

NOTICE OF MEETING

Meeting: PLANNING COMMITTEE

Date and Time: WEDNESDAY, 13 FEBRUARY 2019, AT 9.00 AM*

Place: THE COUNCIL CHAMBER, APPLETREE COURT,
LYNDHURST

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

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

Bob Jackson
Chief Executive

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AGENDA

Apologies

1. MINUTES

To confirm the minutes of the meeting held on 9 January 2019 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) **23A Sheldrake Gardens, Hordle (Application 18/11554) (Pages 1 - 8)**
2 Storey-side extension; single-storey side extension

RECOMMENDED:

Refuse

- (b) **Hounslow School, Jacobs Gutter Lane, Totton (Application 18/11344) (Pages 9 - 16)**

Single-storey teaching block; demolition of existing; re-instate soft play area (amended reason to advertise)

RECOMMENDED:

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

- (c) **Land of 9 Shackleton Square, Bransgore (Application 18/11588) (Pages 17 - 26)**

House; access; parking

RECOMMENDED:

Grant permission subject to conditions

- (d) **Sammy Miller Museum, Bashley Cross Road, New Milton (Application 18/11411) (Pages 27 - 38)**

Two-storey extension (amended reason to advertise)

RECOMMENDED:

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

- (e) **Land rear of 51 & 53 Ramley Road, Pennington, Lymington (Application 18/11521) (Pages 39 - 50)**

Chalet bungalow; access and parking

RECOMMENDED:

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

- (f) **Land rear of 9 Uplands Avenue, Barton-on-Sea, New Milton (Application 18/11592) (Pages 51 - 64)**

House; access; parking and landscaping; single-storey side extension to existing dwelling

RECOMMENDED:

Grant planning permission subject to conditions

- (g) **Old Forge, Salisbury Road, Breamore (Application 18/11633) (Pages 65 - 70)**

Timber staircase (Application for Listed Building Consent)

RECOMMENDED:

Grant Listed Building consent subject to conditions

- (h) **Penlowarth, 7 Thornbury Avenue, Blackfield, Fawley (Application 18/11341) (Pages 71 - 76)**

Flue on outbuilding

RECOMMENDED:

Grant planning permission subject to conditions

4. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

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

STATUTORY TESTS

Introduction

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

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

The Development Plan

The Development Plan Section 38

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

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

Listed Buildings

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

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

Conservation Areas

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

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

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

Considerations relevant to applications for residential development

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

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

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

Areas of Outstanding Natural Beauty (AONB's)

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

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

Trees

Section 197. Trees Town and Country Planning Act 1990

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

Biodiversity

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

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

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

Conservation of Habitats and Species Regulations 2010

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

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

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

Equality

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

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

Financial Considerations in Planning

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

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

Planning Committee 13 February 2019 **Item 3 a**

Application Number: 18/11554 Full Planning Permission

Site: 23A SHELDRAKE GARDENS, HORDLE SO41 0FJ

Development: 2 Storey-side extension; single-storey side extension

Applicant: Mr J & Mrs R Skinner & Sanderson

Target Date: 29/01/2019

Extension Date: 15/02/2019

RECOMMENDATION: Refuse

Case Officer: Kate Cattermole

1 REASON FOR COMMITTEE CONSIDERATION

Councillor request

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Plan Area
Aerodrome Safeguarding Zone

Plan Policy Designations

Built-up Area

National Planning Policy Framework

Chap 12: Achieving well designed places

Core Strategy

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

Supplementary Planning Guidance And Documents

SPD - Hordle Village Design Statement

3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

4 RELEVANT SITE HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
02/74770 Erect attached dwelling with attached garage	30/05/2002	Granted Subject to Conditions	Decided	
01/70985 Addition of end terrace dwelling	16/03/2001	Granted Subject to Conditions	Decided	
00/70162 Dwelling and garage	14/11/2000	Refused	Appeal Decided	Appeal Dismissed

5 COUNCILLOR COMMENTS

Councillor Carpenter: requests that the application comes to the Planning Committee for consideration, in order that the applicant has the chance to express his arguments further.

6 PARISH / TOWN COUNCIL COMMENTS

Hordle Parish Council: Parish 1 We recommend permission but would accept the decision reached by the Planning Officers under their delegated powers

7 CONSULTEE COMMENTS

No comments received

8 REPRESENTATIONS RECEIVED

8.1 Two letters in support of the proposals. Comments summarised as follows:

- scheme would improve the look of the properties, and would set a favourable precedent. Area is currently too much in the 60s
- Plans look fantastic

8.2 Letter from applicant:

- neighbour consultation undertaken prior to application being submitted, closest neighbours supportive;
- Design brief was to balance need for space for two merging families with a modern design brief that enhances the street with negligible impact upon the neighbours;
- 23A and a detached house that have been developed later have varied the character of the area, and provide a break in the differing street design which has two designs;
- typical designs of the houses are dated, modernising brings a refreshed look to road;
- Current parking pressures on road, this would accommodate 5/6 vehicles off road;
- the two storey extension would appear as a continuation of the terrace, while single storey would not be visible from road;
- previous extensions are a testament to the evolution from original design of the street;

- disagree with loss of visual gap as there will be no overlap of two storey builds and single storey developments on both application site and no 24 are not visible as behind hedges;
- the hipped roof would balance the need for personal space and privacy with no impact upon the neighbour.

9 CRIME & DISORDER IMPLICATIONS

None relevant

10 LOCAL FINANCE CONSIDERATIONS

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

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

11 WORKING WITH THE APPLICANT/AGENT

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

Concerns were expressed with the proposal prior to the application being registered and a pre application enquiry was suggested, but this was not pursued, therefore the application was registered as initially submitted. Consideration has been given to the comments received during the application from the applicant and third parties, however it is felt that there is a level of harm to both the street scene and the character of the area, which would justify a refusal in this instance. The opportunity to amend the plans to introduce a gable end to the extended dwelling and reduce the width to overcome concerns has not been accepted. As the applicants do not intend to change their plans at this stage they want the application determined on the basis of the submitted plans.

12 ASSESSMENT

12.1 The application site consists of an end of terrace two storey house, situated in a residential cul-de-sac within the built up area of Hordle. The prevailing character of the road is of terraced houses, with end gables. To the rear of the site are fields.

12.2 The existing dwelling was built in 2001 as an addition to the terrace that it forms part of. Even though it differs from the remainder of the terrace by reason of its materials and fenestration, this is not overly noticeable as the dwelling is similar in width and replicates the gabled roof form of the remaining terrace. It has a single storey attached garage with steep mono pitched roof.

- 12.3 The property is on a larger than average plot, with a footpath running along the south western boundary that accesses the rear of the neighbouring terrace of 4 houses (Nos 27-24). This terrace is situated forward of the application site and by reason of this relative positioning there is a visual gap between the two terraces.
- 12.4 The proposal is for a two storey side addition which would introduce a hip to the end elevation. A single storey extension to provide a pair of single storey garages, one of which would be set back from the frontage (due to the shape of the plot) are also proposed. Part of the existing established side boundary hedge would be removed as a result.
- 12.5 The application site is on the end of a long staggered terrace, and therefore the extension would be read as part of this terrace. However, the proposed extension would be wider than the existing house. Furthermore, the introduction of a hipped roof would be at odds with the strong gabled form of the existing terrace and other properties within the road. The proposals would therefore introduce an incongruous feature that would be out of keeping with both the street scene and the character of Sheldrake Gardens. In addition, by reason of the disproportionate width of the 2 storey extension this would encroach on the visual gap between the existing dwelling and no 24 Sheldrake Gardens which sits forward of the application property. As such it is considered that the proposals would detract from the spatial characteristics of the application site and wider area.
- 12.6 Details of the extension appear awkward, especially the first floor extension over part of the garage door and the junction of the mono pitched roof with the main roof, which further emphasise the mass and scale of the extended dwelling.
- 12.7 An opportunity was given to the applicant to amend the plans to introduce a gabled roof, and reduce the width of the two storey extension by 1 metre so it would not extend over the garage door. This was considered by officers to be a reasonable suggestion that would have improved the appearance to the extended dwelling. However, the applicant does not want to make these revisions but rather would like the application to be determined on the basis of the originally submitted plans.
- 12.8 To the front of the site is no 24 Sheldrake Gardens is an end of terrace property with a single storey flat roofed attached garage to the side. By virtue of the position of the proposed extension in relation to this neighbour, a new first floor window would achieve views over the private amenity space of this neighbour. However, as this window would serve an en suite it could be conditioned to be obscure glazed with restricted opening to mitigate any potential overlooking to this neighbour.
- 12.9 The applicant has made reference to parking issues within the road. There is an existing single garage and a paved driveway on site. The proposals retain the driveway and a double garage would provide parking for both cars and motorcycles within the site. On this basis there are no parking issues associated with the proposal

12.10 While there are no amenity or parking issues identified, concerns are expressed about the overall form and design of the proposed extension - particularly its disproportionate width and hipped roof - and its resultant impact on the character of the area and erosion of the existing spacious visual gaps. On this basis the application is recommended for refusal in this instance.

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

13. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. By virtue of the introduction of a hipped roof form the proposed 2 storey extension would be an incongruous feature, out of keeping with the dominant character of gabled end properties which form an established characteristic within the street scene of Sheldrake Gardens. Furthermore, by reason of the disproportionate width of the two storey extension it would erode the spacious character of the site adversely impacting upon the spatial characteristics of the application site to the detriment of the street scene, and character of the wider area. As such it would be contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park, and Chap 12 of the National Planning Policy Framework.

Notes for inclusion on certificate:

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

Concerns were expressed with the proposal prior to the application being registered and a pre application enquiry was suggested, but this was not pursued, therefore the application was registered as initially submitted. Consideration has been given to the comments received during the application from the applicant and third parties, however it is felt that there is a level of harm to both the street scene and the character of the area, which would justify a refusal in this instance. The opportunity to amend the plans to introduce a gable end to the extended dwelling and reduce the width to overcome our concerns but not accepted. As the applicants did intend to change their plans and wanted the application determined on the basis of the submitted plans.

Further Information:

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New Forest
DISTRICT COUNCIL

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**Planning Development
Control Committee**
February 2019

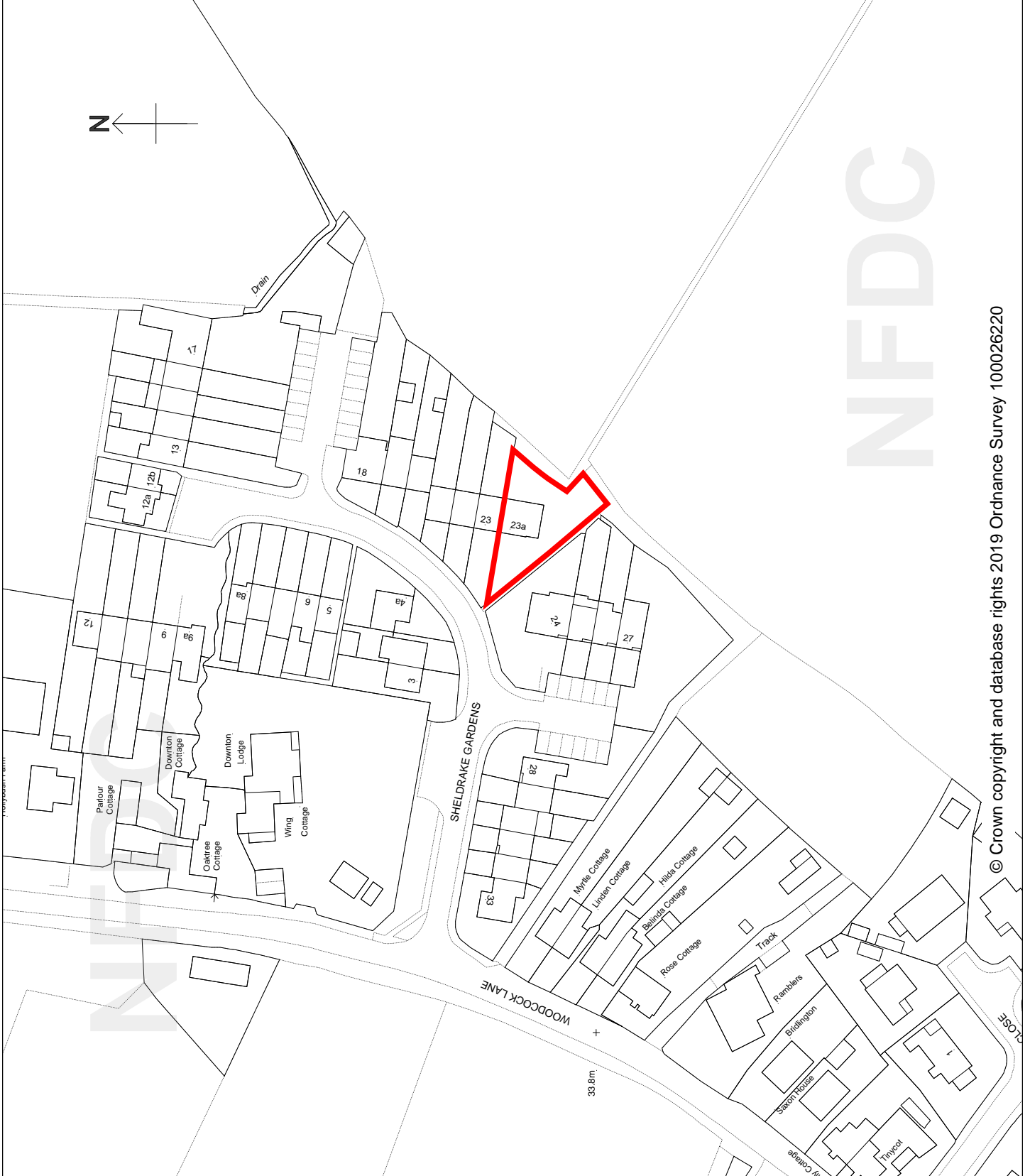
Item No: 3a

23A Sheldrake Gardens
Hordle

18/11554

Scale 1:1250

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



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Planning Committee 13 February 2019 **Item 3 b**

Application Number: 18/11344 Full Planning Permission

Site: HOUNSDOWN SCHOOL, JACOBS GUTTER LANE, TOTTON
SO40 9FT

Development: Single-storey teaching block; demolition of existing; re-instate soft play area

Applicant: The Governors

Target Date: 17/12/2018

Extension Date: 14/02/2019

RECOMMENDATION: Service Man Planning Grant

Case Officer: Jo Chambers

1 REASON FOR COMMITTEE CONSIDERATION

Departure from development plan.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Private/Education Recreational Land
Plan Area
Built-up Area
Aerodrome Safeguarding Zone
Meteorological Safeguarding

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Objectives

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

Core Strategy

CS1: Sustainable development principles
CS2: Design quality
CS7: Open spaces, sport and recreation
CS8: Community services and infrastructure
CS24: Transport considerations

Local Plan Part 2 Sites and Development Management Development Plan Document

DM8: Protection of public open space, private playing fields and sports grounds and school playing fields

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

13/11604 - Single-storey classroom block; part demolition of existing-
Application Approved 2014 but not implemented. Permission now lapsed.

