

## NOTICE OF MEETING

**Meeting:** PLANNING COMMITTEE

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

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

**Telephone enquiries to:** Lyndhurst (023) 8028 5000  
012 8028 5588 - ask for Jan Debnam  
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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](mailto: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**

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## AGENDA

### Apologies

**1. MINUTES**

To confirm the minutes of the Planning Development Control Committee meeting held on 13 December 2017 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) **Glendalyn, Fernhill Lane, New Milton (Application 16/11586) (Pages 1 - 20)**

Three-storey 54 bed care home; landscaping; parking; demolition of existing.

**RECOMMENDED:**

Service Manager Planning and Building Control Authorised to Grant Permission

- (b) **The Lillies, Cooks Lane, Calmore, Totton (Application 17/11383) (Pages 21 - 32)**

Development of 7 dwellings comprised 1 detached house; 3 pairs of semi-detached houses; car port; bin stores; bike stores; parking; landscaping; demolition of existing.

**RECOMMENDED:**

Refuse

- (c) **Land Adjacent Godwins Mede, Poplar Lane, Bransgore (Application 17/11414) (Pages 33 - 46)**

8 dwellings comprised 1 pair of semi-detached houses; 6 detached houses; parking (Outline application with details only of access, layout and scale).

**RECOMMENDED:**

Grant Permission subject to Conditions.

- (d) **The Salvation Army, Roundhill, Fordingbridge (Application 17/11517) (Pages 47 - 52)**

Glazed shelter (Variation of Condition 1 of planning permission 16/11076 to allow the continued use until 30 October 2020) (Retrospective)

**RECOMMENDED:**

Refuse.

- (e) **North End Cottage, North End, Damerham, Fordingbridge (Application 17/11520) (Pages 53 - 60)**

Single storey rear extension; porch.

**RECOMMENDED:**

Refuse.

- (f) **Chilfrome, Lower Pennington Lane, Pennington, Lymington (Application 17/11552) (Pages 61 - 66)**

Two-storey rear extension; single-storey front extension; roof alterations to existing single storey front elevation.

**RECOMMENDED;**

Refuse.

- (g) **Land of Buckland Granaries, Sway Road, Lymington (Application 17/10854) (Pages 67 - 88)**

Development of 12 houses comprised; 2 terraces of 3 houses; 1 terrace of 2 houses; 4 detached houses; access; landscaping; parking; demolition of existing buildings.

**RECOMMENDED:**

Grant Permission subject to Conditions.

- (h) **Arrachar, Fox Pond Lane, Pennington, Lymington (Application 17/11503) (Pages 89 - 96)**

Outbuilding.

**RECOMMENDED:**

Grant Permission subject to Conditions.

- (i) **Land at Roeshott and Burton, Hinton, Bransgore (Application 16/10443) (Pages 97 - 108)**

Use of land as Natural Green Space (SANG)

**RECOMMENDED:**

That the Council be recommended to authorise entering into an Inter-Authority in the terms set out in the report.

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

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

## **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. 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:** 16/11586 Full Planning Permission

**Site:** GLENDALYN, FERNHILL LANE, NEW MILTON BH25 5SX

**Development:** Three-storey 54 bed care home; landscaping; parking; demolition of existing

**Applicant:** Redland Care Group

**Target Date:** 03/03/2017

**Extension Date:** 31/01/2018

**RECOMMENDATION:** Service Man Planning & Building Control authorised to Grant  
**Case Officer:** Jim Bennett

## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up Area

TPO no. 19/98/1

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Local Plan Part 1 (Core Strategy) 2012:

CS1: Sustainable development principles

CS2: Design quality

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

CS5: Safe and healthy communities

CS6: Flood risk

CS8: Community services and infrastructure

CS10: The spatial strategy

CS13: Housing types, sizes and tenure

CS24: Transport considerations

CS25: Developers contributions

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

DM2: Nature conservation, biodiversity and geodiversity

DM3: Mitigation of impacts on European nature conservation sites

DM4: Renewable and low carbon energy generation

DM10: Residential accommodation for older people

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

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

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

Housing Design, Density and Character

New Milton Local Distinctiveness Document

Parking Standards Supplementary Planning Document (SPD)

SPD - Mitigation Strategy for European Sites

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

ENQ/15/21825/LDNF – a pre-application enquiry for a 60 bed care home facility concluded that while it is likely that the site can hold a significant building, the Council was not in a position to support a structure of the mass and scale proposed due to its harmful character impacts and uncertain tree impacts. The applicant was requested to identify the importance of retaining and bolstering trees in the landscape, accepting the removal of some specimens, balanced against the importance of locating this building for the best townscape quality and efficient use of land.

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

New Milton Town Council: strongly object for the following reasons:

- (1) Lack of on-site parking, in an area commonly used by commuter parking for the rail station 300yds away.
- (2) Highway safety. When travelling northbound on Fernhill Lane there is a dip and bend on the approach to the junction with Barrs Avenue. This increases the risk for those egressing Barrs Avenue, which will be higher in number due to the development.
- (3) The three storey nature of the development is a) a privacy issue for the nearby residents of Barrs Avenue and Ballard Close, with perceived or direct overlooking; and b) sees the northward migration of intensive urbanisation
- (4) The loss of a good quality tree numbered 10 (Wellingtonia) and 2 moderate quality trees (Beech, Cedar or Wellingtonia) which form part of the Tree Preservation Order 19/98.
- (5) The loss of a large lawned area and its negative affect on character, as per Local Distinctiveness Study page 39 'Green Infrastructure'
- (6) Loss of an Edwardian design building in large grounds, one of the few left in New Milton and so important to the towns heritage.
- (7) Potential negative affect to residents to the east from the siting of the kitchen, plant and waste disposal.
- (8) Negative impact to summer roosting bats.



## 8 COUNCILLOR COMMENTS

Cllr J Cleary: raises concern that contractors will want to park close by, i.e. all the surrounding roads during this development, which needs to be addressed.

## 9 CONSULTEE COMMENTS

- 9.1 Environmental Design Team (Urban Design): subject to conditions to secure final landscaping arrangements, building details (including window reveals and eaves) and materials (including rainwater goods), the design would result in a development which is in accordance with CS2.
- 9.2 Environmental Health Section (Pollution): no objection subject to a condition to ensure the kitchen extraction system is installed, operated and maintained in accordance with the submitted document.
- 9.3 Environmental Health Section (Contaminated Land): recommended that conditions are imposed.
- 9.4 Tree Officer: acceptable subject to conditions. The amended Arboriculture Report provides all the relevant details and processes to be undertaken with regards to the retention of existing trees on site. There are several trees marked to be removed and while the loss of these trees is regrettable, if a well-designed building and landscaping can be achieved and mitigating tree planting is carried out this may be acceptable. Given the nature of the site, and the scale of the development there is a high possibility of damage to retained trees, however if the submitted Arboricultural Report is adhered to for the duration of the development, the proposed scheme would be acceptable, subject to tree protection conditions.
- 9.5 Hampshire County Council Highway Engineer: no objection subject to conditions. The applicant has resubmitted plans for car parking provision, which now shows 26 spaces. It has been noted however that the spaces denoted as 5 and 6 appear to encroach on the vegetation boundary. If these spaces were to be removed (leaving 24 spaces in total), the Highway Authority would be satisfied with this quantum. The application form states that a total of 34 cycle spaces would be provided at the site however the plans indicate 10, the applicant should therefore provide further information to ensure that a suitable number of cycle parking spaces are provided. A Construction Method Statement is required for the development to ensure no detrimental impact on the local road network. As the proposals include the modification of the existing access onto the highway the applicant should be made aware of the requirement to carry out any works on the highway to the appropriate standard laid down by and under a licence agreement with the Highway Authority. The plans also indicate that a new length of footway would be provided linking the site with the existing footway on the northern side of Barrs Lane in order to improve pedestrian access to the site in line with the aims of the Travel Plan Statement.
- 9.6 Hampshire County Council Drainage: consider that insufficient information is provided on surface water discharge from the site to make comment.

- 9.7 Southern Water: no objections, subject to a surface water discharge condition and informatives.
- 9.8 Ecologist: holding objection pending clarification of the status of the submitted ecology reports from the applicant to demonstrate accordance with policy.
- 9.9 Southern Gas Networks: no objections, but give informatives.

## **10 REPRESENTATIONS RECEIVED**

Twenty nine representations have been received to the proposal. One in support; five making comments only and twenty three objecting. The following concerns are raised by notified parties:

- Proximity of car parking area to dwellings on Ballard Close and Barrs Avenue, which should be screened;
- Insufficient off-street parking availability will lead to on-street parking;
- It is not clear where the access from Barrs Avenue will be in relation to Lakeside Pines;
- Access from Barrs Avenue is unacceptable;
- Increased vehicle movements in the locality;
- There is no indication of where deliveries will be taken;
- Over-intensification of site use for commercial activity;
- The bin store location will cause disruption;
- The building is too large and too close to adjoining properties;
- Overlooking;
- Loss of trees;
- Disruption caused by construction traffic and activity;
- Inadequate drainage;
- The kitchen will cause noise and odour;
- The proposal will require an emergency generator, which will cause noise;
- The building should be retained as a children's home;
- Air pollution caused by traffic;
- A traffic regulation order is required to control parking on Barrs Avenue.

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

No CIL will be payable in respect of this proposal as it does not provide self contained accommodation.

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

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

This is achieved by

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

In this case the applicant sought the Council's pre-application advice on a similar form of development to that proposed. While the form of the proposal originally submitted was not considered to be acceptable, the subsequent submission of documents and amended plans has overcome the initial concerns.

## **14 ASSESSMENT**

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

- 14.1.1 The current site of Glendalyn, Fernhill Lane, New Milton has a single large building with several extensions and minor outbuildings to the east. It was formerly used as a children's home, though is currently vacant. The surrounding grounds are extensive and consist of open lawn, hard surfacing to the north and west of the building and heavy tree cover throughout. Much of the site's western boundary is occupied by protected trees, separating the site from Fernhill Lane. The site is within the Built-up Area of New Milton and is bound by a two storey dwelling to the north, bungalows to the east and Lakeside Pines (a block of flats up to 3 storeys high) to the south, across Barrs Avenue.
- 14.1.2 The proposal was initially for the demolition of the existing building and erection of a new 60 bedroom care home. However the scale, design, footprint, car parking and tree impacts of the proposal have been altered extensively during the course of negotiations, including a reduction in the number of bedrooms to 54. It is proposed to provide care home accommodation for the elderly in a building of three storeys in height and of an Arts and Crafts style design, over and beyond the footprint currently occupied by Glendalyn. The proposed accommodation would fall within Use Class C2 (residential institution). A new access would be formed onto Barrs Avenue and the existing vehicular and pedestrian accesses onto Fernhill Lane would be stopped up. Off-street parking for 24 cars would be provided from the new Barrs

Avenue access. The application is supported by a suite of documents including design and access statement, planning statement, tree survey, transport statement and ecological survey.

- 14.1.3 The site is within the Built-up Area of New Milton where a presumption in favour of development exists, subject to other material planning considerations, including access, amenity impacts, tree constraints, ecological impacts and visual impact.
- 14.1.4 The form, scale and mass of building proposed is still significant and it needs to be considered whether the applicant has balanced the level of tree removal proposed, character impacts, highway impacts, residential amenity impacts and visual impacts against the importance of locating this building for the proposed use and making the most efficient use of available land.

## **14.2 Design and Character Considerations**

- 14.2.1 Policy CS2 of the Core Strategy states that new development will be required to be well designed to respect the character, identity and context of the area's towns. The New Milton Local Distinctiveness Document requires proposals for development to contribute positively to local distinctiveness and character of the area. Specifically the Distinctiveness Document picks up on the importance of the tree group all along Fernhill Lane, which has been a fundamental issue in drawing up the scheme now proposed. However, some lesser trees might be better removed and possibly replaced in order to achieve better all round health of the more significant trees, a more appropriate form of development and more efficient use of land.
- 14.2.2 The applicant has engaged in negotiations with the Council resulting in the form of the current proposal, which is exemplified by the Design Evolution document which now accompanies the submission. The applicant has adopted much of what has been asked for by the Council, but there is a tendency for the roof form of the bulkier elements of the building to appear as too similar in height, losing something of the distinct character that such a large building might bring to the area. The applicant has therefore amended the southern most wing in terms of omitting the trough between the double pile roof so that the ridge appears higher and a hierarchy of forms is then created relieving the skyline somewhat. A fairly attractive building (and at least one large tree), would be lost and replaced by a larger new building, but one which, subject to good quality details, materials and planting, would offer a large scale building in a suitably grand setting. Scale and mass are now reasonable in the setting of the large forest scale trees and reasonably wide spaces between buildings. The building is large and grand and with good detailing should offer a strong sense of style to add character to the area. A proper landscape design/framework is needed to be certain that the site can accommodate this building.
- 14.2.3 Subject to conditions to secure final landscaping arrangements, building details and materials, the design would result in a development which makes efficient use of available land and complies with the character provisions of Policy CS2 and the New Milton Local Distinctiveness Document.

### **14.3 Highway Impacts**

- 14.3.1 A significant level of objection has been received to the proposed point of access to the site, parking and related highway concerns. The Highway Engineer raises no objections to the proposed point of access from Barrs Avenue and it is the view of your officers that an access via a distributor route such as Barrs Avenue is preferable and safer to an access from an arterial route like Fernhill Lane. It has not been suggested that a traffic regulation order is required to control parking on Barrs Avenue.
- 14.3.2 The Highway Engineer considers that on site parking provision of 24 spaces for a 54 bed care home would be acceptable and amended plans have been submitted showing that level of provision. Concern is raised over the level of cycle parking proposed and the Highway Engineer has been requested to comment on whether this matter should be addressed by condition or by an updated Travel Plan. It should be noted that a rudimentary Travel Plan has been submitted by the applicant outlining how they intend to reduce reliance upon the private motor car by staff accessing the site. This plan needs to be extended to visitor, delivery and other service vehicle movements, so a condition should be imposed requiring a full Travel Plan to be prepared for the proposal.
- 14.3.3 No objections are raised by the Highway Authority, subject to conditions to ensure access, parking and turning is provided in accordance with the approved plans, to ensure closure of the existing access with Fernhill Lane, to ensure details of a construction method statement are submitted and details of measures to prevent surface water discharging onto the highway are provided

### **14.4 Site Drainage**

- 14.4.1 Southern Water and the County Drainage Authority raise issues over the potential for the proposal to exacerbate existing flooding problems in the locality. Given the amount of land available to the applicant, a comprehensive approach to dealing with water on site could be achieved, meeting the requirements of Policies CS2 and CS4, which state that all new buildings should be designed to meet sustainable building standards and utilise Sustainable Urban Drainage systems (SUDS) wherever feasible. Conditions are proposed requiring the applicant to provide full details of a sustainable foul and surface water drainage strategy for the site and to ensure its future maintenance.

### **14.5 Residential Amenity Impacts**

- 14.5.1 Policy CS2 requires the Planning Authority to consider the impact of development proposals upon adjoining amenity and upon the amenity of future occupiers of the new units.
- 14.5.2 In respect of the physical impacts of the building upon the amenity of adjoining occupiers, although the form of structure proposed here is admittedly large, it is set within a very generous curtilage, with mature vegetation towards its boundaries. The closest element of the proposed structure to the bungalows on Ballard Close is in fact the lowest element of the proposal at 10m to the ridge. The highest windows here are at 8m above ground level and the degree of separation (19m to the boundary and 34m to windows) is well above the accepted rule of thumb of 21m. There is also an opportunity to bolster existing planting on the

eastern boundary of the site with extra heavy standards, to ensure that intervisibility between the proposal and dwellings on Ballard Close is limited further. This may be ensured by the suggested landscape condition. The highest element of the scheme is 29m away from the boundary with dwellings in Ballard Close. Consequently, the proposed development would have no adverse impacts upon the amenity of adjoining occupiers in terms of loss of privacy or overbearing impacts.

- 14.5.3 The planning application shows a large kitchen within the third floor roofspace to serve three dining rooms and a cafe on the ground, first and second floors. This indicates that significant cooking operations will be undertaken on the site. A kitchen of such scale will require an extraction system to remove heat and moisture during the cooking process. The applicant has submitted a document, which identifies how the kitchen extract system will be installed, operated and maintained in respect of noise and odours. The Environmental Health Officer is satisfied that the document addresses noise and odour emissions from the kitchen, subject to a condition being applied to ensure the system is installed and operated in accordance with the agreed scheme.
- 14.5.4 Deliveries will be taken from the only point of access to the site, via Barrs Avenue, following the stopping-up of the existing Fernhill Lane access. It should be noted that the location of deliveries and the bin store have been moved to the western side of the site away from existing dwellings, to limit disturbance. While it is accepted that use of the site will be more intensive than the existing use, the main use of the site will remain residential and it is not anticipated that disturbance would be such as to constitute any significant loss of residential amenity.
- 14.5.5 Concern has been raised that car parking would cause noise and disturbance to neighbours. The closest car parking to dwellings on Ballard Close and Barrs Avenue would be 6.5m to the boundary and 11.5m from the gable of no. 9 Barrs Avenue, which is an acceptable degree of separation. Appropriate screen planting between the two would be ensured by the landscaping condition.
- 14.5.6 Subject to conditions to ensure appropriate boundary planting is implemented and to control noise and odour emissions from the kitchen, the impacts of the proposal comply with the amenity related provisions of Policy CS2 of the Core Strategy.

## **14.6 Tree Impacts**

- 14.6.1 The proposal is constrained by protected trees within the site and the design has evolved around these tree constraints, to maximise the built form of the development, while avoiding root protection areas. The Council's Tree Officer offers specific comments on tree impacts above and accepts that some specimens may be removed, to free up space to facilitate a more appropriately sited and acceptable form of development. Importantly the large Wellingtonia, originally earmarked for removal is retained under the amended scheme.

## **14.7 Ecology Impacts**

- 14.7.1 The Council's Ecologist raises a holding objection pending clarification of the status of the submitted ecology reports, which the applicant has been requested to address.

14.7.2 In terms of the species protection provisions of the Habitats Directive, as implemented by the conservation (Natural Habitats Etc.) Regulations 1994 and the three "derogation tests", subject to receipt of satisfactory clarification of the ecology reports, the Ecologist comments that the favourable conservation status of protected species will be maintained, subject to the suggested condition. Officers are satisfied that there is no satisfactory alternative to the form of development proposed, considering the requirement to meet the accommodation needs of the elderly in accordance with the provisions of Policies CS8, CS13 and DM10. Finally Officers are satisfied that the activity to be licensed is for imperative reasons, in light of the poor condition of the existing building and the need for its replacement with a viable new development. The development complies with the nature conservation provisions of Policy CS3 of the Core Strategy and Policy DM2 of the Local Plan Part 2.

#### **14.8 Other material considerations**

14.8.1 The proposed development needs to be balanced against the needs of the local community and elderly in accordance with the provisions of Policies CS8, CS13 and DM10. While it is recognised that provision of suitable accommodation for older people needs to be made, those needs must, again be balanced against other material considerations. The proposal is supported by a statement from Hampshire County Council (HCC) explaining why the former facility closed and why the site is now surplus to HCC requirements.

14.8.2 With regard to concerns raised by notified parties and consultees which are not addressed above, disruption caused by construction traffic and activity often arises as a consequence of new development and cannot be used as a reason for refusal in isolation. However, it will be a condition of any approval that a construction management plan is submitted, which will detail the access, parking and hours of operation arrangements for construction vehicles and workers and ensure that disruption to neighbours is minimised.

14.8.3 It is suggested that the proposal will require an emergency generator, which will cause noise. No details are submitted of any such equipment, although it is pointed out that as a residential institution falling under Class C2, the development would not benefit from any permitted development rights, so if such equipment is proposed in future, it will need to be the subject of a full and separate planning application, which would be notified to neighbours.

#### **14.9 Contributions Required as a Result of Development Proposed**

14.9.1 As a proposal for extra care housing for the elderly, the proposed development is considered to be a residential institution falling under Class C2 of the Use Classes Order, for which there is no Community Infrastructure Levy, Habitats Mitigation or affordable housing liability.

