

NOTICE OF MEETING

Meeting: PLANNING COMMITTEE

Date and Time: WEDNESDAY, 10 APRIL 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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This Agenda is also available on audio tape, in Braille, large print and digital format

AGENDA

Apologies

1. MINUTES

To confirm the minutes of the meeting held on 13 March 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) **Land at Crow Arch Lane & Crow Lane, Crow, Ringwood (Application 13/11450) (Pages 1 - 6)**

Proposed amendments to the Section 106 Agreement to modify the obligation where it relates to the mortgagee exclusion clause

Mixed development of up to 175 dwellings (Use Class C3); up to 1.5 hectares of small employment (Use Classes B1 and B2); nursing home (Use Class C2); child nursery (Use Class D1); hotel/pub/restaurant (Use Class C1); fitness centre (Use Class D2); retail/professional services/restaurant (Use Class A1/A2/A3); open space areas; allotments; accesses on to Crow Lane and Crow Arch Lane; estate roads; footpaths; cycle ways; foul and surface water infrastructure (Outline Application with details only of access)

RECOMMENDED:

Grant revision to Section 106 Agreement

(b) **Land at Hannah Way, Pennington, Lymington (Application 19/10208) (Pages 7 - 16)**

One block of 3 industrial units; parking

RECOMMENDED:

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

(c) **Club House, New Forest Water Park, Ringwood Road, Fordingbridge (Application 18/11690) (Pages 17 - 26)**

Three-storey extension; extend side dormers; balcony; rooflights; garage/store

RECOMMENDED:

Refuse

(d) **20 Wheelers Walk, Blackfield, Fawley (Application 19/10024) (Pages 27 - 34)**

Two-storey side extension; single-storey rear extension; front porch; boundary fence; change of use of amenity space to garden land

RECOMMENDED:

Grant 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.

Application Number: 13/11450 Modification or Discharge of Planning Obligation

Site: Land At Crow Arch Lane & Crow Lane, Crow, Ringwood BH24 3DZ

Development: **Proposed amendments to the Section 106 Agreement to modify the obligation where it relates to the mortgagee exclusion clause**

Mixed development of up to 175 dwellings (Use Class C3); up to 1.5 hectares of small employment (Use Classes B1 & B2); nursing home (Use Class C2); child nursery (Use Class D1); hotel / pub / restaurant (Use Class C1); fitness centre (Use Class D2); retail / professional services / restaurant (Use Class A1/ A2/ A3); open space areas; allotments; accesses on to Crow Lane and Crow Arch Lane; estate roads; footpaths; cycle ways; foul & surface water infrastructure (Outline Application with details only of access)

Applicant: Synergy Housing Ltd

RECOMMENDATION	Grant revision to Section 106 Agreement
Case Officer	Jim Bennett

1 REASON FOR COMMITTEE CONSIDERATION

Discretion of the Service Manager Development Management

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up area
Cycleway Improvement
Archaeological Site

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

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

Local Plan Part 2 Sites and Development Management Development Plan Document

RING3 - Land south of Ringwood, west of Crow Lane and adjacent to Crow Arch Lane

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004

5 RELEVANT PLANNING HISTORY

13/11450 - Mixed development of up to 175 dwellings (Use Class C3); up to 1.5 hectares of small employment (Use Classes B1 & B2); nursing home (Use Class C2); child nursery (Use Class D1); hotel / pub / restaurant (Use Class C1); fitness centre (Use Class D2); retail / professional services / restaurant (Use Class A1/ A2/ A3); open space areas; allotments; accesses on to Crow Lane and Crow Arch Lane; estate roads; footpaths; cycle ways; foul & surface water infrastructure (Outline Application with details only of access) - approved October 2014

Following approval of the outline application, subsequent reserved matters applications have been approved for Phases 1 and Final Phase (2/3). There is also a current application for erection of 24 dwellings within the allocated site under ref. 18/11648 on land to the south of the Castleman Trail.

6 PARISH / TOWN COUNCIL COMMENTS

Ringwood Town Council: agree with the observation to be 'Officer Decision'.

7 COUNCILLOR COMMENTS

Cllr J Heron - considers the wording allows for any mortgagee coming into possession of the property to sell it after three months, as open market housing. "Given the strength of Synergy Ltd's balance sheet and that the proposed wording does not even secure who the property is transferred to concerns are raised if the changes went ahead as currently set out. Legal Services will no doubt review the proposals and I would be obliged if I could be kept informed."

8 CONSULTEE COMMENTS

Housing Development and Strategy Manager: the requested wording and clause has become established as an industry standard following joint work between UK Finance (ex-Council of Mortgage Lenders), Registered Providers, the National Housing Federation (the representative body for Registered Providers) and the legal profession. The existing mortgagee in possession clause within the S106 agreement para 6.11.7 already makes provision for a chargee to dispose of Registered Provider affordable homes under repossession conditions. Coupled with the role that is provided by Homes England (to protect and safeguard the interests of those who are housed by Registered Providers) it is not considered that the introduction of the standard MEC clause would increase any risks that the affordable homes would be either jeopardised or lost. Furthermore, the requested wording and clauses would bring the S106 agreement into line with the currently accepted template that is applied by the Council within new S106 agreements. In light of the above, and with no wish to impede the financial efficiency of Registered Providers, the requested revision is supported.

9 REPRESENTATIONS

None

10 ASSESSMENT

10.1 Introduction

10.1.1 This is an application only to modify a Section 106 Agreement, and not a planning application.

- 10.1.2 Outline planning permission was granted on the 10th October 2014, under reference 13/11450, for a mixed development of up to 175 dwellings; up to 1.5 hectares of small employment; nursing home; child nursery; hotel / pub / restaurant ; fitness centre; retail /professional services / restaurant; open space areas; allotments; accesses on to Crow Lane and Crow Arch Lane; estate roads; footpaths; cycle ways; foul & surface water infrastructure. The application was made in outline, with all matters reserved except access.
- 10.1.3 An integral part of the outline planning permission was an Agreement under Section 106 of the Town and County Planning Act 1990, which was completed on the 31st July 2014. The Agreement secured the requisite level of affordable housing on site, off-site transport mitigation measures and works, the provision of a range of open space arrangements, allotments and a contribution towards primary education in Ringwood.
- 10.1.4 This application is made by Synergy Housing Ltd to modify the existing legal agreement. The modification is sought to enhance the organisation's borrowing capacity in respect of the mortgagee exclusion clause relating to affordable housing provision on site. An explanation outlining the reasoning for the modification and the precise amendments to be made to the legal agreement is included in the submission documentation. The applicant had pre-application discussions with the Council's Housing Strategy Section over the proposed changes, who have been consulted for their views on the proposed changes.
- 10.1.5 The only matters for consideration under this application are whether the proposed amendments to the legal agreement are acceptable or not.
- 10.2 The proposal
- 10.2.1 The applicant proposes to replace clause 6.11.7 (i) of the Planning Agreement. which relates to the mortgagee exclusion clause (MEC) relating to affordable housing provision on site and reads as follows:
- *'a Chargee of all or any part of the RP Affordable Housing Land whose power of sale has arisen and become exercisable at any time following the Transfer of such land to the Registered Provider or any successor in title to such Chargee PROVIDED THAT the Chargee shall use All Reasonable Endeavours to Transfer the housing concerned to another Registered Provider'.*
- 10.2.2 The applicant explains that the current MEC is not in line with current lending requirements and is likely to result in a reduced Existing Use valuation. The potential shortfall in valuation has a significant impact in terms of borrowing capacity. Ultimately, a higher valuation secured against the development will enable the applicant to increase the supply of funding for affordable housing in the area. In order to maximise the possibility of securing a higher valuation, the applicant requests replacement of the wording of clause 6.11.7 (i) with the following form of wording:
- *'The [affordable housing provisions] in this Agreement [at clause/paragraph []] shall not be binding upon a mortgagee or chargee (or any receiver (including an administrative receiver) appointed by such mortgagee or chargee or any other person appointed under any security documentation to enable such mortgagee or chargee to realise its security or any administrator (howsoever appointed) including a housing administrator (each a **Receiver**)) of the whole or any part of the [affordable dwellings] or any persons or bodies deriving title through such mortgagee or chargee or Receiver PROVIDED THAT:*