7 PARISH / TOWN COUNCIL COMMENTS

Totton & Eling Town Council

The proposed new school teaching block replaces the existing building of similar size. The new block will be fundamental for the school to ensure pupils are taught in a satisfactory environment and the Town Council would support the application with this in mind. The new structure would have more efficient use of space and would be more functional and aesthetically pleasing. The existing structure will be removed once work is completed on the new block and the area returned to grass.

Recommendation: Permission, but would accept the decision reached by the District Council's Officers under their delegated powers

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

- 9.1 Tree Officer: no objection subject to condition.
- 9.2 Environmental Health: site investigation submitted. No contamination identified. No further action required.
- 9.3 Environmental Design: comment that more information on hard/soft landscaping required. Landscape and implementation conditions recommended.
- 9.4 Hampshire County Council Highway Engineer: comments awaited.
- 9.5 Sport England - no objection. Meets exception.
- 9.6 Planning Policy - no objection.
- 9.7 Southern Gas Network - comment only.

10 REPRESENTATIONS RECEIVED

None received

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

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

In this case NFDC has worked with the applicant to agree a suitably worded condition with the aim of securing the replacement of an existing tree that will be removed that is located close to the existing history block that is proposed for demolition. This will be secured by an appropriate condition.

14 ASSESSMENT

- 14.1 The application relates to land at Hounsdawn School. The existing history block/learning support unit positioned close to the site entrance is proposed to be demolished and replaced with a new larger single-storey building. Both the existing and proposed building are single storey flat roofed buildings.
- 14.2 The new building will have a floorspace of 572 sqm - a net increase of approximately 60 sqm and would be located on an informal grassed area adjacent to the school science buildings. The existing history block/learning support unit will be demolished and this land together with adjoining land will be landscaped.
- 14.3 The application has been advertised as a departure from the development plan because the replacement building would be sited on an area identified by Policy DM8 of the Local Plan Part 2: as Private/Education Authority recreational land. However, the policy does allow for an exception where the loss will be compensated by replacement of equivalent or better provision in terms of quantity, quality and accessibility. In accordance with the requirements of the General Development Procedures Order, Sport England have been consulted and raise no objection.
- 14.4 Supporting information submitted with the planning application explains that the area where the replacement building would be located is an informal social soft landscaped space measuring 734m². The replacement area - in place of the existing building to be demolished - would measure 746m² and although it would be in a different location within the school grounds, it would replicate the area to be developed in line with the requirements of Policy DM8.
- 14.5 No formal sports pitches would be affected by the proposal . A consultation response from Sport England has confirmed that the proposals meet its exception criteria. The proposal development offers

only land incapable of forming part of a playing pitch and does not reduce the size of any pitch; result in the inability to use any playing pitch, reduce sporting capacity; result in loss of other sporting provision or ancillary facilities on site or prejudice to the use of remaining playing fields onsite. No objection is raised by Sport England.

- 14.6 Policy CS8, states that proposals for improved education facilities that result in improvements in meeting the needs of the population will be supported. The proposal fulfils this purpose, which weighs significantly in favour of the development in policy terms.
- 14.7 With regard to other material planning matters, the demolition of the existing building is acceptable in principle as it is in a poor state of repair and of little architectural merit. The design of the proposed building reflects parts of the school that have already been refurbished. Overall, the replacement building is considered to be appropriate within its setting with other school buildings, contribute positively to its surroundings and local distinctiveness, thereby it accords with Policy CS2.
- 14.8 It is noted that both student and staff numbers will remain unchanged and the application is not related to any school expansion, but instead is intended to provide modern and functional teaching facilities. A condition is proposed to ensure that the demolition of the existing block is undertaken at the appropriate stage of the development. As a result, no concern has been identified regarding parking. HCC Highways have however been consulted and their formal comments are awaited.
- 14.9 A habitat survey has been submitted as part of the development and no further investigations have been recommended. Site investigation information has also been submitted and no contamination has been identified. Whilst there is no TPO, a tree report has been submitted in which one tree has been identified as worthy of retention. However, as this tree is growing adjacent to the history teaching block proposed for removal it may be necessary to remove it and plant a replacement tree. A landscaping scheme will be required to be agreed by condition, which will include appropriate replacement tree planting as well as the treatment of the area of the existing history teaching block once this building is demolished. Following discussion it is considered that this proposed landscaping condition will address the comments made by the Environmental Design Team.
- 14.10 The building would not have any adverse impact on the amenities of other properties beyond the site.
- 14.11 Overall, the proposed location of the new classroom would result in the loss of an informal recreation area. However, the proposal is considered acceptable as a replacement informal recreation area would be provided on the site which would perform a similar function and be of a slightly larger size. Significantly the proposal will create bespoke teaching facilities of a superior quality to those within the existing dilapidated block and as such although this remains a departure it would accord with the exceptions identified in adopted Policy DM8. As such the proposed development is considered to be consistent with Development Plan policies and objectives. The application is recommended for approval subject to no further substantive comments being made to the press notice which expires on 15th February 2019.

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

15. RECOMMENDATION

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

- i) the receipt of no new material objections to the press advertising that the proposal as a departure which expires on 15th February 2019
- ii) the imposition of the conditions set out below.

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following documents and approved plans including details of materials shown on the approved plans:

DHP-5813-1000 Existing Site Location Plan
DHP-5813-2000 Proposed Site Location Plan drawing number
DHP-5813-2000 proposed site location plan
DHP-500-2350-1001 existing whole school GF plan
DHP-500-2350-1002 existing whole school FF plan
DHP-500-2350-1003 existing whole school SF plan
DHP-500-2350-1500 existing whole school accommodation schedule (room names)
DHP-500-2350-1004 existing history & learning support block GF Plan
DHP-5813-2030 Rev1 Proposed Elevations And Cross Sections AA And BB
DHP-5813-2005 proposed history & learning support block site block plan
DHP-5813-2010 proposed history & learning support block GF plan
DHP-5813-2020 proposed history & learning support block roof plan
Planning Statement prepared by DHP (UK) LLP ref AE/5813 dated September 2018

Reason: To ensure satisfactory provision of the development.

3. No demolition or site clearance shall take place until the arrangements to be taken for the protection of trees and hedges on the site (to be identified by agreement with the Local Planning Authority beforehand), have been submitted to and approved in writing by the Local Planning Authority. The agreed arrangements shall be carried-out in full prior to any activity taking place and shall remain in-situ for the duration of the development.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area in accordance with Policy CS2 of the Local Plan for the New Forest outside of the National Park.

4. The demolition of the existing history/learning support facility block shall not take place until details of the landscaping of the area of the existing history/learning support facility and adjacent land have been submitted to and approved in writing by the local planning authority. This scheme shall include details a specification for:

- a) the existing trees and shrubs which have been agreed to be retained;
- b) a specification for new planting, to include replacement trees as required (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.

The development shall be implemented in accordance with the approved details and thereafter retained.

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

5. The existing history/learning support facility block shall be removed within 4 months of the completion of the new building hereby approved and remedial works to the land undertaken and landscaping carried out in accordance with details approved under condition 4, to be carried out within the next planting season and thereafter retained and maintained in accordance with the approved details as such for a period of 5 years.

Reason: The Local Planning Authority wishes to ensure that replacement open space is provided within the site and the satisfactory appearance of the site in accordance with Policy CS2 of the Core Strategy and Policy DM8 of Local Plan Part 2 for the New Forest District outside of the National Park.

Notes for inclusion on certificate:

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

In this case NFDC has worked with the applicant to agree a suitably worded condition with the aim of securing the replacement of an existing tree that will be removed that is located close to the existing history block that is proposed for demolition. This will be secured by an appropriate condition.

2. The development subject to this notice falls within a highlighted proximity of a mains gas pipe which is considered a major hazard. In the event that gas pipes are present within your site, there may be restrictions on the work being undertaken to ensure the safety of your site and the protection of the gas pipes. The applicant/agent/developer is strongly advised to contact the pipeline operator PRIOR to ANY works being undertaken pursuant to the permission granted/confirmed by this notice.

Address is:

Southern Gas Networks Plc

SGN Plant Location Team

95 Kilbirnie Street

Glasgow

GS5 8JD

Tel: 0141 184093 OR 0845 0703497

Search online at:

www.linesearchbeforeyoudig.co.uk

SGN personnel will contact you accordingly.

Further Information:

Jo Chambers

Telephone: 023 8028 5588



New Forest DISTRICT COUNCIL

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

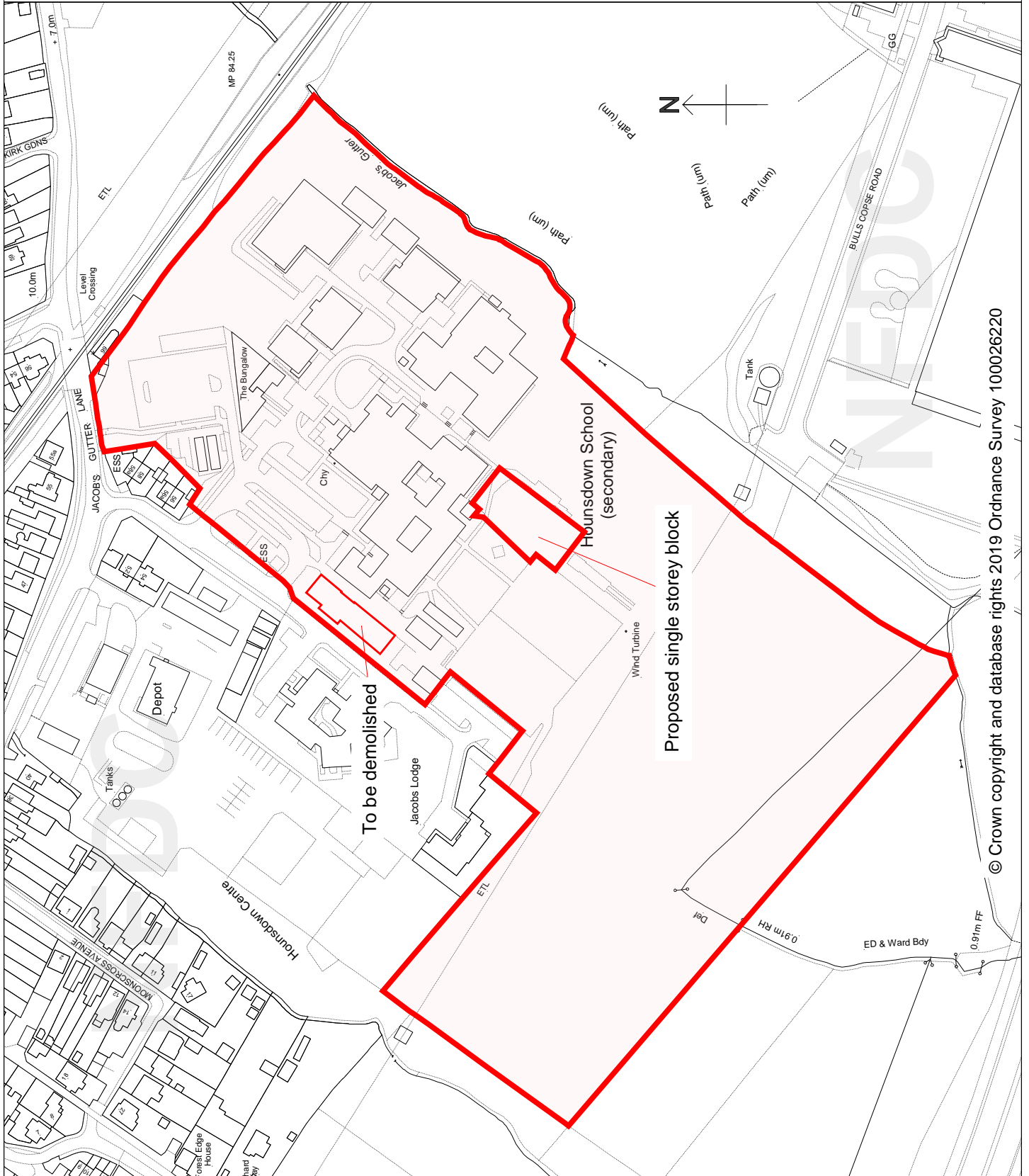
David Groom
Service Manager
Planning and Building Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee**
February 2019

Item No: 3b
Hounsdown School
Jacobs Gutter Lane
Totton
18/11344

Scale **1:2500**

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



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Planning Committee 13 February 2019 **Item 3 c**

Application Number: 18/11588 Full Planning Permission

Site: Land of 9 SHACKLETON SQUARE, BRANSGORE BH23 8AJ

Development: House; access; parking

Applicant: Mr White

Target Date: 24/01/2019

Extension Date: 15/02/2019

RECOMMENDATION: Grant Subject to Conditions
--

Case Officer: Jim Bennett

1 REASON FOR COMMITTEE CONSIDERATION

Recommendation contrary to Parish view.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Aerodrome Safeguarding Zone
Built-up Area
Plan Area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

DM3: Mitigation of impacts on European nature conservation sites

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

Parking Standards SPD (Oct 2012)
SPD - Mitigation Strategy for European Sites

6 RELEVANT PLANNING HISTORY

6.1 18/11241 - House, access and parking - 15/11/18 - Refused as the separation between the existing and proposed dwellings, coupled with the scale, massing and form would result in an incongruous addition to the street scene, which would be harmful to the character of the area, contrary to the design provisions of Policy CS2 of the Core Strategy and paragraph 130 of the National Planning Policy Framework.