#### **14.10 Conclusion**

14.10.1 The proposed development has satisfied concerns raised over design, highways, drainage, residential amenity, trees and ecology, subject to the imposition of conditions. Amended plans in respect of requests to modify the ridge height of the building and to amend car parking arrangements have been submitted and have been neighbours. Consequently, if Members concur with the officer recommendation to

approve this application, it is requested that delegated authority be given to officers to issue the decision, subject to no new materials considerations being raised by notified parties between the Committee date and 25th January 2018.

- 14.10.2 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 and Building Control be **AUTHORISED TO GRANT PERMISSION** subject to:

- i) the receipt of no new material objections to the submitted amended plans before 25th January 2017
- 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: 15-31/00A - Location Plan , 15-31/101A - Proposed Site Block Plan, 15-31/102B - Proposed Site Plan , 15-31/103A - Ground Floor Plan, 15-31/104A - First Floor Plan, 15-31/105 -Second Floor Plan, 15-31/106 - Third Floor Plan, 15-31/107A - Roof Plan, 15-31/108A - South Elevation from Barrs Ave, 15-31/109A - East Elevation over the Boundary, 15-31/110A - North Elevation over the Boundary , 15-31/111A - West Elevation from Fernhill Ln, 15-31/112A - South & West Elevations , 15-31/113A - North & East Elevations and 15-31/118A - Streetscape Montage.

Reason: To ensure satisfactory provision of the development.



3. Before development commences, samples or exact details of the facing materials, roofing materials, fenestration materials, rainwater goods, window reveals and eaves details to be used or incorporated into the development 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 external works suggested in submitted layout drawings and before development commences, the details and final designs for landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :

- (a) the existing trees and shrubs which have been agreed to be retained;
- (b) a specification for new planting (species, size, spacing and location);
- (c) areas for footpaths, car parking and other hard surfacing and the materials to be used;
- (d) boundary treatments and 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 prevent inappropriate car parking to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

5. 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 (including signage) 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).

6. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions relating to contamination nos. 7 to 9 have been complied with.

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition no. 9 relating to the reporting of unexpected contamination has been complied with in relation to that contamination.

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

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

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

8. Where a remediation scheme has been approved in accordance with condition no. 7, the approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

9. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition no. 7, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

10. 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 in accordance with Policy CS24 of the Core Strategy for the New Forest District outside the National Park.

11. 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 provision within the site in accordance with Policy CS24 of the Core Strategy for the New Forest District outside the National Park.

12. 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.

13. Before use of the development is commenced the existing access from the site to Fernhill Lane shall be permanently stopped up and effectively closed with the verge reinstated, in accordance with details which have been submitted to and approved by the Planning Authority.

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

14. No development shall start on site until a construction method statement has been submitted to and approved in writing by the Planning Authority, which shall include:

- (a) A programme of and phasing of construction work;
- (b) The provision of long term facilities for contractor parking;
- (c) The arrangements for deliveries associated with all construction works;
- (d) Methods and phasing of construction works;
- (e) Access and egress for plant and machinery;
- (f) Protection of pedestrian routes during construction;
- (g) Location of temporary site buildings, compounds, construction material, and plant storage areas;

Demolition and construction work shall only take place in accordance with the approved method statement.

Reason: In order that the Planning Authority can properly consider the effect of the works on the amenity of the locality, in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

15. No development shall start on site until details of a scheme to prevent surface water from the site discharging on to the adjacent highway have been submitted to and approved in writing by the Planning Authority. The development works shall be carried out in accordance with the approved details before any part of the development is occupied and shall be retained thereafter.

Reason: To ensure adequate provision for surface water drainage and avoid discharge of water onto the public highway in accordance with Policy CS6 of the Core Strategy for the New Forest District outside the National Park

16. 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).

17. Before development commences details of the means of disposal of foul and surface water from the site and an implementation timetable shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved details.
- Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS6 of the Core Strategy of the New Forest District Local Plan First Alteration and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.
18. Before development commences details of the means of the future maintenance of the sustainable urban drainage system shall be submitted to and approved in writing by the Local Planning Authority. The maintenance arrangements must be confirmed to planning by the applicant prior to occupation of the development.
- 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.
19. The trees on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works of any kind in accordance with the measures set out in the submitted John Shutler Arboricultural Report dated 10/11/2017 and in accordance with the recommendations as set out in BS5837:2012.
- Reason: To safeguard trees and natural features which are important to the visual amenities of the area in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park
20. Prior to the commencement of the removal of any trees on site 3 working days notice shall be given to the Local Planning Authority Tree Officer to attend a site meeting and agree those trees to be removed as specified within page 12 of the John Shutler Arboricultural Report dated 10/11/2017
- Reason: To safeguard trees and natural features which are important to the visual amenities of the area in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park
21. Prior to the installation of the new surfacing, hardstanding and parking bays within the areas marked as no dig construction, 3 working days notice shall be given to the Local Planning Authority Tree Officer to attend site supervision of the installation of a cellular confinement system as detailed within Section 3.3.2, 3.3.3 and 3.3.4 of the John Shutler Arboricultural Report dated 10/11/2017

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

22. No development, demolition or site clearance of any kind shall take place until the following information has been submitted to and approved in writing by the Local Planning Authority:

1. Detailed engineers drawings and specifications for the construction of the no dig construction surfacing (Cellular confinement based system is required for all construction within root protection areas) Drawings are to include the method of edge retention for such a system and a construction method statement for its installation
2. Samples of the exact cellular confinement to be used for the above mentioned no dig construction
3. Location of contractors parking area within the site (Should be situated outside of all root protection areas)

Development shall only take place in accordance with these approved details.

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

23. The kitchen extraction system shall be installed, operated and maintained in accordance with the document entitled 'New Milton – Kitchen Extract Statement' carried out by Harniss Building Services Solutions' unless the prior written approval of the Local Planning Authority is forthcoming.

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

24. Prior to the commencement of development, details of biodiversity mitigation and enhancement, in respect of bats, nesting birds, amphibians, invertebrates, lighting and measures for any boundary treatments that might otherwise impede wildlife movement, shall be carried out by an appropriately qualified consultant and submitted to and approved in writing by the Local Planning Authority. The approved measures of mitigation and enhancement shall be implemented in accordance with an approved programme of works.

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

25. No development hereby permitted shall be occupied until a Full Travel Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the Travel Plan shall be implemented in accordance with the agreed details.

Reason: To ensure the development accords with sustainable transport policies, to reduce reliance upon the private motor car for access and in the interests of highway safety, in accordance with Policy CS24 of the Core Strategy for the New Forest District outside the National Park.

**Notes for inclusion on certificate:**

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

In this case the applicant sought the Council's pre-application advice on a similar form of development to that proposed. While the form of the proposal originally submitted was not considered to be acceptable, the subsequent submission of documents and amended plans were considered to be acceptable.

2. An extract of Southern Gas Networks mains records of the proposed work area is available to view on the Council's website for your guidance. This plan only shows the pipes owned by SGN in their role as a Licensed Gas Transporter (GT). Please note that privately owned gas pipes or ones owned by other GTs may be present in this area and information regarding those pipes needs to be requested from the owners. If they 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 accuracy of the information shown on this plan cannot be guaranteed. Service pipes, valves, siphons, stub connections etc. are not shown but you should look out for them in your area. Please read the information and disclaimer on these plans carefully. The information included on the plan is only valid for 28 days.

On the mains record you can see their 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 enclosed 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 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 plant.

Damage to their pipes can be extremely dangerous for both your employees and the general public. The cost to repair pipelines following direct or consequential damage will be charged to your organisation.

3. The County Highway Authority advise that as the proposals include the modification of the existing access onto the highway and a new length of footway linking with the northern side of Barrs Avenue that the applicant should be made aware of the requirement to carry out any works on the highway to the appropriate standard laid down by and under a licence agreement with the Highway Authority.
4. Southern Water advise that a formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

The results of an initial desk top study indicates that Southern Water currently cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the surface water sewerage system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the National Planning Policy Framework.

Alternatively, the developer can discharge surface water flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the surface water system. You will be required to provide a topographical site survey and/or a CCTV survey with the connection application showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed surface water flow will be no greater than the existing contributing flows.

The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. The applicant/developer should contact Southern Water, in order to progress the required infrastructure.

It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order:

1. Adequate soakaway or infiltration system
2. Water course
3. Where neither of the above is practicable sewer

Southern Water supports this stance and seeks through appropriate Planning Conditions to ensure that appropriate means of surface water disposal are proposed for each development. It is important that discharge to sewer occurs only where this is necessary and where adequate capacity exists to serve the development. When it is proposed to connect to a public sewer the prior approval of Southern Water is required. Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.



Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water.

**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

January 2018

Item No: 3a

Glendalyn  
Fernhill Lane  
New Milton  
16/11586  
SZ2495

Scale 1:1250

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



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**Application Number:** 17/11383 Full Planning Permission

**Site:** THE LILLIES, COOKS LANE, CALMORE, TOTTON SO40 2RU

**Development:** Development of 7 dwellings comprised 1 detached house; 3 pairs of semi-detached houses; car port; bin stores; bike stores; parking; landscaping; demolition of existing

**Applicant:** Clanfield Properties Ltd

**Target Date:** 20/12/2017

|                               |
|-------------------------------|
| <b>RECOMMENDATION:</b> Refuse |
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|                                   |
|-----------------------------------|
| <b>Case Officer:</b> Richard Natt |
|-----------------------------------|

## 1 REASON FOR COMMITTEE CONSIDERATION

Request of member of the Committee

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

#### Objectives

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

#### Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS10: The spatial strategy
- CS15: Affordable housing contribution requirements from developments
- CS24: Transport considerations
- CS25: Developers contributions

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

- DM2: Nature conservation, biodiversity and geodiversity
- DM3: Mitigation of impacts on European nature conservation sites

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

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

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

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

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

- 6.1 Dwelling, double garage and access onto Randall Close (2000/ 69884)  
Granted with conditions on the 13th October 2000.
- 6.2 3 dwellings and garages - new access onto Randall Close and Calmore Drive (2000/69033): Refused on the 16th June 2000
- 6.3 Development of 9 dwellings comprised 1 detached house, 1 pair of semi-detached houses, 2 terraces of 3 houses, car port, garages, bin stores, parking, landscaping - demolition of existing (17/10660)  
Withdrawn on the 25th July 2017

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

Totton and Eling Town Council: Recommend refusal. The application follows the previously withdrawn application for 9 dwellings back in the summer. That application was thought to be an extreme case of over-intensification of the site and this application is not much improved. The level of development is still very dense and completely inappropriate within its surroundings. The back-land development is not a character of the area and this development would harm the street scene of Cooks Lane, which is predominantly a spacious row of individual detached housing. The impact on neighbouring properties in Randall Close in particular would be fairly significant, while harm would also be done to neighbouring properties either side of the site given the close proximity. In general the application is a considerable way off being acceptable.

#### **8 COUNCILLOR COMMENTS**

Councillor Harrison: requests Committee consideration.

#### **9 CONSULTEE COMMENTS**

- 9.1 Hampshire County Council Highway Engineer: holding objection. Revised plans submitted and the Highway Authority have been re-consulted and their comments will be updated before committee
- 9.2 Ecologist: comments will be updated before committee
- 9.3 Land Drainage Engineer: no objection subject to condition

#### **10 REPRESENTATIONS RECEIVED**

- 10.1 8 letters of support. The proposals would bring much needed housing in the area. The site is sustainably located. The proposal is a well designed scheme.

- 10.2 21 letters of objection concerned that the proposed development is intensive and out of character. Noise and disturbance in quiet tranquil area. Impact on amenities. Impact on public highway safety and access. Impact on wildlife. Existing building has heritage value. Impact on flooding and sewage. Trees have previously been felled. Previously development of 3 houses was refused in 2000.

## **11 CRIME & DISORDER IMPLICATIONS**

No relevant considerations

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission, the Council will receive New Homes Bonus (net increase in dwellings £7344 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 £35,112.00.

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

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

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

This is achieved by

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

- When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

No pre application advice was sought and as there are concerns in principle with the proposal which cannot be addressed through amended plans, Officers have advised the applicants agent that the application will be presented at Committee.

## 14 ASSESSMENT

- 14.1 The application site extends to some 0.189 hectares and comprises an attractive detached 'Edwardian' style dwelling situated along a quiet cul de sac known as Cooks Lane to the north of Calmore. The existing property is set back from the road and has a large open grassed front garden with space for car parking to the front and side of the building. Other than a small tree, the front garden is completely open and not enclosed by any fence or boundary wall. To the side of the building there is a detached outbuilding which has the appearance of an old workshop or barn. The property benefits from one of the largest gardens in the locality, It backs onto Randall Close and in part wraps around the rear of the neighbouring garden of 'Downderry'.
- 14.2 This application proposes to demolish the existing dwelling and associated buildings and construct a development of 7 dwellings, comprising 1 detached house, 3 pairs of semi-detached houses, car port, bin and bike stores, parking and landscaping. The proposal would utilise the existing access from Cooks Lane and the layout would result in two buildings to the front of the site, comprising a pair of semi-detached houses and a detached dwelling, with the internal access running between the buildings leading to two pairs of semi-detached houses to the rear. Visually the proposed dwellings would rise to two storeys and be constructed from brick under tiled, hipped roofs.
- 14.3 The main issues in this case are the effect on the character and appearance of the area and on the living conditions of the adjoining neighbouring properties.
- 14.4 In assessing the effect on the character and appearance of the area, the site lies within the built up area but close to the countryside boundary, which lies on the opposite side of Cooks Lane. Cooks Lane is a quiet cul de sac of eleven detached dwellings, with a footpath on one side. The site lies on the southern side of Cooks Lane and there is a detached dwelling which lies on the north side of Cooks Lane along with a large care home which occupies the corner of Cooks Lane and Salisbury Road. About half of the northern side of Cooks Lane is an open field bounded by thick hedgerows and trees.
- 14.5 The dwellings on the southern side of Cooks Lane are all detached comprising bungalows, chalet style bungalows and two storey dwellings, all of which vary in design, style and character. The properties along the lane are relatively modern, and it is likely that the application property is the oldest. Dwellings are set well back from the road, with grass verges, hedgerows and low fences defining the front boundaries with the occasional tree. The rear garden to these properties back onto a 1970s development in Randall Close and Court

Close and there are some substantial tree groups in the rear gardens. In assessing the character of Cooks Lane, the set back of the dwellings, gaps between the buildings and long front and rear garden areas, provide a distinctive spacious and low density feel to the area. Moreover, the rear garden areas with their tree groups including the application site, form part of a large cumulative group of undeveloped gardens. Although there is the occasional outbuilding, the land is predominantly open and contributes to the character of the area. In addition, when standing in Cooks Lane views of the large backdrop of trees to the rear of the site can be greatly appreciated.

- 14.6 It is considered that the character of Cooks Lane greatly differs from the context of Randall Close and Court Close to the south of the site. It should be noted that the views of Randall Close and Court Close are rather limited in the summer months because of the trees. Randall Close and Court Close are a higher density 1970s cul de sacs in which property types and styles are fairly uniform and there is a collection of detached and terraced properties. Garden and plot sizes are considerably smaller and the area does not have the same spatial characteristics as the development in Cooks Lane. Properties are tightly grouped together with limited space and gaps between the buildings. To the south west of the site, in Calmore Drive, the dwellings were built in the 1970s where the building types and styles are fairly uniform. Although the dwellings are set back from and have their side elevation facing Calmore Drive, the buildings are tightly grouped together with small garden areas.
- 14.7 It is considered that the proposed development would not be contextually appropriate in this location and would result in a number of negative features which would be out of context with and harmful to the character of the area. It should be noted that in assessing the effect on the character of the area, the application site has a strong connection to Cooks Lane, rather than the land to the south at Randall Close and Court Close. This does not mean that the character of Randall Close and Court Close should be excluded from the assessment, but it does mean that the proposed development should respond more to the distinctive character of Cooks Lane.
- 14.8 The existing dwelling on the site is an attractive symmetrical building with bay windows and a chimney which, together with the open green frontage and space around the building, positively contribute to the character of the area. The loss of the existing building is unfortunate. Notwithstanding the loss of the existing dwelling, the proposal would also unacceptably encroach into part of the rear garden appearing in complete isolation from the established pattern of development, which is distinguished by large deep rear gardens and would result in housing within a backland position.
- 14.9 Current local and national policies recognise the importance of these green garden areas and the policies to protect these areas. There are no dwellings situated in a backland position in Cooks Lane and it is considered that the proposed development would result in an invasive development which would have a negative impact on the character of the area and would be at odds with the surrounding pattern of development characterised by dwellings fronting onto existing road networks.

- 14.10 The proposed development would also unacceptably detract from the rhythm of the lane, which is characterised by similar building widths, green front gardens and driveways leading to garages. When viewed from Cooks Lane, the frontage dwellings would be dominated by hardstanding to the front of the site, with little space for green front garden areas, together with a harmful and uncharacteristically long access road running between the two buildings. While some of the properties in Cooks Lane have long driveways, these serve garages and the proposed internal road would measure approximately 60 metres. It is also considered that the design of the dwellings to the front of the site is weak with their front protruding bay windows, roof canopy and small gables above the first floor windows. This adds weight to the negative impact of the development on the street scene.
- 14.11 In addition to the above concerns it is also considered that the proposed development is intensive, cramped and contrived. The proposed internal access road leads into a large and central area of hardstanding to serve a development of four dwellings. This central area of hardstanding used for parking and turning, together with footpaths, car ports and boundary treatment would create a stark and harsh layout. The proposed carport would encroach into the rear garden area of plot 1 and the proposed dwellings have been orientated at an angle, presumably to avoid overlooking to the neighbouring properties. The dwellings to the rear, are contrived and completely out of character with the dwellings in the area. The design quality of the dwellings to the rear of the site is also poor. Plots 4 and 5 are designed with deep side gables which would appear rather bland and plot 7 has been designed with an awkward roof form on its side elevation.
- 14.12 Overall in assessing the effect on the character and appearance of the area, it is considered that the proposed development is contextually inappropriate in this location and there are a number unacceptable design features in the design and layout which would result in a development that is both harmful to and out of character with the area. While it has been argued that the development seeks to reflect the higher density of development in Randall Close, it is considered that the proposed development would be seen as forming part of Cooks Lane and the proposed development has been laid out with little regard to Randall Close.
- 14.13 With regard to residential amenity, and in particular the neighbouring property to the north east at Elmleigh, the proposed dwellings on plots 2 and 3 would broadly be sited in the same position as the existing dwelling. It is noted that there is an attached garage to the side of Elmleigh and the proposal would bring two storey built form close to this property. Given the separation between the properties and that there is already an existing building, it is not considered that the proposal would unacceptably compromise the light or outlook of that neighbour. Two first floor side windows are proposed. However, as they are shown as bathrooms, it would be reasonable to impose a condition for these windows to be fitted with obscure glass to maintain a reasonable level of privacy.
- 14.14 Concerning the neighbouring property to the west at Downderry, the proposed dwelling on plot 1 would be sited close to this neighbouring property. There is a doorway and a first floor bathroom window on the side elevation that face the application site. While the proposed dwelling



would impact on these windows, given that they do not serve main habitable rooms, it is not considered to result in an acceptable impact. The proposed first floor on the side elevation is a bathroom and it would be reasonable to impose a condition for that window to be fitted with obscure glass to maintain a reasonable level of privacy.

- 14.15 The proposed dwellings to the rear of the site on plots 4-7 have been orientated and designed so as not to give rise to unacceptable overlooking to the neighbouring properties. The proposed first floor windows on the front elevations would face into the internal parking area and not into their gardens. No first floor windows are proposed on the side on plot 4 and the first floor window on the side elevation of plot 7 is shown to be glazed with obscure glass. The proposed distance of the proposed first floor windows to Nos 11 and 24 Randall Close is not ideal. However, the proposed windows would broadly face in the direction of the side elevation rather than the more sensitive rear garden area.
- 14.16 In terms of public highway safety matters, the proposed layout would provide sufficient car parking spaces which would accord with the Council's adopted car parking standards. Cooks Lane is a quiet cul de sac and it is not considered that the increase in the number of dwellings would prejudice public highway safety.
- 14.17 Concerns have been expressed in relation to foul and surface water and that the proposed development would exacerbate the problem. In relation to flooding and surface water drainage, the site lies in a low risk flood zone and the surface water drainage can be dealt with on site through the use of soakways. The foul drainage would go into the main sewer and there has been no evidence provided to demonstrate that there are capacity issues. It is considered that both surface and foul water drainage are technical matters that can be dealt with by condition.
- 14.18 Concerns have been expressed in relation to ecological matters. A detailed ecological report has been submitted with the application. The Ecologist is assessing the details and the comments will be reported before the meeting.
- 14.19 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 is currently unavailable. This situation will be addressed through the emerging local plan, but until the new Local Plan is adopted, paragraph 14 of the NPPF advises that planning permission for housing development should normally be granted unless any planning harm identified would "*significantly and demonstrably outweigh the benefits*". This is known as the 'tilted balance' in favour of sustainable development. In this case, it is considered that the adverse impacts of development set out above significantly and demonstrably outweigh the benefits and therefore the tilted balance in favour of granting permission does not apply.
- 14.20 In accordance with the Habitat Regulations 2010 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation

projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard.