- *such mortgagee or chargee or Receiver shall first give written notice to the Council of its intention to dispose of the [affordable dwellings] and shall have used reasonable endeavours over a period of three months from the date of the written notice to complete a disposal of the [affordable dwellings] to another registered provider or to the Council for a consideration not less than the amount due and outstanding under the terms of the relevant security documentation including all accrued principal monies, interest and costs and expenses; and*
- *if such disposal has not completed within the three month period, the mortgagee, chargee or Receiver shall be entitled to dispose of the [affordable dwellings] free from the [affordable housing provisions] in this Agreement which provisions shall determine absolutely'*

10.3 Assessment

10.3.1 The applicant had pre-application discussions with the Council's Housing Strategy Section over the proposed changes, prior to submission of this formal application to vary the legal agreement, when the principle of the proposed changes were broadly agreed. Having assessed the wording sought by this application, the Case Officer, Housing Development and Strategy Manager and Legal Section are in agreement that the wording sought has become established as an industry standard. Furthermore, the requested wording would bring the S106 agreement into line with the Council's current S106 template.

10.3.2 Cllr J Heron raises concerns that the existing Agreement already makes provision for a chargee to dispose of Registered Provider affordable homes under repossession conditions. Coupled with the role that is provided by Homes England (to protect and safeguard the interests of those who are housed by Registered Providers) it is not considered that the introduction of the standard MEC clause would increase any risks that the affordable homes would be either jeopardised or lost. The risk of social rented housing being disposed of under such circumstances is remote as Homes England protect such tenants interests very closely. In practice, if a Registered Provider got into unresolvable financial difficulty, then the Housing Corporation would be likely to step in to see the stock transferred to another Provider. There are greater risks to shared ownership (to which this case refers) from lenders who demand the ability to act quickly if homes are repossessed. However, if this Council wants to see affordable home ownership provided, then we have to accept that home ownership (with private mortgages) is higher risk.

10.3.3 In light of the above, and with no wish to impede the financial efficiency of Registered Providers, the requested revision is supported. It is therefore proposed to vary the wording of the agreement by substituting the wording of clause 6.11.7 (i) (ii) and (iii) with the Council's most up to date MEC wording as follows:

- *'None of the provisions in this clause 6 or paragraph 1.2 (e) of the Second Schedule shall apply to or be binding upon:-*
- *(a) a mortgagee or chargee (or any receiver (including an administrative receiver)) appointed by such mortgagee or chargee or any other person appointed under any security documentation to enable such mortgagee or chargee to realise its security or any administrator (howsoever appointed) including a housing administrator (each a "Receiver") of the whole or any part of the Affordable Housing Land (following the transfer of the whole or any part of the Affordable Housing Land to an RP) or any persons or bodies deriving title through such mortgagee or chargee or Receiver PROVIDED THAT:*

- *(i) such mortgagee or chargee or Receiver shall first give written notice to the Council of its intention to dispose of the Affordable Housing Land and shall have used reasonable endeavours over a period of three months from the date of the written notice to complete a disposal of the Affordable Housing Land to another RP or to the Council for a consideration not less than the amount due and outstanding under the terms of the relevant security documentation including all accrued principal monies, interest and all reasonable costs and expenses; and*
- *(ii) if such disposal has not completed within the three month period stated in subparagraph (i) above, the mortgagee, chargee or Receiver shall be entitled to dispose of the Affordable Housing Land free from the provisions in this clause 6 or paragraph 1.2 (e) of the Second Schedule which provisions shall determine absolutely*
- *(a) a lessee of an Affordable Housing Dwelling let by an RP under a shared ownership or shared equity lease who has exercised his right to staircase to 100% and its mortgagees chargees and successors in title*
- *(b) a tenant of a RP who has exercised a statutory right under the right to acquire provisions of the Housing Act 1996 (or any legislation amending or replacing the same) or right to buy in respect of an Affordable Housing Dwelling and its mortgagees chargees and successors in title*
- *(c) any mortgagee or chargee holding a mortgage or legal charge over an individual Shared Ownership Unit if either a power of sale has arisen and become exercisable in favour of the mortgagee or such mortgagee or its receiver enters into possession PROVIDED THAT the mortgagee or chargee shall use reasonable endeavours to make the dwelling available to an Eligible Person'*

10.4 Conclusion

In conclusion, Officers consider that the revised form of wording as proposed in the Assessment Section above is acceptable and accords with the Council's current S.106 template in relation to this issue which has now been in use for some time and this request does not alter the level of affordable housing provision secured by the original agreement.

11 **RECOMMENDATION**

That the current Section 106 agreement be varied as set in paragraph 10.3.3 above

Further Information

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Telephone 023 8028 5345 (Option 1)



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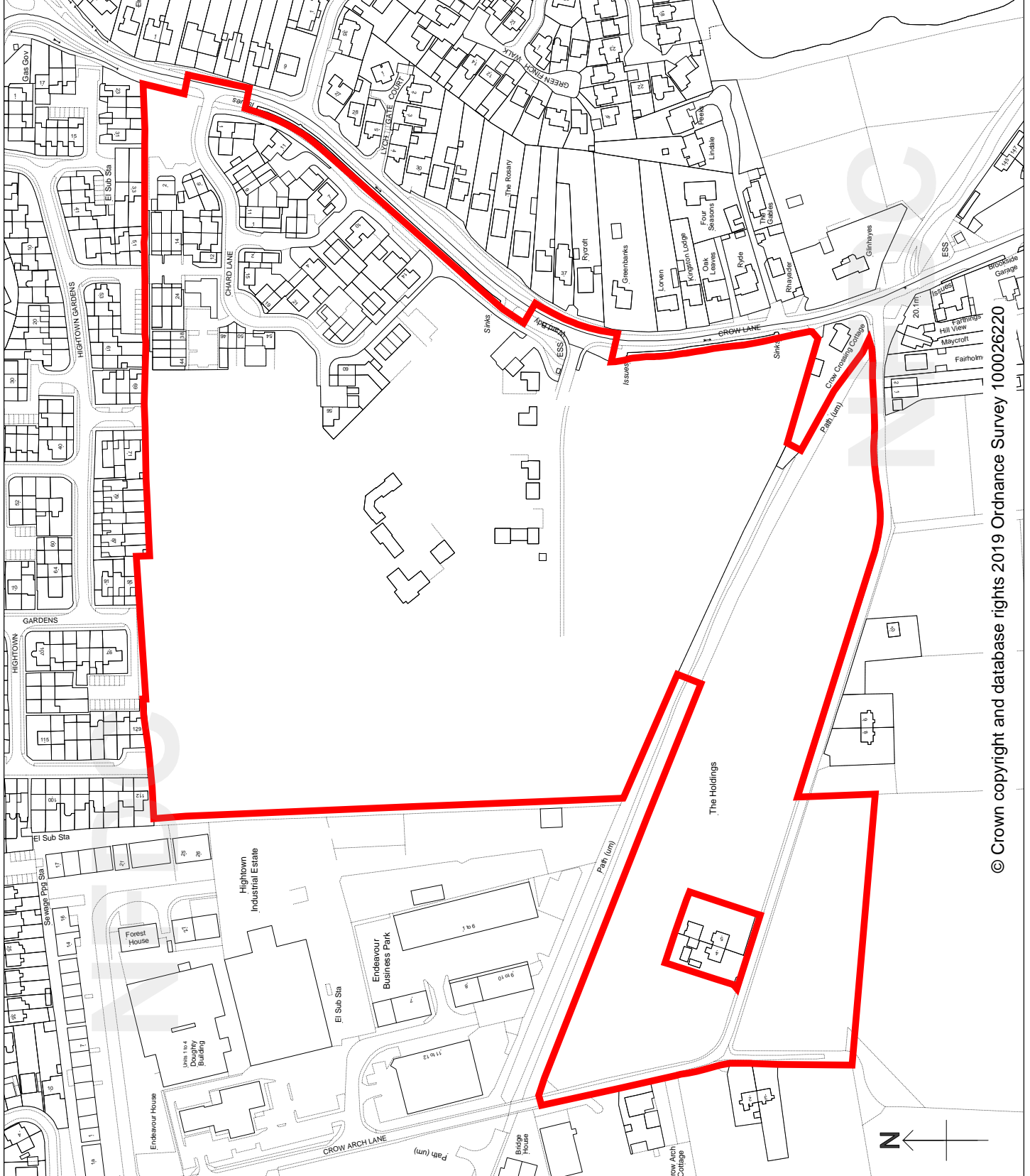
**Planning Development
Control Committee**
April 2019