6.2 16/11377 - Two-storey side extension - 30/11/16 - Granted

7 PARISH / TOWN COUNCIL COMMENTS

Bransgore Parish Council: recommend refusal. The Parish Council remains concerned that the amenity impact of the development is unacceptable. The scale and impact on the surrounding area is contrary to Policy CS2 and the access and parking arrangements remain inadequate.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

9.1 Wessex Water: no objections, but give informatives

9.2 Hampshire County Council Highway Engineer: this application is for a revised scheme following the refusal of the previous application (18/11241). In respect of highway related matters, the current amended proposals at the site are very similar to those contained within the original application except parking spaces and cycle store have now been annotated on the plan. No highway objection subject to access and parking conditions.

10 REPRESENTATIONS RECEIVED

10.1 One representation has been received from a neighbouring occupier objecting on grounds that the proposal would result in the creation of a terraced dwelling which would not be in keeping with the area.

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive New Homes Bonus £1,224 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 £5,757.27.

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 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.

14 ASSESSMENT

- 14.1 The proposal relates to a semi detached property at the junction of Shackleton Road with Betsy Lane in Bransgore. It is proposed to demolish an existing single storey garage structure on the gable end of no. 9 Shackleton Square and to utilise its footprint and a portion of its curtilage within the existing fence line for the purpose of erecting a semi-detached and independent two storey dwelling. There is an extant planning approval for a two storey extension of no. 9 to convert it into a 5 bed dwelling. The proposed dwelling is sought in place of the two storey extension. The site would be subdivided to form separate accesses and parking spaces, with landscaping to the front.
- 14.2 While the principle of new residential development within the built up area is acceptable, this is subject to other material considerations which, in this case are impacts upon the character of the area, highway impacts and residential amenity. Policy CS2 of the Core Strategy seeks to ensure that all new development is appropriate and sympathetic to its setting and shall not cause unacceptable effects to adjoining land uses in terms of visual amenity and adverse impacts upon residential amenity.
- 14.3 In assessing the effect on the character and appearance of the area, the immediate context of the area is characterised by detached and semi-detached dwellings fronting surrounding roads, set within reasonably generous garden curtilages. The design of the proposal is similar to, albeit larger, than a two-storey household extension approved on this site in November 2016. While the massing of the proposed development is greater than the household extension approved in 2016 the space retained about the proposed dwelling is appropriate in terms of its impact upon the character of the area. Landscaping is to be introduced to the frontage area to soften the appearance of parking and to respect the character of the locality, which may be ensured by condition. The design, scale and fenestration arrangements reflect those in the adjoining dwelling and overall the proposal would be an acceptable addition to the street scene and in accordance with Policy CS2.
- 14.4 Policy CS2 also requires the amenity impacts of development proposals to be considered. With regard to residential amenity the scale of dwelling would have no overbearing or oppressive impact on neighbouring properties. Number 9 itself would be impacted by the two storey rear

projection, but it is subservient and the relationship is the same as the household extension approved in 2016. The proposed development would also retain garden areas of an acceptable size for use by future occupiers of the existing and proposed dwellings.

- 14.5 In respect of highway related matters, the adopted parking standards suggest that 2.5 off-street parking spaces should be provided for a 3 bedroom dwelling. The proposal would provide two off-street spaces in a tandem arrangement. There would be scope to provide additional off-street parking, but this would be to the detriment of landscaping, which was requested in order to soften the appearance of the site frontage. The Highway Authority note that proposals at the site are very similar to those contained within the previous application except parking spaces and a cycle store have now been annotated on the plan and raise no highway objection, subject to access and parking conditions. It is not considered that a refusal could be substantiated on the under provision of off-street parking.
- 14.6 The LPA is not currently able to demonstrate a 5 year supply of housing land when assessed against its most recent calculation of Objectively Assessed Need. Relevant policies for the supply of housing are therefore out of date. In accordance with the advice at paragraph 11 of the NPPF, permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the NPPF indicate that development should be restricted.
- 14.7 The Council has 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 propose to develop appropriate phosphorous controls and mitigation measures to achieve phosphorous neutrality. A Memorandum of Understanding to that effect has been signed by the aforementioned parties. In accordance with the Portfolio Holder for Planning and Infrastructure Decision of 11 December 2018, this Council has ring fenced up to £50,000 of held CIL funds to direct towards a suitable infrastructure project upstream to provide suitable mitigation, therefore there is no further requirements on developments.
- 14.8 In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting planning permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites, but that the adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact in accordance with the Council's Mitigation Strategy or mitigation to at least an equivalent effect.

14.9 In conclusion, it is considered that this proposal represents an appropriate form of development in terms of its impact on the character of the area, while providing a much needed dwelling. The impact on neighbouring property is within acceptable limits and appropriate level of car parking is provided; as a result, permission is recommended.

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

Section 106 Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings	0	0	0
Financial Contribution	0	0	0
Habitats Mitigation			
Financial Contribution	£550 if CIL paid in full	£550 if CIL paid in full	0

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
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Dwelling houses	193.18	133.4	59.78	59.78	£80/sqm	£5,757.27 *
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Subtotal:	£5,757.27
Relief:	£0.00
Total Payable:	£5,757.27

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

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

Where:

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

R = the levy rate as set in the Charging Schedule

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

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: XC.18.080.001, XC.18.080.002, XC.18.080.003, XC.18.080.004, XC.18.080.005, XC.18.080.100 and XC.18.080.200

Reason: To ensure satisfactory provision of the development.

3. The external facing materials shall match those used on the existing dwelling (no. 9 Shackleton Square).

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

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

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

5. Before the occupation of any part of the development hereby approved, areas for access and parking as shown on the approved plan (ref. XC.18.080.002) shall be constructed and hard surfaced and thereafter retained, maintained and kept available for the occupants of the development at all times.

Reason: In the interests of highway safety.

6. Before the commencement of development, the detailed design of the cycle parking facility including the specification shall be submitted to and approved in writing by the Local Planning Authority. Before the occupation of any part of the development hereby approved, the cycle store shall be erected as shown on the approved plans and thereafter retained, maintained and kept available for the occupants of the development at all times.

Reason: To promote sustainable mode of travel.

7. All external works (hard and soft landscape) shall be carried out in accordance with the approved plans and details (ref. XC.18.080.002) 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).

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

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

Notes for inclusion on certificate:

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

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

2. Wessex Water acknowledge that the applicant has indicated that foul sewerage will be disposed of via the main sewer. Rainwater running off new driveways and roofs will require consideration so as not to increase the risk of flooding. The applicant has indicated in the current application that rainwater (also referred to as "surface water") will be disposed of via the main sewer and existing water course.

If your proposals require new connections to the public foul sewer, notes and application forms can be found here. The water service provider for this area is Bournemouth Water.

Wessex Water will not permit the build over of public shared sewers by new properties. Your contractor must undertake private survey to determine the precise layout of the existing foul and surface water network and location of connection to the existing public network(s). This survey will be crucial for site layout and for agreeing surface water discharge arrangements. Easements are usually 3 metres either side of the public sewer, subject to application sewers can sometimes be diverted, at the applicants cost, to achieve suitable easements. Further details can be found here Any existing (site specific) redundant connections to the public foul sewer must be sealed at the point of connection. The proposal is located in an area prone to sewer flooding caused by high levels of groundwater during prolonged periods of wet weather. Separate systems of drainage on site must be completely watertight and vent stacks rather than durgo valves must be used to prevent restricted toilet use during these prevailing conditions.

One of our main priorities in considering a surface water strategy is to ensure that surface water flows, generated by new impermeable areas, are not connected to the foul water network which will increase the risk of sewer flooding and pollution. You have indicated that surface water will be disposed of via main sewer and existing water course.

The strategy is currently acceptable to Wessex Water, subject to agreement to detail with the local planning authority and the Environment Agency. 2 We will support measures, such as permeable paving and rain butts, which reduce surface water run of into the existing surface water sewer, to improve water quality and reduce flood risk If any existing connections to the combined sewer are not to be re-used opportunity can be taken to construct separate systems of drainage and reduce rainwater flow to the sewer system. Detailed application must prove a minimum 30% reduction in total flow from site to account for climate change, further reductions may be required by the planning authority depending upon local circumstances. There must be no surface water connections into the foul network.

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

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**
February 2019

Item No: 3c

Land of
9 Shackleton Square
Bransgore
18/11588

Scale 1:1250

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nsngore

Planning Committee 13 February 2019 **Item 3 d**

Application Number: 18/11411 Full Planning Permission

Site: SAMMY MILLER MUSEUM, BASHLEY CROSS ROAD,
NEW MILTON BH25 5SZ

Development: Two-storey extension for museum use (Class D1)

Applicant: Sammy Miller Motorcycle Museum

Target Date: 27/12/2018

RECOMMENDATION: Service Man Planning Grant, subject to conditions
--

Case Officer: Richard Natt

1 REASON FOR COMMITTEE CONSIDERATION

Departure from policy

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Green Belt
Countryside outside the New Forest
Adjacent to New Forest National Park

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

Core Strategy

- CS2: Design quality
- CS8: Community services and infrastructure
- CS10: The spatial strategy
- CS19: Tourism
- CS24: Transport considerations

Local Plan Part 2 Sites and Development Management Development Plan Document

- DM13: Tourism and visitor facilities
- DM22: Employment development in the countryside

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Parking Standards

6 RELEVANT PLANNING HISTORY

- 6.1 Two storey extension (18/10627) Refused on the 28th June 2018
- 6.2 Continued use of two buildings for use as museum store and library (06/99913) granted with conditions 24/11/06
- 6.3 Single storey extension (04/81613) Granted with conditions on the 9th July 2004
- 6.4 Cart shelter (01/72200) Granted with conditions on the 30th July 2001
- 6.5 Addition of a cart shelter (99/68072) Granted with conditions on the 16th February 2000
- 6.6 Change of use of buildings to museum and form wardens accommodation (94/55877) Granted with conditions on the 8th February 1995
- 6.7 Change of use of main building to museum and fenestration changes (94/55231) Granted with conditions on the 4th November 1994
- 6.8 Change of use of redundant farm buildings to B1 use and form new access (92/49578) Granted with conditions on the 19th July 1994.

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: Strongly support. This development is strongly supported for its recognised importance to the economy and tourism of New Milton and the wider Forest.

8 COUNCILLOR COMMENTS

Cllr Neil Tungate: support.

The Sammy Miller Museum is internationally renowned, and is something in which local residents take pride. We should support it for its excellence as a museum, as an educational facility, and as a local employer. The proposed extension will be all but invisible from Bashley Cross Road because of the many trees screening the site from the western approach, and the existing buildings from the eastern approach.

The Officer Briefing Note rightly notes that policy CS19 is applicable in this case, and we should support the application for its compliance with this policy. I do not believe that the proposal is detrimental to the rural character of the area (DM13), the whole site is fairly well confined and screened or surrounded by fairly major roads.

The Briefing notes that Paragraph 89 of the NPPF says that new construction should be for agriculture/forestry or outdoor sport/recreation or a cemetery. I would suggest that whilst those are laudable aims, they should include educational facilities such as museums. I believe there is a valid exception on those grounds.

Finally, I cannot agree with the officer's suggestion that the extension should be assessed against the buildings that existed before they became a museum. I would argue that we should be assessing against the current buildings. Given that I disagree with the Officer's briefing on several points, I request that this application be sent to the Planning Committee for decision by the elected members

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer - No highway objection
- 9.2 Employment and Tourism Manager: The museum is recognised as an important asset to the local visitor economy and important to the area of Bashley/ New Milton. The museum attracts visitors from some distance. It is important therefore that this contribution is recognised and furthermore that the extension on this site will improve the offer and associated spend.