- 14.21 In the light of recent changes to national planning policy, it is considered inappropriate to secure a contribution towards affordable housing in respect of schemes of 10 residential units or fewer. In essence, national planning guidance would now outweigh the Council's own policies on this particular issue.
- 14.22 In conclusion it is considered that the proposed development would not be contextually appropriate in this location and would be harmful to the character and appearance of the area. While it is not considered that the proposal would adversely impact on the living conditions of the adjoining neighbouring properties or public highway safety, the proposal would not be acceptable in character terms.
- 14.23 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.

## Section 106 Contributions Summary Table

| Proposal:                   |                  |        |                              |            |
|-----------------------------|------------------|--------|------------------------------|------------|
| Type of Contribution        | NFDC Requirement | Policy | Developer Proposed Provision | Difference |
| <b>Affordable Housing</b>   |                  |        |                              |            |
| No. of Affordable dwellings | 0                |        | 0                            | 0          |
| Financial Contribution      | 0                |        | 0                            | 0          |
| <b>Habitats Mitigation</b>  |                  |        |                              |            |
| Financial Contribution      |                  |        |                              |            |

## CIL Summary Table

| Type            | Proposed Floorspace (sq/m) | Existing Floorspace (sq/m) | Net Floorspace (sq/m) | Chargeable Floorspace (sq/m) | Rate    | Total        |
|-----------------|----------------------------|----------------------------|-----------------------|------------------------------|---------|--------------|
| Dwelling houses | 570                        | 171                        | 399                   | 399                          | £80/sqm | £38,426.77 * |

|                |            |
|----------------|------------|
| Subtotal:      | £38,426.77 |
| Relief:        | £0.00      |
| Total Payable: | £38,426.77 |

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

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

Where:

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

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

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

## 15. RECOMMENDATION

### Refuse

#### Reason(s) for Refusal:

1. The proposed development would be inappropriate to its context and would be detrimental to local distinctiveness because:-
  - a) the proposal would unacceptably encroach into the garden area which would constitute an uncharacteristic backland development that would be materially out of keeping with the typical pattern and form of other development in Cooks Lane.
  - b) the proposal would appear as an intensive, harsh and contrived layout, dominated by built form, extensive areas of hardstanding for car parking and a long uncharacteristic internal access road with limited space for any meaningful soft landscaping and front gardens, which would result in a harsh and unreasonably poor appearance in the street scene.
  - c) by virtue of the deep wide gables to plots 4 and 5, awkward roof forms to plots 6 and 7 and front protruding canopies to plots 1, 2 and 3, the proposed dwellings would be of an unsympathetic and poor design quality.

As such the proposal would detract from the character and appearance of the area, contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

**Notes for inclusion on certificate:**

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

No pre application advice was sought and as there are concerns in principle with the proposal which cannot be addressed through amended plans, Officers have advised the applicants agent that the application will be presented at Committee.

2. This decision relates to amended / additional plans received by the Local Planning Authority on the 11th December 2017.

**Further Information:**

Richard Natt

Telephone: 023 8028 5588



# New Forest DISTRICT COUNCIL

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

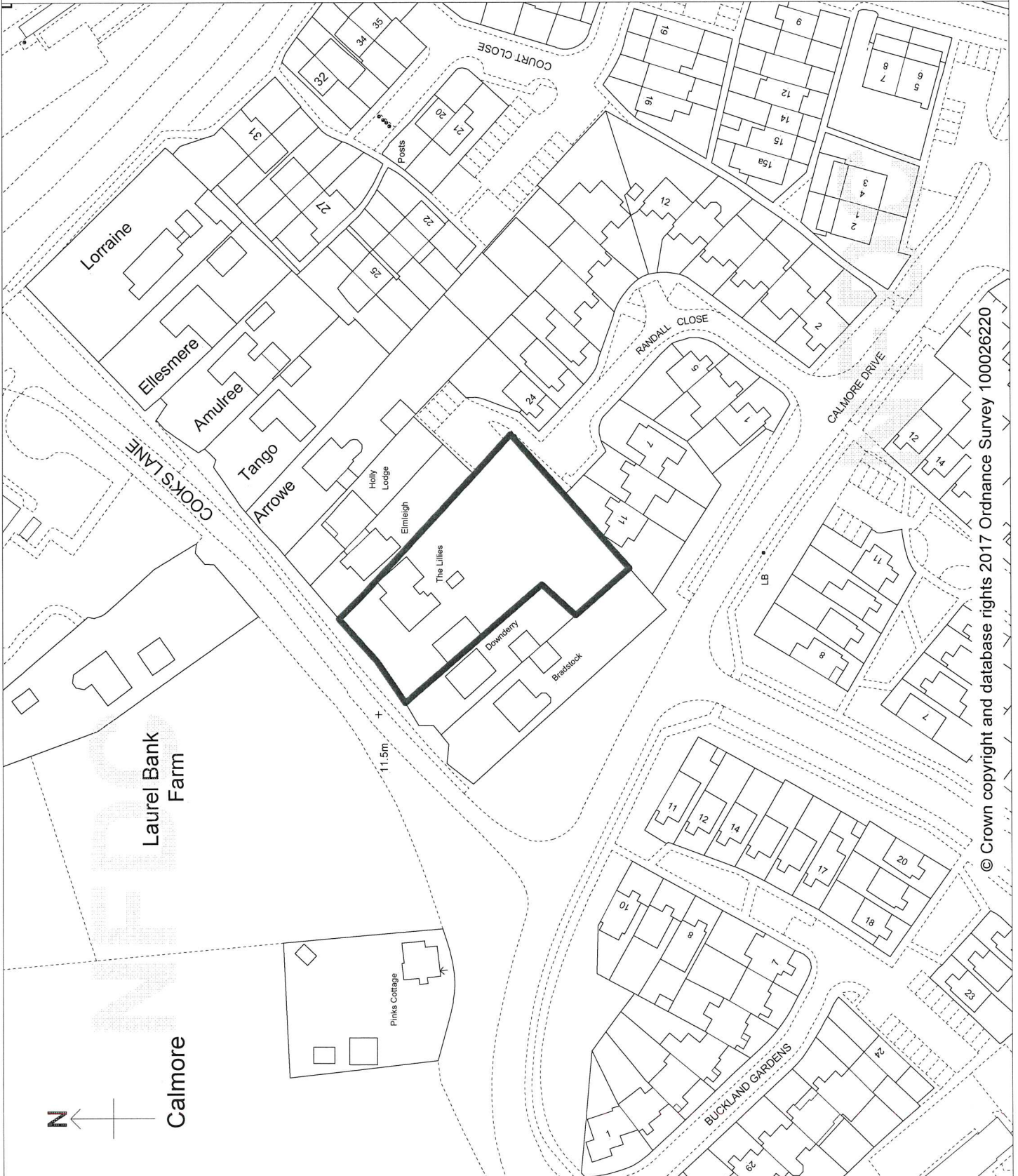
David Groom  
Service Manager  
Planning and Building Control  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

Planning Development  
Control Committee  
January 2018

Item No: 3b  
The Lillies  
Cooks Lane  
Calmore Totton  
1711383  
SU3414

Scale 1:1250

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



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**Application Number:** 17/11414 Outline Planning Permission

**Site:** LAND ADJACENT GODWINS MEDE, POPLAR LANE,  
BRANSGORE BH23 8JE

**Development:** 8 dwellings comprised 1 pair of semi-detached houses; 6 detached houses; parking (Outline application with details only of access, layout and scale)

**Applicant:** AJ Developments

**Target Date:** 08/12/2017

|  |
|--|
| <b>RECOMMENDATION:</b> Grant Subject to Conditions |
|--|

|                                   |
|-----------------------------------|
| <b>Case Officer:</b> Richard Natt |
|-----------------------------------|

## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council View

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area  
Adjacent to New Forest National Park Authority  
Adjacent to Site of Importance for Nature Conservation

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

#### Objectives

1. Special qualities, local distinctiveness and a high quality living environment
3. Housing
5. Travel
6. Towns, villages and built environment quality
8. Biodiversity and landscape

#### Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS10: The spatial strategy
- CS24: Transport considerations
- CS25: Developers contributions

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

- DM1: Heritage and Conservation
- DM2: Nature conservation, biodiversity and geodiversity
- DM3: Mitigation of impacts on European nature conservation sites

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

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

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

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

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

7 dwellings, 6 garages, car port, parking, landscaping (17/10861) Granted with conditions on the 27th September 2017

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

Bransgore Parish Council: The Parish Council remains concerned about the impact of this development on the character and identity of the area and is not sympathetic to the street scene contrary to Policy CS2. This proposal to increase the density from that approved by the local planning authority for 7 dwellings is an unacceptable intensification and will adversely affect the nearby properties. Concern relating to car parking should also be taken into account.

#### **8 COUNCILLOR COMMENTS**

None

#### **9 CONSULTEE COMMENTS**

- 9.1 Hampshire County Council Highway Engineer: No objection subject to condition
- 9.2 Ecologist: The increase in units is likely to result in an increase in pressure on the sensitive woodland edge by nature of the cramped layout and subdivision of the plot. There is a preference for the previous layout and would not support the proposal in this form.
- 9.3 Tree Officer: No objection subject to condition
- 9.4 Environmental Health (historic land use): No objection subject to condition. The site is currently 'wasteland' and it is unknown how it has been used previously including potential dumping of waste or other potential contaminating material. A desktop study and preliminary risk assessment is required in the first instance to identify any potential source-pathway-receptor linkages to ensure the site is safe and suitable for the proposed sensitive use (i.e residential with gardens).
- 9.5 Land Drainage: No objection subject to condition - see comments under planning application reference 17/10861
- 9.6 Hampshire County Council Lead Local Flood Authority: See comments on planning application reference 10861



## **10 REPRESENTATIONS RECEIVED**

Five letters of objection concerned that the proposed development is not contextually appropriate in this location and the proposal to increase the number to 8 would increase the density and result in further implications for Poplar lane. The proposal would lead to a more cramped form of development and would intensify development adjacent to the woodland, in which there are protected Oak Trees. Impact on parking/ lack of parking. Impact on public highway safety Impact on the living conditions of the adjoining neighbouring properties. If 8 dwellings are approved, what is stopping the applicant proposing 9. Concern over contamination.

## **11 CRIME & DISORDER IMPLICATIONS**

No relevant considerations

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission, the Council will receive New Homes Bonus £9792 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 £87,938.40.

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

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

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

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
- Advising agents/applicants early on in the processing of an application (through the release of a Parish Briefing Note) as to the key issues relevant to the application.
- Updating applicants/agents of issues that arise in the processing of their applications through the availability of comments received on the web or by direct contact when relevant.
- Working together with applicants/agents to closely manage the planning application process to allow an opportunity to negotiate and accept amendments on applications (particularly those that best support the Core Strategy Objectives) when this can be done without compromising government performance requirements.

- Advising applicants/agents as soon as possible as to concerns that cannot be dealt with during the processing of an application allowing for a timely withdrawal and re-submission or decision based on the scheme as originally submitted if this is what the applicant/agent requires.
- When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

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

## 14 ASSESSMENT

- 14.1 The application site extends to approximately 0.33 hectares in size and is a roughly square shaped area of open land situated along the eastern side of Poplar Lane. The site has a width of around 63 metres and a depth ranging from 50-70 metres. In the past, the site contained a mixture of trees set behind a hedgerow running parallel to Poplar Lane, but the land has now been cleared and currently contains scrub, gorse, logs and the occasional scattered tree. There are no buildings or structures and the vegetation has been cut to near ground level within the site. The site slightly rises from Poplar Lane on the west to the woodland on the east.
- 14.2 It is not entirely clear what the land was previously used for, but it is understood to have formed part of a nursery which included land to the north that now forms the housing development in Blackbird Way and Cuckoo Hill Way. The site lies within the built up area with the eastern boundary immediately abutting land within the New Forest National Park, which comprises mature woodland. A large part of the woodland is now designated as a Site of Importance for Nature Conservation (SINC), but it should be noted that the SINC does not directly bound the application site.
- 14.3 This current application follows a recent planning permission granted on this site for 7 dwellings, 6 garages and car port under planning reference 17/10861. No works have commenced to implement that permission. This application has been made in outline and proposes 8 dwellings comprised of 1 pair of semi-detached houses, 6 detached houses and parking. The outline application relates to details of access, scale and layout. The application is accompanied by a site layout plan, a front elevation plan and floor plans of plots 5 and 6 and details of the car port. In terms of the scale of the buildings, apart from plot 5, the other dwellings would be the same height as that approved under 17/10861.
- 14.4 The current application is essentially to create an additional dwelling on the site. which would be achieved through creating a pair of semi-detached houses instead of a detached dwelling on plot 5 which is sited to the south west corner behind the frontage dwellings. In comparison to the previous permission, the additional dwelling on the site would increase the level of hardstanding to the rear of the site and would decrease the level of greenery and front gardens. The car port would increase in size from the 3 bays previously approved to 4 bays. The proposed pair of semi-detached dwellings would have smaller rear garden areas compared to the previously approved dwelling.

- 14.5 The main issues in this case are whether the increase in the number of dwellings on this site from 7 to 8 would lead to an unacceptable impact on the character and appearance of the area, the living conditions of the adjoining neighbouring properties, public highway safety or ecological matters.
- 14.6 In assessing the effect on the character and appearance of the area, it is considered unfortunate that this current application now seeks to add a further dwelling. The previously approved layout provided a spacious form of development with plenty of greenery and good sized garden areas. It was also felt important to create a more spacious plot immediately adjacent to the woodland area.
- 14.7 However, while the proposed changes are unfortunate, the extent of changes to the layout of the site are relatively minor. Front garden areas would still be provided to plots 5 and 6, which would maintain some greenery in front of the dwellings and the extent of the front garden area lost to plot 7 is relatively small. Although the garden areas to plots 5 and 6 are smaller, both properties would incorporate rear garden areas at least 13 metres deep. The footprint of the proposed building on plots 5 and 6 would be similar in size to the approved dwelling and an illustrative drawing has been provided showing a traditional design which would be appropriate.
- 14.8 While the Ecologist and the representations received have raised concerns that the proposal would increase the density of the development adjacent to the woodland edge, the building would broadly be the same size and on the same footprint as the previously approved dwelling. The main difference is that plot 6 would have a smaller garden area adjacent to the woodland edge. This is not ideal, however, the tree officer does not raise any objection on tree grounds and plot 6 would still maintain a 14 metre long garden area. In the absence of any evidence to demonstrate the harm, a reason for refusal on these grounds could not be substantiated on appeal.
- 14.9 It is not anticipated that the proposal would adversely impact on the living conditions of the adjoining neighbouring properties. Given the minor changes in the size of the building, it is not considered that the proposal would materially increase overlooking to Godwins Mede. The positioning of windows is a matter to be considered as part of the reserved matters application, however, the illustrative plan of plots 5 and 6 shows roof lights on the roof elevation facing Godwins Mede.
- 14.10 It should be noted that while concerns have been raised in relation to the relationship of the other previously approved plots, given that the only changes in this current application relate to plots 5 and 6, it would not be reasonable to re-consider these issues. In addition, the concerns in relation to drainage, flooding and contamination were dealt with in the previous application.
- 14.11 The proposed layout shows two car parking spaces to be provided for plots 5 and 6, which is considered to broadly comply with the Council's adopted car parking standards. The Highway Authority does not raise any objections to the proposal.

- 14.12 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 is currently unavailable. This situation will be addressed through the emerging local plan, but until the new Local Plan is adopted, paragraph 14 of the NPPF advises that planning permission for housing development should normally be granted unless any planning harm identified would *"significantly and demonstrably outweigh the benefits"*. This is known as the 'tilted balance' in favour of sustainable development. In this case, it is considered that the adverse impacts of development set out above do not significantly and demonstrably outweigh the benefits and therefore the tilted balance in favour of granting permission is a material consideration in assessing this application.
- 14.13 In accordance with the Habitat Regulations 2010 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard.
- 14.14 In the light of recent changes to national planning policy, it is considered inappropriate to secure a contribution towards affordable housing in respect of schemes of 10 residential units or fewer. In essence, national planning guidance would now outweigh the Council's own policies on this particular issue.
- 14.15 In conclusion, given that planning permission for 7 houses has already been approved on this site, it is considered that the additional house would not result in an adverse impact on the character and appearance of the area or the living conditions of the adjoining neighbouring properties. While the proposed changes to the layout are unfortunate, a reason for refusal on these grounds could not be substantiated on appeal. The Highway Authority do not raise any objections to the increase in the number of dwellings or the level of parking provision.
- 14.16 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

## Section 106 Contributions Summary Table

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

## CIL Summary Table

| Type                  | Proposed Floorspace (sq/m) | Existing Floorspace (sq/m) | Net Floorspace (sq/m) | Chargeable Floorspace (sq/m) | Rate    | Total        |
|-----------------------|----------------------------|----------------------------|-----------------------|------------------------------|---------|--------------|
| Dwelling houses       | 999.3                      |                            | 999.3                 | 999.3                        | £80/sqm | £96,240.28 * |
| <b>Subtotal:</b>      | £96,240.28                 |                            |                       |                              |         |              |
| <b>Relief:</b>        | £0.00                      |                            |                       |                              |         |              |
| <b>Total Payable:</b> | £96,240.28                 |                            |                       |                              |         |              |

\* 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:

- Approval of the details of the appearance and landscaping ("the reserved matters") shall be obtained from the Local Planning Authority before any of the development is commenced. The development shall only be carried out in accordance with the details which have been approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.  
  
Reason: To comply with Section 92 of the Town and Country Planning Act 1990.
3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the 'reserved matters' to be approved.  
  
Reason: To comply with Section 92 of the Town and Country Planning Act 1990.
4. The development permitted shall be carried out in accordance with the following approved plans: 8827/400 Rev E, 8827/400.  
  
Reason: To ensure satisfactory provision of the development.
5. 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.
6. 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).
7. The development hereby permitted shall not be occupied until the spaces shown on plan 8827/400 Rev E for the parking and garaging of motor vehicles have been provided. The spaces shown on plan 8827/400 Rev E for the parking and garaging]or motor vehicles shall be retained and kept available for the parking and garaging of motor vehicles for the dwellings hereby approved at all times.  
  
Reason: To ensure adequate parking provision is made in the interest of highway safety and in accordance with Policy CS2 and CS24 of the Local Plan for the New Forest outside of the National Park (Core Strategy).

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

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

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

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

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

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

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

10. The trees on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted Arboricultural Impact Assessment & Arboricultural Method Statement (GHJ1776.1) and Tree Protection Plan (GH1676.1b) and within the recommendations as set out in BS5837:2012.

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

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any re-enactment of that Order) no means of hardsurfacing otherwise approved by Classes F of Part 1 of Schedule 2 to the Order, or fence, wall or means of enclosure otherwise approved by Class A or means of access to Poplar Lane approved by Class B of Part 2 of Schedule 2 to the Order shall be created, constructed, carried out or erected between the front elevations of the hereby approved dwellings identified as plots 1, 2 and 3 and Poplar Lane without express planning permission first having been granted.