Item No: 3a

Land at Crow Arch Lane
& Crow Lane
Crow Ringwood
13/11450

Scale 1:3000

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



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Application Number: 19/10208 Full Planning Permission

Site: LAND AT HANNAH WAY, PENNINGTON, LYMINGTON
SO41 8JD

Development: One block of 3 industrial units; parking

Applicant: Horatio Properties Guernsey Ltd

Target Date: 15/04/2019

RECOMMENDATION: Service Manager Development Management

Case Officer: Jim Bennett

1 REASON FOR COMMITTEE CONSIDERATION

Departure from Green Belt Policy

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside
Green Belt

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy 2009

CS2: Design quality
CS10: The spatial strategy
CS17: Employment and economic development
CS18: New provision for industrial and office development and related uses

Local Plan Part 2 Sites and Development Management Development Plan Document

DM22: Employment development in the countryside

National Planning Policy Framework - Achieving Sustainable Development

NPPF Ch. 6 - Building a strong, competitive economy
NPPF Ch. 12 - Achieving well-designed places
NPPF Ch. 13 - Protecting Green Belt Land

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

None

6 RELEVANT PLANNING HISTORY

17/10483 - One block of three industrial units; parking - granted July 2017

7 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington I - (1): Recommend PERMISSION.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

9.1 Scottish and Southern Electricity - comments awaited

9.2 Hampshire County Council Highway Engineer - The revised plan shows that although the locations of some of the parking bays have been altered, the level of parking provision, turning space for HGV remain the same as those contained within the original application. .No objection subject to parking and turning conditions.

9.3 Environmental Protection Section (Pollution) - comments awaited

9.4 Environmental Protection Section (Contaminated Land) - recommend an informative be applied due to the close proximity of potentially infilled ground with unknown material.

9.5 Southern Gas Networks - give informatives

10 REPRESENTATIONS RECEIVED

None

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

14 ASSESSMENT

14.1 The Site and Proposal

14.1.1 The proposal relates to provision of 3 no. industrial buildings totalling 720 sq.m in internal area. They would be finished in metal profile sheeting and be sited to the north eastern extent of Gordleton Industrial Estate. The site is unallocated and lies within an area of open countryside designated as Green Belt. Access would be via the existing internal industrial estate roads from Sway Road.

14.1.2 The proposal would be located quite sensitively between a large industrial building to the south and a planted bund to the north, which separates the site from Sway Road. The proposal is very similar to one approved under ref. 17/10483 in July 2017 (which remains extant), the only difference being modest changes to the siting to move the structure away from overhead power lines, following refusal of consent by Scottish and Southern Electricity to site the building in the previously proposed location.

14.2 Main Considerations

14.2.1 While Policy CS17 encourages redevelopment and intensification of existing employment sites and Policy DM22 allows redevelopment of an existing employment site, within the countryside, these issues must be balanced against design, scale and appearance considerations. The appropriateness of the development must also be considered with regard to the site's location within defined Green Belt as well as its impact upon the openness of the Green Belt, in accordance with Policy CS10 and Chapter 13 of the NPPF.

14.2.2 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?

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

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.

The development of industrial units of the scale proposed does not fall within any of the exceptions to the general policy presumption against the construction of new buildings in the Green Belt and is therefore inappropriate development and harmful by definition. The NPPF 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.

14.2.4 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?

The proposed development would result in the provision of buildings, access road, car parking area and loading area, which would have an impact on the openness of the Green Belt. However, the site is not elevated and is not prominent within the Green Belt, being set well back from any road frontage and surrounded by landscaping and existing and proposed buildings on all sides. Furthermore, the site is brownfield in nature, development being located over the footprint of existing open storage areas. Due to the site's lack of prominence and the existence of existing structures and outdoor storage, the proposal would not impact significantly upon the openness of the Green Belt, which weighs in favour of the proposal as does that fact that there is an extant consent for a very similar form of development on this site.

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

a) Landscape and visual impacts

The proposal must be considered in light of its visual impact upon the character of the immediate area. Policy CS2 requires new development to respect the character, identity and context of the area's towns, villages and countryside. Visually, the proposed buildings would be of a reduced height and scale compared to existing buildings to the south and east and would be constructed from profiled metal cladding on its elevations and roof similar to existing buildings. While the proposed development would create a new structure within the countryside, it is within the confines of Gordleton Industrial Estate and bound by larger buildings to the south and east and by mature trees to the north and west. The proposal is of acceptable design and would be constructed of acceptable materials. The site is visually well contained, due to the surrounding buildings and landscaping. There are no private views of the site that would be considered significant. It is considered that the proposal is unlikely to impact significantly or harmfully upon the character of the area or countryside, in accordance with Policies CS2, CS3 and CS10.

b) Highway Impacts

No concerns are raised by the Highway Authority over the proposed access, parking and turning arrangements, subject to conditions to ensure adequate car and cycle parking and turning provision is provided.

c) Residential Amenity Impacts

Policy CS2 also requires new development to limit adverse impacts upon the amenity of adjoining occupiers. There is unlikely to be any adverse impact to the surrounding area or residential amenity in terms of overbearing presence, loss of light or privacy given the degree of separation and the industrial nature of the wider site. However, the issue of noise outbreak and associated impacts on residential development to

the east must be considered. The Environmental Protection Section have suggested the imposition of conditions to mitigate any harmful impact in this respect, consequently the impacts of the proposal comply with the amenity related provisions of Policy CS2 of the Core Strategy - *to be updated*

d) Impact upon overhead lines

Southern Electricity - no comments have been received at the time of writing this report. Any response will be updated at the meeting.

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

The applicant provided details in relation to justifying the development within the Green Belt, which seeks to demonstrate that very special circumstances exist which justify allowing inappropriate development in the Green Belt. They point out that this brownfield site represents an opportunity to create employment opportunities (smaller business units), within an existing industrial area, which together with environmental controls would be an appropriate form of development, notwithstanding its location within Green Belt.