10 REPRESENTATIONS RECEIVED

- 10.1 1 letter of support, on the grounds that the museum is unique in this area as it deals with motorcycle history. The proposed extension would not be overbearing in the context of the other buildings. This museum brings in people from all over the country, and it is good for the local economy.

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.

While the proposed development does not address the concerns raised in the previous reason for refusal, the applicant has made a detailed case for very exceptional circumstances and this has been explored in greater detail in the assessment below.

14 ASSESSMENT

14.1 The site and location

- 14.1.1 The site lies within the designated Green Belt and countryside. The former farm complex of buildings on the site were converted for use as a motor cycle museum in the mid 1990s. The motorcycle museum is now well established and currently occupies an attractive group of brick and tile outbuildings grouped together around a courtyard situated in a rural location to the north west of New Milton.
- 14.1.2 The complex of buildings is predominantly used as part of the museum including its galleries and workshop areas, however there are ancillary tea rooms, toilets and a craft shop. A large car parking area lies to the south of the buildings and includes a children's play area. Following the establishment of the museum, a number of extensions and alterations have been built.
- 14.1.3 The site lies within a prominent location in its setting separated from Bashley Cross Road by a large open paddock. Directly opposite the site is a mobile home park and the land to the north of Bashley Cross Road is in the New Forest National Park. To the west of the site is a large detached dwelling. To the south of the site is a large open field used for arable farming.

14.2 The proposal

- 14.2.1 This planning application proposes to demolish part of the existing single storey building forming the west side of the courtyard and to replace it with a two storey building. The proposed two storey building would be both taller and larger in size compared to the existing single storey building, and the increase in footprint would be to the west and east of the group of courtyard buildings.

14.2.2 The main issues in this case are whether the proposals amount to inappropriate development in the Green Belt, and if so, whether there are any special circumstances sufficient to overcome the presumption against such development, and the effect of the proposed development on the character and appearance of the countryside in the vicinity of the site. The other issue is whether the proposed development would have an unacceptable effect on the living conditions of the adjoining neighbouring property at Bashley Farmhouse.

14.3 Planning history

14.3.1 There is extensive planning history to the site which is described in greater detail below. The most relevant is set out below.

14.3.2 Planning permission was recently refused for a two storey extension at the museum under reference 18/10627. The proposal was for a very similar proposal to this current planning application. The application was refused on the grounds that by reason of its size, scale, form and unsympathetic design, the proposed extension would unacceptably detract from the traditional form, integrity and character of the existing group of buildings and would result in a disproportionate extension over and above the size of the original buildings, to the detriment of the character and appearance of this rural countryside setting and thereby also resulting in a visual reduction in the openness of this part of the Green Belt. As such, the proposed extension would have constituted inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt. Moreover, it was not demonstrated that very special circumstances existed that would outweigh the harm by reason of the inappropriateness of the development and any other harm of such a proposal.

14.4 Comparison to refused application under 18/10627

14.4.1 This proposal has been revised since the previous refusal. The overall height of the building has been reduced by around 300mm, the floor level reduced, the roof and eaves line has been lowered and the building has been re-sited further into the courtyard and further away from the main frontage building. This has resulted in the proposed building being concentrated within the courtyard and would not extend so much beyond the extent of the existing complex of buildings.

14.5 Local plan policies

14.5.1 The site is located outside the built up area and within the South West Hampshire Green Belt and countryside. The Council's spatial strategy, as expressed in Policy CS10 of the Local Plan (part 1), seeks to provide for sustainable development by locating new development primarily within the towns and larger villages and by retaining and supporting the Green Belt. More generally, the policy also seeks to safeguard the countryside and coast from encroachment by built development.

14.5.2 Core Strategy Policy CS19 is applicable in this case and relates to tourism. The policy seeks to encourage tourism and provision for visitors which is appropriate to the District's settlements and countryside, including supporting new tourist provision in the countryside where these would benefit local communities and support the economy. The strategy is to support the local tourism industry by maintaining and enhancing existing tourist and visitor facilities. The strategy also seeks to support measures which would relieve tourist pressures on the most sensitive areas of the New Forest National Park.

14.5.3 Local Plan Part 2 Policy DM13 is also applicable and relates to tourism and visitor facilities. The policy goes on to state that in the countryside, any new development should be of an appropriate design and scale in keeping with the rural character of the area and should not result in significant harmful impacts on the countryside. The Council's Economic Development Officer is fully supportive of the proposal to provide additional space for the museum which is a very important facility locally and nationally.

14.5.3 The proposal broadly accords with these policies.

14.6 Main Considerations

14.6.1 The principle issues to consider, having regard to relevant development plan policies, the National Planning Policy Framework and all other material considerations are as follows:

- i. Is the development appropriate in the Green Belt by definition?
- ii. What would the effect of the development be on the openness of the Green Belt and on the purposes of including land within the Green Belt?
- iii. Would there be any other non-Green Belt harm?
- iv. Are there any considerations which weigh in favour of the development?
- v. Do the matters which weigh in favour of the development clearly outweigh any harm to the Green Belt and any other harm?
- vi. Are there 'very special circumstances to justify allowing inappropriate development in the Green Belt?

14.6.2 **i) Is the development appropriate in the Green Belt by definition?**

14.6.2.1 National Policy (NPPF) attaches great importance to Green Belts, designated in order to keep land permanently open. This site lies within the Green Belt where national policy states that the construction of new buildings, save for a few exceptions, should be regarded as inappropriate. Inappropriate development is by definition harmful to the Green Belt and should not be approved, except in very special circumstances.

- 14.6.2.2 Paragraph 145 of the NPPF states that, other than for agriculture or forestry, the construction of new buildings would be inappropriate unless the building would be for a facility for outdoor sport, outdoor recreation or a cemetery. In this case, the primary purpose of the proposed extension does not fall within any of these categories.
- 14.6.2.3 One exception set out under Paragraph 145 of the NPPF is that extensions or alterations to existing buildings can be considered as appropriate development, but this will need to be assessed against whether the extension or alteration of a building provided does not result in disproportionate additions over and above the size of the original building. The proposed extension to provide additional space for the museum would fall under this exception, however, in order to make an assessment of the impact, it is important to establish what is meant by 'original building'.
- 14.6.2.4 It is considered that the 'original building' is the extent of building on the site when the Green Belt was designated, which was in 1980. In this case, this would have been the complex of buildings, prior to their conversion to the museum. Since the former farm buildings were converted into a museum in the 1990s, there have been a number of substantial extensions to the original building. This includes a single storey extension across the whole of the front elevation facing onto Bashley Cross Road, two single storey additions to the south of the courtyard and single storey extensions to the main northern building within the courtyard. Accordingly, it is considered that the original buildings have been substantially extended in the past.
- 14.6.2.5 The proposed extension would rise to approximately 6.6 metres high, which would be some 2.2 metres taller in height compared to the existing single storey building. The proposed extension would also extend a further 2.4 metres outwards of the courtyard at a length of around 29.5 metres. The overall increase in floor space at ground floor level is around 105 square metres and the first floor would add a further 252 square metres in floor space. Accordingly, it is considered that the proposed extension would be significantly larger in scale and size compared to the existing single storey building and taking into consideration the substantial extensions made in recent years, the proposal would result in a disproportionate addition over and above the size of the original building.
- 14.6.2.6 It is therefore considered that the proposal is inappropriate development and harmful by definition in terms of the NPPF. The NPPF at paragraph 143 urges Local Planning Authorities to ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. The applicant has submitted a series of considerations in the Planning Statement and Need Statement, outlining the applicant's case as to why very special circumstances exist in this case. These are referred to later in this report.
- 14.6.3 **ii) What would the effect of the development be on the openness of the Green Belt and on the purposes of including land within the Green Belt?**

14.6.3.1 The proposed development would undoubtedly change the appearance of the existing buildings, both individually and cumulatively, when considering the amount of extensions over the years, which would impact on the openness of the Green Belt. It is considered that the proposed extension would extend the building further to the rear with an increased scale and massing which would result in some loss of openness. This conflicts with the aim of the Green Belt Policy to keep land permanently open. Accordingly, it is concluded that there is a loss of openness to the Green Belt, which adds to the harm resulting from inappropriate development. Therefore very special circumstances need to be demonstrated before the development can be approved.

14.6.4 **iii) Would there be any other non-Green Belt harm?**

14.6.4.1 Visually, there are some concerns that the proposed design of the extension would unacceptably detract from the traditional character and integrity of this group of former farm buildings. The buildings are arranged as a traditional group designed around a courtyard. They are simple building forms with traditional proportions in which the two side wings are fairly symmetrical in their design and appearance. While there have been some extensions in the past, on the whole, it is considered that this group of buildings retain their rural theme and positively contribute to the character of the area.

14.6.4.2 Rising more than 2 metres above the existing building with a much greater depth, the proposed extension would detract from the simple form and character of the existing buildings and the group of farm buildings as a whole. The negative impact of the proposed extension on the setting of the group of buildings would be exacerbated by the overall depth of the extension with the deep side gable and shallow roof form and the extent of glazing from the ground to the eaves.

14.6.4.3 Other than the visual concerns, the proposed development would not impact on residential amenity. The only neighbouring property that would be affected by the proposal is Bashley Manor Farmhouse. No windows are proposed facing this neighbouring property and the distance from the proposed building to the side boundary measures more than 7 metres and 30 metres to the dwelling. Accordingly it is considered that the proposal would not unacceptably impact on the privacy, light or outlook of that neighbouring property.

14.6.4.4 In terms of public highway safety matters, the Highway Authority does not raise any objections to the proposal and considers that the local network can acceptably accommodate the increase in floor space. There is also sufficient car parking on the site.

14.6.5 **iv) Are there any considerations which weigh in favour of the development?**

14.6.5.1 The applicant has provided the following details in relation to 'need as part of the submission that very special circumstances exist which justify allowing inappropriate development in the Green Belt. Sammy Miller Motor museum has operated on this site for many years and is a stand alone 'not for profit' Trust. The supporting statement states that the proposed extension is required to provide additional floor space for the museum which can provide spaces for more imaginative

illustrations. The museum has always been a valuable source of archive material but presently they cannot accept any more contributions and collections due to the lack of storage space and display areas. Important collections which are currently displayed need to be catalogued and displayed in a more appropriate way.

- 14.6.5.2 The museum is an important asset to British and world motorcycle heritage and one which the Trust is trying to look after for future generations, for society, the local community and for tourism both in the New Forest, the UK and internationally. The Museum Trust continue to receive important exhibits to add to the existing collection and are committed to develop and protect the museum content for future generations.
- 14.6.5.3 It is stated that the proposed planning application will enable the necessary expansion to take place whilst also significantly improving public access to the collection and its value as an educational resource. Presently the museum cannot accept any more contributions due to a lack of storage space. In support of the application, it is stated that the museum has become one of the leading facilities in the motoring world detailing the history of transport and the development of transport and various machines through its ages. The museum provides an encyclopedic and educational attraction for many people around the world. Visitors are attracted from the local area, UK and the world. Visitor numbers are in the tens of thousands and increasing year on year as the collection grows
- 14.6.5.4 A further consideration is that there are no alternative sites that would meet the requirements of the development outside the Green Belt. The site already provides a large museum and has been established for many years. Re-locating the site or providing a building on an alternative site is not achievable. There are also a number of wider community benefits. Not only does the museum attract visitors locally, but it also used for educational purposes including schools and colleges. People are employed locally and further expansion will help the long term future of the museum.
- 14.6.6 **y) Do the matters which weigh in favour of the development clearly outweigh any harm to the Green Belt and any other harm?**
- 14.6.6.1 As set out above, the proposed development amounts to inappropriate development in the Green Belt, which by definition is harmful to the Green Belt. Substantial weight attaches to any harm to the Green Belt. However, while the existing development is large in scale, the proposal would lead to some loss of openness and would be an encroachment into the countryside, which adds to the harm to the Green Belt, albeit to a limited extent. With respect to 'any other harm, the proposal does not extend the car parking area and the proposed extension would be contained amongst the existing buildings, which would help reduce the spread of buildings on the site.
- 14.6.6.2 The additional space would enable the Museum to offer an enhanced visitor experience and would enable exhibits which are not on display to be able to be viewed by the public under cover and as part of the Museum tour. The attractiveness of the Museum and its ability to provide a learning experience to the public would be significantly improved. This would accord with Councils policy, to enhance and

expand visitor attractions in appropriate locations the District. Accordingly, there is significant weight to be attracted to the benefits that the proposed extension would bring to the museum as a visitor attraction. Although not providing significant additional employment, it would nonetheless provide indirect benefits to the local economy.

14.6.7 **vi) Are there ‘very special circumstances to justify allowing inappropriate development in the Green Belt?’**

14.6.7.1 In light of the above, it is concluded that ‘very special circumstances do exist, in terms of need, lack of alternative sites and benefits to the local community to warrant a departure from established and adopted Green Belt policies. The principle of the proposed development within Green Belt is therefore considered to be acceptable in this instance

14.8 Conclusion

14.8.1 The proposed development is inappropriate development within the Green Belt although the applicant has demonstrated very special circumstances to warrant a departure from Green Belt Policy, as a result, permission is recommended.

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.