Reason: To safeguard the retention of the hedgerow, trees and greenery along Poplar Lane which is a locally distinctiveness feature which makes a positive contribution to the semi rural character of the area in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

12. Prior to the commencement of development, including site clearance and reptile translocation, further details of biodiversity mitigation, compensation and enhancement shall be submitted to, and approved in writing by the Local Planning Authority. These shall include measures as outlined in the Phil Smith Ecology Report dated July 2017 together with the additional details to provide offset for losses of vegetation and wetland habitat. Moreover, prior to the commencement of development, including site clearance, a Construction Environmental Management Plan, to include the measures set out in the Phil Smith Ecology Report dated July 2017 shall be submitted to, and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the details and recommendations as approved in the strategy with any amendments agreed in writing. Thereafter, unless otherwise agreed in writing by the Local Planning Authority, the mitigation measures shall be permanently maintained and retained in accordance with the approved details.

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



13. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions relating to contamination no 14 to 16 have been complied with.

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 17 relating to the reporting of unexpected contamination has been complied with in relation to that contamination.

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

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

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

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

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

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

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM5 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

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

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM5 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

17. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 13, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 14, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 15.

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

18. A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period as stated in the remediation scheme, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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

**Notes for inclusion on certificate:**

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

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

2. In discharging condition No.9 above, the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/>

**Further Information:**

Richard Natt

Telephone: 023 8028 5588



**New Forest**  
DISTRICT COUNCIL

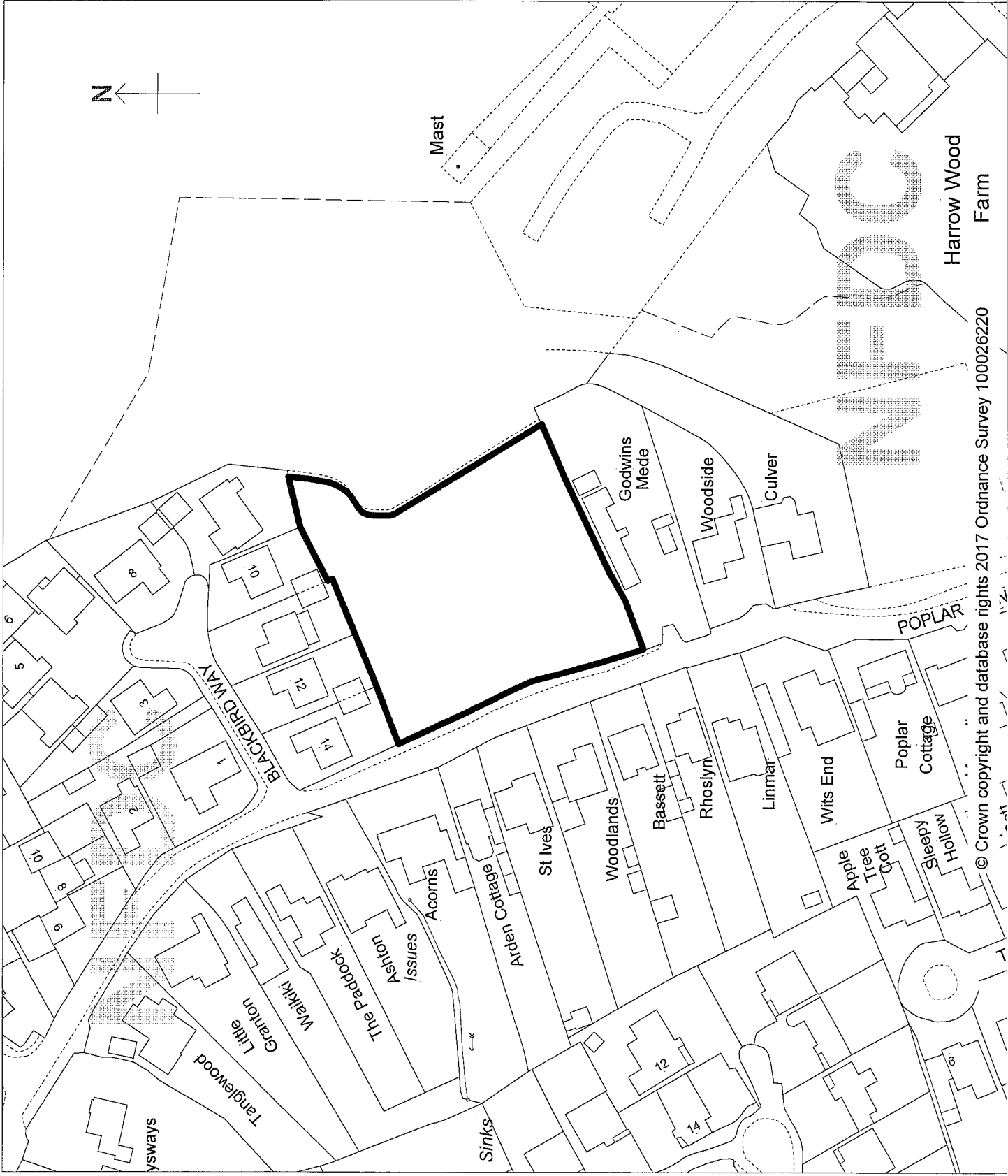
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David Groom  
Service Manager  
Planning and Building Control  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

**Planning Development  
Control Committee**  
January 2018

**Item No: 3c**  
Land adj. Godwins Mede  
Poplar Lane  
Bransgore  
17/11414  
SZ1997

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**Application Number:** 17/11517 Variation / Removal of Condition

**Site:** THE SALVATION ARMY, ROUNDHILL, FORDINGBRIDGE  
SP6 1AQ

**Development:** Glazed shelter (Variation of condition 1 of planning permission  
16/11076 to allow the continued use until 30th October 2020)  
(Retrospective)

**Applicant:** The Salvation Army

**Target Date:** 25/12/2017

|                               |
|-------------------------------|
| <b>RECOMMENDATION:</b> Refuse |
|-------------------------------|

|                                   |
|-----------------------------------|
| <b>Case Officer:</b> Richard Natt |
|-----------------------------------|

## 1 REASON FOR COMMITTEE CONSIDERATION

Request of Member of the Committee, Contrary to Councillor and Town Council view.

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Adjacent listed building  
Conservation Area  
Primary Shopping Area  
Town Centre Boundary  
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
9. Leisure and recreation

#### Policies

CS2: Design quality  
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)  
CS8: Community services and infrastructure  
CS10: The spatial strategy

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

DM1: Heritage and Conservation

#### **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 - Fordingbridge Town Design Statement  
SPG - Fordingbridge - A Conservation Area Appraisal

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

Glazed shelter - retrospective (16/11076) Grant temporary permission on the 31st October 2016

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

Fordingbridge Town Council: recommend permission. The Council strongly support the retention of the shelter as it is useful to the users of the hall and currently has no adverse impact on the character of the area.

#### **8 COUNCILLOR COMMENTS**

8.1 Councillor A Sevier: requests that the application is considered by the Planning Committee. This is a Conservation Area and an exception would be required. Public opportunity to explain the need for the application.

8.2 Councillor Matcham: support. The Salvation Army provide an invaluable service to the Fordingbridge community. Unfortunately access to the hall for pushchairs is not available because of the steps. The hall is situated next to the car park entrance which is a notorious hang out for some of the more mischievous youths of Fordingbridge. To try to prevent the buggy store from being vandalised or used for other activities, it is designed to be durable and transparent. The transparent nature means that it does not have a huge impact on the aesthetics of the area.

#### **9 CONSULTEE COMMENTS**

Conservation Officer: recommends refusal. As proposed, the shelter cannot be supported due to the harm created by its poor quality design and materials.

#### **10 REPRESENTATIONS RECEIVED**

6 letters of support. The shelter is located in a discrete location and enhances the area. It provides a secure location to hold buggies and bikes. Good use of a waste of space. Important facility.

#### **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.

No pre application advice has been sought and there are concerns in principle with the proposed shelter. Officers are happy to work with the applicant to look at alternative designs, however, the applicant is keen to retain the existing structure on the site for a further 3 years.

### 14 ASSESSMENT

- 14.1 This is a retrospective planning application for the retention of a polycarbonate, steel framed shelter until the 30th October 2020. The shelter has been constructed in a small recess between two buildings on the frontage of Round Hill in the Fordingbridge Conservation Area. The shelter is currently used in association with the Salvation Army hall and the structure is set back from the street sited on a paved area bounded on one side by a single side flank elevation of the neighbouring property. The shelter is necessary to provide members of the local community using the Salvation Army hall with a place to store pushchairs that is both secure and weather proof.
- 14.2 In terms of the history of the site, the shelter was erected back in May 2016 without the benefit of planning permission. Following an Enforcement investigation, a planning application was submitted for the retention of the structure under reference 16/11076. The application was only given a temporary permission of 1 year which expired on the 30th

October 2017. In considering the application, Officers accepted that there was a need for the facility, however, concerns were raised that the use of a polycarbonate material, while clear and transparent, would be prone to discolouration with sunlight and accordingly its appearance was likely to deteriorate in time, to the detriment of the character and appearance of the Conservation Area and adjacent listed buildings.

- 14.3 Officers felt that a temporary period of 1 year would be appropriate to give the applicant sufficient time to come up with a number of alternatives for consideration, or even look to reposition the structure in the rear garden. It was advised that at the end of the one year permission, further temporary permissions or permanent consents would not be supported by Officers.
- 14.4 This current application essentially seeks to retain the structure until October 2020, which is for a further 3 years. In support of the application, it is stated that there is still a need for the shelter because the hall continues to be used seven days a week for a range of activities including toddlers groups, family events, lunch groups, youth clubs, worship services, prayer groups and meetings for senior citizens. The supporting statement explains that there is a need for the structure to be transparent. The area around the site experiences a high level of substance use and by installing a see through structure, this will help deter criminal and anti social activities. The statement goes on to say that the structure is in good condition and claims that there is a guarantee that it would be suitable to remain on site for more than 5 years.
- 14.5 In assessing this application and the case put forward, there is clearly a need for the facility and previous advice was given for a better design of shelter. A number of examples were provided by Officers and a period of time was allowed for the applicant to remedy the poor quality design. This application, which simply seeks to extend that time, has not given any thought to addressing the design and heritage concerns. There is no information that other options have been explored and accordingly, there are concerns that in extending this permission for a further period of time, the applicant will not come up with any permanent solutions and the local authority will effectively be accepting the harm caused.
- 14.6 In assessing the impact on the character and appearance of the Conservation Area and setting of the listed building, there is a need for this structure for users of the hall, but in general, this sort of facility is normally provided to the rear of buildings or within courtyards. However, while the site has a reasonably sized rear outside space, it would appear that the access for buggys to the rear is inadequate and, accordingly, the front of the site, looking onto Roundhill, is the only possible option.
- 14.7 Due to the prominent location, the shelter is readily visible, and the design and appearance is critical. Using black steel framing on the shelter does help blend with the darker timber cladding and fascia boards on the hall building, as well as the black metal framing generally used as the street furniture in the area. However, it is considered that the use for a polycarbonate cladding does not meet the general design requirements expected within a sensitive heritage location. Polycarbonate material is highly prone to scratching and discolouring when exposed to sunlight. This does appear as a rather 'off the peg' solution rather than a shelter which has been designed to reflect the quality of buildings and streetscape it is located in.



- 14.8 Overall there is support for a shelter in this location but the design and materials would need to be improved significantly to meet the design policies and quality of construction expected within the conservation area and close to Listed Buildings. Something that is more robust and with the use of improved materials, such as timber, would create an intervention than could potentially be supported. Whilst it is only proposed to continue to site the structure for a further 3 years, unfortunately, this cannot be supported by Officers.
- 14.9 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that 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 the VARIATION of CONDITION**

#### **Reason(s) for Refusal:**

1. By reason of its design, appearance and use of the polycarbonate material, the continued use and retention of the existing shelter for a further period of time is not acceptable or appropriate in this sensitive location, and consequently would be harmful to the character and appearance of the Conservation Area and setting of nearby listed buildings. For this reason the proposed development would be contrary to Policies CS2 and CS3 of the Core Strategy for New Forest District outside the National Park and Policy DM1 of the Local Plan Part 2 Sites and Development Management Document.

#### **Notes for inclusion on certificate:**

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

No pre application advice was been sought and there were concerns in principle with the proposed shelter. Officers are happy to work with the applicant to look at alternative designs, however, the applicant was keen to retain the existing structure on the site for a further 3 years.

#### **Further Information:**

Richard Natt  
Telephone: 023 8028 5588



# New Forest DISTRICT COUNCIL

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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

January 2018

Item No: 3d

The Salvation Army  
Roundhill  
Fordingbridge  
17/11517  
SU1414

Scale 1:1250

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**Application Number:** 17/11520 Full Planning Permission

**Site:** NORTH END COTTAGE, NORTH END, DAMERHAM,  
FORDINGBRIDGE SP6 3HA

**Development:** Single storey rear extension; porch

**Applicant:** Mr & Mrs Simmons

**Target Date:** 26/12/2017

**RECOMMENDATION:** Refuse

**Case Officer:** Julie Parry

## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary view to Parish Council view.

## 2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Constraints

Aerodrome Safeguarding Zone  
Area of Outstanding Natural Beauty  
Plan Area  
Meteorological Safeguarding  
Groundwater Protection Zone  
Flood Zone

Conservation Area: Damerham Conservation Area

### Plan Policy Designations

Countryside outside the New Forest

### National Planning Policy Framework

NPPF Ch. 7 - Requiring good design  
NPPF Ch. 12 - 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 - Residential Design Guide for Rural Areas

### 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 |
|--|---------------|-------------------------------|---------|--------------------|
| 16/11664 Single-storey rear extension; use of first floor as bedroom, breach of Condition 2 of Planning Permission 73027 (Lawful Use Certificate for retaining an existing use or operation) | 31/01/2017    | Was Lawful                    | Decided |                    |
| 16/10642 Single-storey rear extension; use of first floor as bedroom, breach of Condition 2 of Planning Permission 73027 (Lawful Use Certificate for retaining an existing use or operation) | 12/08/2016    | Was Not Lawful                | Decided |                    |
| 01/73027 Single storey additions   | 16/04/2002    | Granted Subject to Conditions | Decided |                    |

### 5 COUNCILLOR COMMENTS

No comments received

### 6 PARISH / TOWN COUNCIL COMMENTS

**Damerham Parish Council:** propose to recommend permission under option 3 with the following comments:-

- The Parish Council support this application as due to the lean-to being removed (area of 19.2 sq.m), there is no increase in habitable floorspace as the proposed extension is 19.2 sq.m.
- Additionally, the removal of the lean-to will result in the exposure of an original feature wall, enhancing the conservation status.

### 7 CONSULTEE COMMENTS

7.1 **Ecologist:** no objection. The ecological information submitted is suitable and confirms that there is minimal opportunity for the presence of bat species. Given the limited scale of the proposed development I am minded that other biodiversity considerations are not significant in policy terms.

- 7.2 **Natural England:** no comment but refer to their standing advice on protected species.
- 7.3 **Environment Agency :** comments awaited.
- 7.4 **Tree Officer:** no objection subject to a condition in respect of the submission and approval of a tree protection plan, method statement and foundation drawings.
- 7.5 **Conservation Officer :** not able to support this scheme as the proposed scheme would unbalance the building giving undue emphasis to the rear elevation. It would create a sprawl of built environment to the detriment of the Conservation Area

## **8 REPRESENTATIONS RECEIVED**

One letter of support from neighbour at Vicarage Moor Cottage stating that the proposed kitchen extension does not seem excessive and they do not believe it would have a negative impact on the appearance of the cottage or the rural setting.

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

The applicant did not use the Pre-application advice service available from the Council. The Officer's initial briefing was published on the Council's website which indicated some of the Case Officer's concerns with the proposal. Given the scale of the proposal and the issues raised there was no opportunity for the applicant to amend the application within the Government's time scale for decisions. No request to withdraw the application was received.

## **12 ASSESSMENT**

- 12.1 The property is a detached non listed mainly thatched cottage located in a rural area which is designated as Countryside outside the New Forest Area of Outstanding Natural Beauty and within the Damerham Conservation Area.

- 12.2 The main considerations in this case are whether the proposals are in accordance with Policy DM20 which restricts the incremental increase in floorspace of properties within the countryside, the impact on the existing property, street scene, conservation area and countryside as well as implications for trees and protected species.
- 12.3 As the property is located within an area designated as Countryside outside the New Forest and to safeguard the long term future of the countryside the Local Planning Authority considers it important to resist the cumulative effect of significant enlargements being made to rural dwellings. Policy DM20 of the Local Plan Part 2, Sites and Development Management Plan, seeks to limit the increase of floorspace allowed to 30% from the floorspace in July 1982.
- 12.4 There have been a number of previous additions to the cottage since 1st July 1982. The original floorspace of the cottage pre 1982 was 89.25 sq. m and therefore a 30% increase would be 29.75 sq. m.

Following planning permission in 2001 (01/73027) the dwelling was extended to the side and rear at ground floor (shown as the sitting room and kitchen on the existing plans). A detached garage permitted at that time was never built. This increased the floorspace by 25.15 sq. m (28.17%).

The 2001 planning permission restricted the use of the first floor as living accommodation however this was altered over the years and further additions made to the rear (shower and passage). The elements to the rear were constructed in 2003 without the benefit of planning consent and they added a further 19.3 sq. m to the floorspace. While these elements did not gain planning permission at the time they were deemed lawful via a Lawful Development Certificate in 2016 as the extensions had been in place for more than 4 years and the use of the first floor (in breach of condition) had taken place more than 10 years before.

The current proposals would result in the loss of the small rear addition constructed in 2003 (19.3 sq m) and would entail an additional floorspace of 16.65 sq m and so there would be no net increase in floorspace over and above that currently on site.

- 12.5 From the information provided and looking at our records of previous additions the proposed extension would result in the overall net increase in floorspace from 1982 of 41.8 sq m - which is a 46% increase on the original floorspace and as such would be contrary to Policy DM20. The floorspace within the first floor has been disregarded in this calculation as it falls within the original envelope of the building. It is acknowledged that by removing the small additions to the rear the proposed extension would not result in a net increase in current floorspace, however these small additions were originally built without planning permission and the cumulative increase in floorspace from previous additions would still result in an unacceptable increase compared to how the property was originally built and more specifically how it stood in July 1982.
- 12.6 Positioned with the side of the property facing the highway, the rear of the property is visible from the road behind the high fences on the boundary. The neighbouring properties are varied in size and design, with some being listed buildings. The neighbouring property to the north, Westfield, has a large outbuilding built close to the front boundary. The position of the proposed extension in relation to this neighbour would mean that there is no amenity impact.

- 12.7 The Conservation Officer has commented that North End Cottage is a non listed building that contributes positively to the character of the Damerham Conservation Area. The form, scale and mass of this building as well as its traditional appearance, make it an asset to the area. Its original form can still be appreciated and understood. The removal of the existing rear extensions would have a positive impact upon the character of the cottage as it would reveal the original rear wall of the building and would allow for the original form of the building to be fully understood.
- 12.8 The proposed scheme seeks a new large rear extension which would be excessive in additional depth of 4.8 metres, and with a height of 5.3 metres make it disproportionate to the main dwelling, unbalancing the building. It would give undue emphasis to the rear elevation and dominance of the building when viewed from the street scene, which would be at odds with the character of the area, and block views across to the trees in the distant landscaping. As such it would create a more enclosed street scene, resulting in a detrimental impact upon the character of the Conservation Area.
- 12.9 The new rear porch would be constructed in a fashion that responds to one of the characteristics of traditional buildings in this area. No objection is raised to this part of the proposal subject to the submission of further construction drawings to ensure that details are consistent with the traditional designs found in the area. The fenestration re-arrangement is not of concern, but any agreed scheme would need to have a joinery condition attached.
- 12.10 There are a number of trees in the curtilage of the property with a good level of public amenity value. The trees are protected by virtue of being located within a Conservation area. The most prominent of these trees is a Scots Pine growing on the north westerly boundary next to the entrance to the property.
- 12.11 The proposed demolition and construction have the potential to cause undue harm to this tree and other smaller trees and currently no arboricultural information has been submitted with the application. However, the Arboricultural Officer has no objection subject to a condition in respect of the submission and approval of a tree protection plan, method statement and foundation drawings prior to development commencing.
- 12.12 The Council's Ecologist has been consulted due to the nature of the property and the location of the site in an AONB. The ecological information submitted is suitable and confirms that there is minimal opportunity for the presence of bat species. Given the limited scale of the proposed development other biodiversity considerations are not significant in policy terms. Furthermore, Natural England make no comment but refer to their standing advice on protected species.
- 12.13 The site backs onto the River Allen. It is located within a River Consultation Zone and a Flood Risk Zone (2 and 3). The Environment Agency have been consulted but to date no comments have been received. However, given that the floor levels of the extension would be retained as existing it is not anticipated that an objection would be raised by the proposals. Any update will be reported to the meeting.