Officers concur with the view that the proposal would be beneficial to the economic prospects of the District, in accordance with Core Strategy Policy CS17 and Local Plan Part 2 Policy DM22, which seek to encourage the redevelopment and intensification of existing employment sites in an appropriate manner. The site is brownfield and suitable for redevelopment and given that it lies within an established built up industrial estate and would not extend into the open countryside, it is not considered that the proposal would significantly adversely affect the openness of the Green Belt.

There is no compelling evidence to counter the applicant's justification statement, which weighs in favour of the proposal. It is considered that the case put forward in relation to the need for the development are sufficient to outweigh the presumption against development of this Green Belt site.

14.2.7 v) Do the matters which weigh in favour of the development clearly outweigh any harm to the Green Belt and any other harm?

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. Moreover, while the majority of the site would remain open, the building and the parking areas would lead to some loss of openness. It would not however constitute encroachment into the countryside.

With respect to 'any other harm', the site would be visually enclosed and it is not envisaged that the proposal would result in any significant harm to the openness of the Green Belt or character of the area. With regard to highway matters, the proposal is regarded as satisfactory by the Highway Authority. With regards to residential amenity impacts, the proposal is not considered likely to have any harmful impact, which would weigh against the scheme. Officers are not aware of any other matters raised in representations that would weigh against the scheme.

In respect of those matters which weigh in favour of the scheme, the applicant has provided evidence in relation to the need for the development. The proposed development is on a brownfield site, well

related to existing buildings, likely to make a positive contribution to the local economy and with only very limited harm to the openness of the Green Belt. The matters which weigh in favour of the development clearly outweigh the harm to the Green Belt and all other harm identified above.

14.2.8 vi) Are there 'very special circumstances' to justify allowing inappropriate development in the Green Belt?

In light of the above, it is concluded that 'very special circumstances' do exist, in the form of the need for the development and benefits derived to warrant a departure from established and adopted Green Belt policies. The principle of the proposed development within the Green Belt is therefore considered to be acceptable in this instance and has already been established by the previous permission which remains extant.

14.3 Conclusion

14.3.1 In conclusion, while the proposed development is inappropriate development within the Green Belt, it is considered that it would not have any significant adverse effect on the countryside and designated Green Belt, and would help support the economy. Subject to conditions the proposal would have no significant adverse impact upon the character and appearance of the area, adjoining amenity or highway safety. In light of these considerations and the fact that the applicant has demonstrated very special circumstances to warrant a departure from Green Belt Policy and the extant permission for a similar development on their site, the proposal is recommended for approval. As the proposal is for a building under 1000 square metres floorspace, the application does not need to be referred to the Secretary of State to determine whether or not to call the application for a decision.

14.3.2 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 Development Management be **AUTHORISED TO GRANT PERMISSION** subject to:

- i) the receipt of no new material objections following advertising of the proposal as a departure from Green Belt policy by 19th April 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: drawing numbers 001, 002, 003, 004 Rev A, 2017-F-002-002 and Planning Statement by Allies Associates dated 31/03/19

Reason: To ensure satisfactory provision of the development.

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

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

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

Reason: To ensure adequate on-site car parking provision for the approved development.

5. Before use of the development is commenced provision for turning to enable vehicles to enter and leave in a forward gear shall have been provided within the site in accordance with the approved plans and shall be retained thereafter.

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

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

Reason: To ensure adequate on-site cycle parking provision for the approved development in accordance with Policy CS24 of the Core Strategy for the New Forest District outside the National Park

7. No goods, plant or machinery shall be stored in the open on the site and no manufacturing activities shall be undertaken outside the building without the express planning permission of the Local Planning Authority.

Reason: To protect the amenity of residential occupiers in the locality in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

8. There shall be no loading or unloading of vehicles in the open on the premises other than between the hours of 07:00hrs and 19:00hrs Monday to Friday, and 08:00hrs and 13:00hrs Saturdays. There shall be no loading or unloading of vehicles in the open on Sundays or Bank Holidays.

Reason: To protect the amenity of residential occupiers in the locality in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

9. The rating level of any noise emitted from the site shall not exceed the background level (LA90) as measured or calculated at the boundary of any noise sensitive premises. The measurements and assessment shall be made in accordance with BS4142:2014.

Reason: To protect the amenity of residential occupiers in the locality in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

10. No air extraction equipment shall be installed externally without the express planning permission of the Local Planning Authority.

Reason: To protect the amenity of residential occupiers in the locality in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

Notes for inclusion on certificate:

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

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

2. The development subject to this notice falls within a highlighted proximity of a mains gas pipe which is considered a major hazard.

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.

3. The Council's Environmental Protection Section (Contaminated Land) advise that there are a number of sites near to this property which have had past contaminative uses. It is possible that some contamination may have migrated through the ground and groundwater. Whilst the Authority has no evidence to suggest that this is the case, any observed presence of contamination during any ground invasive works should be reported to the Local Authority Environmental Health Officer and works halted whilst the matter is considered. It is advisable to obtain specialist advice concerning the potential for contamination and its recognition. Under the National Planning Policy Framework, where a site is affected by contamination, responsibility for securing a safe development and/or new use, rests with the developer and/or landowner and as a minimum requirement the land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.

Further Information:

Jim Bennett

Telephone: 023 8028 5588



New Forest DISTRICT COUNCIL

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

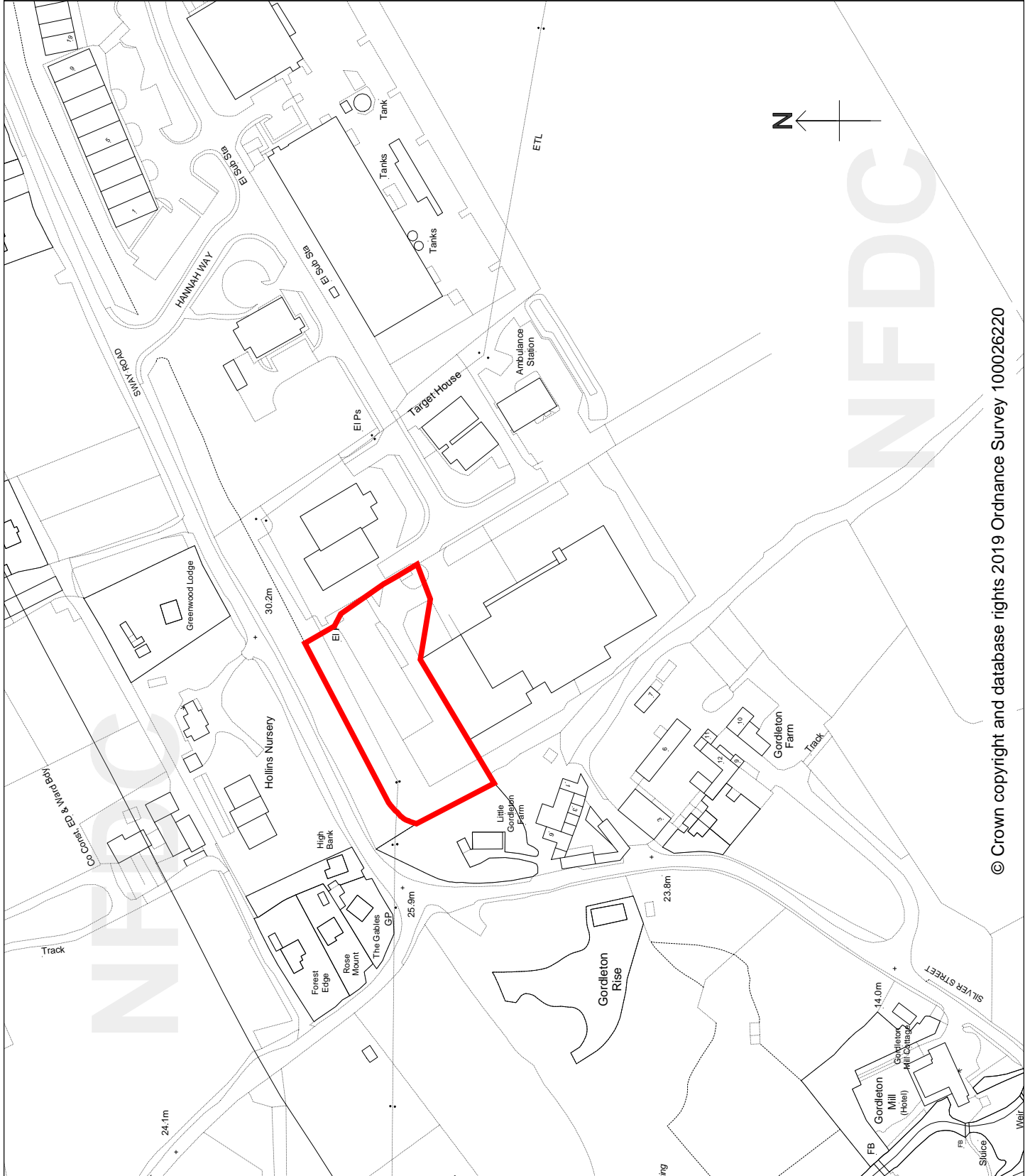
David Groom
Service Manager
Planning and Building Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee**
April 2019