15. RECOMMENDATION

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

- i) the receipt of no new material objections to the submitted amended plans before 13 February 2019
- ii) the imposition of the conditions set out below:

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: J.24.2018-02A, J.24.2018-06A, J.24.2018-04B, J.24.2018-05.

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. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2005 and the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent re-enactments thereof, the development hereby approved shall be used as accommodation ancillary to the museum purposes only and for no other purposes, whatsoever, including any other purpose in Class D1 of the Town and Country Planning (Use Classes) Order 2005 or any subsequent re-enactment thereof, without express planning permission first being obtained.

Reason: The extension hereby approved is inappropriate development in the Green Belt and the applicant has demonstrated that the proposed extension to be used as additional space for the museum is required under very special circumstances to warrant a departure from Green Belt Policy. Accordingly, should the extension hereby approved be used for other uses or purposes, not in conjunction with the museum, this would fail to comply with both local plan policy and the Green Belt.

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 is supported by a detailed case to demonstrate very exceptional circumstances, the proposal is deemed to be acceptable.

Further Information:

Richard Natt
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New Forest
DISTRICT COUNCIL

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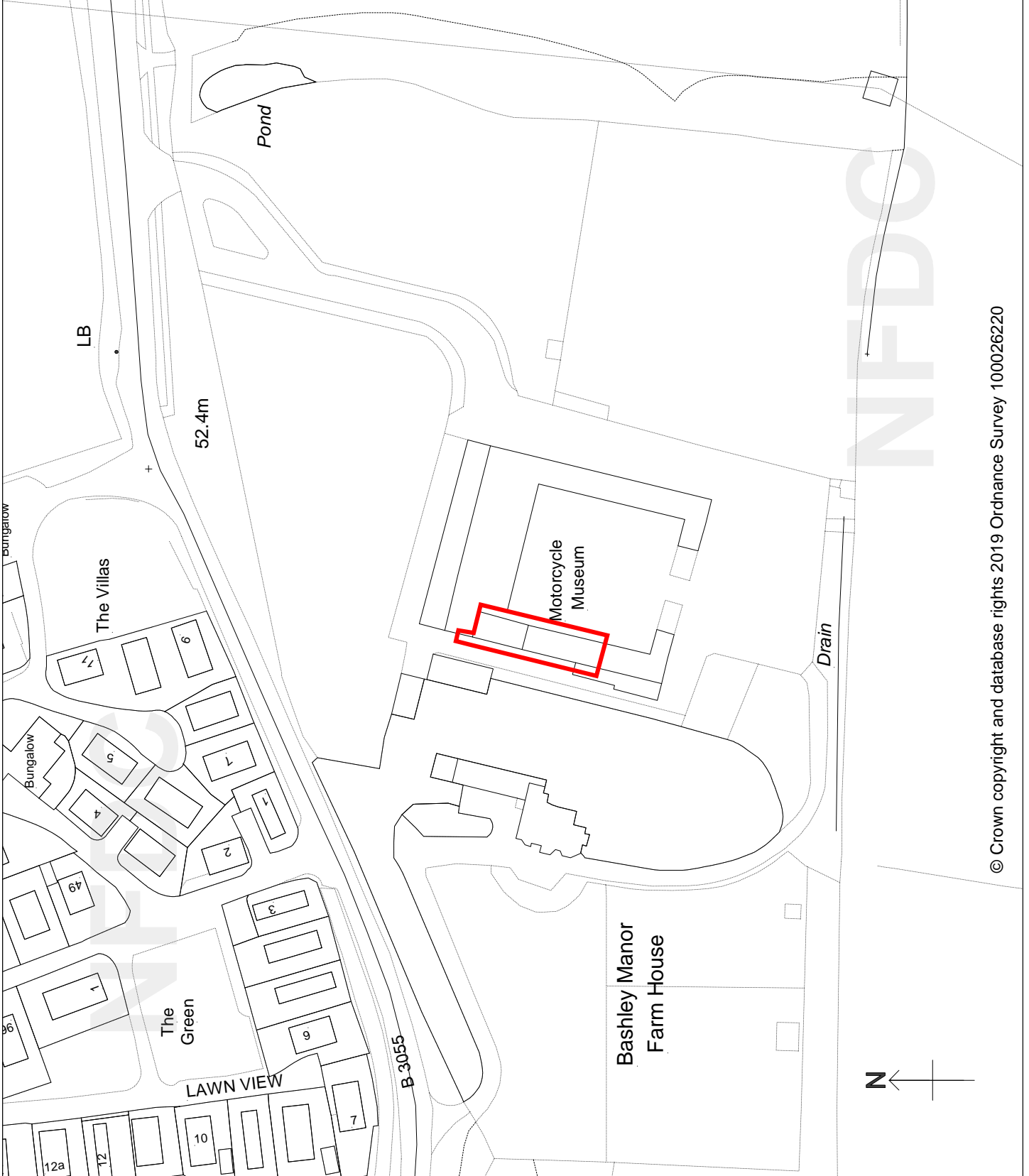
David Groom
Service Manager
Planning and Building Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee**
February 2019

Item No: 3d
Sammy Miller Museum
Bashley Cross Road
New Milton
18/11411

Scale 1:1250

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



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Planning Committee 13 February 2019 **Item 3 e**

Application Number: 18/11521 Full Planning Permission

Site: Land rear of 51 & 53, RAMLEY ROAD, PENNINGTON,
LYMINGTON SO41 8GZ

Development: Chalet bungalow; access & parking

Applicant: Mr Savin

Target Date: 09/01/2019

Extension Date: 15/02/2019

RECOMMENDATION: Service Man Planning Grant

Case Officer: Jim Bennett

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Aerodrome Safeguarding Zone
Plan Area
Built-up Area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

CS1: Sustainable development principles
CS2: Design quality
CS17: Employment and economic development
CS24: Transport considerations
CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

DM3: Mitigation of impacts on European nature conservation sites

National Planning Policy Framework

Chap 12: Achieving well designed places

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

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

6 RELEVANT PLANNING HISTORY

- 6.1 18/10526 - 2 chalet bungalows; access & parking - 25/06/2018 Refused due to the unjustified loss of part of an employment site, poor design, overdevelopment, underprovision of off-street parking and poor private open space provision
- 6.2 12/98429 - 1 pair of semi-detached bungalows (Outline application with details of layout and access) - 16/05/2012 Refused
- 6.3 07/91486 - Continued use of part of the garden for the storage of 8 cars - 20/03/2008 Refused - Appeal Allowed

7 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council: recommend refusal. The concerns we had with the previous applications do not appear to have been overcome with the new application. In commenting on the previous application ref. 18/10526, the Town Council recommended refusal, in support of the Case Officer and neighbour concerns.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

Southern Gas Networks - Give informatives

10 REPRESENTATIONS RECEIVED

- 10.1 One letter raising concerns over:
- a surface water drain that runs through the site;
 - overlooking from the first floor staircase window;
 - the ridge height has increased on the amended plans;
 - if land can be changed from domestic to commercial and back again so easily it is pointless having any change of use planning procedure at all.
- 10.2 The Lymington Society objects to the proposed chalet bungalow in that it will dominate the entrance to St Marks Road. We would suggest that in this context the ridge of the proposed bungalow should be no higher than adjacent dwellings. It is also important that a minimum of three trees be planted in the car parking area.

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive New Homes Bonus of £1,224 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 £11,171.69.

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

In this case following submission of amended plans to address the concerns of officers and notified parties, the application was considered to be acceptable as amended.

14 ASSESSMENT

- 14.1 The site forms part of the forecourt of a car sales garage and an adjoining residential garden within the built up area of Pennington at the junction of St Marks Road and Ramley Road. The surrounding area is predominantly residential. The application site fronts St Marks Road and apart from the rear garden of no. 53, is laid to hardstanding used for the parking of cars for sale. The site is adjoined by further residential properties to the north and west and there are residential properties opposite.
- 14.2 The plans show a detached dormer bungalow fronting St. Marks Road, sited to the rear of the garage associated with the car sales business and extending into the garden area of 53 Ramley Road. A large shed would be removed from the rear curtilage of no. 53 Ramley Road to facilitate the proposal. The property would have two bedrooms and benefit from a side garden extending to the rear boundary of 53 Ramley Road. Three car parking spaces are shown to the front of the site.
- 14.3 Previous applications for residential development on this site, comprising pairs of semi-detached bungalows, were refused planning permission due to the unjustified loss of part of an employment site; poor, cramped design detrimental to the character and appearance of the area and poor quality living environment for future occupiers. The same issues must be re-visited in considering this proposal.
- 14.4 Core Strategy Policy CS17 sets out the strategy for employment and economic development. Key to this strategy is the retention of existing employment sites for continued employment use. While the occupier has intimated their intention to continue using the front of the site for car

sales, some of the rear of the site would be lost to employment use, although substantially less than the previously refused scheme. The Design and Access statement outlines the applicant's justification for loss of the employment land and points out that the area is residential in nature, the existing business will continue to operate from the frontage site and the employment benefits of the site would not be prejudiced. Bearing in mind the close relationship to adjoining dwellings, officers accept that residential use in this location would be acceptable in principle. The applicant has expressed their intention to continue operating from the site frontage for commercial purposes and part of the rear and it is not considered that the proposal would significantly undermine key economic sectors, particularly as the area of commercial land lost to the development would be significantly lower than the previously refused scheme. Furthermore the Local Planning Authority is not currently able to demonstrate a 5 year supply of housing land when assessed against its most recent calculation of Objectively Assessed Need. Relevant policies for the supply of housing are therefore out of date. In accordance with the advice at paragraph 11 of the NPPF, permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the NPPF indicate that development should be restricted. In this case, it is considered that the benefits of the proposed development in providing additional housing in a suitable location would outweigh the very slight adverse impact of loss of employment land. Consequently officers consider the proposed development may be supported, as a departure to the provisions of Policy CS17.

- 14.5 Policy CS2 of the Core Strategy and the Local Distinctiveness Document, stipulate that new development will be required to be well designed to respect the character, identity and context of the area's towns. In respect of character impacts, the dwelling would be sited on a plot similar in size to nearby dwellings fronting Ramley Road, though smaller than those on St Marks Road. Amendments have been received to the proposal to address the roof form and to introduce alternative parking, boundary and landscaping arrangements to the frontage of the site. While the dwelling would be pushed slightly forward of the building line of St Marks Road, it would not be pushed forward to such an extent to detract from the street scene, particularly as the applicant has amended the roof form to reduce massing and has agreed to bolster landscaping (including introduction of 3 no. heavy standard trees) and introduce good quality 'walled' boundary treatments to the front of the site. The submitted street scene demonstrates that although the ridge of the proposed dwelling would be slightly higher than the adjoining dwelling, an adequate gap would be retained between the two and the proposal would not appear incongruous or overly large. A reasonable level of space would be retained around the dwelling and officers are satisfied that the proposal complies with the design and character related provisions of Policy CS2 and the Local Distinctiveness Document.
- 14.6 Policy CS2 also allows the impact of development proposals upon the amenity of existing and future occupiers to be taken into consideration, in relation to the likes of privacy loss, light loss, overbearing impact and private open space available. The proposal has an acceptable relationship to no. 1 St Marks Road, with low eaves adjoining that property and a reasonable degree of separation between the properties. However the relationship to the rear curtilage of no. 55 Ramley Road was poor, as the original proposal would have presented a bulky

structure to the rear of that property. The applicant has amended their plans by making it an almost fully hipped structure, which reduces the impact on the rear of no. 55. Concerns raised over adjoining privacy may be addressed through use of a condition requiring the dormer window in the north east roofslope to be obscure glazed. The proposal has a dormer window facing the rear of no. 53 Ramley Road which is within 19m of the rear wall. While this is within the rule of thumb distance of 21m, no. 53 is within the applicants control and no objections have been received in respect of this relationship, it is considered to be broadly acceptable. The relationship could be improved through the planting of heavy standards on the western boundary to interrupt intervisibility, which would be a requirement of any landscape scheme required by condition no.9. The proposed development would provide a garden area of an acceptable size for use by future occupiers of the proposed dwelling.

- 14.7 With regard to concerns regarding potential impacts upon existing drainage infrastructure, any permission would be subject to a condition requiring the applicant to submit details of the means of disposal of surface water from the site, together with a survey of all existing surface water drainage infrastructure on the site. Thereafter development shall only take place in accordance with the approved details, including any diversion works necessary in relation to existing site drainage infrastructure.
- 14.8 The proposal provides 3 no. parking spaces and the level of off-street parking provision meets with the standards applied by the Council's Parking Standards SPD.
- 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.
- 14.10 In conclusion, the proposal would be acceptable as an element of employment use would be retained and a much needed dwelling would be provided with acceptable impacts on the character of the area and the amenities of neighbouring properties.
- 14.11 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

Section 106 Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings	0	0	0
Financial Contribution	0	0	0
Habitats Mitigation			
Financial Contribution	£856 if CIL paid in full	£856 if CIL paid in full	0

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	116		116	116	£80/sqm	£11,171.69 *

Subtotal:	£11,171.69
Relief:	£0.00
Total Payable:	£11,171.69

* 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 receipt of no new material objections to the submitted amended plans before 14th February 2019.
- ii) the imposition of the conditions set out below.

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: LP.01 Rev B (Location Plan), PE.01 Rev B (Elevations), FP.01 Rev B (Floor Plans), SS.01 Rev B (Street Scene) and the Planning, Design and Access Statement dated November 2018.