- 12.14 Overall, the proposed extension due to its excessive depth and height would be a disproportionate addition to the main dwelling that would exceed the additional floorspace permitted under Policy DM20. The proposed extension would be clearly visible from the highway and consequently would have an adverse impact on the Conservation Area, Countryside and the Area of Outstanding Natural Beauty along with the street scene. The proposed development would result in the built form extending further across the plot to the detriment of the open character surrounding the property. Therefore the proposal would not comply with local and Government policies and is recommended for refusal.
- 12.15 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

### **13. RECOMMENDATION**

#### **Refuse**

#### **Reason(s) for Refusal:**

1. In order to safeguard the long term future of the countryside, the Local Planning Authority considers it important to resist the cumulative affect of significant enlargements being made to rural dwellings. Consequently policy DM20 of the adopted Local Plan Part 2: Sites and Development Management Development Plan seeks to limit the proportional increase in the size of such dwellings recognising the benefits this would have in minimising the impact of buildings and human activity generally in the countryside and the ability to maintain a balance in the housing stock. This proposal would result in a building which is unacceptably large in relation to the original dwelling and would undesirably add to pressures for change which are damaging to the future of the countryside and contrary to policy DM20 of the Local Plan Part 2 and policy CS10 of the Core Strategy for the New Forest District outside the National Park.
2. By reason of its excessive depth and height the proposed development would result in a disproportionately large and inappropriate addition which would appear out of scale and keeping and as such would detract from the simple traditional rural character of the original building. For these reasons, the proposals would be harmful to the rural character and appearance of the countryside, Conservation Area and Area of Outstanding Natural Beauty contrary to policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park, policies DM1 and DM20 of the Local Plan Part 2, Supplementary Planning Guidance, Residential Design Guide for Rural Areas of the New Forest and chapters 7 and 12 of the National Planning Policy Framework.



**Notes for inclusion on certificate:**

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

The applicant did not use the Pre-application advice service available from the Council. The Officer's initial briefing was published on the Council's website which indicated some of the Case Officer's concerns with the proposal. Given the scale of the proposal and the issues raised there was no opportunity for the applicant to amend the application within the Government's time scale for decisions. No request to withdraw the application was received.

**Further Information:**

Julie Parry

Telephone: 023 8028 5588



**New Forest**  
DISTRICT COUNCIL

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David Groom  
Service Manager  
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**Planning Development  
Control Committee**

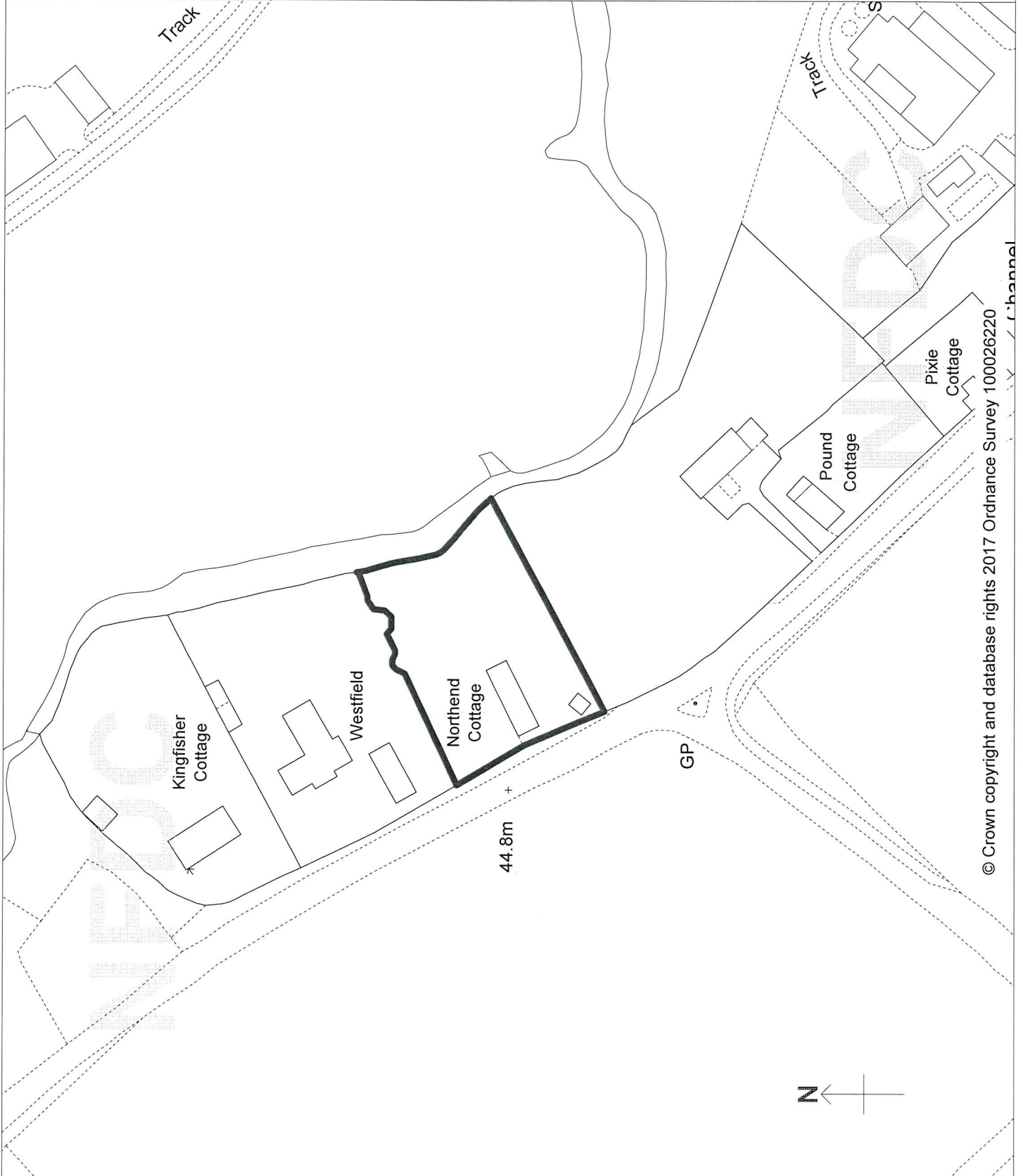
January 2018

Item No: 3e

North End Cottage  
North End  
Damerham  
17/11520  
SU1016

Scale 1:1250

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



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**Application Number:** 17/11552 Full Planning Permission

**Site:** CHILFROME, LOWER PENNINGTON LANE, PENNINGTON,  
LYMINGTON SO41 8AN

**Development:** Two-storey rear extension; single-storey front extension; roof alterations to existing single storey front elevation

**Applicant:** c/o Simpson Hilder

**Target Date:** 02/01/2018

**Extension Date:** 15/01/2018

|                               |
|-------------------------------|
| <b>RECOMMENDATION:</b> Refuse |
|-------------------------------|

|                                      |
|--------------------------------------|
| <b>Case Officer:</b> Kate Cattermole |
|--------------------------------------|

## REASON FOR COMMITTEE CONSIDERATION

1

Contrary to Town Council view (in part)

## 2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Constraints

Plan Area  
Planning Agreement  
Aerodrome Safeguarding Zone

### Plan Policy Designations

Built-up Area

### National Planning Policy Framework

Section 7

### Core Strategy

CS2: Design quality

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

None relevant

### Supplementary Planning Guidance And Documents

SPD - Lymington Local Distinctiveness

**3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

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

**4 RELEVANT SITE HISTORY**

None relevant

**5 COUNCILLOR COMMENTS**

No comments received

**6 PARISH / TOWN COUNCIL COMMENTS**

**Lymington & Pennington Town Council:** recommend refusal. We share concerns of the neighbour living at Hainault.

**7 CONSULTEE COMMENTS**

No comments received

**8 REPRESENTATIONS RECEIVED**

Objection from Hainault :

- two storey rear extension and proposed roof over front extension would result in loss of light.
- front extension and alterations to roof would create an overbearing form of development, and out of character with the semi.
- works already commenced on site.

Comment from 19 Newbridge Way:

- Plans would not impact on them, but support concerns raised by occupants of Hainault.
- works appear to have already commenced.
- extension should be sited to side then would not impact on neighbour amenity.

Comment from 21 Newbridge Way:

- unlikely to impact on their amenities.

The Lymington Society: object as the proposal would be intrusive on the street scene and neighbour amenity. They suggest amendments to the rear extension. The front extension would take light and create shadow to the neighbouring dwelling.

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

No pre application advice was sought prior to this application being submitted. Revised plans to show a previously omitted elevation were accepted, but this did not amend the proposed scheme in any way. Even though there are elements of the scheme which could be supported, identified harm from the front extension would justify a refusal in this instance.

## 12 ASSESSMENT

- 12.1 The application site consists of a semi detached house situated off the main section of Lower Pennington Lane, and backing onto properties within Newbridge Way. It is set in a reasonable sized plot and has a deep frontage.
- 12.2 There is an existing flat roofed element projecting out from the front elevation, and this built form is mirrored on the neighbouring semi-detached property, Hainault. This pair of semis does not present as a symmetrical form, as Hainault has previously had a two storey side extension.
- 12.3 The proposed front extension would consist of a shallow roof over the existing flat roofed element, with a flat roofed extension alongside and a roof lantern infilling the current recessed element of the front elevation. This extension would be stepped in from the common boundary with the other half of the semi by approximately 30cms. To the rear a subservient two storey rear extension would be set off the common boundary with the other half of the semi-detached property by 3.1m.
- 12.4 Rear extension: The proposed rear extension would be appropriate in form and design to the existing dwelling. It would introduce a first floor window on the rear elevation, that would be closer to the rear boundary with properties on Newbridge Way, but a back to back distance of a minimum of 28 metres would be retained which is acceptable in an urban area. As there are already windows on this rear elevation, this should not significantly increase levels of overlooking so as to exacerbate the existing relationship between these properties.
- 12.5 The other half of the semi, Hainault, is to the east of the application site, and has a conservatory on the rear elevation sited adjacent to the common boundary. As the proposed two storey extension is set a distance of 3.1 metres away from the boundary, it would not result in an overbearing form of development. Although located to the west, given its separation, its reduced ridge height and hipped design, it would not create a significant or harmful level of overshadowing that would detrimentally impact on this neighbours amenity.

- 12.6 Front extension: The roof over the existing flat roofed front element would not detract from the character and appearance of the dwelling. This part of the building is set away from the boundary with the neighbour and as such would not significantly affect the amenities of the neighbours.
- 12.7 The single storey infill extension would be set off the boundary with the other half of the semi, Hainault and there is a fence to the front of the dwelling dividing these properties. Currently both these properties have French doors on their front elevations. Due to the internal arrangement of Hainault these French doors serve a dining area that is separated from their main lounge and as such these doors are the only light source to this area. Although single storey, by reason of its height and length, in such close proximity to the neighbour the proposed front extension would reduce the light into this room to an unacceptable degree. Furthermore, due to the presence of the existing forward projecting element on the neighbour, when combined with the proposed infill, the neighbour's dining room window would become located within a recessed area and as such there would be an increasing sense of enclosure. Overall it would result in an oppressive and enclosing form of development adversely affecting their reasonable amenity.
- 12.8 The harm to the amenities of the neighbouring property (Hainault) arising from the proposed single storey front extension would be significant enough to justify a refusal in this instance. Nevertheless the objections raised in relation to the rear extension and new roof on the front, received from the neighbour and the Town Council are not supported at officer level. A refusal for these elements of the scheme is not recommended, hence the need for this application to be put to Committee for a final decision. There is no mechanism in place to allow for a split decision, but the reason for refusal will only relate to the single storey front extension.
- 12.9 Concerns have been raised from neighbours that works have commenced on site. During the site visit building works were being undertaken on site, but these relate to the removal of an existing structure on the rear elevation and garden works, as well as preparation work for the extension. If building has started on site this would be at the risk of the applicant and would not prejudice the outcome of the application.
- 12.10 Amended plans have been submitted, but these were to show a side elevation that had been omitted from the originally submitted plans. No changes to the proposal have arisen from these amended plans so it was not necessary to readvertise the application.
- 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. The proposed single storey front extension, by reason of its length, height and close proximity to the neighbouring property, Hainault, would result in an unacceptable level of loss of light to the main living area of an adjacent property. Furthermore, it would create an oppressive and enclosing form of development to this neighbour to the detriment of their reasonable amenity. As such it would be contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park, and Chap 7 of the National Planning Policy Framework.

#### **Notes for inclusion on certificate:**

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

No pre application advice was sought prior to this application being submitted. Amended plans to show a previously omitted elevation were accepted, but this did not amend the proposed scheme in any way. Even though there are elements of the scheme which could be supported, identified harm from the front extension would justify a refusal in this instance.

2. This decision relates to amended / additional plans received by the Local Planning Authority on 12 December 2017

#### **Further Information:**

Kate Cattermole

Telephone: 023 8028 5588



# New Forest DISTRICT COUNCIL

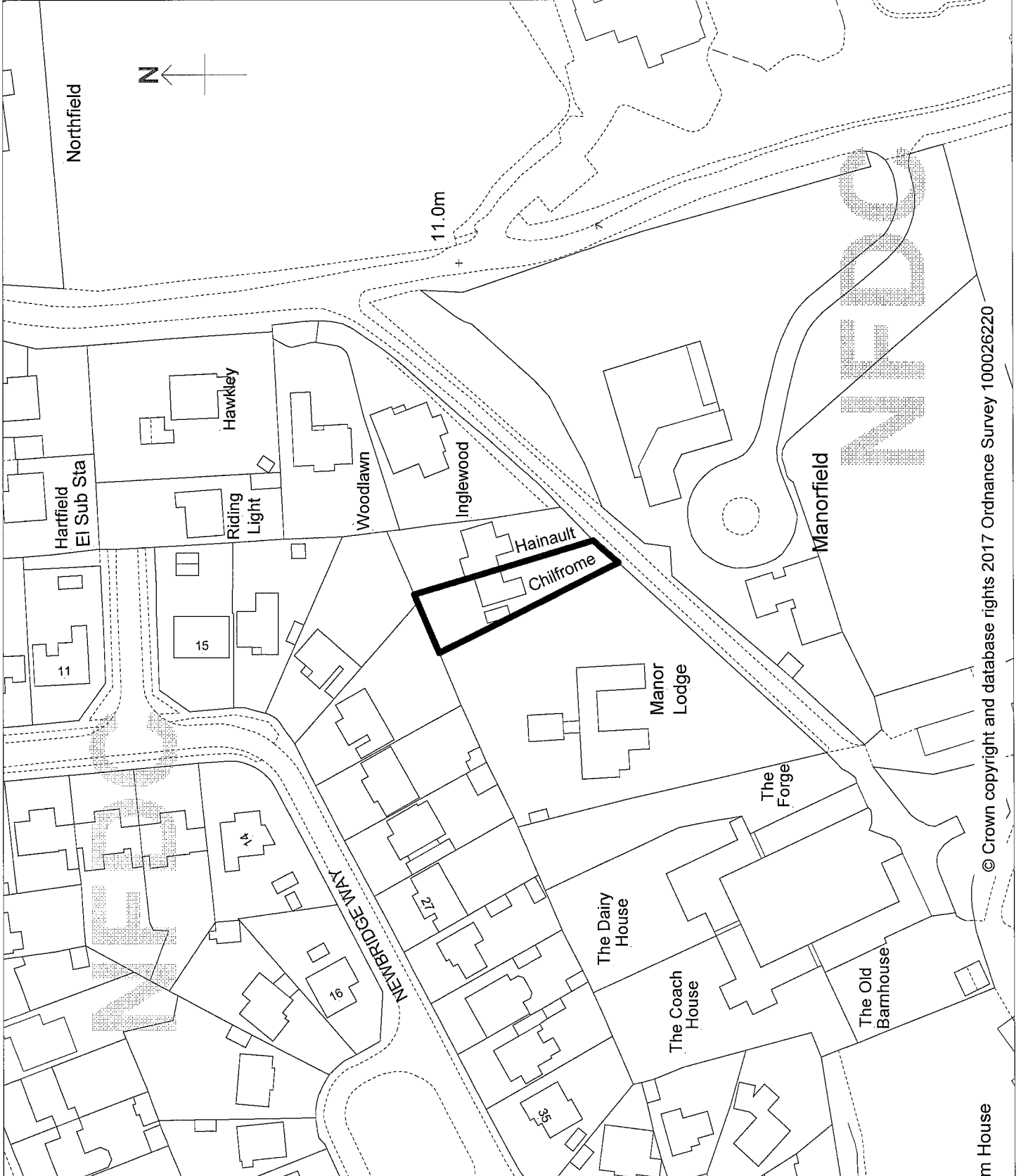
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David Groom  
Service Manager  
Planning and Building Control  
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Appletree Court  
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SO43 7PA

Planning Development  
Control Committee  
January 2018

Item No: 3f  
Chilfrome  
Lower Pennington Lane  
Pennington Lymington  
1711552  
SZ3194

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the internet, it will not be to  
scale.





**Application Number:** 17/10854 Full Planning Permission

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

**Development:** Development of 12 houses comprised: 2 terraces of 3 houses; 1 terrace of 2 houses; 4 detached houses; access; landscaping; parking; demolition of existing buildings

**Applicant:** DMG Retirement Trust

**Target Date:** 04/10/2017

**Extension Date:** 12/01/2018

**RECOMMENDATION:** Grant Subject to Conditions

**Case Officer:** Jim Bennett

## 1 REASON FOR COMMITTEE CONSIDERATION

The application constitutes a departure from the provisions of the Development Plan

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Green Belt  
Buckland Conservation Area

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

CS1: Sustainable development principles  
CS2: Design quality  
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)  
CS10: The spatial strategy  
CS15: Affordable housing contribution requirements from developments  
CS17: Employment and economic development  
CS21: Rural Economy  
CS25: Developers contributions

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

DM1: Heritage and Conservation  
DM2: Nature conservation, biodiversity and geodiversity  
DM3: Mitigation of impacts on European nature conservation sites  
DM20: Residential development in the countryside

## **National Planning Policy Framework**

Chapter 9 - Protecting Green Belt Land

Chapter 12 - Conserving and Enhancing the Historic Environment

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

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

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

Housing Design, Density and Character

Advisory Note on the Implementation of Core Strategy Policy CS15 - Affordable Housing (Nov 2012)

Parking Standards SPD (Oct 2012)

SPD - Mitigation Strategy for European Sites

Residential Design Guide for Rural Areas of the New Forest

### **6 RELEVANT PLANNING HISTORY**

6.1 The planning history of the site is quite extensive, though it appears that the site and buildings have been used for B8 storage purposes for a number of years.

6.2 13/11228 Use of office as residential dwelling (Prior Approval Application) - 06/12/2013 Prior Approval not required. (Epicurion House).

6.3 The applicant sought the Local Planning Authority's pre-application advice on a similar form of development to that proposed, which evolved during the course of and following discussions.

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

Lymington Town Council - Recommend REFUSAL. There are still issues relating to access to the farm and other existing properties. Until these are resolved we cannot approve the application.

### **8 COUNCILLOR COMMENTS**

None

### **9 CONSULTEE COMMENTS**

9.1 District Valuer: following receipt of the latest viability information, the main area of contention were the external costs as the submitted figures, at approximately 25% of build costs, are higher than would normally be expected. However, having reviewed the submitted external costs in greater depth and had a fresh look at the proposed layout on site, due to the amount of work required outside of the plots, the submitted costs are not unreasonable. With this in mind, it is only when no on-site affordable housing is provided that the Residual Land Value (RLV) is at a level significant enough to incentivise a landowner to sell for residential redevelopment. In this case the RLV for a 100% private residential scheme is at £1,856,148, which is approximately 20% above my opinion

of CUV at £1,550,000. Consequently the scheme cannot accommodate provision of affordable housing.

