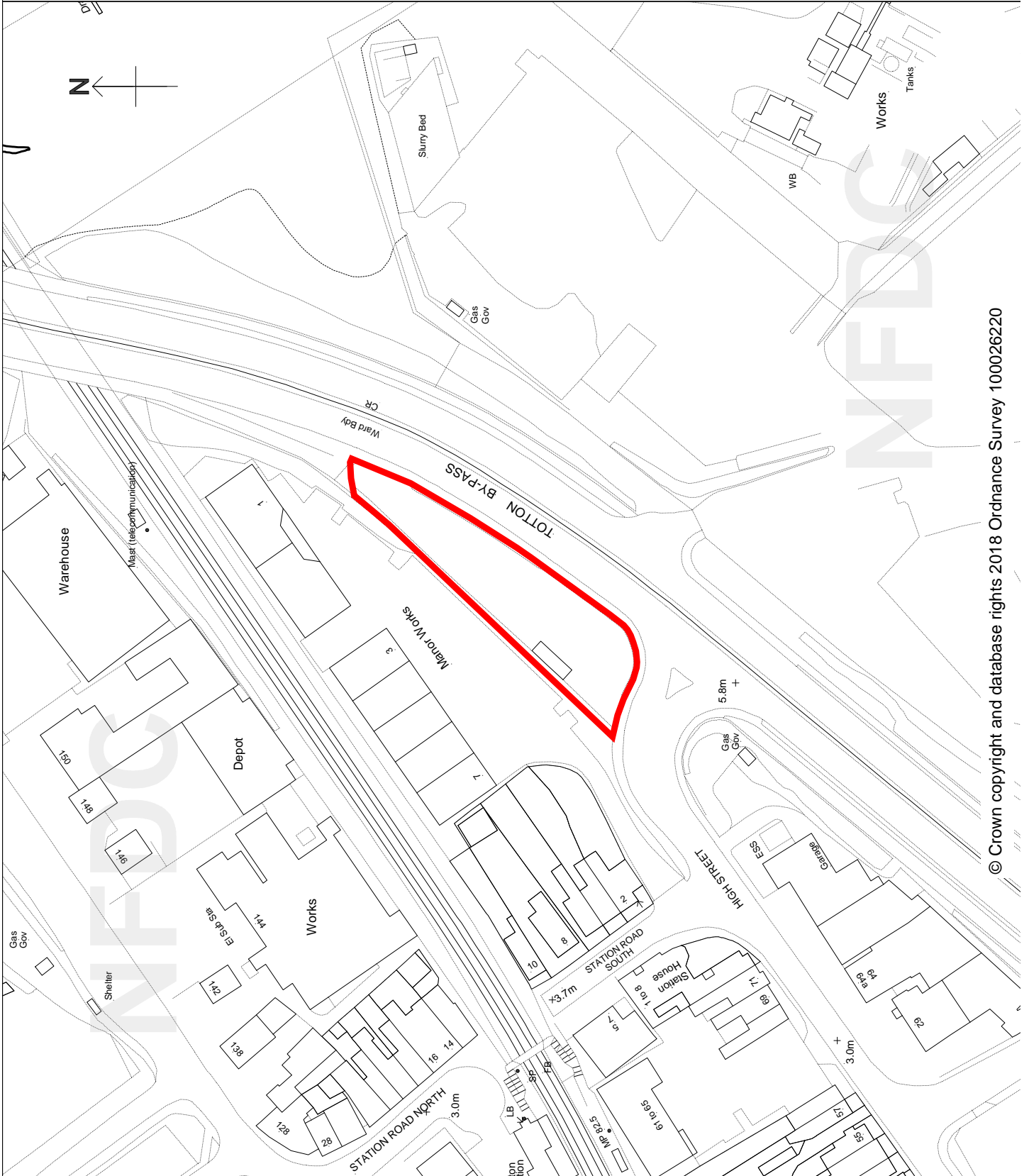
David Groom  
Service Manager  
Planning and Building Control  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

**Planning Development  
Control Committee**  
December 2018

**Item No: 3e**  
Nu-Car Diesel Centre  
Totton By-Pass  
Totton  
18/11443

Scale **1:1250**

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



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Planning Committee 12 December 2018 **Item 3 f**

**Application Number:** 18/11264 Full Planning Permission

**Site:** 4 SOUTH STREET, PENNINGTON, LYMINGTON SO41 8ED

**Development:** Use as flat (Use Class C3); external alterations

**Applicant:** DMG Retirement Trust

**Target Date:** 12/11/2018

**Extension Date:** 14/12/2018

<b>RECOMMENDATION:</b> Refuse
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<b>Case Officer:</b> Vivienne Baxter
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## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary Councillor view  
Contrary to Policy