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 stairwell window in the north east roofslope of the approved dwelling shall at all times be glazed with obscure glass (with a minimum obscurity of level 3 glazing and not an applied film) and fixed shut, unless the parts that can be opened are more than 1.7m above the corresponding floor level.

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

5. No other first floor windows or rooflight 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).

6. The development hereby permitted shall not be occupied until the spaces shown on plan no. LP.01 Rev B for the parking of motor vehicles have been provided. Thereafter the spaces shall be retained and kept available for the parking of motor vehicles for the dwelling hereby approved at all times.

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

7. Before the commencement of development, the detailed design of cycle parking facilities including the specification shall be submitted to and approved in writing by the Local Planning Authority. Before the occupation of any part of the development hereby approved, the cycle store shall be erected as shown on the approved plans and thereafter retained, maintained and kept available for the occupants of the development at all times.

Reason: To promote sustainable modes of travel.

8. 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.

9. 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) a specification for new planting (species, size, spacing and location, to include 3 no. heavy standard trees as shown on the Location Plan No. PL.01 rev A);
 - b) areas for hard surfacing and the materials to be used;
 - c) other means of enclosure;

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

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

10. 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).
11. Before development commences, details of the means of disposal of surface water from the site, together with a survey of all existing surface water drainage infrastructure on the site, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter development shall only take place in accordance with the approved details, including any diversion works necessary in relation to existing site drainage infrastructure.
- Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

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.

Where the matter is not routine and we are refusing an application or we accepted amendments or contacted the applicant re submission of amended plans or agreeing to deal with as submitted etc. we must clearly explain using free text (inserted by the Case Officer) how in dealing with the application we were positive and proactive and acted in accordance with Article 35 saying exactly what happened in this case

2. In discharging condition No.8 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/>

3. New Forest District Council has adopted a Community Infrastructure Levy (CIL) charging schedule and any application now decided, including those granted at appeal, will be CIL Liable. CIL is applicable to all applications over 100sqm and those that create a new dwelling. Under Regulation 42A developments within the curtilage of the principal residence are likely to be exempt from CIL so CIL may not be payable provided the applicant submits the required exemption form prior to commencement of the development.
4. Southern Gas Networks (SGN) advise that an extract from their mains records for your proposed work area have been forwarded to the Council and are available to view on the Council's website. Any SGN assets are described in the map legend. On some occasions blank maps may be sent, due to proposed works being in a no gas area but within SGN's operational boundaries.

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

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

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

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

Further Information:

Jim Bennett

Telephone: 023 8028 5588



New Forest
DISTRICT COUNCIL

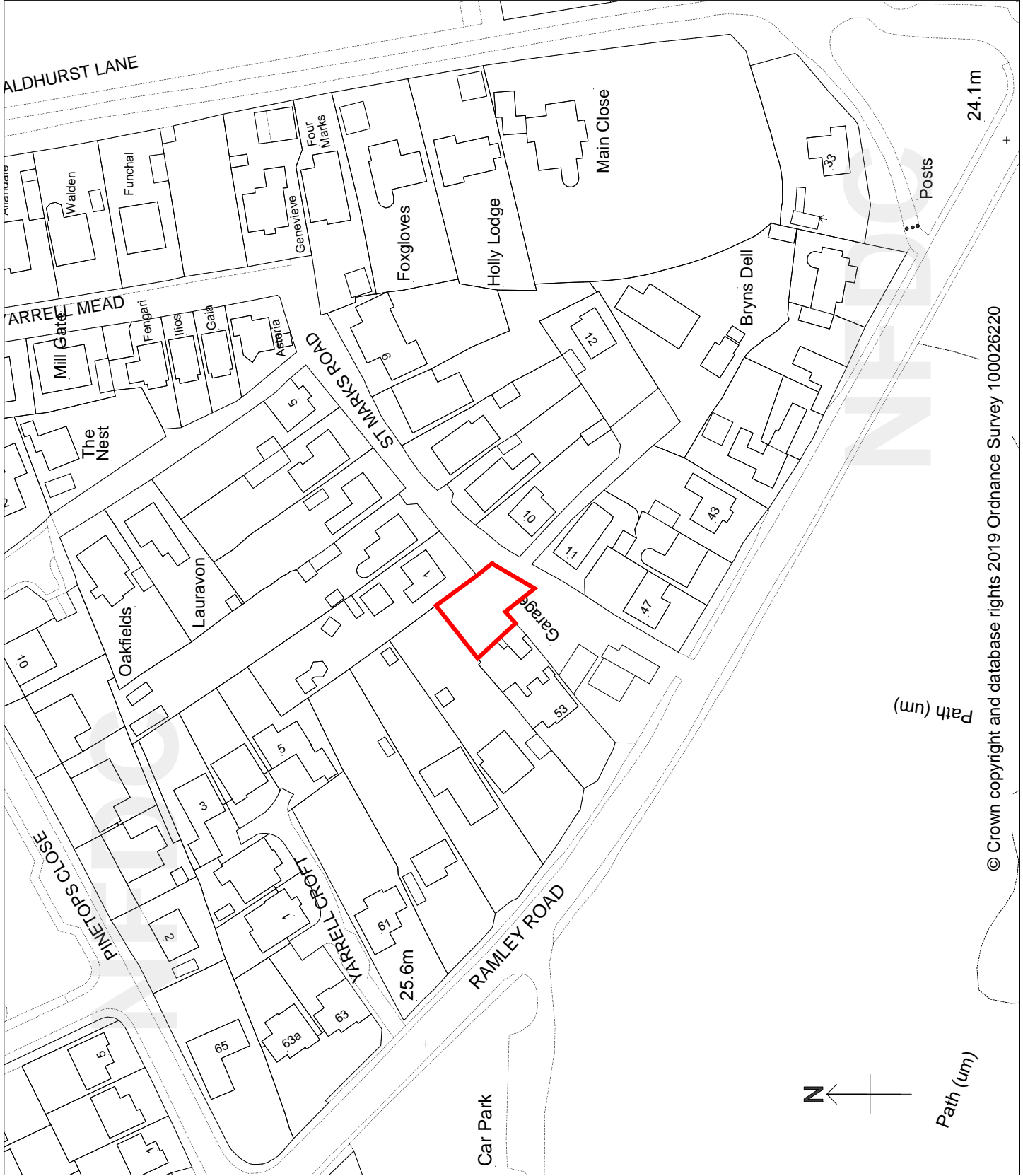
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David Groom
Service Manager
Planning and Building Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee**
February 2019

Item No: 3e
Land rear of 51 & 53
Ramley Road
Pennington Lymington
18/11521

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



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Planning Committee 13 February 2019 **Item 3 f**

Application Number: 18/11592 Full Planning Permission

Site: Land rear of 9 UPLANDS AVENUE, BARTON-ON-SEA,
NEW MILTON BH25 7BJ

Development: House; access, parking & landscaping; single-storey side
extension to existing dwelling

Applicant: AJ Developments

Target Date: 28/01/2019

Extension Date: 14/02/2019

RECOMMENDATION: Grant Subject to Conditions
--

Case Officer: Vivienne Baxter

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Town Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

6. Towns, villages and built environment quality

Policies

CS1: Sustainable development principles

CS2: Design quality

CS15: Affordable housing contribution requirements from developments

CS24: Transport considerations

CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan

Document

DM3: Mitigation of impacts on European nature conservation sites

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

NPPF Ch.2 - Achieving sustainable development

NPPF Ch. 4 - Decision-making

NPPF Ch. 5 - Delivering a sufficient supply of homes

NPPF Ch.11 - Making effective use of land

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

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

6 RELEVANT PLANNING HISTORY

- 6.1 19/10075 - Variation of condition 2 of 17/11223 to allow relocation of garage for unit 2. Under consideration.
- 6.2 17/11223 - 2 bungalows, 2 detached garages, parking, access, associated works. Granted 23.10.17
- 6.3 16/11527 - 2 bungalows, parking, access, associated works. Refused 11.1.17, appeal allowed
- 6.4 16/10142 - 2 bungalows, landscaping, parking (O/L). Refused 23.3.16, appeal dismissed
- 6.5 03/77624 - single storey side extension. Granted 8.5.03
- 6.6 00/69963 - ground floor extensions and dormers to form rooms in roof and erection of front boundary wall. Granted 16.10.00

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council - strongly object (non-delegated)

(1) Loss of vegetation and trees, including a large mature Oak tree on rear boundary and the potential effect to mature Beech (?) near the side boundary within garden of number 7.

(2) Cramped and contrived, while still not adhering to the guidance on floor space within Technical Housing Standards DCLG published in 2015. Therefore the development is wholly inappropriate on this site.

Despite the Appeal Inspectors decision for neighbouring site 11-15 Uplands Avenue:

(3) The layout is contrary to New Forest Local Distinctiveness Study S.P.D. pages 60/61 regarding Building Line, Green Infrastructure, Green Setting and Rhythms. It would also destroy a rear garden island as mentioned on page 58. Therefore this development would HEAVILY UNDERMINE the character of the locality.

(4) Back land development.

(5) Sets an unwanted precedent.

(6) The tandem parking arrangement negates the usefulness of such parking spaces, and could create displaced parking onto the highway.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

9.1 Tree Officer - no objection

9.2 Southern Gas Networks - offer advice

10 REPRESENTATIONS RECEIVED

Three representations have been received from Uplands Avenue and Westbury Close raising the following issues:

- risk to adjacent properties through changes to root structure of trees
- tandem parking is inappropriate and could result in on street parking
- increased security risk to residents
- loss of privacy

A comment has been received requesting maintenance of boundary vegetation, normal slab levels and a survey of their property should a tree need to be removed. The letter also states that there are no objections to the proposed extension.

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 £8,294.98.

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 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.

14 ASSESSMENT

- 14.1 The site lies within the built up area of New Milton in a residential area. It currently contains a detached bungalow fronting Uplands Avenue, which has been previously extended, and associated garden buildings. The application site includes the proposed access sited between nos.11 and 15 Uplands Avenue. The existing dwelling and adjoining properties

have substantial rear gardens and permission has already been granted for similar bungalows to the rear of 11 and 15.

14.2 The proposal is for the provision of a single storey extension to the south elevation of the existing dwelling together with subdivision of the plot and the provision of a bungalow comprising 3 bedrooms (two ensuite), family bathroom and large open plan kitchen, dining and living space. Access would be provided to the site between 11 and 15 Uplands Avenue - as approved under the allowed appeal and subsequent planning consent in 2017 - which would also serve the approved dwellings to the rear of 11 and 15 to the south. Two parking spaces to serve the proposed dwelling would be provided from this access. At the time of writing, the Habitat Mitigation condition is still outstanding and it is understood the site was largely cleared at the end of January.

14.3 As well as the principle of an additional dwelling in this location, consideration also needs to be given to the residential and visual amenities of the area, trees and highway implications.

14.4 Principle

14.4.1 New residential development can be acceptable within the built up area subject to the consideration of the issues referred to below. As stated above, there is an extant permission (16/11527) for two dwellings immediately south of this site. This application was refused for the following reason:

" The proposed development would be inappropriate to its context would be detrimental to local distinctiveness because it would constitute an uncharacteristic backland development that would erode and fragment the tranquil group of rear gardens which currently combine with the application site to form a strong landscape structure and which provides a positive contribution to the area's local distinctiveness. The development would be materially out of keeping with the typical pattern and form of other development in Uplands Avenue. As such, the proposal would be contrary to Policy CS2 of the Core Strategy for New Forest District outside of the National Park, as well as conflicting with the New Milton Local Distinctiveness Supplementary Planning Document."

14.4.2 This proposal was allowed at appeal and the appeal Inspector made it clear in allowing the appeal that a material consideration was the previous appeal decision of 3 October 2016 relating to a pair of bungalows on the same site. That appeal was dismissed for reasons relating to the means of mitigating the effect of the proposal on European Sites of Nature Conservation Importance only. In respect of character and appearance, the Inspector found that the proposal would not result in unacceptable harm or conflict with the development plan. There were no material differences between the two appeal schemes (referring to 16/10142) and no changes in circumstances in the meantime. Furthermore he did not consider that there were any development plan policies that precludes back land development. The National Planning Policy Framework (2012) indicates that planning authorities may wish to consider the case for setting out policies to resist inappropriate development of residential gardens, but does not rule out such development.

14.4.3 Specific reference is made by the Inspector to the New Milton SPD and that back gardens to Upland Avenue are "larger garden spaces or groups of tranquil garden spaces " and that trees in rear gardens are important. The SPD warns that backland development which breaks into and destroys a peaceful oasis of rear garden land should be avoided. The Inspector considered however that in this case the garden sizes along this side of Uplands Avenue vary in length with the rear gardens at No 3 and 5 Uplands Avenue being substantially shorter than those at the southern end of the road, and where they back onto very short gardens of bungalows on Westbury Close. He considered that whilst these back gardens are pleasant and provide an enhanced degree of privacy and amenity they are not of such a special or distinctive character to warrant their protection from development.

14.4.4 The proposals would not have a significant impact on the street scene, the depth of the rear gardens are not readily seen from the road, and there is sufficient space around buildings to prevent them from appearing cramped. The overall conclusion of the Inspector was therefore that the proposals would not be harmful to important aspects of local character or distinctiveness and furthermore the loss of trees would not cause material harm. The Inspector considered that although the proposals were of higher density this was not, in itself, harmful but that it was the effect on the wider character and appearance that was important. He considered that the dwellings would fit satisfactorily into their surroundings.