- 9.2 Landscape Officer: despite the sensitivities of the location of this site, the proposed development would not have a harmful impact on landscape character or visual amenity, as demonstrated through the LVIA. There are opportunities to enhance the underlying landscape character through the appropriate choice of planting and hard materials. Care must be taken to retain the current access for existing agricultural requirements and to ensure the perception of PROW routes through the site are not changed.
- 9.3 Conservation Officer: having looked through the submitted revisions and revisited site, the changes to Plots 8-10 have addressed the bulk and dominance issues raised. However the lowering of the roof has resulted in a non-contextual pitch. The roof pitch should remain the same as it was previously, which would still mean a reduction in ridge and eaves but the roof would appear more comfortable than the oddly proportioned lower pitch currently proposed. The dominance of parking has been mitigated a little through increased planting and landscape proposals except for in the main courtyard. It is suggested that half of the courtyard is restricted by a raised element which stop vehicles parking across its whole extent. This could be done with a small discrete step in the surface maybe detailed with oak timber bollards to prevent vehicle access. This would help mitigate this large main area being dominated by parking. Poor quality and visually discordant close boarded fences need to be replaced with more natural hedging and boundary treatments. With the above adjustments, the application could be supported with a full set of material and landscape conditions.
- 9.4 Environmental Health Section (Contaminated Land) - no objection, subject to the standard planning conditions 14a-14e, as the previous use of the site has included potential contaminative activities and records show that there is an underground diesel tank on the adjacent site.
- 9.5 Hampshire County Council Highway Engineer: it is proposed that 25 on site parking spaces be provided for the new dwellings, the applicant has provided no details of any proposed cycle parking facilities. Turning space would be provided to allow all vehicles including refuse and emergency vehicles to turn within the site and thus enter the carriageway in Sway Road in a forward gear. The NFDC document 'Parking Standards Supplementary Planning Document (SPD)' would require 34 spaces to be provided. However it is the Highway Authority's view that the proposed site layout site could adequately accommodate further on site parking spaces without compromising any facilities required for the turning of vehicles within the site. Any shortfall in off street parking provision will not result in any detrimental effect on users of the local highway network. Cycle parking should also be provided at the site at least to the level recommended by the SPD. In respect of the vehicular movements that might arise from the proposed use of the site, the applicant has provided a Transport Statement which demonstrates that the number of vehicle movements that might be generated by any existing lawful use at the site would be greater than that would arise as a result of the proposed development. It is therefore considered that the proposals would result in a net reduction in the use of the existing vehicular access onto Sway Road. No objection subject to parking, cycle storage and turning conditions.

- 9.6 Hampshire County Council Rights of Way: object. This proposal in a countryside location near to the New Forest National Park, would make use of Footpath 59 for access, contrary to paragraph 7.8 of the Defra Rights of Way Circular 1/09 which states that rights of way should not be incorporated within estate roads. In addition, the erection of houses fronting the right of way would have an urbanising effect on this rural route, to the detriment of its character and enjoyment to users.
- 9.7 New Forest National Park Authority: no comments received.
- 9.8 Hampshire County Council Lead Local Flood Authority: request further information on surface water disposal from the site.
- 9.9 Ecologist: no objection subject to development being conditioned to be carried out strictly in accordance with the method statement and details within the two ecology reports. In particular the importance of ensuring the traditional bitumastic felt is used as a roofing material as per the specification. The results of any post construction biodiversity monitoring required by licensing also to be copied/submitted to the Council.
- 9.10 Archaeologist: the site's archaeological and heritage potential has possibly been compromised by the current use and the construction of the existing buildings. A reasonable archaeological mitigation strategy would be by means of an archaeological watching brief in relation to the ground works phases of the development. No objections, subject to conditions to ensure no demolition is undertaken until a programme of archaeological works has been approved.
- 9.11 Southern Gas Networks: no objections, but give informatives.
- 9.12 Waste Management: the structure of the highway, including cobbled areas, need to be constructed to take a 20tonne. Refuse collection vehicle and glass recycling would normally be made from individual property boundaries. It is likely that a communal collection point will be too far for residents to carry as it exceeds 40 metres for properties 2,3 and 4.
- 9.13 Southern Water: there is no public foul sewer in the vicinity/area of the site. The applicant is advised to examine alternative means of foul sewage disposal. The Environment Agency should be consulted directly regarding the use of a private wastewater treatment works or septic tank drainage which disposes of effluent to sub-soil irrigation. The owner of the premises will need to empty and maintain the works or septic tank to ensure its long term effectiveness. Furthermore, the proposed development would lie within a Source Protection Zone as defined under the Environment Agency's Groundwater Protection Policy. The Environment Agency should be consulted to ensure the protection of the water supply source. The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure their long term maintenance.

## 10 REPRESENTATIONS RECEIVED

Comments have been received from ten notified parties, one in support, five objecting and four make comments only. The concerns raised are as follow:

- A safe and accessible footpath should be provided to Southampton Road;
- Loss of view
- Concern raised over restriction of access rights
- The development is too large
- Increased traffic generation and loss of highway safety
- Footprint of Plot 1 is over the services of existing properties
- Lack of green space/gardens
- Lack of parking
- The housing density is too high
- Consideration needs to be given to archaeology
- Proper consideration needs to be given to waste/sewage disposal
- Loss of privacy to Buckland Stead from Plot 7
- Provision should be made for affordable housing
- The development should be undertaken in accordance with the Considerate Builders Scheme
- The access track to the rear of Buckland Manor should be improved

## 11 CRIME & DISORDER IMPLICATIONS

None

## 12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive New Homes Bonus of £14,688 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 £61,028.00.

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

## 13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

In this case the applicant sought the Council's pre-application advice on a similar form of development to that proposed and has submitted the requisite documents and plans in respect of this application. The applicant was requested to provide additional information and plans in respect of viability, building massing, site drainage, foul water disposal, access and revised plans, in light of the comments of consultees and notified parties, but otherwise the application was acceptable as submitted and no specific further actions were required.

## **14 ASSESSMENT**

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

- 14.1.1 The site is beyond any built-up area, as defined by the development plan and is within designated Green Belt and Buckland Rings Conservation Area lies opposite. It is quite closely bound by existing residential development to the east, south and west. It is occupied by large buildings, originally erected as agricultural buildings around a central yard area, but are now used predominantly for B1 and B8 industrial and storage units. The site is utilised for these purposes, particularly at peak periods in the morning and afternoon. The building on the right hand side of the access, within the yard area has been converted to residential use, following a prior approval application granted in December 2013. It is proposed to demolish all buildings on the site and to erect 12 no. dwellings, with access taken directly from an existing point off Sway Road, with parking and turning proposed predominantly within a courtyard area to the centre of the site. The proposed buildings are arranged in a courtyard layout, informed by the layout of existing buildings on the site, though their form takes a more contemporary appearance.
- 14.1.2 The principle issues to consider, having regard to relevant development plan policies, the National Planning Policy Framework

and all other material considerations are as follow:

- 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?

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

The application site is located within the Green Belt and therefore the proposal must be assessed against Green Belt policies. The National Planning Policy Framework (NPPF) suggests that the construction of new buildings in the Green Belt is inappropriate other than for specific exceptions outlined by paragraph 89, where development may be considered appropriate. The last exception states:

*'limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.'*

In light of the NPPF's stance on redevelopment of previously developed sites within Green Belt, a case is made for redeveloping this site for residential purposes, as appropriate development, which officers accept, on the basis of the brownfield nature of the site, the permanence of structures on site and impact on the openness of the Green Belt.

**14.1.4 (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 undoubtedly change the appearance of this land with the provision of new buildings, accesses, garden curtilages and landscaping.

Existing development on the site is comprised mainly of a large, former agricultural buildings indicated by the dashed line on the proposed site plan, which are of limited visual merit. However, the impact that any new residential development would have upon the openness of the Green Belt needs to be fully assessed. In this respect it is noted that the proposal would be for redevelopment of the site in a manner that would not increase the volume of built form, in comparison with the buildings already in situ. A volumetric calculation has been submitted which demonstrates that the existing structures equate to 6,149 cubic metres in volume and that the cumulative volume of the proposed dwellings is 5,925 cubic metres, which equates to a small reduction in built form over the site. Given the

reduced built volume, existing screening by trees and existing dwellings to the east, south and west and a degree of proposed new tree and hedgerow planting, it is felt that the proposal would have no greater impact on the openness of the Green Belt, which weighs in its favour.

#### **14.1.5 (iii) Would there be any other non-Green Belt harm?**

a) New dwellings in the countryside. Policy DM20 of the Local Plan Part 2 restricts development of new dwellings in the countryside. However, this proposal has arisen in light of the NPPF's stance on limited infilling within Green Belt, as well as changes to the GPDO, where the change of use of B1 and B8 premises to residential use could be brought about under the prior approval procedure. While a change of use is not proposed here, the ethos of the prior approval procedure is followed, as dwellings would be provided, of better quality appearance than the existing buildings and which would not harm the character of the area, conservation area or setting of the National Park, which could not be delivered by the prior approval process, ie conversion of the existing structures. The proposed siting follows the footprint of existing buildings on the site and do not encroach into open parts of the site, bound by existing residential development to the east and west and with opportunity for new landscaping and planting to assist with its integration into the landscape. The site is not elevated and is not prominent within the landscape, particularly as buildings of greater mass and limited visual merit would be demolished and replaced with dwellings of good design and materials. Consequently dwellings of the quality proposed may be supported, as a departure to the provisions of Policy DM20, subject to conditions to remove permitted development rights to extend the dwellings or erect further outbuildings.

b) Design, Character and Heritage Considerations. Policies CS2 and CS3 of the Core Strategy and Policy DM1 of the Local Plan Part 2, stipulate that new development will be required to be well designed to respect the character, identity and context of the area's towns and countryside and should not impact adversely on identified heritage assets. The application is accompanied by a Design and Access Statement, Heritage Assessment and Landscape Visual Impact Assessment, which have assisted determination of the proposal. The site is occupied by buildings of agricultural appearance, but not of traditional construction. They are laid out in a manner similar to that of a traditional farmyard, but are of limited visual merit. The massing and layout of the proposal evolved during the course of pre-application enquiries and during the course of the current submission to a point where officers consider that the scheme would contribute positively to local distinctiveness and be sympathetic to the setting of heritage assets. The Landscape Officer considers that the LVIA has demonstrated that the proposed development would not have a harmful impact on landscape character or visual amenity, subject to ensuring the appropriate choice of planting and hard materials. The Conservation Officer raises no objections to the proposal, subject to receipt of further amended plans to alter the roof pitch of Plots 8-10, to address the dominance of car parking within the central courtyard and to address boundary treatments,



which the applicant has been requested to provide. The Council's Archaeologist raises no objections to the proposal, subject to condition. Subject to receipt of amended plans to address the Conservation Team's concerns, the proposal would cause no harm in respect of its design, character impacts or upon identified heritage assets.

c) Loss of employment site. Core Strategy Policies CS17 and CS21 set out the strategy for the economy. Key to this strategy is the retention of existing employment sites for continued employment use. The proposal would result in the loss of buildings in B1 and B8 use and, in the absence of overriding circumstances, would be contrary to policy. However, the application is accompanied by a justification statement (within the Planning Statement) referring to the applicant's fall-back position under the prior approval procedure, which notes that buildings on the site may be suitable for change of use from B1 or B8 to C3 under that procedure. The justification statement also goes on to explain why the existing buildings and location are quite marginal in relation to the delivery of good quality employment opportunities. Officers accept that a good proportion of the buildings currently in situ could be converted to residential use under the prior notification procedure, indeed one has already been converted. In this instance a pragmatic stance is followed, which would see a development of no greater volume than existing buildings on the site, but of significantly greater visual quality. Although this would result in loss of employment buildings, their loss could not be resisted if converted under the prior approval procedure and it is accepted that the site offers only marginal employment benefits. Consequently the proposed development may be supported, as a departure to the provisions of Policies CS17 and CS21.

d) Impact on Footpath. The County Rights of Way Officer considers that use of Footpath 59 for vehicular access, would be contrary to paragraph 7.8 of the Defra Rights of Way Circular 1/09 which states that rights of way should not be incorporated within estate roads. However, your officers consider that use of the site for residential purposes would result in less intensive use by motorised traffic than the existing commercial use by heavier commercial vehicles, a view supported by the consultation response of the County Highway Authority. Consequently, in this instance the proposed access arrangements are considered to be acceptable. The Rights of Way Officer also considers that the erection of houses fronting the right of way would have an urbanising effect on this rural route, to the detriment of its character and enjoyment to users. In this respect the quantum of built form on the site will be less in terms of volume than existing structures and while it is accepted that the nature of the land use will change officers do not consider the proposal would have a harmful impact upon the character of the area, as a potentially intensive commercial use of the site would be replaced by residential development of acceptable character and appearance. This would be subject to the appropriate use of planting and hard materials, to ensure the perception of the PROW route through the site is not changed.

e) Highway Impacts. It is proposed that 25 on site parking spaces be provided where the SPD would normally require 34 spaces.

layout site could adequately accommodate further on site parking spaces without compromising any facilities required for the turning of vehicles within the site. Any shortfall in off street parking provision will not result in any detrimental effect on users of the local highway network. The applicant has provided a Transport Statement which demonstrates that the number of vehicle movements that might be generated by any existing lawful use at the site would be greater than that would arise as a result of the proposed development. It is therefore considered that the proposals would result in a net reduction in the use of the existing vehicular access onto Sway Road. Consequently no highway objection is raised, subject to conditions

- f) Site Drainage and Sewage Disposal .Policies CS2 and CS4 state that all new buildings should be designed to meet sustainable building standards and utilise Sustainable Urban Drainage systems (SUDS) wherever feasible. The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS), but full details have not been provided. The County Drainage Authority have requested further information on surface water disposal from the site, which the applicant has provided. The Drainage Authority has been re-consulted on the additional drainage details. Southern Water advise that there is no public foul sewer in the vicinity/area of the site and the applicant confirms that investigations had taken place, which confirm the same. In light of the unavailability of the drainage connections, it is intended that a treatment plant will be specified with disposal to a drainage field within the site. In light of the fact that full details of foul and surface water disposal and future maintenance details of these systems have yet to be provided, it is considered appropriate to secure these details by appropriately worded pre-commencement conditions.
- g) Residential Amenity Impacts .Overall, there is an opportunity to improve residential amenities given the juxtaposition of potentially noisy employment uses to the rear curtilages of adjoining dwellings. However, comments have been received from neighbouring occupiers raising concerns over amenity. Loss of view is not material to consideration of planning applications, although it should be noted that no. 2 New Cottages is in excess of 30m from the gable of Plot 1, which is an acceptable level of separation and no windows are proposed in the eastern elevation of Plot 1. It is suggested that Buckland Stead would suffer a loss of privacy from Plot 7. One first floor window would overlook the front curtilage of Buckland Stead and the window to window distance is over 23m. Furthermore there is tall vegetation between the properties, which would reduce intervisibility. Concern was raised by officers over the opportunity to overlook the rear curtilage of Stable Cottage from Plots 5 and 6, should the tall ornamental hedge be lost, which is currently supported by the building adjoining Stable Cottage's curtilage. In this respect, the applicant has offered to support the hedge, with heavy duty, steel fence posts, if necessary and to plant heavy standards in the rear gardens of Plots 5 and 6 to prevent intervisibility, details of which will be firmed up by landscape and boundary treatment conditions. Consequently the impacts of the proposal comply with the amenity related provisions of Policy CS2 of the Core Strategy.

to development being conditioned to be carried out strictly in accordance with the method statement and details within the two ecology reports. The results of any post construction biodiversity monitoring required by licensing also to be copied/submitted to the Council.

- i) Affordable Housing. As a proposal for residential development exceeding 10 no. units, the Council is committed to ensure that a proportion of almost all new housing is provided as 'affordable housing' (see Policy CS15, Local Plan Part 1 - Core Strategy). For this proposal the Council would normally seek 50% of all new dwellings on the site to be affordable housing, of which 35% of the total dwellings shall be social rented housing and 15% of the total dwellings will be intermediate housing to be secured through the completion of a S.106 agreement. However, the applicant considers that the scheme would be unviable with the level of contribution sought and has submitted a financial viability statement to justify a reduced level of contribution. The viability appraisal has been assessed by the District Valuer, who reports that the proposed scheme cannot support an affordable housing contribution.
- j) Other material considerations. With regard to concerns raised by notified parties and consultees over the restriction of access rights posed by the development, the greatest concern is with regard to the pinch point between Plots 10 and 11. At 4m wide it was suggested this would restrict access for vehicles. The applicant has amended their plans in this respect, to widen the pinch point to 5.2m, as shown on amended drawing no. 04 Rev D.

With regard to the footprint of Plot 1 being over the services of existing properties, the applicant points out that the neighbouring site currently benefits from easements which allows drainage to the existing septic tank for the application site and for electrical connections. It is intended that as part of the foul drainage, the eventual detailed drainage arrangements will be specified to allow those properties to continue to drain to the site and connections to any new infrastructure would be provided, which will be ensured by condition.

The applicant confirms that the structure of the highway, including cobbled areas will be constructed to take a 20tonne ReV.

It is often a consequence of new development that disturbance may be caused to adjoining occupiers. It is anticipated that the site developer would want to implement the development with minimum disruption, however the Planning Authority is not in a position to insist that the development be undertaken in accordance with the Considerate Builders Scheme, which is a matter for the developer to consider.

Improvement of the access track to the rear of Buckland Manor is not necessary to implement the scheme and it would be unreasonable of the Council to impose this cost on the developer.

#### **14.1.6 (iv) Are there any considerations which weigh in favour of the development?**

Consideration 1 - The proposal is for twelve dwellings of more limited massing and of higher quality appearance than the structures they

would replace and would not impinge upon the openness of the Green Belt, which weighs in favour of the proposal

Consideration 2 - 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 is currently unavailable. This situation will be addressed through the emerging local plan, but until the new Local Plan is adopted, paragraph 14 of the NPPF advises that planning permission for housing development should normally be granted unless any planning harm identified would "*significantly and demonstrably outweigh the benefits*". This is known as the 'tilted balance' in favour of sustainable development. In this case, it is considered that the adverse impacts of development do not significantly and demonstrably outweigh the benefits and, although the site lies within the Green Belt and affects designated heritage assets it would not cause any harm to those assets and therefore the tilted balance in favour of granting permission is a material consideration in assessing this application. The proposal would assist with meeting an identified housing need within the District.

Consideration 3 - the proposal would not cause any other non-Green Belt harm, subject to conditions, which weighs in favour of the proposal.

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

Substantial weight attaches to any harm to the Green Belt, However, as set out above the proposed development amounts to appropriate development in the Green Belt, which would not result in any loss of openness of the Green Belt and no specific harm to the Green Belt is identified.

With respect to 'any other harm', it is acknowledged that the development would see new residential development in the countryside and loss of an employment site, which would be contrary to adopted policies. However, reasoned justification is made to depart from policies to safeguard employment opportunities and the countryside. In its favour heritage assets would be enhanced, as would landscape setting and the ecological value of the site. The proposal would fulfil an identified need for housing in the District. Non-provision of affordable housing weighs against the proposal, but a robust viability case has been made and agreed with the District Valuer. Precise details concerning site drainage and sewerage can be addressed by condition. No highway concerns are raised and the proposal is not considered likely to have any harmful impact on residential amenity, again subject to conditions. Your officers are not aware of any other matters raised in representations that would weigh against the scheme.

In your officers' view the matters which weigh in favour of the development clearly outweigh the very limited harm to the Green Belt caused by the proposal.

**14.1.8 Contributions**

Since April 2015 the Council has imposed a charge on all new residential development to fund necessary infrastructure such as

transport improvements and public open space. This is known as the Community Infrastructure Levy. The Levy is charged at a rate of £80 per square metre of new floorspace Index Linked using the All-In Tender Index Price published by the Build Cost Information Service (BCIS) and is collected on commencement of development.

In accordance with the Habitat Regulations 2010 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard.

#### 14.1.9 Conclusion

The proposed development is appropriate development within the Green Belt, which would not harmfully impact upon its openness. Its design is considered to be of good quality and the environmental benefits of the scheme weigh in its favour. The proposed development could take place without detriment to the ecology, trees or amenities of the wider area, and without adversely affecting highway safety. While no affordable housing would be provided, the scheme would assist in meeting targets for new housing in the District. Therefore, subject to conditions to ensure that the scheme's specific benefits are fully delivered, the application is recommended for permission.