Item No: 3b
Land at Hannah Way
Pennington
Lymington
19/10208

Scale 1:2500

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the internet, it will not be to
scale.



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Application Number: 18/11690 Full Planning Permission

Site: CLUB HOUSE, NEW FOREST WATER PARK,
RINGWOOD ROAD, FORDINGBRIDGE SP6 2EY

Development: Three-storey extension; extend side dormers; balcony; rooflights;
garage/store

Applicant: Mr Jury

Target Date: 08/03/2019

Extension Date: 12/04/2019

RECOMMENDATION: Refuse

Case Officer: Stephen Belli

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside
Avon Catchment Area
Flood Zone

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Objectives

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

Core Strategy

CS1 – Sustainable development principle
CS2: Design quality
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
CS6: Flood risk
CS10: The spatial strategy
CS24: Transport considerations

Local Plan Part 2 Sites and Development Management Development Plan Document

NPPF1 - presumption in favour of sustainable development
DM2: Nature conservation, biodiversity and geodiversity
DM20 Residential accommodation 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 Housing Design Guidance

6 RELEVANT PLANNING HISTORY

- 6.1 **18/11130** - Clubhouse and additional accommodation for fishery manager - refused 09/01/19 (middle lake - Committee report January 2019 refers)
- 6.2 **16/10025** - Clubhouse with additional use for fishery manager accommodation refused 13/03/16 – appeal dismissed 19/01/17 (middle lake)
- 6.3 **15/11649** – Single storey extension to clubhouse with balcony over – approved 28/01/16 (main site)
- 6.4 **13/10191** - Clubhouse - granted 13/05/13 (middle lake)
- 6.5 **10/96273** - Clubhouse - granted outline planning permission 1/06/11 (middle lake)
- 6.6 **99/67058** – Garage/store building – approved 24/09/99 (main site - limited use by condition)
- 6.7 **57062** - Vary Condition 9 on 41232 (jet & water skiing use) – granted 09/08/95
- 6.8 **53713** – 1st floor addition with rooms in roof to form owner's accommodation – approved 09/03/94 (main site)
- 6.9 **52288** - Vary Condition 9 on 41232 to allow jet skiing - granted 14/7/93
- 6.10 **51715** – 1st floor addition to clubhouse to form owner's accommodation – approved 04/01/94 (main site - approved subject to supplemental S106 restricting occupation of flat)
- 6.11 **44205** – Erect two storey water sports clubhouse, parking and landscaping – approved 04/03/91 (Reserved Matters) (main site on northern lake)
- 6.12 **41232** – Change of use of former gravel pits to water based recreation and erection of clubhouse - granted 13/12/90 (Parent outline permission) (main site on northern lake – approved subject to S106 agreement on use of lakes)

7 PARISH / TOWN COUNCIL COMMENTS

Fordingbridge Town Council: recommend that permission is granted as there is a benefit for local jobs and the economy. Fordingbridge Town Council recommend the enhanced accommodation should be tied to use by staff.

8 COUNCILLOR COMMENTS

None received.

9 CONSULTEE COMMENTS

9.1 Natural England

No objection subject to mitigation and relevant conditions. Their comments in relation to the previous application also apply to this application as follows:

Response to 18/11130 - Note the site lies immediately adjacent to the Avon Valley Special Protection Area (SPA) and Ramsar and in close proximity to the New Forest SPA, Ramsar and Special Area of Conservation. Natural England are satisfied with the Council's mitigation strategy and Habitat Regulations Assessment.

On other matters Natural England notes the presence of an SSSI adjacent to the site but is satisfied that the development will not be harmful provided a condition is imposed regarding any percussive piling operations. Natural England recommend that due regard is also taken in respect of biodiversity net gain and advice set out as well as Standing Advice dealing with protected species.

9.2 Environmental Health

No concerns

10 REPRESENTATIONS RECEIVED

None received

11 CRIME & DISORDER IMPLICATIONS

Not relevant on this occasion

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraph 38 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants. In this case all the above apply. The applicant did not avail himself of the

Council's pre application advice service. The Council has sought further justification for the proposal as well as further consideration of design matters but this has not resulted in any information forthcoming from the applicant to set aside the reasons for refusal as set out.

14 ASSESSMENT

14.1 Site description

14.1.1 The New Forest Water Park is situated at Hucklesbrook Lakes in the open countryside, and comprises a collection of three lakes on the west side of the A338 Ringwood to Fordingbridge Road, between this highway and the River Avon. The Water Park specifically occupies the two northern lakes. The southern lake is used for fishing and is in separate ownership. The northern lake is now used for water sports whilst the middle lake is used for fishing purposes. The lakes were formed over 20 years ago from old gravel extraction pits, and they are surrounded by banks of maturing deciduous vegetation. There is an existing clubhouse building adjacent to the north-western corner of the northern lake (referred to as the main site). The land to the west of the lakes is within the Avon Valley flood plain and is a designated Site of Special Scientific Interest (SSSI) and Special Protection Area (SPA).

14.1.2 Since their formation in the early 1990s, the lakes have been used for water based recreation. The original 1990 planning permission restricted noise generating water based activities (water skiing and jet skiing) to just the northernmost lake. A subsequent application in 1995 permitted the middle lake to be used for jet skiing providing that jet skiing on the middle lake does not take place at the same time as upon the northern lake. This 1995 permission also precluded jet skiing taking place on the western part of the middle lake, primarily for nature conservation reasons. At present the Water Park is only open from Easter to early November.