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area  
Local Shopping frontage

## 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

### 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  
DM17: Local shopping frontages in the built-up areas of Totton, Hythe, Lyminster, New Milton, Ringwood and Fordingbridge

## 4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan  
Planning and Compulsory Purchase Act 2004  
National Planning Policy Framework 2018  
NPPF Ch.2 - Achieving sustainable development

NPPF Ch. 4 - Decision-making  
NPPF Ch. 5 - Delivering a sufficient supply of homes

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

SPD - Lymington Local Distinctiveness  
SPD - Mitigation Strategy for European Sites

## **6 RELEVANT PLANNING HISTORY**

- 6.1 18/10826 - use of ground floor as 1 flat, associated external alterations. Refused 9.8.18
- 6.2 17/11169 - use of ground floor as 1 flat, associated external alterations. Refused 10.10.17, appeal dismissed 12.6.18
- 6.3 16/11701 - use of ground floor as 1 flat. Refused 8.2.17

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

Lymington and Pennington Town Council: recommend permission but would accept a delegated decision. Aspect from the window is not an issue which ought to stand in the way of providing affordable accommodation.

## **8 COUNCILLOR COMMENTS**

Cllr Gossage: supports the views of the Town Council and mindful of the need to create additional accommodation in Pennington. This would be a sufficiently suitable property for a young couple who would be renting for the first time. He noted the initial assessment made by the case officer and would recommend the roof lights are obscure glazed to prevent viewing from the walkway above into the bedroom below. He believes the landlord is in a position to influence the control of rubbish in the vicinity, and to influence the area pertaining to the outlook of the bedroom and those of adjoining flats, and would urge him to do so.

## **9 CONSULTEE COMMENTS**

No comments received

## **10 REPRESENTATIONS RECEIVED**

1 objection received from Flat 6, 8 South Street.  
Concerns expressed regarding the number of dwellings, associated parking issues and the rubbish which accumulates in the courtyard area.

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

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

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

Based on the information provided at the time of this report this development has a CIL liability of £3,852.31.

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.
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- 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 without the benefit of pre-application advice although it follows on from a recent refusal and dismissed appeal in 2017. Measures have been taken to seek to address the issues raised. In view of the refusal of the 2018 scheme and concerns raised by the Inspector in dismissing the previous appeal, it is not however considered that these amendments and the additional information provided satisfactorily address all the outstanding issues. As such, a recommendation to refuse the application is justified in this instance.

## 14 ASSESSMENT

- 14.1 The site lies within the built up area of Pennington in a local shopping frontage. It is a vacant, ground floor property, last used as a cafe in 2015. There is residential accommodation above, behind and to the other side of the adjacent, undercroft vehicular access. The adjoining residential uses are within the same ownership as the application site.
- The proposal entails the conversion of the premises to a 1-bed flat.
- 14.2 The proposal would be contrary to Policy DM17 of the Local Plan Part 2 which indicates that residential development will not be permitted at ground floor level in premises within the defined Local Shopping Frontage. However, in principle, the loss of the commercial use has previously been accepted in considering proposals for residential use at this site. This is because as the loss of adjacent commercial units has been accepted through the Prior Approval process, it is felt there is no longer a reasonable case to resist the principle of a residential conversion in this location. This stance has been reflected in previous decisions that were not refused on the basis of Policy DM17.
- 14.3 This application follows the refusal and dismissed appeal for a 2-bed flat (17/11169) where the Inspector concluded that the outlook from the property would be poor, with or without obscure glazing, and that the bedrooms would have a limited level of natural light.
- 14.4 A subsequent application (18/10626) removed one of the bedrooms from the scheme and the space included within the front habitable room. An additional rooflight was also added to the remaining bedroom. The proposed glazing was proposed to be amended from three small windows (two of which are under the covered area) to a single larger window, which would only be partly covered by the first floor accommodation, and a roof light in the flat roof to the rear of the property.
- 14.5 The combination of the larger window and the provision of the roof light improved the light to the bedroom but it was not considered this change was sufficient to fully address the identified concerns. This previous application was therefore considered to be unacceptable for reasons relating to the unsatisfactory living environment and poor levels of amenity as well as limited daylight available to the proposed bedroom. This application was refused in August 2018.
- 14.6 The current application has sought to address these concerns by proposing a further rooflight to improve light to the bedroom and submitting a supporting daylight survey.
- 14.7 With regard to residential amenity, whilst the proposal would not have any adverse impact on existing residential amenity, consideration also has to be given to the amenity of future occupants. The proposed flat would have a combined living/kitchen area to the front of the property where sufficient light would be achieved and to the rear of this would be a shower room where natural light is less important. The bedroom would be served by a side window, partially covered by the undercroft, plus the provision of two roof lights.