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

### Section 106 Contributions Summary Table

| <b>Proposal:</b>            |                                |                                     |                   |
|-----------------------------|--------------------------------|-------------------------------------|-------------------|
| <b>Type of Contribution</b> | <b>NFDC Policy Requirement</b> | <b>Developer Proposed Provision</b> | <b>Difference</b> |
| <b>Affordable Housing</b>   |                                |                                     |                   |
| No. of Affordable dwellings | 6                              | 0                                   | 6                 |
| Financial Contribution      | 0                              | 0                                   | 0                 |
| <b>Habitats Mitigation</b>  |                                |                                     |                   |
| Financial Contribution      | £6,600 if CIL paid in full     | £6,600 if CIL paid in full          | 0                 |

## CIL Summary Table

| Type               | Proposed<br>Floorspace<br>(sq/m) | Existing<br>Floorspace<br>(sq/m) | Net<br>Floorspace<br>(sq/m) | Chargeable<br>Floorspace<br>(sq/m) | Rate    | Total           |
|--------------------|----------------------------------|----------------------------------|-----------------------------|------------------------------------|---------|-----------------|
| Dwelling<br>houses | 1798                             | 1104.5                           | 693.5                       | 693.5                              | £80/sqm | £66,837.54<br>* |
| Subtotal:          | £66,837.54                       |                                  |                             |                                    |         |                 |
| Relief:            | £0.00                            |                                  |                             |                                    |         |                 |
| Total<br>Payable:  | £66,837.54                       |                                  |                             |                                    |         |                 |

\* 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:

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

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: 15059 01, 15059 04 Rev D, 15059 06, 15059 07, 15059 10, 15059 11, 15059 20, 15059 21, 15059 22, 15059 30, 15059 31, 15059 32, 15059 40, 15059 50 Rev B, 15059 52 Rev D, 15059 60, 15059 61, 15059 70 and 15059 71.

Reason: To ensure satisfactory provision of the development.

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

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

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

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

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

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

5. 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 (including signage) 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).

6. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions relating to contamination nos. 7 to 10 have been complied with.

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition no. 10 relating to the reporting of unexpected contamination has been complied with in relation to that contamination.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised,

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

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

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

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

8. Where contamination has been identified, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and



remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

9. Where a remediation scheme has been approved in accordance with condition no. 8, the approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

10. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition no. 7, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition no.8, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition no. 9.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers,

neighbours and other offsite receptors in accordance with Policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM4 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

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

Reason: To ensure the dwellings remain of a size which are appropriate to its location within the countryside and to comply with Policy DM20 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

12. 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.

13. 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).

14. The works hereby approved shall be undertaken in strict accordance with the method statement and details as outlined in the Report on Biodiversity prepared by Philip Smith (Conservation Consultant) ref. Buckland Granaries 19102016, unless otherwise first agreed in writing with the Local Planning Authority.

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

15. No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work (including details of a watching brief), in accordance with a written scheme investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: The development is located in an area of archaeological significance where the recording of archaeological remains should be carried out prior to the development taking place in accordance with Policy DM1 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

16. 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.

17. 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 provision within the site.

18. 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.

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

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

20. Before development commences details of the means of the future maintenance of the sustainable urban drainage system shall be submitted to and approved in writing by the Local Planning Authority. The maintenance arrangements must be confirmed to planning by the applicant prior to occupation of the penultimate dwelling.

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

In this case the applicant sought the Council's pre-application advice on a similar form of development to that proposed and has submitted the requisite documents and plans in respect of this application. The applicant was requested to provide additional information and plans in respect of viability, building massing, site drainage, foul water disposal, access and revised plans, in light of the comments of consultees and notified parties, but otherwise the application was acceptable as submitted and no specific further actions were required.

2. New Forest District Council has adopted a Community Infrastructure Levy (CIL) charging schedule and any application now decided, including those granted at appeal, will be CIL Liable. CIL is applicable to all applications over 100sqm and those that create a new dwelling. Under Regulation 42A developments within the curtilage of the principal residence are likely to be

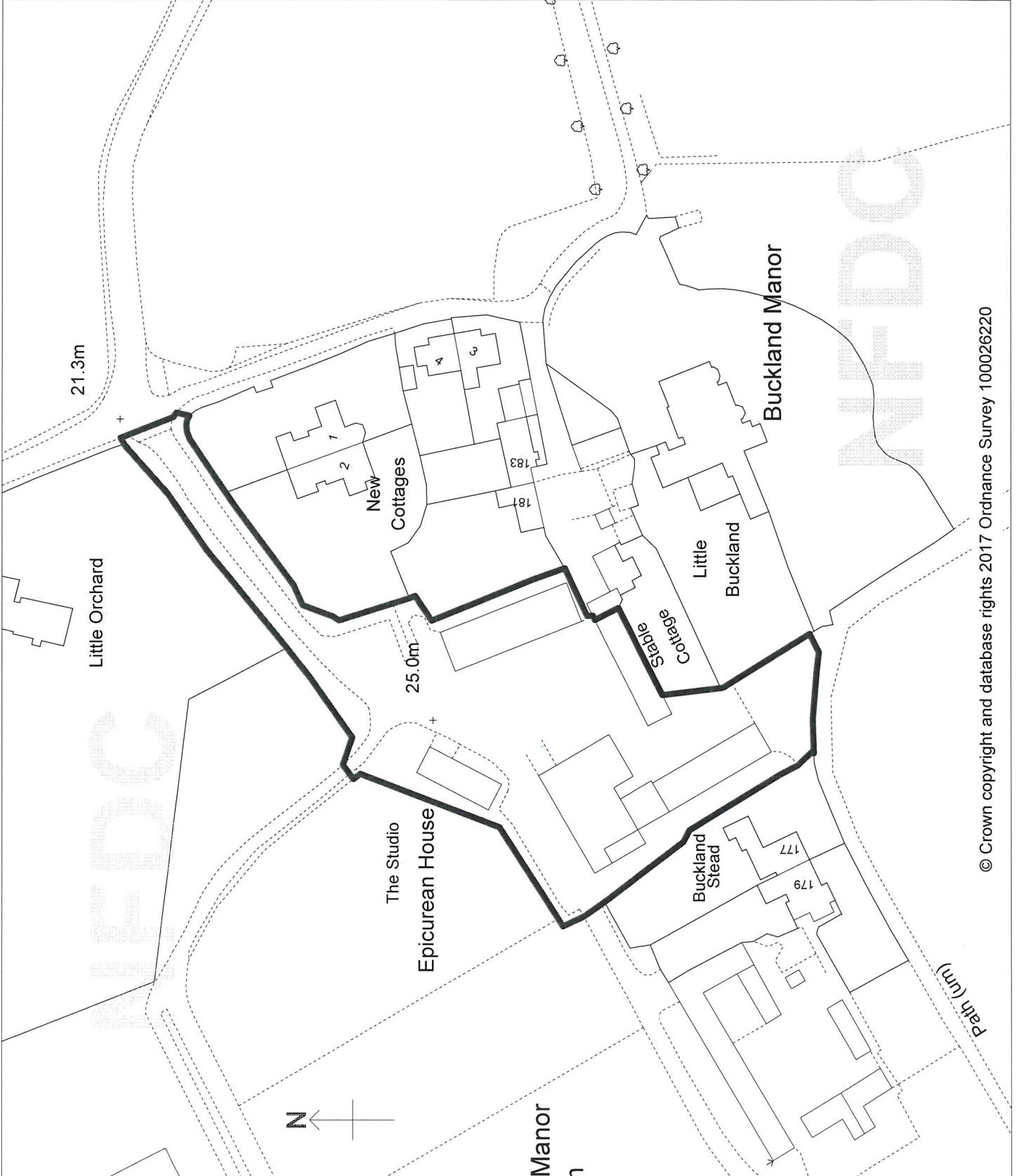
exempt from CIL so CIL may not be payable provided the applicant submits the required exemption form prior to commencement of the development.

3. The Council's Contaminated Land Team advise that conceptual site model and preliminary risk assessment is required in the first instance to inform any potential site investigation to ensure the site is safe and suitable for the proposed sensitive end use as stated in the NPPF.
4. In discharging condition no. 12 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/>
5. Southern Gas Networks refer the applicant to the Plan extracted from their mains records of the proposed work area enclosed for your guidance. The plan is shown on the Council's website, but only shows the pipes owned by SGN in their role as a Licensed Gas Transporter (GT). Please note that privately owned gas pipes or ones 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 accuracy of the information shown on this plan cannot be guaranteed. Service pipes, valves, siphons, stub connections etc. are not shown but you should look out for them in your area. Please read the information and disclaimer on these plans carefully. The information included on the plan is only valid for 28 days. A colour copy of these plans and the gas safety advice booklet enclosed 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 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 plant. Damage to SGN pipes can be extremely dangerous for your employees and the general public. The cost to repair SGN pipelines following direct or consequential damage will be charged to your organisation.
6. In relation to condition no. 14, the Council's Ecologist advises that it is of particular importance to ensure the use of traditional bitumastic felt as a roofing material, as per the specification. The results of any post construction biodiversity monitoring required by licensing also to be copied/submitted to the Council.

**Further Information:**

Jim Bennett

Telephone: 023 8028 5588



**Application Number:** 17/11503 Full Planning Permission

**Site:** ARRACHAR, FOX POND LANE, PENNINGTON, LYMINGTON  
SO41 8FW

**Development:** Outbuilding

**Applicant:** Ms Ashworth

**Target Date:** 22/12/2017

**Extension Date:** 15/01/2018

**RECOMMENDATION:** Grant Subject to Conditions

**Case Officer:** Jacky Dawe

## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

## 2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Constraints

Aerodrome Safeguarding Zone  
Plan Area

### Plan Policy Designations

Built-up Area

### National Planning Policy Framework

Section 7

### Core Strategy

CS2: Design quality

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

None relevant

### Supplementary Planning Guidance And Documents

SPD - Lymington Local Distinctiveness

## 3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

#### 4 RELEVANT SITE HISTORY

| Proposal  | Decision Date | Decision Description          | Status  | Appeal Description |
|---|---------------|-------------------------------|---------|--------------------|
| 17/10532 House; detached outbuilding; 1.8m high boundary fencing and gate; demolition of existing | 06/06/2017    | Granted Subject to Conditions | Decided |                    |

#### 5 COUNCILLOR COMMENTS

No Comments Received

#### 6 PARISH / TOWN COUNCIL COMMENTS

**Lymington & Pennington Town Council:** recommend refusal. Whilst we are sympathetic to the objectives, we are concerned by the level of neighbour objections, therefore we cannot recommend approval.

#### 7 CONSULTEE COMMENTS

No comments received

#### 8 REPRESENTATIONS RECEIVED

Six objections have been received to the current proposals. These comments are summarised as follows:

- too large
- too high
- overbearing development
- too close to boundaries
- noise
- creation of separate dwelling
- overlooking
- setting precedent
- works already started
- removal of hedgerows

#### Comments from the Applicant

- an outbuilding was permitted under previous planning application.
- confirming use as ancillary
- states noise would not be an issue
- plot large enough for the outbuilding
- not too high
- no overlooking issues
- local person building forever home
- slate to match house
- flat roof building could be permitted development
- other outbuildings in the area
- has consulted neighbours throughout project
- design specific to requirements
- no increase in noise
- confirming incidental use



## **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 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 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 falls within the built up area and Lymington Local Distinctiveness area 9 (South Pennington). The lane has a rural feel with a varied mix of mainly older style cottages with front gardens. There are also modern developments of houses and Bay Tree House is a new house constructed on the adjoining plot. The properties are all set in large plots giving generous separation distances between adjoining houses.
- 12.2 The main considerations are neighbour amenity and character of the area. Fox Pond Lane has a spacious green character. Although this outbuilding has a relatively large footprint, it is to the rear and would not be easily seen from the street scene frontage. As such it would not detract from the street scene character of the area.
- 12.3 Planning permission for a new dwelling and detached outbuilding, with small shed alongside was granted in June 2017 (Ref 17/10532). The original bungalow has now been demolished and the new approved house is under construction. This approved outbuilding measured 8 m wide and 4 m deep with a height of 4.2 metres. A concrete base has been laid to the rear for the approved outbuilding.
- 12.4 The current proposal would increase the width of the recently approved outbuilding to 13 metres (+5 m) resulting in it virtually spanning the plot at the rear and it would increase the height to 4.3 m. The original outbuilding has a floor area of 32 sq.m and the proposed has a floor area of 52 sq.m.

- 12.5 The outbuilding would be located at the end of the garden, separated from the main house by a minimum of 10 metres. It is set at a slight angle to the boundaries with a minimum separation distance from the rear boundary of 0.1m and a maximum of 1.1m. The outbuilding would be 0.1m from the side boundary with Bay Tree House and 1.0 m from the side boundary with Greenways. Although close to the boundaries it remains a single storey structure.
- 12.6 The impact of this building on the rearmost part of adjoining gardens is acceptable, particularly given the generous gardens that exist and the extant approved outbuilding. Due to the relationship of the proposed outbuilding with the properties either side and the existing screening this would result in an acceptable relationship.
- 12.7 With respect to properties on Elm Avenue to the rear, although a high proportion of the boundary of No 17 Elm Avenue would be enclosed as a result of this development, the roof would pitch away from the rear boundary. There is an adjacent outbuilding in the curtilage of 19 Elm Avenue which would assist in mitigating the impact of the building on this property to the rear of the application site.
- 12.8 The height of the proposed outbuilding is 4.3m which would be 0.1 m higher than the outbuilding approved as part of the extant consent. Despite the fact that it would extend across the rear boundary by an additional 5 metres, given its location separated from main dwellings, this increased size and the very marginal additional height it would not lead to additional impacts on amenity by way of loss of light or over dominance.
- 12.9 With respect to potential for overlooking, a single roof light would be sited on the roof slope facing the rear of the host dwelling and would serve the ground floor accommodation. A small side ground floor window would serve a small toilet and so is likely to be obscurely glazed. As such this would not lead to overlooking of the neighbours.
- 12.10 There have been objections in the representations received raising a number of issues some of which are covered in the above assessment. Further comments on these additional matters are made as follows:
- 12.11 Noise - the use will be in an enclosed building for the sole use of the family, and as such any noise would be of a domestic nature, not unacceptable in a residential area
- 12.12 Creation of separate dwelling - the proposed use is as a classroom and garden room and as such it would be ancillary to the main accommodation. This relationship can be reinforced by a suitable condition. If this was used as a separate dwelling this would require the benefit of a further planning consent.
- 12.13 Precedent, works started and removal of hedgerows - every application is judged on its individual merits. There is already a planning consent for the dwelling and a smaller outbuilding. Works on site relate to the construction of the dwelling. Any works undertaken that do not relate to the consent are undertaken at the applicants own risk and do not prejudice the outcome of this application. Removal of the hedges is outside planning control.

12.14 Taking all of the above into consideration, together with the extant consent on the site, although the outbuilding would be relatively large there is no justifiable planning reason to withhold consent as it would not be harmful to the character of the area nor would it detract from the amenities of the neighbouring properties. The application is therefore recommended for approval.

12.15 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: PL01 (October 2017), LP01 (October 2017).

Reason: To ensure satisfactory provision of the development.

3. The external facing materials shall match those used on the approved dwelling house.

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. The building the subject of this permission shall only be used incidental to the dwelling on the site and not part of its main accommodation.

Reason: As a separate unit of accommodation in this location would be inappropriate and in the interests of residential amenity in accordance with Policy CS2 of the Local Plan for the New Forest District outside of the National Park (Core Strategy)

**Notes for inclusion on certificate:**

1. 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 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:**

Jacky Dawe

Telephone: 023 8028 5588



# New Forest DISTRICT COUNCIL

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

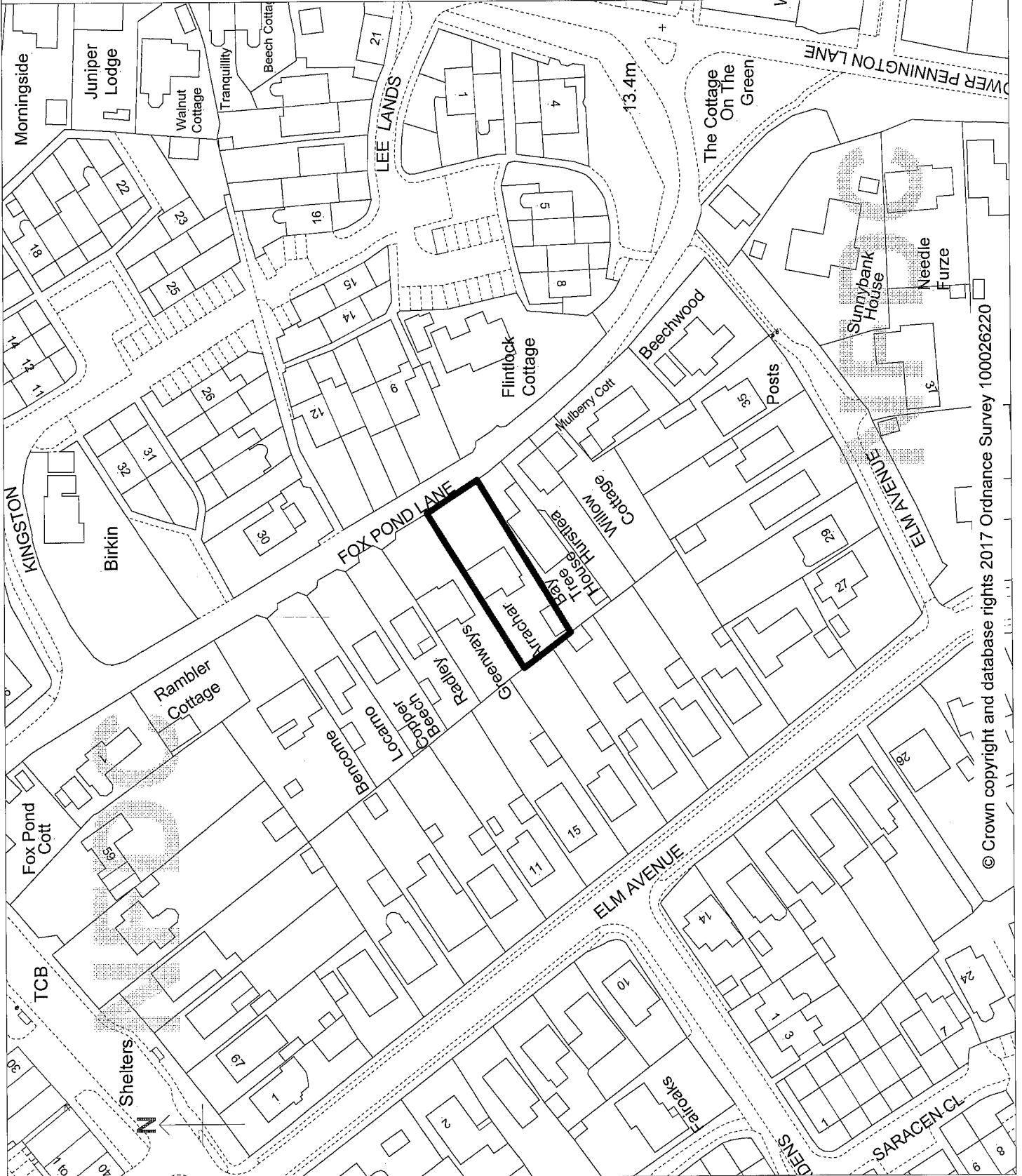
David Groom  
Service Manager  
Planning and Building Control  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

Planning Development  
Control Committee  
January 2018

Item No: 3h  
Arrachar  
Fox Pond Lane  
Pennington Lymington  
17/11503  
SZ3194

Scale 1:1250

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



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**Application Number:** 16/10443 Modification or Discharge of Planning Obligation

**Site:** Land at ROESHOT & BURTON, HINTON, BRANSGORE

**Development:** Use of land as Natural Green Space (SANG)

**Applicant:** Christchurch Environmental Management Ltd

**Target Date:**

|  |
|--|
| <b>RECOMMENDATION:</b> Grant Subject to Conditions |
|--|

|                                  |
|----------------------------------|
| <b>Case Officer:</b> Jim Bennett |
|----------------------------------|

## 1 REASON FOR COMMITTEE CONSIDERATION

The proposal is directly associated with an application (16/10443) which was previously determined by this Committee on 8th June 2016.