14.1.3 The main site has a collection of buildings as follows

- A large two/three storey building including manager's accommodation on 1st and 2nd floor with changing rooms, commercial storage, boat shed, lockers, workshop, kit store and shop on the ground floor. This building also includes a customer reception, bar, commercial kitchen, eating facilities, toilets, and family room on the 1st floor. This building has a large outdoor amenity area for customers overlooking the northern lake.
- Within the grounds of the main site are a collection of three mobile homes used for staff accommodation, as well as another building which includes a residential flat, and another large garage/storage building with residential accommodation on the first floor. One static caravan is used by the site caretaker and this together with the other two caravans are either immune from enforcement action or are occupied as seasonal staff accommodation considered at the time as not needing planning permission. A residential flat created in one of the outbuildings has become immune over the passage of time. The flat above the garage and store building is also occupied and it is not clear if there is a planning permission for this residential unit.

- The main site is served by its own access road and large customer car park.

14.1.4 The current site manager accommodation floorspace comprises a lounge, bathroom, study, and 4 no. bedrooms with one en-suite on the 2nd floor. The accommodation is arranged over two floors and is in line with permission 53713 noted above granted in March 1994. The accommodation has an internal floorspace, excluding any stairwell, of 110 square metres (1184 square feet).

14.2 Proposals

14.2.1 The proposal is to extend the existing manager's accommodation at the rear of the clubhouse to provide improvements to bedroom accommodation and kitchen facilities, as well as a further en-suite facility to one of the bedrooms. The existing clubhouse has its own kitchen facility and this is at present also being used by the manager for their own personal needs. The number of bedrooms overall stays at four.

14.2.2 The plans indicate a building clad in brick and timber under a slated roof to match the existing. The new extension would extend the building by 5 metres in length. The existing single dormer window on each elevation would be subsumed into a new triple dormer on each side elevation. A new balcony area with an extended roof over would be formed at 2nd floor level.

14.2.3 The extended floorspace over two floors measures some 66 square metres (710 square feet). This would if permitted result in manager's accommodation of some 174 square metres (1894 square feet). This equates to a 60% increase in the accommodation floorspace. This does not include the large new domestic garage/store at ground level which measures an additional 43 square metres (462 square feet).

14.2.4 The plans as submitted also are inaccurate in a number of areas particularly in relation to the labelling of rooms within the building and some minor elevational details which do not tie up with floor plans. These points have been made to the applicant but with no corrected plans submitted.

14.2.5 This application has been submitted without the benefit of any pre application advice.

14.3 Key Issues

The key issues with this application are the principle of development in this open countryside location, and design considerations including the impact on character and appearance of the existing building and the immediate area.

14.3.1 Principle of development

14.3.1.1 a) Policy considerations

With regard to the principle of development the site is in the countryside where normal policies of restraint on development apply.

DM20 allows for residential accommodation in the countryside in certain circumstances such as for agricultural, affordable housing, a replacement dwelling or the limited extension of an existing dwelling. The policy is set out below.

Policy DM20: Residential development in the countryside will only be permitted where it is:

- a) a limited extension to an existing dwelling; or*
- b) the replacement of an existing dwelling, except where it:*
 - (i) is the result of a temporary permission(s); and/or*
 - (ii) is an unauthorised use; and/or*
 - (iii) it has been abandoned; or*
- c) affordable housing to meet a local need, in accordance with Core Strategy Policy CS22; or*
- d) an agricultural worker's or forestry worker's dwelling in accordance with Policy DM21.*

In all cases, development should be of an appropriate design, scale and appearance in keeping with the rural character of the area, and should not be harmful to the rural character of the area by reason of traffic and other activity generated or other impacts.

Replacement dwellings and dwelling extensions should not normally provide for an increase in floorspace of more than 30%. A dwelling may be permitted to exceed the 30% limit provided the increased floorspace will not result in a dwelling in excess of 100 sq. metres floorspace. In all cases proposals should be designed to respect the character and scale of the existing dwelling, and not significantly alter the impact of built development on the site within its setting.

The 30% limit is applied as a limit to all cumulative extensions since 1 July 1982. In exceptional circumstances, a larger extension may be permitted to:

- (i) meet the genuine family needs of an occupier who works in the immediate locality; or*
- (ii) meet the design considerations relating to the special character of the building e.g. listed buildings.*

The proposal as now presented represents a substantial 60% increase in the existing managers accommodation without any submitted justification. Design issues are dealt with below but it is clear from the above that the proposal does not comply with the relevant development plan policy. Whilst it is noted that the flat does not currently have its own dedicated kitchen this could be provided by re-jigging the available floorspace without needing an extension.

14.3.1.2 b) Occupation of manager accommodation

The Town Council raise no objection to the application provided that the unit as enlarged is tied by condition to staff, and there is a need to do so in an open countryside location such as this.

Members are also asked to note the current quantum of available residential and staff accommodation on the site. It is clear that there is a substantial amount of accommodation. The justification for such a large increase in floorspace to the manager's maisonette accommodation is therefore questionable.

These points have been addressed to the applicant but no further justification has been provided.

14.3.2 Design considerations

14.3.2.1 Policy CS2 of the Core Strategy states the following -

New development will be required to be well designed to respect the character, identity, and context of the area's towns, villages and countryside. All new development will be required to contribute positively to local distinctiveness and sense of place, being appropriate and sympathetic to its setting in terms of scale, height, density, layout, appearance, materials, and its relationship to adjoining buildings and landscape features, and shall not cause unacceptable effects by reason of visual intrusion, overlooking, shading, noise, light pollution or other adverse impact on local character and amenities.

14.3.2.2. The current proposal would be visible from the car park and its position towards the rear of the site should not be used to allow poor design. The plans indicate a large bulky extension which would considerably increase the mass of the building. The extension would unbalance this side elevation view and when combined with the inappropriate roof feature of a triple dormer on two elevations is considered to be poor design, inconsistent with policy. The site does benefit from a backdrop of trees and so in the wider landscape context there would be no harmful impact. While the impact on local character and appearance is therefore limited to that closer to the building this in itself should not be used as a reason to support poor design which degrades the local environment.

14.3.2.3 Concerns have been initially expressed to the applicant regarding the triple dormers but no substantive response has been received. It is considered that the overall mass and bulk of the extension is not acceptable and consequently that design objections should be raised.

14.4 Conclusions

14.4.1 This application raises issues relating to the principle of further residential development in the countryside which in all cases should be properly justified. The site already benefits from a considerable amount of staff and manager accommodation and there is no overriding reason for allowing a substantial further increase in the manager's accommodation. Secondly, the mass and bulk of the extension with its detailing, exhibits poor design quality, contrary to stated policies.

14.4.2 The proposal has been the subject of a recommendation of approval by the Town Council. The comments they make in support of this rural business would be worthy of support if there was no current staff or manager accommodation. However, for the reasons set out above it is considered that permission should, on this occasion, be refused.

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

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposal is for a large extension to an existing manager's accommodation unit within this rural business based in the open countryside. In such areas Policy DM20 of the New Forest District Council Local Plan part 2 requires that such extensions should not be more than 30% of the existing dwelling. This proposal represents a 60% increase over the existing floorspace (excluding the domestic garage and store). Special consideration of any residential accommodation in the countryside is required. In this case the site already benefits from a significant amount of staff and manager accommodation and it is considered that there is no overriding justification to support such a large percentage increase in accommodation at this site.
2. The proposal by virtue of its size, design, bulk and mass is considered to represent poor design that detracts from the character and appearance of the existing building and the rural character of the area, inconsistent with policy CS2 of the New Forest Core Strategy and Policy DM20 of the New Forest Local Plan part 2 which 'inter alia' requires development proposals to be well designed and to contribute positively to local distinctiveness and sense of place, and the rural character of the area.

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. The applicant did not avail himself of the Council's pre application advice service. The Council has sought further justification for the proposal as well as further consideration of design matters but this has not resulted in any information forthcoming from the applicant to set aside the reasons for refusal as set out.