14.4.5 The principle of housing in this location was acceptable as the scheme addressed concerns which had been identified at a previous appeal (16/10142). Costs were awarded against the Council for not taking the earlier appeal Inspector's decision into account.

14.4.6 Whilst the NPPF was revised in 2018 - since the appeal decision - there remains no change in the policy stance attached to consideration of such backland developments.

14.4.7 Given this appeal decision which identifies the key aspects of the character of the area and the potential impact of the subdivision proposed and the fact that, with the exception of the NPPF, the policy context remains unchanged, whilst the principle of this development may not be ideal, it would be difficult to resist the principle of a further dwelling in this location.

14.5 Residential amenity

14.5.1 The host dwelling would retain an adequate rear garden, greater than that to be retained to the rear of no.11 and which was considered acceptable by the Inspector. The proposed garden area for the new dwelling would be smaller than those for both approved and retained dwellings. However, it would still be in excess of the suggested minimum of 50m² indicated within the New Milton Local Distinctiveness SPD.

14.5.2 As the proposed dwelling would be single storey only, it would not result in any significant loss of privacy to existing or future occupiers. The host dwelling has a rear facing first floor dormer window which serves a bedroom. The proposed dwelling would be 20m from the original rear

elevation of the host dwelling where there is a rear facing dormer and although there is a rear extension and conservatory that would reduce this separation to between 10.5 and 18 m, it is not considered that the proposed dwelling would suffer from significant levels of intrusion or adverse amenity impacts as a result. However, it is considered appropriate that permitted development rights are removed for roof alterations which could result a loss of privacy for adjoining occupiers in Westbury Close, located to the rear where there would be a back to back distance of only 18m.

14.5.3 The proposed dwelling would be accessed via the approved access for the new dwellings to the rear of 11 and 15 and would pass approximately 2m from the main bedroom window to one of these dwellings. However, whilst this is not an ideal situation, the additional disturbance that would result would not be harmful in its impact.

14.5.4 The proposed side extension to No 9 would not adversely affect residential amenity.

14.6 **Visual amenity**

14.6.1 The local distinctiveness SPD identifies the site and the adjoining properties as 'larger garden spaces or groups of tranquil garden spaces' and also that there are important trees or tree groups to the rear of the property. Clearly, the impact of two bungalows within such an area was not considered to be harmful or unacceptable by the Inspector and this makes it difficult to resist the provision of a third dwelling on adjoining land.

14.6.2 The design of the proposed dwelling is acceptable and replicates that approved on the adjoining site. The area contains a variety of bungalows of varying sizes and that proposed would compliment the existing mix of dwellings in Uplands Avenue and Westbury Close.

14.6.3 The area is characterised as one where tree cover and tranquil gardens are key and there would be some tree loss in order to provide the new dwelling. However, these trees are small, within the lawn of the host dwelling, and not part of the wider public amenity of the site or the wider landscape setting. A mature oak tree to the eastern boundary would not need to be removed in order to accommodate the property and it is considered important that this is retained in order to maintain some of the existing character of the area. The boundaries contain varying amounts of vegetation and while the retention of this would be welcomed, it is unlikely that this would be practical and on this basis, a condition requiring detailed boundary planting is considered appropriate.

14.6.4 The appeal which was allowed included two detached bungalows with two car parking spaces each, either end of a long hammer head parallel to Uplands Avenue. Permission has been subsequently granted for each of these dwellings to have a single garage, one of which is located to the side of the dwelling, adjacent to the proposed parking for this site. Cumulatively, without appropriate landscaping/boundary treatment between the two sites, this could result in a harsh form of development with a large area of hard surfacing. It is noted that, the approved landscaping scheme for the adjoining includes a liquidamber tree and several shrubs adjacent to the approved parking spaces, and a griselinia hedge adjacent to the approved garage. In order to minimise the

urbanisation of this area and due to the limited garden size, it is considered appropriate to require associated details of landscaping to be provided and also to restrict permitted development rights relating to outbuildings and extensions.

14.6.5 The proposed side extension to No 9 would have a limited impact on the street scene given the level of vegetation to the front of the property. It is of modest proportions and would not appear as disproportionate to the existing dwelling which has been substantially extended in the past.

14.7 **Trees**

14.7.1 The application site contains much vegetation and several trees both within the site and to the boundaries although this is not identified in the submitted plans or application form. The tree officer has commented that the mature Oak tree central to the rear boundary with Westbury Close has recently been subject to significant pruning works. This work has not been completed to a professional standard and has had a detrimental impact on the visual amenity that the tree once provided. Given the extent of work that has been undertaken this tree is no longer suitable for inclusion within a Tree Preservation Order and therefore cannot be considered a constraint to development.

14.8 **Other matters**

14.8.1 The Town Council has raised concerns in respect of the proposal not complying with Technical Housing Standards published by the DCLG in 2015. This Authority has not presently adopted these standards as there is no local evidence base to support their adoption. However, were bedroom 3 indicated as a single room rather than double, it would comply with the minimum requirements for a 5 person 3 bedroom single storey dwelling.

14.8.2 The Highway Authority are not consulted on applications for single additional dwellings. Concerns have been raised locally that the parking and turning provisions are inadequate. In this respect, the proposal would provide 2 parking spaces, 0.5 of a space below the recommended average provision. In this location, it is not considered that any displaced parking would give rise to unacceptable impacts on highway safety and Uplands Avenue does not have any parking restrictions. The access to the site is as previously approved and able to accommodate the additional dwelling. No highway parking concerns are therefore raised.

14.8.3 The Local Planning Authority is not currently able to demonstrate a 5 year supply of housing land when assessed against its most recent calculation of Objectively Assessed Need. Relevant policies for the supply of housing are therefore out of date. In accordance with the advice at paragraph 11 of the NPPF, permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the NPPF indicate that development should be restricted.

14.8.4 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.

14.8.5 In view of the Inspector's decisions on the adjoining site, it is not considered that refusal could be justified for this additional dwelling. The proposed dwelling would not adversely affect residential amenity, would have a level of amenity comparable to those approved while retaining an adequate level of amenity for the host dwelling. In visual terms, the proposal would have a limited impact on the street scene and on the level of vegetation on the site, subject to a comprehensive landscaping scheme being submitted and implemented. The application is therefore recommended for approval.

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

Section 106 Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings	0		
Financial Contribution	0		
Habitats Mitigation			
Financial Contribution	£4,250		

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	86.13	0	86.13	86.13	£80/sqm	£8,294.98 *
Subtotal:						£8,294.98
Relief:						£0.00
Total Payable:						£8,294.98

* 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 (BIAS) and is:

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

Where:

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

R = the levy rate as set in the Charging Schedule

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

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: 9105/100B, 9105/101A, 9105/103, 9105/102.

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 development in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park.

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

- (a) the existing trees and shrubs which have been agreed to be retained, including the oak tree to the eastern boundary;
- (b) a specification for new planting (species, size, spacing and location);
- (c) areas for hard surfacing and the materials to be used;
- (d) the treatment of the boundaries of the site and other means of enclosure;

- (e) a method and programme for its implementation and the means to provide for its future maintenance.

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

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

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

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

- 6. 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.

- 7. Before first occupation of the development hereby approved, a surface water sustainable drainage system (SuDS) shall be designed and installed to accommodate the run-off from all impermeable surfaces including roofs, driveways and patio areas on the approved development such that no additional or increased rate of flow of surface water will drain to any water body or adjacent land and that there is capacity in the installed drainage system to contain below ground level the run-off from a 1 in 100 year rainfall

event plus 30% on stored volumes as an allowance for climate change as set out in the Technical Guidance on Flood Risk to the National Planning Policy Framework. Infiltration rates for soakaways are to be based on percolation tests in accordance with BRE 365, CIRIA SuDS manual C753, or a similar approved method. In the event that a SuDS compliant design is not reasonably practical, then the design of the drainage system shall follow the hierarchy of preference for different types of surface water drainage system as set out at paragraph 3(3) of Approved Document H of the Building Regulations.

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

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

8. The development hereby permitted shall not be occupied until the spaces shown on the approved plans for the parking of motor vehicles have been provided. These spaces shall thereafter be retained and kept available for their intended purposes at all times.

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

9. 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 or garage or other outbuilding otherwise approved by Class E of Part 1 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. Before first occupation of the dwelling, details of the proposed cycle storage / parking facilities shall be submitted to and approved by the Local Planning Authority. The dwellings shall not be occupied until the approved cycle parking areas have been provided, and these cycle parking areas shall be permanently retained thereafter.

Reason: To ensure adequate cycle parking is provided and to comply with policies CS2 and CS24 of the Core Strategy for New Forest District outside of the National Park.

Notes for inclusion on certificate:

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

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

Further Information:

Vivienne Baxter

Telephone: 023 8028 5588



New Forest
DISTRICT COUNCIL

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

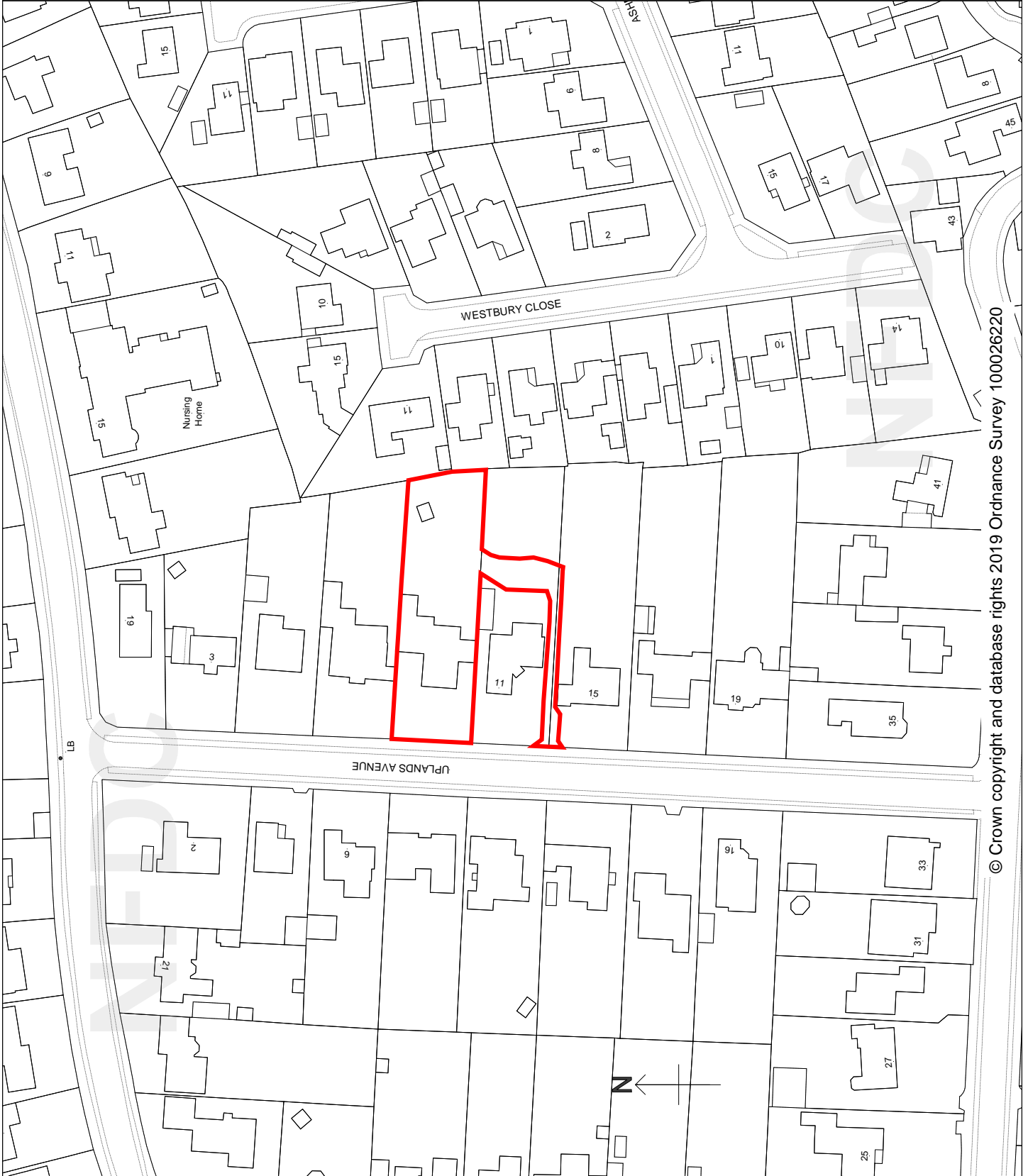
David Groom
Service Manager
Planning and Building Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee**
February 2019

Item No: 3f
Land rear of
9 Uplands Avenue
New Milton
18/11592

Scale 1:1250

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



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Planning Committee 13 February 2019 **Item 3 g**

Application Number: 18/11633 Listed Building Alteration

Site: OLD FORGE, SALISBURY ROAD, BREAMORE SP6 2EA

Development: Timber staircase (Application for Listed Building Consent)

Applicant: Mr Rickman

Target Date: 04/02/2019

Extension Date: 14/02/2019

RECOMMENDATION: Grant Subject to Conditions

Case Officer: Vivienne Baxter

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view.