## 2 ASSESSMENT

- 2.1 This report is presented to Members in order to seek their support to enter into an Inter-Authority Agreement between Christchurch Borough Council (CBC), New Forest District Council (NFDC) and The New Forest National Park Authority (NFNPA) in order to facilitate full and proper management of a Suitable Alternative Natural Green Space (SANG). The SANG is within NFDC's and NFNPA's administrative areas at Roeshot and is required to mitigate the impact of housing development within CBC's jurisdiction. Planning permission was granted by this Committee's support on 8th June 2016, to use land as Natural Green Space, under ref. 16/10443. The Committee report is attached for the benefit of Members.
- 2.2 This Council has been asked to enter into the agreement to allow CBC to enter into a separate S106 Agreement between them and the developer/land owner to regulate the SANG and to enforce the provisions of it. The S106 Agreement will allow allocation of SANG land in the areas of NFDC and the NFNPA, as required by CBC in order to mitigate new housing development on land within their jurisdiction. It is important to note that while NFDC will not be party to the s106 Agreement, this Council will have a step-in right to enforce its provisions, if the s106 is not properly enforced by CBC. CBC will be able to act in terms of enforcement powers on this land (within New Forest District) and this would not prevent NFDC retaining a step in right if necessary.

## 3 RECOMMENDATION

That it be recommended to Council that authorisation be given to enter the Inter-Authority Agreement in accordance with the details set out in the preceding paragraphs.

## **PREVIOUS COMMITTEE REPORT**

Planning Development Control Committee

08 June 2016

Item 3 g

**Application Number:** 16/10443 Full Planning Permission

**Site:** Land at ROESHOT & BURTON, HINTON, BRANSGORE

**Development:** Use of land as Natural Green Space (SANG)

**Applicant:** Christchurch Environmental Management Ltd

**Target Date:** 01/07/2016

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### **1 REASON FOR COMMITTEE CONSIDERATION**

Requested by Committee Member

### **2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Plan Area  
Green Belt  
Landfill (Former)  
Flood Zone

### **3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

#### **Core Strategy**

CS1: Sustainable development principles  
CS2: Design quality  
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)  
CS5: Safe and healthy communities  
CS6: Flood risk  
CS7: Open spaces, sport and recreation  
CS10: The spatial strategy

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

DM2: Nature conservation, biodiversity and geodiversity  
DM3: Mitigation of impacts on European nature conservation sites  
DM9: Green Infrastructure linkages  
DM25: Recreational uses in the countryside

#### **Hampshire Minerals and Waste Plan (2013) (HMWP)**

Policy 15: Safeguarding – mineral resources

#### **National Planning Policy Framework**

Chapter 9 - 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**

No relevant history

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

BRANSGORE PARISH COUNCIL - recognise the special character of this area which should be protected from any urbanisation. The railway line acts as a natural barrier from any future development and this application should be considered to ensure that the Avon Valley is not vulnerable to any loss of character or urbanisation.

#### **8 COUNCILLOR COMMENTS**

Councillor Richard Frampton requested the application be determined by Committee as this may be the first time NFDC have been asked to mitigate a development in another County and there may also be implications on the quality of the development if open space is commuted off site.

#### **9 CONSULTEE COMMENTS**

9.1 Land Drainage Section - no objections

9.2 Southern Gas Networks - give informatives

9.3 Environment Agency - no objection in principle to the proposal. The Central SANG lies adjacent to the Main River Mude and in addition to any other permission(s) that the applicant may have already obtained, e.g. planning permission, an Environmental Permit for Flood Risk Activities is required to carry out work in, under, over or near a main river and in the flood plain of a main river. There are a number of elements of work which will require an Environmental Permit, such as the proposed new bridges, upgrading of existing bridges, resurfacing of existing right of way, proposed trees/planting and any other permanent or temporary works in, under, over or within 8m of the Main River.

9.4 Environmental Health (Contaminated Land) - The area of land forming the north-east tip of the proposed SANG, referred to in the application as Eastern SANG Area 2, is shown on historic maps dated 1970 onwards as a disused pit which was then a landfill that accepted inert / construction material from Wimpey Homes. The licence issued by the Environment Agency for the landfill is dated 1989. The proposal does not detail any ground invasive works as the space is to be kept open and used predominantly for dog walking. However, due to the former use of the site it is recommended that an informative note is applied to any planning permission.

- 9.5 Planning Policy Section - no policy objections
- 9.6 Natural England - no comments received
- 9.7 Hampshire County Council Minerals and Waste - The development lies within the mineral consultation area (MCA). This area is informed by the mineral safeguarding area (MSA) as defined through Policy 15: Safeguarding – mineral resources of the adopted HMWP. This development represents part of a larger proposed SANG with applications in each of the relevant authorities. The area is known to have high quality sand and gravel resources, as there is a site allocation for mineral extraction (Roeshot) adjoining the proposed area that is now the subject of a planning application and that is closely related to the creation of this SANG. HCC supports the maximisation of mineral resource use where they would be sterilised or otherwise rendered inaccessible. While a SANG would not necessarily sterilise the resources underneath, this depends on the specific design and execution of the SANG which the documents available state is still to be finalised. Furthermore the presence of the SANG may make the mineral resources inaccessible in order to avoid future disruption in the area. Therefore, in order to maximise the minerals that are gained, HCC supports incidental extraction of minerals where this is complementary with the landscape works that are undertaken as part of the development. This could be incorporated within the construction management plan. Furthermore, the development is of relevance based on its potential impacts on the allocated Roeshot site. To our knowledge the Roeshot mineral site developer has been involved in the SANG proposals and there are elements of the SANG documentation that discuss the minerals site and propose mitigation measures to ensure there is no impact from and on the mineral site. If these measures are adopted, the proximity of the minerals site is considered in any finalised plans for the SANG and significant impacts from and on the mineral site are avoided, HCC is satisfied that the Roeshot site has been safeguarded.
- 9.8 Ecologist - Overall, provided the Council is regarding this as a decision to allow change of use from agriculture to public open space, and that adequate controls can be put in place to secure submission of further details which the Council can control, the change of use can be regarded as being in accordance with policy. However the conditioning/reserved matter control would be vital to ensure all the varying objectives for this land can be adequately delivered within the parameters acceptable to the Council. In particular it would be important to secure details of biodiversity mitigation, compensation and enhancement, final landscape design and management details for the open space. If the Case Officer was minded the above could be secured I would no objection to the proposal at this outline stage.
- 9.9 Open Space Officer - There are no objections to the principal of converting this land into a SANG. It will compliment and not conflict with the POS and SANG works that are being carried out in the rest of our district, provided that the detailed design is appropriate. It is not clear how the timing of the adjacent proposed quarrying works may impact on users of the proposed SANG. Also there is a need to be clear about future ownership and management of the entire SANG. For example within NFDC all our proposed and future SANGS land will be transferred freehold to NFDC as owner and body responsible for ongoing maintenance.

9.10 Landscape Officer - There is no objection in principle for the land to be used as SANG to deflect visitor numbers to the SPA, SSSI and RAMSAR locally. However, the scheme appears to be driven entirely by the ecological benefits that may be achieved. Concern raised that there does not appear to have been any formal Landscape Visual Impact Assessment undertaken, which would identify this land as part of the Lower Avon Valley, by its very topography, a flat an open landscape with a very specific range of native species present. There is also no information regarding the phasing, restoration and delivery of the SANG, with regard to the delivery of housing which this SANG will serve. The other prime concern is the list of native tree, shrub and hedgerow species which does not include common species to this landscape type and an opportunity has been lost to pick up on some key features identified in the principles for landscape management. Similar concerns regarding the wild flower grass mixes which are too generic. It may well be that a species rich grass mix is a better way to approach this, allowing flowers to colonise themselves. Given that the land is currently nutrient rich there are no proposals diminish the nutrients to allow a suitable range of native grass and flower species to establish. There seems to be an over reliance on mown footpath routes, to make this site work all year round (given its wet location) consideration should also be given to provide a suitably surfaced circular walking route. If there is a desire to impose a new landscape character on this landscape then this must be made absolutely clear, normally through an LVIA process, that justifies the changes, whether through a change of use (to open access) that requires new infrastructure, or through the promotion of a new ecology. At this point in time the plans submitted are not sufficient to provide confidence that the landscape scale proposals will have a significant benefit to the existing landscape character or structure.

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

This is achieved by

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

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

In this case the applicant has been requested to provide more information regarding the impacts of the proposal upon local landscape character, details of the phasing, restoration and delivery of the SANG, a more native planting mix, suitably surface details of circular walking route and details of future ownership and management of the SANG, which will assist in informing the determination.

## **14 ASSESSMENT**

- 14.1 The proposal is for a Suitable Alternative Natural Green space (SANG) associated with the development of approximately 875 houses within Christchurch Borough Council's boundary. The site is extensive in area, located to the north of the railway line, between Salisbury Road and Roeshot. The land is predominantly in agricultural use, with some pockets of woodland. The River Mude passes through the centre of the site and it is crossed by Hawthorn Road to the west, a byway to the centre and a bridleway to the east at Roeshot. The SANG spans the boundary of three local authorities; Christchurch, New Forest National Park Authority and this Council. Individual applications will be submitted to each authority to consider the impact of the proposals. The Christchurch and NFNPA proposals essentially book-end the proposal that is the subject of this application, to the west and east respectively.

It should be noted that the detailed plans submitted with the proposal are labelled 'for illustrative purposes only' and that the proposal needs to be firmed up prior to formal determination of this full planning application. The applicant has agreed to provide additional plans to clarify the points raised in regard to lack of clarity on the current submissions.

- 14.2 The SANG is required in order to mitigate the potential harm caused by occupiers of the new dwellings within Christchurch to the nature conservation interest of protected sites including the New Forest SAC and SPA. It is proposed to provide an integrated network of paths for use by existing and future residents, including bridge enhancements, a pond, a car park, upgrading of existing rights of way and planting of woodland, hedgerow, trees and wildflower meadows, to enhance the experience of walkers and biodiversity interests. The element of the

SANG within NFDC's boundary occupies the largest, central portion of the site. It would predominantly be wildflower meadow, with mown paths and shrub, tree and hedgerow planting to the peripheries of the site. Existing woodland would be retained and the surfaces of existing rights of way will be improved. The purpose of the SANG is to attract recreational users, being well related to the associated housing development, thereby taking pressure off important, protected wildlife sites.

- 14.3 It is intended that the SANG would be secured by a Section 106 Agreement with Christchurch Borough Council being the lead authority on the proposal, as it is intended that the SANG mitigates the harmful impact that the occupiers of 875 new dwellings in Christchurch Borough would have on European wildlife sites. The onus is therefore on Christchurch Borough to ensure that the requisite arrangements are in place to ensure the SANG comes forward to mitigate any harm their housing development may pose to protected wildlife sites. The proposal is not required to mitigate harm caused by new housing within this Council's jurisdiction. This Council is not, therefore, required to be party to the mechanism by which the SANG is delivered. The main matters for consideration by this Authority are whether the proposal impacts upon the Green Belt, its impacts upon the character of the area; biodiversity; whether it enhances recreational uses in the countryside; whether mineral resources would be safeguarded by the development; and whether proposals for mineral extraction nearby would compromise the value of the SANG as a recreational alternative.
- 14.4 The proposal does not include any urbanising features except paths and some bridge enhancements and would not result in any harm to the openness or purpose of the Green Belt. The development is limited to the provision of a network of paths, bridge enhancements and soft landscaping and planting arrangements. Subject to clarification of the landscaping arrangements alluded to in the Landscape Team's consultation response, the proposal would have no harmful impacts on the Green Belt and is likely to enhance the character and appearance of the area, particularly in comparison to the current agricultural use, in accordance with Policies CS2 and CS10.
- 14.5 Policy CS5 of the Council's Local Plan part 1 Core Strategy states that 'development will be planned, designed and managed to create environments in which people feel safe', it goes on to state that 'particular attention will be given to creating places that have well-defined routes, spaces and entrances that provide for convenient movement without compromising security'. The design of the SANG appears to be consistent with this policy in terms of creating a number of new circular routes and access points across the whole site. Amended plans are awaited in respect of the final layout and planting proposals, however, the proposals broadly comply with this policy.
- 14.6 Policy CS7 states "Improvements will be made to enhance recreation, play and sports facilities within communities" and "in order to prevent adverse effects on internationally designated nature conservation sites, the Council will work with other local authorities to develop and implement a strategic approach to protecting such sites from recreational pressures, including provision for new and enhanced open spaces." With regard to NFDC's cross boundary duty to co-operate with

other Councils, the Statement of Common Ground from the Local Plan Inquiry indicates that NFDC were aware of the Christchurch Urban Extension from 2008, and that the draft SANG strategy with the concept of three SANG sites, very similar to the current application was shared with the Council in April 2012. The proposed site acts as the required strategic mitigation required by Christchurch Borough Council to offset the recreational pressures from new housing development. It will be for Christchurch Borough Council to assess the success of the project in mitigating the impacts of the new development within its boundary, but the proposal complies with the policy of this Council.

- 14.7 Policy DM2 of the Local Plan Part 2: Sites and Development Management states “Existing ecological networks should be identified and maintained to avoid habitat fragmentation, and ecological corridors should form an essential component of green infrastructure provision in association with new development to ensure habitat connectivity.” The proposal has considered this aspect and appears to comply with this policy. The Council's Ecologist raises no objections to the proposal, subject to conditions. Given that the current agricultural use has resulted in an impoverished ecology within the site, the proposal is likely to enhance opportunities for biodiversity, although final details will need to be finalised through the discharge of conditions requested by the Ecologist.
- 14.8 In terms of mineral impacts, the Minerals and Waste Authority do not consider that the proposal would sterilise mineral resources in the locality, but this would be dependent upon the final layout of the SANG. The Mineral Authority suggest that opportunities should be taken to extract minerals from the development site during the course of construction, but considering the very limited nature of excavation proposed within NFDC's boundary, a condition requiring a construction management plan would appear to be unnecessary. The development proposes only soft landscaping, planting and recreational routes, which would not impinge upon underlying mineral resources. It should however, be noted that mineral extraction is proposed on an adjoining site at Roeshot, to the east of the River Mude, which will undoubtedly impact upon the quiet enjoyment of the SANG as a recreational facility. Environmental bunds are proposed around the peripheries of the mineral site to separate extraction operations from the SANG and some native woodland planting is proposed within the SANG against the boundaries of the extraction site, which will assist to some extent. It should be also borne in mind that the phases of extraction immediately adjoining the SANG would last for approximately 9 years and will not impact upon the SANG in perpetuity. There will also be opportunities to landscape the boundary of the extraction site to mitigate harmful impacts on the SANG. The extraction proposals are currently being considered by Hampshire County Council under ref. 16/10618.
- 14.9 In light of the above, it is considered that the proposal is worthy of support
- 14.10 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the

rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

## 15. RECOMMENDATION

### Grant Subject to Conditions

#### Proposed Conditions:

1. The 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 : to be updated.

Reason: To ensure satisfactory provision of the development.

3. Before development commences a scheme showing the final, detailed 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;
- (b) a specification for new planting (species, size, spacing and location);
- (c) areas for hard surfacing and the materials to be used;
- (d) other means of enclosure;
- (e) a method and programme for its implementation;
- (f) management details of the open space reflecting the approved biodiversity measures and demonstrating other activities on and adjacent to the sites do not compromise the biodiversity measures during the lifetime of the use;
- (g) details of the mechanisms to provide ongoing management and maintenance of the SANG, including proposals for resourcing this mechanism.

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 enhance opportunities for biodiversity in accordance with Policies CS2 and CS3 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

4. All hard and soft landscape, agreed under the provisions of condition number 3 shall be carried out within one year of the date of commencement of development and maintained thereafter and subject to changes or additions (including signage) 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).

5. Prior to commencement of development full details of biodiversity mitigation, compensation and enhancement to achieve net biodiversity gain and in accordance with the principles of BS 42020 shall be submitted to and approved in writing by the Local Planning Authority. In particular measures for Southern damsel fly and farmland birds of conservation concern should be addressed, on-site and via off-site compensation areas, as well as demonstration of mitigation for impacts on Burton Common SSSI.

Reason: To ensure that the development takes place in an appropriate way and to enhance opportunities for biodiversity in accordance with Policy CS3 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

**Further Information:**

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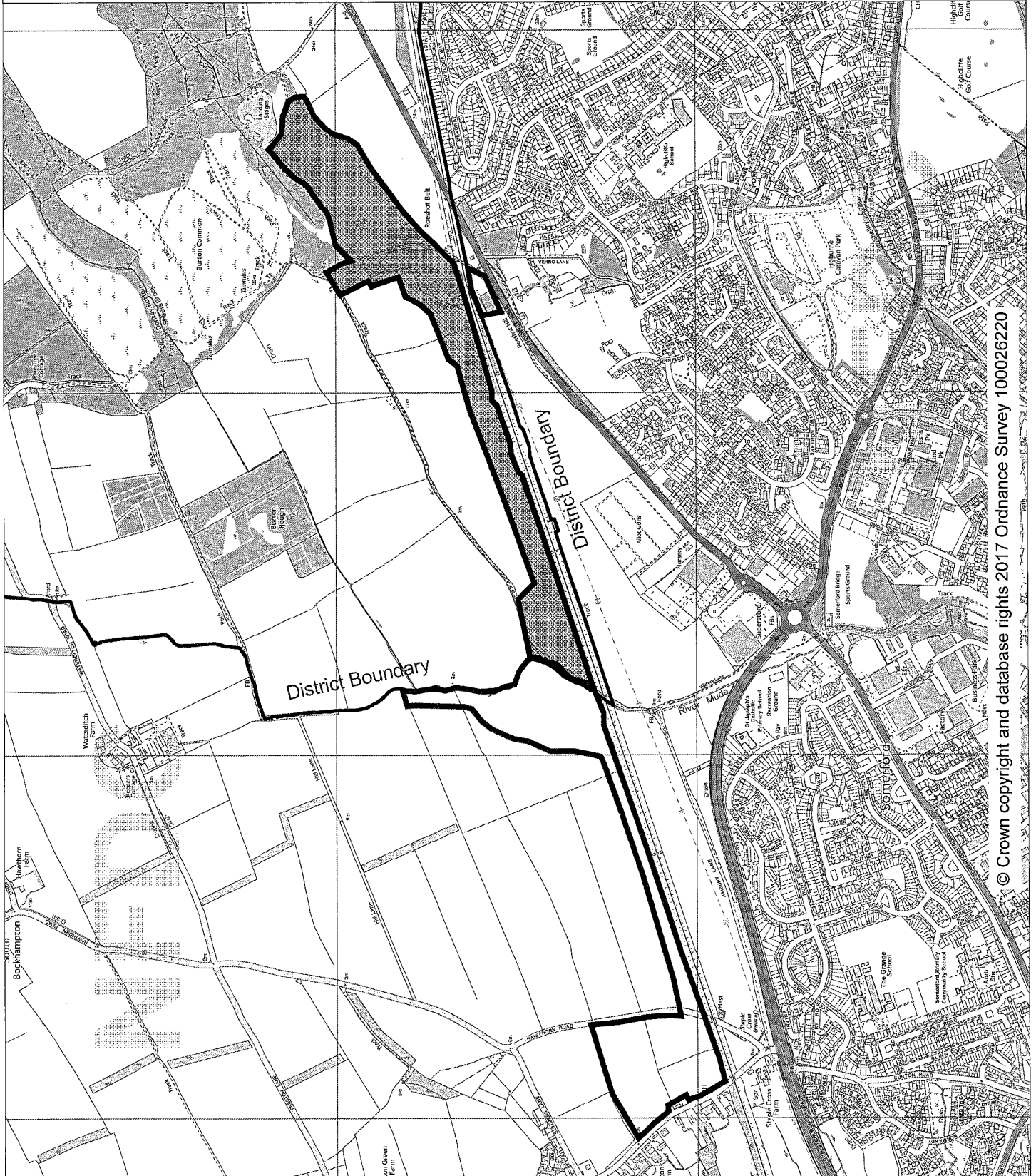
Planning Development  
Control Committee  
January 2018

Item No: 3i  
Land at  
Roeshot & Burton  
Hinton Bransgore

SZ2096

Scale 1:15000

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