Further Information:

Stephen Belli

Telephone: 023 8028 5588



New Forest DISTRICT COUNCIL

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SO43 7PA

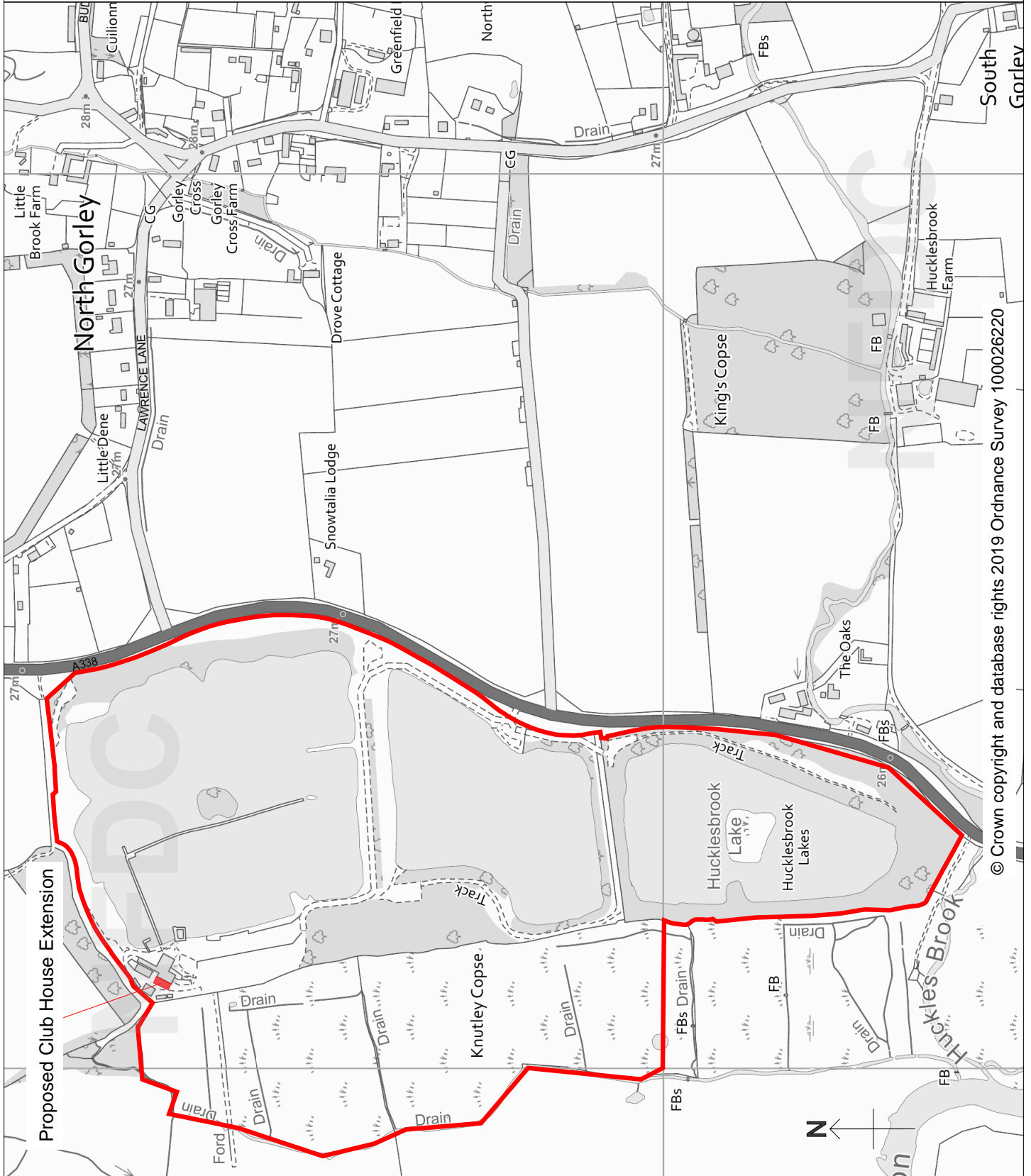
**Planning Development
Control Committee**
April 2019

Item No: 3c

Club House
New Forest Water Park
Fordingbridge
18/11690

Scale 1:6000

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Application Number: 19/10024 Full Planning Permission

Site: 20 WHEELERS WALK, BLACKFIELD, FAWLEY SO45 1WX

Development: Two -storey side extension; single-storey rear extension; front porch; boundary fence, Change of use of amenity space to garden land.

Applicant: Mr. Saunders

Target Date: 05/03/2019

Extension Date: 19/04/2019

RECOMMENDATION: Grant Subject to Conditions
--

Case Officer: Michael Barry

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Councillor 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

Local Plan part 2 : Sites and Development Management Plan Document

None

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
12/99530 Use of land as residential curtilage; 1.8 metre high close board fence	06/02/2013	Refused	Decided
74/NFDC/01247 Residential development of 9 pairs of semi-detached dwellings with integral garages. (Existing building on site to be demolished).	07/11/1974	Granted Subject to Conditions	Decided

5 COUNCILLOR COMMENTS

Cllr Mrs McEvoy: objects to this application. Comments are summarised as follows:

- Intrusive within the street scene.
- Cramped development.
- Harmful enclosure.

6 PARISH / TOWN COUNCIL COMMENTS

Fawley Parish Council: Members noted the objections from neighbours and comments made online. It was further noted that whilst classed as public amenity space, the area of land is within the ownership of the property (No 20); however the proposal would constitute a material change of use of this land, from public space to garden space and this may be out of character for the wider Wheelers Walk cul de sac. It was queried whether another planning application was required for change of use of the public open space.

(No 3) We recommend permission subject to a condition relating to the boundary fence of the property being dealt with.

7 CONSULTEE COMMENTS

Landscape Officer - none.

8 REPRESENTATIONS RECEIVED

3 objectors, comments summarised are as follows:

- Proposal would be detrimental to the character of the close.
- Inability to maintain existing hedge adjacent to proposed fence.
- Would set a precedent for future building works.
- Two storey side extension would be built on public green space.
- Extension a cramped form of development.
- Enclosure of designated open space would be harmful to the character of the area.

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 application site is located within a residential cul-de-sac that was originally built in the 1970s. The properties within this cul-de-sac are 2-storey semi-detached houses, which are set back from the highway with relatively open front gardens. Although some of the front gardens are enclosed with hedges, vegetation or low fences, the street retains an open and spacious character.
- 12.2 The application site is prominent within the streetscene being on a corner plot. It currently has a rear garden that is enclosed by a close-boarded fence to the side that is set back from the public highway. Currently, there is a wide area of grass between the existing fence and the adjacent footway, which contributes positively to the spacious character of the streetscene in this location.
- 12.3 The proposals are for a two storey side extension with a porch, a single storey rear extension, and enclosure of the amenity space to the side of 20 Wheelers Walk with a 1.8 metre high close-boarded fence. This fence would be set back 1.0 m from the footway edge, with planting in front.
- 12.4 The main planning considerations are the impact on the street scene, residential amenity, and the change of use of land from amenity space to garden land.
- 12.5 Two Storey Side & Rear Extensions

The two storey extension would be in keeping with the existing property, it would be slightly subservient in height and set back. The proposed porch at the front of the extension would also be in keeping with the existing property.