- 14.8 The supporting Daylight and Sunlight Study concludes that although the proposed bedroom would not benefit from direct sunlight, it would have good access to daylight and would therefore satisfy the requirements within the BRE guide 'Site Layout Planning for Daylight and Sunlight'. On the basis of these conclusions there is no longer an overriding objection to the proposal in respect of lack of daylight.
- 14.9 In determining the appeal in 2017, the Inspector also raised concerns about the outlook from the proposed dwelling. This was due to the fact that all of the side windows (other than the bedroom one described above) would have an outlook towards the flank wall of the adjacent flat less than 4m away, with most windows being just 2.5m away and all of them within the undercroft. The proposed bedroom window would look partly towards the amenity space at the rear of the adjacent flat and partly towards the corner of the building.
- 14.10 This concern has not been adequately addressed by the amendments made to the current application. Overall, the outlook from the proposed flat would remain very limited, it would not offer an attractive living environment and would constitute a poor design solution. As such the application remains unacceptable for this reason.
- 14.11 Councillor Gossage is mindful of the need to create additional accommodation in the area and considers that the proposed unit would be a suitable property for a young couple who would be renting for the first time. However, whilst the need for small accommodation units is acknowledged and there is no policy that specifies minimum internal standards for dwellings, this does not justify approval of a scheme where the living environment that would be created would be unacceptably poor in terms of its outlook.
- 14.12 Comments have been made about the accumulation of rubbish in the courtyard within the applicant's ownership. However, it is considered that this is an existing situation and is not a planning matter that is material to the determination of the current application.
- 14.13 An objection has been raised on the grounds that the additional flat would compound an existing parking problem. While this is a relevant consideration and no parking is proposed for the additional flat, this matter has previously been assessed. There is currently no parking provision on site and there are no proposals to provide additional spaces. The lack of an any allocated off-street car parking space would however be acceptable. This is because it is considered that the previous use of the site would result in a greater demand for parking compared with what might occur as a result of the proposed use as a one bedroomed flat.
- 14.14 The Local Planning Authority is not currently able to demonstrate a 5 year supply of housing land when assessed against its most recent calculation of Objectively Assessed Need. Relevant policies for the supply of housing are therefore out of date. In accordance with the advice at paragraph 11 of the National Planning Policy Framework, permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the NPPF indicate that development should be restricted. In this case, it is considered that the adverse impact of the proposed development would significantly and demonstrably outweigh the benefits of the development.

- 14.15 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.
- 14.16 In conclusion, the proposal has not fully addressed the previous reason for refusal in respect of the outlook from the proposed dwelling and refusal is therefore recommended.
- 14.17 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

### CIL Summary Table

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

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

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

Where:

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

R = the levy rate as set in the Charging Schedule

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

## 15. RECOMMENDATION

### Refuse

#### Reason(s) for Refusal:

1. The proposed flat would provide an unsatisfactory living environment and unacceptably poor levels of amenity for future occupants, primarily due to the flat's significant outlook onto an undercroft vehicular access, which would provide for a dark and unattractive outlook. As such, the proposal would be a poor design that would be contrary to Policy CS2 of the Core Strategy for New Forest District outside of the National Park, as well as being contrary to one of the Council's Core Strategy objectives that seeks to provide for a high quality and attractive living environment.

#### Notes for inclusion on certificate:

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

The application was submitted without the benefit of pre-application advice although it follows on from a refusal earlier in the year and dismissed appeal in 2017. Measures have been taken to address the issues raised. In view of the refusal of the 2018 scheme and concerns raised by the Inspector in dismissing the previous appeal, it is not however considered that these amendments and the additional information provided satisfactorily addresses all the outstanding issues. As such a recommendation to refuse the application is justified in this instance.

#### Further Information:

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Telephone: 023 8028 5588



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DISTRICT COUNCIL

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

**Planning Development  
Control Committee**  
December 2018

**Item No: 3f**  
4 South Street  
Pennington  
Lymington  
18/11264

Scale 1:1250

N.B. If printing this plan from  
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scale.



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