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Conservation Area: Breamore Conservation Area
Listed Building Grade: Grade II 552.5.067

Plan Policy Designations

Countryside

National Planning Policy Framework

NPPF Ch.12 - Achieving well-designed places
NPPF Ch.16 - Conserving and enhancing the historic environment

Core Strategy

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

Local Plan Part 2 Sites and Development Management Development Plan Document

DM1: Heritage and Conservation
DM20: Residential development in the countryside

Supplementary Planning Guidance And Documents

SPG - Breamore Village Design Statement

3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

4 RELEVANT SITE HISTORY

Proposal	Decision Date	Decision Description	Status
17/11540 Remove internal stud wall; block up door; remove timber staircase replace with antique spiral staircase (Application for Listed Building Consent)	24/01/2018	Granted Subject to Conditions	Decided
16/10602 Use as 1 holiday let; retention of 1st floor side window	14/06/2017	Granted Subject to Conditions	Decided

5 COUNCILLOR COMMENTS

No comments received

6 PARISH / TOWN COUNCIL COMMENTS

Breamore Parish Council: we recommend refusal, for the reasons listed:

- The members are very disappointed that there has been a disregard for the planning process with alterations not adhering to the original permission granted.
- It is noted that the Conservation Officer has raised concerns that the external appearance of the property has been affected.

7 CONSULTEE COMMENTS

7.1 Conservation Officer: No objection to amended plans.

8 REPRESENTATIONS RECEIVED

No comments received

9 CRIME & DISORDER IMPLICATIONS

None relevant

10 LOCAL FINANCE CONSIDERATIONS

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

11 WORKING WITH THE APPLICANT/AGENT

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

In this case all the above apply and as the proposal was acceptable as submitted no specific further actions were required other than to provide a more accurate first floor plan in respect of the rear dormer window.

12 ASSESSMENT

- 12.1 The site lies within the countryside outside the New Forest in the village of Breamore. It is a Grade II listed building within the Breamore Conservation Area and is currently in use as a holiday let. It has a small patio garden to the rear and a parking space to the frontage.
- 12.2 The proposal is for the provision of a replacement timber staircase within the property. There are no external changes proposed. The works have however already been undertaken. The main consideration is the impact of this change to the historic fabric of the Listed Building.
- 12.3 Prior to the conversion of the property to a holiday let, the first floor was served by a timber staircase leading up from the middle of the main room towards the front of the property. The previous listed building consent application (17/11540) was to remove an internal stud wall; block up door; remove timber staircase and replace with antique spiral metal staircase. It is noted that the ceiling/floor surrounding the top of the stairs was not of particular historic merit due to earlier works and listed building consent was therefore granted for its replacement with a metal spiral staircase in January 2018.
- 12.4 The current application, whilst retrospective, does not alter the layout of the landing nor involve any additional ceiling/floor removal than that which was previously agreed. The comments of the Parish Council with regard to the retrospective nature of the application have been noted although this is not a valid reason to refuse the application.
- 12.5 The initial concern raised by the Conservation Officer (and noted in the Parish Council's comment) relate to works undertaken between the partition between the bedrooms and the glazing of the single dormer window which serves both bedrooms. This is a separate matter and does not form part of the consideration for the replacement staircase.
- 12.6 The proposed staircase does not adversely affect the character or historic integrity of the listed building and Listed Building consent is therefore recommended.
- 12.7 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

13. RECOMMENDATION

GRANT LISTED BUILDING CONSENT

Proposed Conditions:

1. The development permitted shall be carried out in accordance with the following approved plans: Design and Access Statement, Heritage Statement, 1805 01, 07717 1 RevB, 1804 03, 1804 02A.

Reason: To ensure satisfactory provision of the development.

Notes for inclusion on certificate:

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

In this case all the above apply and as no specific further actions were required other than to provide a more accurate first floor plan in respect of the rear dormer window.

2. This decision relates to amended / additional plans received by the Local Planning Authority on 7 January 2019

Further Information:

Vivienne Baxter

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New Forest
DISTRICT COUNCIL

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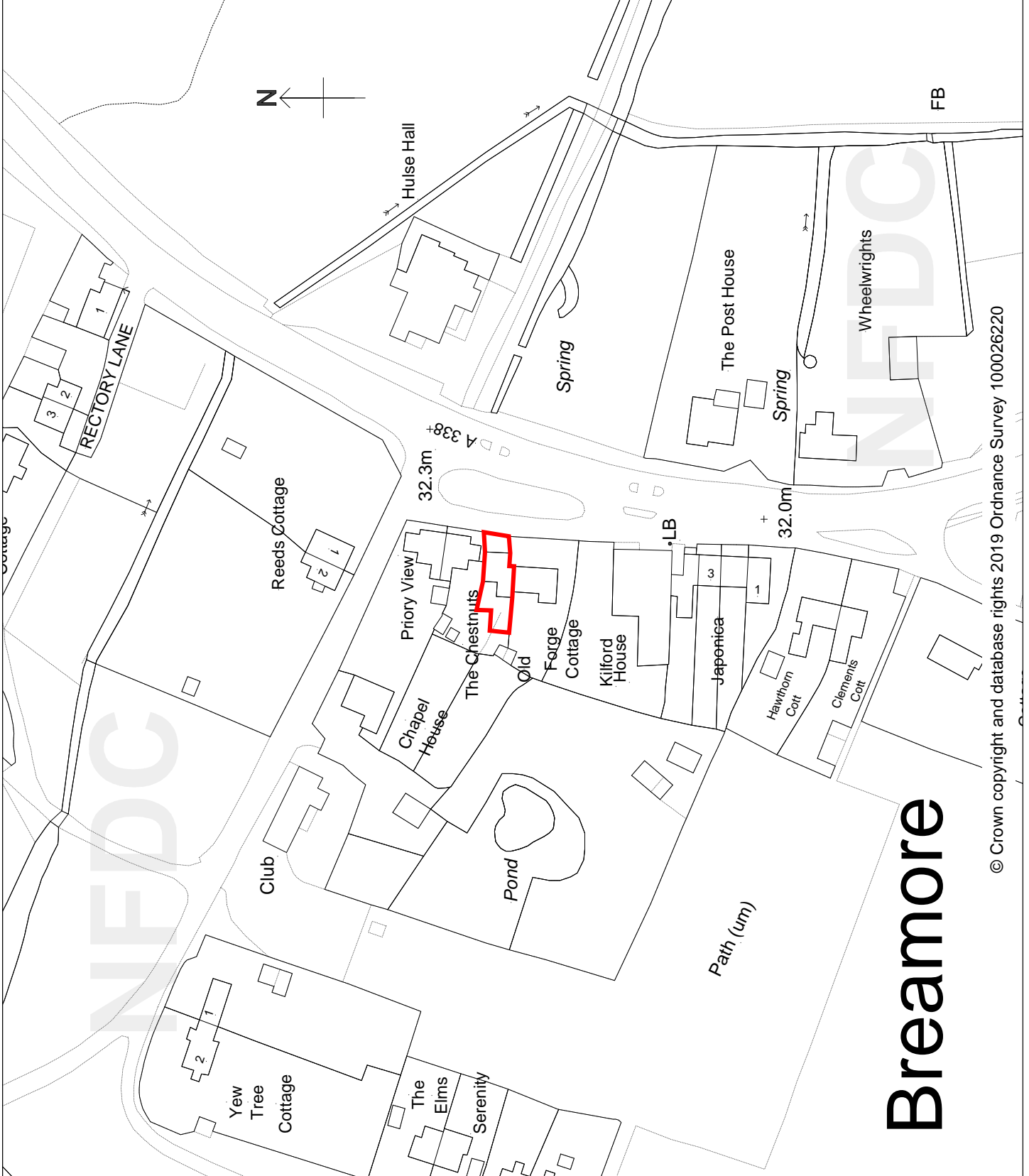
David Groom
Service Manager
Planning and Building Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee**
February 2019

Item No: 3g
Old Forge
Salisbury Road
Breamore
18/11633

Scale 1:1250

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scale.



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Application Number: 18/11341 Full Planning Permission

Site: PENLOWARTH, 7 THORNBURY AVENUE, BLACKFIELD,
FAWLEY SO45 1YP

Development: Flue on outbuilding

Applicant: Mr Dugdale

Target Date: 04/12/2018

Extension Date: 15/02/2019

RECOMMENDATION: Grant Subject to Conditions

Case Officer: Michael Barry

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

None

Plan Policy Designations

Built-up Area

National Planning Policy Framework

Chap 12: Achieving well designed places

Core Strategy

CS2: Design quality

3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

4 RELEVANT SITE HISTORY

Proposal	Decision Date	Decision Description	Status
04/80808 Roof alterations with dormer	28/04/2004	Granted Subject to Conditions	Decided
03/77751 Alterations to roof	21/05/2003	Granted Subject to Conditions	Decided
02/76848 Roof alterations; balcony	17/02/2003	Refused	Decided

5 COUNCILLOR COMMENTS

No comments received

6 PARISH / TOWN COUNCIL COMMENTS

Fawley Parish Council: recommend refusal due to concern relating to the smoke nuisance being experienced by neighbours and query that this issue should be raised with NFDC Environmental Health.

7 CONSULTEE COMMENTS

7.1 Environmental Health Protection: no objection

8 REPRESENTATIONS RECEIVED

8.1 One objection received from 10 Thornbury Avenue on the grounds of the impact of the smoke from the flue and associated woodburner impacting their property and amenity:

- Detailed the proximity of the properties and the location of the outbuilding, showing the neighbour's property to be one of the closest properties to the outbuilding.
- Provides evidence of the average wind direction being towards his property from the outbuilding.
- Refers to guidance from the British Flue & Chimney Manufacturers Association (BFCMA) on the recommended minimum height of a flue for minimum effectiveness,
- Possible future legislation around emissions from all sources, including wood burning stoves.

8.2 The applicant has commented as follows:

- wind speed and direction indicators have been erected
- The flue fits within permitted development rights
- Environmental Health have raised no objection and so will not have a significant bearing on neighbouring properties
- The stove is DEFRA approved for use in smokeless areas. The wood is locally sourced, seasoned and stored in dry conditions

9 CRIME & DISORDER IMPLICATIONS

None relevant

10 LOCAL FINANCE CONSIDERATIONS

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

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

11 WORKING WITH THE APPLICANT/AGENT

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

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

12 ASSESSMENT

- 12.1 The property is a detached chalet bungalow in a mixed row and street scene in the built up area of Blackfield. Thornbury Avenue has a wide variety of properties, with traditional and converted detached bungalows, as well as semidetached two storey houses.
- 12.2 The plots are most commonly long and narrow, with properties set a uniform distance back from the road and close together. No. 7 and its adjacent neighbours have gardens that are intersected to the rear by the garden of No 10, at an angle of approx 25°.
- 12.3 The proposals are for the addition of a flue to the existing outbuilding in the rear garden. The flue would rise 0.5m above the ridge giving a total height of 3 metres and would be located on the western roof slope of the existing outbuilding.
- 12.4 The outbuilding is located adjacent to the boundary with less than a metre separation from the garden of No.10, but it would be 20m away from the property. The flue meets standard health, safety and environmental criteria.
- 12.5 The main considerations are amenity, visual impact within the street scene, and environmental health.
- 12.6 Due to the location of the outbuilding towards the rear of the garden and its position relative to surrounding properties, there is no impact on visual amenity. Due to the outbuilding being to the rear of the property set back within its plot there would be no impact from the flue on the street scene.
- 12.7 The amenity issues to consider relate to the potential for smoke from the flue causing adverse impact on adjoining neighbouring properties.
- 12.8 Environmental Health have been consulted and have raised no objection. The flue itself is unlikely to have any significant bearing on whether smoke from the wood burner will affect neighbouring properties. Instead, factors such as the way the appliance is operated, nature of fuel used, size of appliance etc. will ultimately determine whether smoke causes an issue and these factors are outside the scope of the planning regime.
- 12.9 Although no objection has been raised, it should be noted that the granting of this planning permission does not in any way indemnify against statutory nuisance action being taken in respect of smoke

nuisance should substantiated complaints within the remit of Part III of the Environmental Protection Act 1990 be received. As such, there are no significant concerns in this respect that would justify refusal of planning permission.

- 12.10 While the outbuilding is close to the boundary with 10 Thornbury Avenue there remains a separation of approx 20m between the outbuilding and house. As such no adverse residential amenity issues are identified.
- 12.11 Matters have been raised in the objections in relation to average wind direction . The applicant has advised that wind speed and direction indicators have been erected, however ultimately this is not within the scope of this planning application.
- 12.12 Guidance from the British Flue & Chimney Manufacturers Association (BFCMA) are recommendations only and not policy. Any smoke nuisance would be considered under other legislation (Environmental Protection Act 1990).
- 12.13 Overall there is no justifiable reason to refuse the current application on these grounds and as such permission is recommended.
- 12.14 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

13. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

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

Reason: To ensure satisfactory provision of the development.

Notes for inclusion on certificate:

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

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

2. It should be noted that the granting of this planning permission does not in any way indemnify against statutory nuisance action being taken in respect of smoke nuisance should substantiated complaints within the remit of Part III of the Environmental Protection Act 1990 be received.

Further Information:

Michael Barry

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David Groom
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**Planning Development
Control Committee**
February 2019

Item No: 3h
Penlowarth
7 Thornbury Avenue
Blackfield Fawley
18/11341

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