The two storey side extension would be set away from the adjoining neighbour at No. 21. Neighbour separation to the front with Nos 1 and 2 would be approximately 30 m; and to the rear with No 19 would be

approximately 10 m. To the south there would be approximately 25 m separation with properties across the road. There are already first floor front and rear windows and as such the additional first floor front and rear windows in this built up urban area would not cause any further harmful overlooking particularly as there is no side fenestration to No 19. As such, overbearing impact or harmful overlooking would not result

The single storey rear extension would replace an existing conservatory; it would not be visible within the street scene due to its height and modest extent, such that it would have an impact on street scene. or have any adverse impact on the amenity of on the neighbour at No 21.

12.6 Change of Use & Enclosure of Land

This would constitute a material change of use of amenity land to the side of the property to garden land. This land was originally part of the estate's landscaping area and contributes positively to the spacious character of the area. The land is within the applicant's ownership and there are no conditions on the original approval that requires it to be retained as a landscaping or amenity area in perpetuity.

By way of background, a previous proposal for enclosure of this land was refused planning permission (ref:12/99530). This proposal was for a fence set back 0.2m from the footpath edge. Although some planting was proposed, the modest set back of the fence and limited opportunity for any landscaping to thrive was not considered sufficient to make the proposal acceptable within its context.

The loss of this amenity land would diminish the open character of this corner, however in making an assessment consideration needs to be given as to whether the impact on the immediate and wider street scene is acceptable.

Being located on a corner there is an additional wider green verge between the footpath and highway, from the junction of the road with Walters Lane North. Furthermore, there are examples of high boundaries with grass verges and modest planting within the wider streetscene.

The fence now proposed, although having a length of approximately 20m, would be set back by 1.0 m from the footpath edge along this full length. This would allow for more meaningful hedge planting to be undertaken as well as the retention of hedges at the southern boundary of the site, which provide screening from the entrance of Wheelers Walk. This planting, once mature, would effectively screen the fence, reducing any harsh or overdominant impact. As such it would not have an adverse visual impact on the spacious open character of the area and it is therefore considered acceptable within its context and the wider street scene.

A full landscaping scheme would be implemented to ensure that it provides for adequate screening of the boundary fence is provided and that its future retention and maintenance is secured. The details to be submitted and agreed by condition.

At present there is a mature hedge along the boundary of the site with the garden of No.19 which would be retained. The proposed fence would be located adjacent to this hedge (which would be retained) and as such the fence would be screened from the front window of the property so as not to have an unacceptable visual or amenity impact.

12.7 Other Matters

Neighbours have objected to these proposals and these issues have been considered in the assessment above. Further comments are made as follows:

- There are examples of high boundaries in the wider street scene. The maintenance of the existing hedge adjacent to the proposed fence is a civil matter, however, the proposed landscaping condition would include maintenance requirements;
- Precedent for future building works is not a material planning consideration as all proposals are considered on their own merits;
- The characteristics of this particular site have been considered in the assessment set out above;
- The two storey side extension would not encroach upon the amenity space that is subject to the change of use;
- The design of the extension is in keeping with the existing property and would not appear cramped in the street scene;
- The proposals would retain the green and open character of the area subject to suitable landscaping;
- it would not have a harmful impact on the street scene or character of the area.

12.8 Overall, the proposals are considered to be acceptable within their context, address the previous reason for refusal and comply with relevant policies within the development plan and NPPF. Approval of planning permission is therefore recommended.

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

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: SAUN003.

Reason: To ensure satisfactory provision of the development.

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

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

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

- (a) the existing trees and shrubs which have been agreed to be retained;
- (b) a specification for new hedge planting (species, size, spacing and location);
- (c) 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. All planting, comprised in the approved details of landscaping shall be carried out in the first planting seasons following the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.

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

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:

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New Forest
DISTRICT COUNCIL

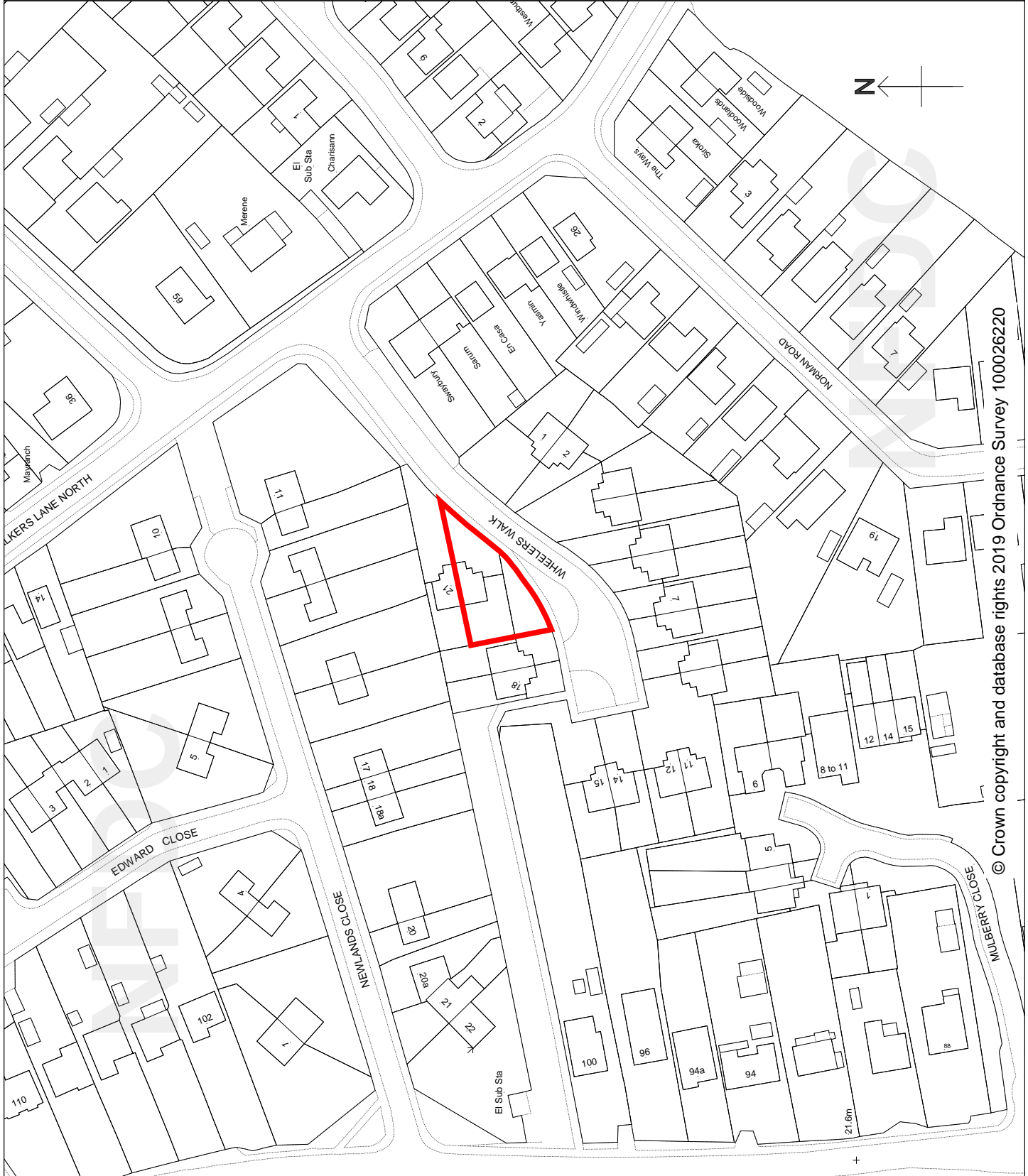
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**Planning Development
Control Committee**
April 2019

Item No: 3d
20 Wheelers Walk
Blackfield
Fawley
19/10024

Scale 1:1250
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scale.



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